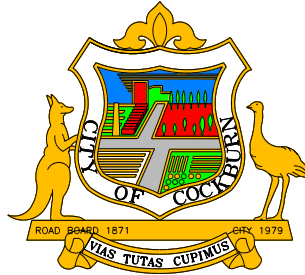


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 21 MAY 2002**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 21 MAY 2002 AT 7:30 P.M.

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 21 MAY 2002 AT 7:30 P.M.

1. DECLARATION OF MEETING

2. APPOINTMENT OF PRESIDING MEMBER (If required)

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

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

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

5. APOLOGIES AND LEAVE OF ABSENCE

5.1 (OCM1_5_2002) - APOLOGIES AND LEAVE OF ABSENCE

Clr A. Tilbury - Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. PUBLIC QUESTION TIME

Nil

8. CONFIRMATION OF MINUTES

8.1 (OCM1_5_2002) - ORDINARY COUNCIL MEETING - 16/4/2002

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 16 April 2002 be accepted as a true and accurate record.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

12. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING

Nil

13. COUNCIL MATTERS

13.1 (OCM1_5_2002) - PROPOSED AMENDMENTS TO COUNCIL'S STANDING ORDERS LOCAL LAW (1148) (DMG)

RECOMMENDATION

That Council:

- (1) make a Local Law to amend its Local Law Relating to Standing Orders, as follows:-
1. amend Clause 4.2 "Order of Business", sub-Clause 21, by deleting "decision of Meeting";
 2. amend Clause 4.9 "Notices of Motion", sub-Clause (4), by deleting "21.3" from paragraph 2 and substituting therefore "22.3";
 3. amend Clause 16.2 "Revocation or Change" by deleting "Councillors", from line 2 and substituting therefore "members of the Council";
 4. amend Clause 16.4 "Support for Revocation or Change" sub-Clause (1), by deleting "Councillor" from paragraph (b) and substituting therefore "members of the Council"; and
 5. amend Part 21 "Declaration of Conflict of Interest", Clause 21.1 "When To Be Considered" by including an additional sub-Clause (4), as follows:-
 - "(4) Notwithstanding paragraph (3) above, the meeting may, by resolution of a simple majority of members present and not having declared a conflict of interest in the matter under consideration, allow, to the extent decided by the meeting, the disclosing member(s) or employee(s) to preside, if applicable, be present and/or participate in discussions and/or the decision making procedures (i.e. voting) relating to the matter, having considered that the interest is either:
 - (i) so trivial or insignificant it would be unlikely to influence the disclosing member's or employee's conduct, or;
 - (ii) is common to a significant number of electors or ratepayers"

and renumbering the subsequent sub-Clauses (4)

and (5) to (5) and (6) respectively.

COUNCIL DECISION

Background

Recent issues of newspaper articles referring to a possible move to cede the City of Cockburn West Ward to the City of Fremantle required West Ward Councillors to declare a Conflict of Interest pursuant to Part 21 of Council's Standing Orders Local Law. The effect of the declaration was to preclude those Councillors from voting on the issue.

Submission

To amend the Local Law to enable Council to allow declaring members and employees to participate in discussion and voting on the item under consideration, if appropriate.

Report

Subsequent to it becoming apparent to Council officers that there would be some circumstances when the exclusion provisions contained in Part 21 of Council's Standing Orders would not be appropriate, the matter was referred to Council's legal advisers, McLeods, for comment.

The response mirrored those concerns raised by staff and McLeods recommended that an additional provision be included to enable the meeting to resolve that the disclosing member(s) be allowed to participate in the debate and/or decision making process, as deemed appropriate.

Accordingly, a proposed new sub-Clause (4) has been added to Clause 21.1 which reflects this. In addition, some other minor amendments to the Local Law are also considered suitable. These are:

- (1) Council's Agenda Paper currently identifies item 21 as "New business of an urgent nature introduced by decision of Meeting – Councillors or Officers".

In practice, the meeting does not determine this issue and that procedure is detailed in Clause 4.10. By deleting reference to the "decision of meeting" will overcome this anomaly.

- (2) A typographical error exists at Clause 4.9(4)2, which refers to Clause 21.3. There is no such Clause 21.3 and the reference here should relate to Clause 22.3.
- (3) Part 16 of the Local law deals with Revocation Motions and is generally a reflection of the Local Government Act, 1995, and the same provisions as contained in the previous Standing Orders Local law. However, the terminology in Clauses 16.2 and 16.4 refer to Councillor(s) and even though the definitions at Clause 1.2 of the Law includes Councillor as meaning the Mayor, it is more appropriate to make reference to elected members in this circumstance, to reflect the provisions of the Act.

The proposed amendments are considered to adequately address these matters

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Minor advertising costs available within Municipal Budget.

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM1_5_2002) - DEDICATION OF RIGHT OF WAY - SYCAMORE AVENUE, SOUTH LAKE (451256; 107580; 117686) (KJS) (ATTACH)

RECOMMENDATION

That Council accept the Dedication of portion of Sycamore Avenue, South Lake, shown as Right of Way on Plan 21510, pursuant to Section 56(1)(a) of the Land Administration Act 1997.

COUNCIL DECISION

Background

The Right of Way was shown on the plan of subdivision but not constructed. The Right of Way was required to legally connect to a parcel of land shown on the plan as Recreation Reserve.

Submission

A letter requesting the Dedication has been received from Consultant Surveyors Brown McAllister on behalf of their client the owner of Lot 501 Sycamore Avenue.

Report

Lot 501 is currently being redeveloped to create 24 residential lots. It is a Department of Land Administration requirement that all new lots created on a plan of subdivision be connected to a dedicated road.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

Budget/Financial Implications

N/A

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

Nil

14.2 (OCM1_5_2002) - DILAPIDATED BUILDING - LOT 102 COCKBURN ROAD, SPEARWOOD - CONSOLIDATED MARINE DEVELOPMENTS (AUST) PTY LTD (3211923) (VG) (ATTACH)

RECOMMENDATION

That Council:

- (1) allow an extension of time to commence demolition work as requested by the owner;

OR

- (1) make a complaint to a Court of Petty Sessions that the owner of

Lot 102 Cockburn Road, Spearwood, has not taken the building down as required by the Notice served on him by Council on the 19th day of March 2002.

COUNCIL DECISION

Background

After the Notice to take down the dilapidated building was issued by Council on the 19th March 2002, the owner wrote to Council requesting an extension of time to carry out the requisition of the Notice.

Submission

A copy of the applicants letter of request together with the Contractor's demolition program is included in the attachments to this agenda.

Report

If the building has not been taken down by the 6 May 2002 or the Notice is not subject to an appeal by the owner, then Council may complain to the court and the court may order the owner to carry out the requisitions of the Notice and to pay such costs as the court thinks fit in relation to the proceedings.

If the court order is not obeyed, the local government may have the buildings removed and have the materials sold to recover costs or take the owner to court to recover costs.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Legal assistance. Costs would apply,

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

Nil.

14.3 (OCM1_5_2002) - ILLEGAL CLEARING - PT LOT 7; 302 BEENYUP ROAD, BANJUP - OWNER: JOHN LAW NOMINEES PTY LTD (118596) (VM) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) advise the Western Australian Planning Commission that it supports the subdivision of Pt Lot 7 into 2 lots, subject to the following requirements:-
 1. A caveat to be placed on the title to bind the landowner and future landowners to a Rehabilitation Management Plan and legal agreement.
 2. Standard Subdivision Conditions and footnotes as contained in Council Policy APD16 as determined appropriate to this application in the Resource Zone, by the delegated officer under Clause 7.6 of the City of Cockburn District Zoning Scheme No. 2.
- (3) require a legal agreement to be prepared at the landowners cost, to formalise the Rehabilitation Management Plan signed by the landowner and prospective purchasers on the 7 May 2002;
- (4) require the payment of a bond or bank guarantee of \$13,000 as part of the legal agreement refundable upon the lifting of the caveat; and
- (5) not proceed with legal action against the landowners on the basis that a Rehabilitation Management Plan has been agreed to.

COUNCIL DECISION

Background

Further to the Council Meeting held on 16 April 2002, the landowners and prospective purchasers are prepared to enter into an agreement with the Council to rehabilitate the cleared wetland area. The City met

with the landowners and potential purchasers on-site to discuss the mechanism to achieve the revegetation of the site.

The landowner appointed an Environmental Consultant "ATA Environmental Scientists" to prepare a report on the land capability and rehabilitation plan for the cleared area.

From an investigation of the land capability matters, a subdivision of the land into 2 ha lots can be supported with an appropriate definition of a high ground building envelope area. However, the land is required to be revegetated given its resource environmental characteristics.

The City prepared a Rehabilitation Management Plan for the area as a result of an investigation by the ATA Consultant's report.

Submission

ATA Environmental Consultants report on land capability, wetland mapping and rehabilitation plan.

Report

Agreement has been reached for the current landowner and the prospective purchasers to ensure the cleared area is rehabilitated to its Resource Zone characteristics. See the Agenda attachment for the agreed management plan which refers to four environmental areas within the site, as detailed below:-

Area 1 – Wetland Conservation Zone - This area requires minimal work as the land can regenerate naturally. This has already started to occur.

Area 2 – Wetland Resource Enhancement Area - This area also requires minimal work and can regenerate naturally. The stockpiles of cleared material will need to be mulched and spread over the area. The option of mulching is the most viable compared to removing it, given that burning can have unacceptable off-site impacts. The mulch and spread of the stockpiles may, however, have the potential of weed infestation, given the high nutrient level. A review of the site will be undertaken in July/August 2002. A weed program may be required if weed growth is evident.

Areas 1 and 2 will be subject to a two year review to ensure the regrowth has been successful. In the event the regrowth is not successful Council may require supplementary planting based on a 3 year plan.

Area 3 – Buffer Area - This area requires green stock planting to be provided by the landowner (approx. 2500 plants required). The proposed plants will be derived from Council's list of species to provide

a variety and ensure other predominant destroyed plant species are planted to create a natural environment.

Area 3 provides a transition to areas 1 and 2.

The existing stockpiles are also to be mulched and spread over the area and within Area 4.

Area 4 – This is the Building Envelope area where all buildings and structures are to be located. Effluent disposal systems are also to be located as far away from the wetland area as possible, near the eastern boundary of the proposed lot.

With the necessary agreements in place the land can be restored back to its natural state. The application for the subdivision of land is supported on the principle that the land is capable of being developed given the landowner's commitment to the Rehabilitation Management Plan.

Compliance with rehabilitation requirements will be achieved by:-

1. The landowner entering into a binding legal agreement acceptable to Council's solicitors.
2. The legal agreement will require the lodgment of an absolute caveat over the lot. The absolute caveat will only be lifted after 2 years when the rehabilitation of the land has been completed to the agreed specification and to the satisfaction of the Council.
3. A bond or Bank Guarantee of the amount of \$13,000 to be presented to Council at the time of signing the legal agreement. The amount is based on the rehabilitation costs of Area 3 using the City's planting techniques (ie: green stock planting, "Tube stock planting").

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A

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

Nil.

14.4 (OCM1_5_2002) - COUNCILLOR REQUEST FOR SIGNAGE OF THE ENVIRONMENTAL PROTECTION (KWINANA) (ATMOSPHERIC WASTES) POLICY APPROVAL ORDER 1999 BUFFER (CW) (6100)**RECOMMENDATION**

That Council:

- (1) formally request the Department of Environmental Protection to fund the installation of signage on the edge of the *Environmental Protection (Kwinana) (Atmospheric Wastes) Policy Approval Order 1999* buffer on the following roads:-
 - Russell Road
 - East Churchill Avenue
 - Holmes Road
 - Tindal Avenue; and
- (2) formally request developers of land within “Area C” to the north and east of the buffer to advise prospective purchasers of the presence of the buffer zone.

COUNCIL DECISION**Background**

At the ordinary Council Meeting of 19 March 2002, Councillor Oliver requested that as a result of dust being a potential health issue, a report be prepared on the possibility of :

- (a) signs being placed around the border of the eastern buffer zone of Cockburn Cement, adjacent to new housing developments; and

- (b) developers being asked to issue pamphlets informing prospective residential purchasers of the industrial use premises which are in close proximity of the residential development.

Submission

None

Report

The *Environmental Protection (Kwinana) (Atmospheric Wastes) Policy Approval Order 1999* determines the area in which ambient air quality standards and ambient air quality apply. The Policy prescribes that certain gaseous and particulate substances cannot be discharged at concentrations above those specified in the *Environmental Protection (Kwinana) (Atmospheric Wastes) Regulations 1992*. The Cockburn Cement Ltd premises located on Russell Road, Munster is incorporated into the catchment area of the Policy.

The area to the east of the Cockburn Cement Ltd Works on Russell Road is located within the area "C" zone and as such has standard limits set for the airborne concentrations of both Sulphur dioxide and suspended particulates (ie dust). The total suspended particulate standards and limits (micrograms per cubic metre) for Policy Area C over a 24 hour period are 90ug/m³ and 150ug/m³ respectively. These limits are monitored in Wattleup, Henderson Road, Munster and Miguel Road, Bibra Lake by the Kwinana Industries Council and the Department of Environmental Protection. It is understood that Cockburn Cement Limited comply with these standards.

As the buffer has a specified border, it is possible to erect signage indicating the presence of the buffer zone on those roads which lead into the policy area, similar to those erected around Jandakot Airport indicating a possible noise nuisance (see position statement PS PD4). The roads which the City's Health Services recommends be provided with the signage on Russell Road, East Churchill Avenue, Holmes Road and Tindal Avenue.

As the Buffer Zone is part of an Environmental Protection Policy which is monitored and enforced by the Department of Environmental Protection, it is suggested that Council request signage to be erected at the cost of the DEP. By requiring the DEP to erect the signs, Council's liability would be minimised. Should the Department of Environmental Protection fail to erect the appropriate signage, Council may have to reconsider its position.

The City of Cockburn could ask developers of surrounding lands to issue a pamphlet informing prospective purchasers of the proximity of the development to the buffer however there is no legislative power available for the City to enforce this. Given that the issue of such

pamphlets may have a detrimental effect to sales of the developers land, it is unlikely this will occur.

In addition to the likelihood of developers being unsupportive of the erection of signage and issue of pamphlets, these actions may not be supported by members of the local community. At meeting 34 of the Cockburn Cement Community Environmental Improvement Group which Cllr Oliver attended, the erection of signs around the buffer was discussed. Minute 4.4 entitled "CCL Reply to V Oliver's Letter" states:-

V Oliver advised she had received a satisfactory response from B Gillis. Cockburn Council are considering erecting signs which will advise people they are entering an industrial/buffer zone. R Kimber said from a residents point of view the signs could do more harm than good. M Brydon suggested it was a state planning issue rather than a council issue. F Logan agreed and suggested that Council delay any action as the buffer zone is under review.

Should the Council recommend that the DEP erect the signs, consultation with the local community is suggested.

Strategic Plan/Policy Implications

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

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

As it is intended for the Department of Environmental Protection to arrange for the construction and erection of the signs, the costs borne by the City of Cockburn would be minimal (ie minor administration).

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

Nil

14.5 (OCM1_5_2002) - TEMPORARY OVERBURDEN STORAGE AND STORMWATER MANAGEMENT CONTRIBUTION - EDUCATION DEPARTMENT SCHOOL SITE, CONGDON AVENUE, BEELIAR (3318030) (KJS)

RECOMMENDATION

That Council:

- (1) request a written agreement from the Education Department that the Department will contribute on an equitable basis to the costs of disposing of stormwater generated from the proposed public roads constructed in conjunction with the Stanford Gardens Primary School; and
- (2) conditional on (1), accept the temporary storage of sand on Pt Lot 621 Congdon Avenue by the Education Department during the construction phase of the Stanford Gardens Primary School subject to the removal of all material at the completion of the building programme.

COUNCIL DECISION

Background

Council at its meeting of 19 July 2001 resolved to:

- (1) *authorise the Chief Executive Officer to negotiate the sale of portion of Pt Lot 621 Congdon Avenue, Beeliar to the Education Department provided that the purchase price is supported by a valuation by a Licensed Valuer;*
- (2) *determines it appropriate that section 11(2)(f) of the Local Government (Functions & General) Regulations 1996 to:*
 - (i) *Accept the quote by Georgiou Group Pty Ltd of \$116,675.62 to:*
 - a. *remove and dispose of existing vegetation.*
 - b. *remove 10,080 cubic metres of unsuitable dumped material to Henderson Landfill Site.*
 - c. *place and compact 50,000 cubic metres of imported sand.*
 - d. *undertake site testing.*

- (ii) *Draw the funds for this expenditure from the Land Development Reserve Account.*
- (3) *transfer the proceeds from the sale of portion of Pt Lot 621 Congdon Avenue Beeliar, to the Land Development Reserve Fund.*

Submission

A letter requesting the use of portion of Lot 621 for the storage of overburden during the construction of the school has been received from the Education Department.

Report

Following the 2001 July meeting of Council, sand from the Beeliar Drive project was placed and filled in accordance with the consultant engineer's specification. Prior to the import of the sand the floor of the former quarry was inspected by consultant Geotechnical Engineer and deemed suitable for the eventual construction of single storey construction, given that (3) three metres of compacted clean sand was to be placed.

Test pits were dug to determine the nature of the material on site. The area over which the future school was to be constructed consisted of sand with no deleterious material. One section on the fill area was found to consist of deleterious material. This material was removed off the site before the import of the Beeliar Drive clean sand.

Negotiations with the Education Department had proceeded to the point where the value of the land was determined by the City's Licensed Valuer as required by the Education Department and verbally agreed to by the Valuer General's Valuer acting for the Education Department.

At the conclusion of the filling of the former sand quarry to a finished level agreed to by the Education Department suitable for the school's total earthworks, the Education Department on advice from its consultant Engineers advised the City that the site was not suitable because of the compaction of the sand below (4) four metres of highly compacted sand. The Education Department stated that the estimated cost of removing the material and recompacting the affected area was up to \$450,000 and that this amount should be subtracted from the purchase price. The purchase price as determined by the Licensed Valuers was at that time in the order of \$1,100,000. Negotiations and discussions involving the City's consultant Geotechnical Engineers and the Education Department's Engineers failed to reach agreement on how the matter could be resolved.

The City's Geotechnical Engineers advise that the site as prepared is suitable for construction of the school. Every effort has been made to convince the Education Department of this, including the placement of monitoring gauges on the site since December 2001. The gauges placed both on the surface and into the disputed material some 6 – 8 metres beneath the surface have recorded differences of level of between zero and three millimetres with most of the gauges recording only a difference of one millimetre.

The Education Department then instigated compulsory acquisition proceedings. In a notice dated 8th April 2002 pursuant to the Land Administration Act the Minister for Planning and Infrastructure authorised the Department of Education to enter the land to construct the Stanford Gardens Primary School and associated roads.

The Education Department's consultants, Oldfield Knott Architects, and Engineers Airey, Ryan and Hill and Department of Housing and Works have forwarded drawings of the proposed school and roads. The drawings show the storage of material off site that is outside the extent of the area shown in the Minister's Notice of Entry and no provision for the disposal of stormwater off the roads.

In a normal development/subdivision where the intent is that the roads vest and become the responsibility of the City then design and specification of the roads are approved by the City Engineer. Without this approval clearances cannot be lodged with the Department for Planning and Infrastructure and therefore titles cannot be issued by the Department of Land Administration. In the case of Compulsory Acquisition pursuant to the Land Administration Act, vesting of the roads appears to bypass the requirement for the City Engineer to approve the road design, therefore a written agreement from the Department to contribute on an equitable basis is necessary.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A

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

Nil

14.6 (OCM1_5_2002) - MINOR REVISION TO STRUCTURE PLAN - FRANKLAND SPRINGS - LOT 202 RUSSELL ROAD, HAMMOND PARK - OWNER: AUSTRALAND HOLDINGS LTD - APPLICANT: TAYLOR BURRELL (9643A) (SOS) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the revised Stage 1 Structure Plan for portion of Lot 202 Russell Road, Hammond Park as contained in the Agenda attachments; and
- (2) advise the Western Australian Planning Commission and Taylor Burrell of Council's decision.

COUNCIL DECISION

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 adopted structure plan only covered part of Lot 202 in order to facilitate the first of a series of stages of subdivisional development on the 45 hectare site. The Stage 1 development is now under way and is to be marketed as the Frankland Springs Estate.

The remainder of Lot 202 is now the subject of new structure plan proposal. The new proposal has been the subject of ongoing liaison between the Planning Department and the proponent, due to several concerns the proposal has generated. The proponent has largely addressed these concerns and the proposal will soon be advertised for public comment. A report to Council on this proposal will follow in due course.

In the meantime there is a need for Council to consider a recommendation to update the Stage 1 structure plan to reflect changes that have occurred as a result of the Western Australian Planning Commission's assessment of this plan.

Submission

N/A

Report

The Stage 1 structure plan proposed the subdivision of the eastern portion of Lot 202 into approximately 200 residential lots.

In addition to the creation of residential lots, three distinct areas of public open space were proposed:

POS area 1 – a 3 hectare park containing a natural dampland, intended to be protected and enhanced, coupled with integrated drainage and passive recreation areas;

POS area 2 – a 2300m² area at the proposed subdivisional entry road near Russell Road;

POS area 3 – a 5500m² area intended as a local pocket park preserving remnant native vegetation.

When preparing the Southern Suburbs District Structure Plan (SSDSP) in 1999, the public open space requirements for Lot 202 were established. The SSDSP established that the dampland in the eastern portion of the site should be preserved and that a large area containing native vegetation in the western portion of the site should similarly be set aside for public open space.

The Commission, in considering the Stage 1 structure plan and subsequent subdivision application determined that the setting aside of POS area 1 (ie the dampland and surrounds) was appropriate, but POS areas 2 and 3 should be excluded from its approval. The exclusion of POS areas 2 and 3 was on the basis that these areas were considered to be inappropriately sized and located to meet the objectives of the SSDSP for bushland protection and Liveable Neighbourhoods in terms of their utility, function and distribution.

Accordingly Australand has agreed to delete POS areas 2 and 3 and provide an equivalent area for open space elsewhere on Lot 202, particularly in the western portion of the site where the conservation value is considerably higher than the land upon which POS areas 2 and 3 were originally proposed. This modification is now reflected in the new overall structure plan proposal soon to be advertised for public comment.

The result of this change is that the land previously proposed for POS areas 2 and 3 can be subdivided for residential purposes. In this regard separate subdivision applications for these areas have been submitted and conditionally supported by the City's Officers under delegated authority.

As a matter of process and to ensure that prospective purchasers of new lots within the Frankland Springs Estate can obtain the most up-to-date and accurate information, it is necessary for Council to adopt the revised Stage 1 structure plan showing the deletion of POS areas 2 and 3. For instance a purchaser would be justifiably aggrieved if they viewed the original structure plan and made a decision to purchase a lot on the basis that it was to be located opposite a park, only to subsequently find that the park was no longer going to be located there.

The updated structure plan will be included in Council's inventory of adopted structure plans, which is available for public viewing.

As mentioned above, the areas of open space to be deleted are to be made up elsewhere on the site. Without prejudicing the future report to Council on the overall structure plan for Lot 202, the revised location for the open space shown in the overall plan is considered to be appropriately distributed and provides for a balance of conservation and recreational needs.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A

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

Nil

- 14.7 (OCM1_5_2002) - PROPOSED STRUCTURE PLAN - LOTS 17 & 18 HAMMOND ROAD, SUCCESS - OWNER: SILVERKNIGHT HOLDINGS P/L & A MAKJANICH - APPLICANT: URBAN FOCUS (9505; 117975; 117619) (SMM) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt the proposed Success Structure Plan dated February 2002 for Lots 17 and 18 Hammond Road, subject to the following:
 1. The proposed structure plan be redesigned in accordance with the revised plan prepared by the Council's Planning Department;
 2. Modification of the plan to show 10% of the net subdividable area for public open space; and
 3. Modify the POS Schedule contained in the structure plan report to reflect the correct lot size for Lot 17 Hammond Road and subsequent POS requirement.
- (2) advise the applicant of the following:
 1. Council requires road reserves and pavements widths to be designed in accordance with relevant Council policy;
 2. Groundwater availability in this region may be limited and it is suggested that the applicant liaise with the Water and Rivers Commission in this regard. In the event that a groundwater allocation cannot be obtained for the irrigation of the public open space areas to be provided as part of the development, the configuration and function of such areas may require modification;
 3. 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. Subdivision proposals for the Success North Developer Contribution Area (DCA 1) will attract conditions requiring contributions towards the upgrading of Hammond Road in accordance with a Development Contribution Plan;
 5. Walls and/or fences will be required along the southern boundary to prevent overlooking from Jandakot Primary School at the time of subdivision of Lot 17 satisfactory to the Council and the cost of these items will be borne by the subdivider.
- (3) adopt the Schedule of Submissions as contained in the Agenda Attachments; and
- (4) advise the Western Australian Planning Commission and those

persons who made a submission of Council's decision.

COUNCIL DECISION

Background

This report concerns a proposed structure plan prepared by Urban Focus on behalf of Albert Makjanich in collaboration with Whelans, acting for Silverknight Holdings Pty Ltd, for land within the proposed Hammond Road Development Area. See Agenda Attachments for location details.

Lots 17 and 18 forms part of a larger area where previous structure planning has been undertaken through the Success Structure Plan, which was adopted by Council in August 1997. The Success Structure Plan dealt with land owned and developed by Gold Estates of Australia (1903) and showed only an indicative road layout for Lots 17 and 18 and did not detail any land use classifications or lot layout.

Applications for separate subdivision approvals were lodged with the Department for Planning and Infrastructure (DPI) for Lot 17 in October 2001 (DPI Ref: 117619), and for Lot 18 in November 2001 (DPI Ref: 117975).

The City's position regarding these applications was that subdivision for residential development was inconsistent with the "Rural" zoning of the land under District Zoning Scheme No. 2 (DZS No.2). Whilst proposed Town Planning Scheme No. 3 (TPS No.3) includes the land in a Development Zone (DA13), approval of the subdivisions would be premature prior to the finalisation of TPS No.3, particularly in the absence of an adopted structure plan.

In responding to the two subdivision applications the City recommended to DPI that the WA Planning Commission defer its considerations until a structure plan was submitted and considered by Council. However DPI indicated it may process the subdivision proposals ahead of the approval of the Structure Plan and requested a set of conditions from the City to apply in the event of approval. The City expressed concern with this approach, as it was considered to undermine the structure planning process, but despite this provided a set of recommended subdivision approval conditions. From this it should be appreciated that the subdivision proposals for Lot 17 and 18 are substantially progressed.

As mentioned previously, the City recommended to DPI that a structure plan be prepared by the applicants for the subject land, an approach that the applicants have subsequently agreed to.

The structure plan proposal is essentially one of infill residential development and accordingly, the City has not required the structure plan to focus its context any wider than Lots 17 and 18 and the adjoining Primary School.

Submission

Proposed TPS No.3 requires a structure plan to be prepared and adopted to guide subdivision and development applications within the Hammond Road Development Area. A structure plan, in addition to depicting the proposed development pattern and road layout, can delineate land use classifications and density codes for the Development Area.

The proposed Structure Plan has been prepared to demonstrate the intended development pattern for Lots 17 and 18 Hammond Road, Success. The layout of the submitted structure plan (see Agenda Attachments) is such that independent “stand alone” development of each lot can take place.

Lots 17 and 18 are vacant land parcels and have been cleared of virtually all vegetation.

The key components of the submitted structure plan proposal are as follows:

- 52 residential lots ranging in area from 462m² to 929m², with a base residential density code of R20, with lots of higher density (R40) being located close to the area of public open space;
- A central area of public open space;
- A drainage basin in the north western corner of the site; and
- Lots backing on to the Jandakot Primary School.

The structure plan proposal was advertised for public comment for a period of 21 days, with the comment period concluding on 24 April 2002. Owners of property near the subject land were provided with a copy of the proposal and invited to make comment. An advertisement with details of the proposal was placed in the Cockburn Herald and various government agencies and servicing authorities were notified. A total of 7 submissions have been received. A schedule of submissions containing submission summaries and the recommended responses is included in the Agenda Attachments.

Report

There is nothing in the submitted proposal or the comments received during the advertising period that warrants rejection of the proposal. There are however several design considerations that require reporting as follows:

Safety Concerns

During the course of the advertising process a number of submissions have expressed concern for the safety of children walking or cycling to Jandakot Primary School and in particular to a perceived risk associated with the east west subdivision road off Banning Avenue. The following comments are made in regard to calls for the eastern leg of this subdivisional road to be deleted or cul-de-saced at its eastern end.

- The subdivisional road proposed off Banning Avenue is to be a low-key road providing access to only a small number of lots. The traffic generated by such a small number of lots will be minor.
- The alternative suggested by the School was where the subdivisional road is modified such that it allows pedestrians but not vehicles to move between the subdivision and Banning Avenue. This is not supported. Options for connecting the subdivision of Lots 17 and 18 to the existing road network are limited by land use bounding the sites' western, southern and northern boundaries. To the west is Hammond Road, which will be a significant regional road with strict restrictions on access. Access to Lots 17 and 18 is therefore inappropriate. The location of the school to the south impedes any potential for road access from this direction. The result of the School's suggestion would be that the only vehicular access into the subdivision would be from Hird Road to the north. Due to road planning to the north, it is only possible to have one point of access to Hird Road. Having Hird Road as the sole point of access into the subdivision is unacceptable as the access to many of the lots would be indirect and does not lend itself to legible or sound subdivisional design.
- Lots 17 and 18 are held in separate ownership and are to be developed independently. The proposed development layout allows for staged subdivision to occur. The City understands the owner of Lot 17 is keen to develop immediately, whereas the owner of Lot 18 is not. To remove the road link from Banning Avenue will not allow for staged or independent development.
- The Success Structure Plan adopted by Council in August 1997 shows a conceptual subdivision design over Lots 17 and 18. This plan showed two roads from Banning Avenue between the School and Hird Road. The updated proposal only shows one road, an improvement from the School's perspective. The Western Australian Planning Commission's and the Education Department's

policy on land use planning near schools suggests schools should have roads running along the length of each of its boundaries. If the proposal were to strictly conform to this policy, an east west road off Bainingan Avenue would form the northern boundary of the School. A road on the School's northern boundary is not proposed in this case due to the difference between the ground level of the school and Lot 17.

- It is not clear how much of a hazard the proposed road would constitute given that students are likely to cross several roads between home and school.

In response to the safety concerns raised during the advertising period and in recognition of these, an alternative plan has been prepared that is considered to satisfactorily address these concerns. The modified plan (see Agenda Attachments) addresses safety issues in the following manner:

- The continuous access road parallel to Bainingan Avenue provides more convenient access to Hird Road, thus encouraging vehicular traffic to use the Hird Road access;
- The east west link road off Bainingan Avenue is short and hence will be a low speed environment;
- The east west link road is located approximately 30 metres to the north of the east west road proposed in the structure plan, further removing the road from the school;
- A central blister island can be constructed on the link road at the entrance to Bainingan Avenue to provide refuge for children crossing; and
- The footpath could be modified at the new intersection to include a change in pavement colour and safety rails to visually alert children to a changed environment.

Modifications to the Structure Plan

As mentioned previously, the City has proposed that the structure plan design be revised to address safety concerns raised during the advertising period. This plan moves the east west road that runs off Bainingan Avenue further to the north resulting in a number of other modifications to the plan. It is the City's consideration that these modifications do not materially alter the proposed structure plan.

Public Open Space (POS) Provision

The provision of POS within new development areas is a key factor in the consideration of structure planning and subdivision proposals, particularly in terms of the extent of POS provision and of the dimensions and functions of the POS areas to be provided. There are several Council policies that are relevant to the submitted proposal in terms of assessing the POS provision. Ultimately however, it is the

Western Australian Planning Commission (WAPC) that determines the level of POS provision, having regard for either its Liveable Neighbourhoods Design Code or conventional DC Policy 2.3.

Both DC Policy 2.3 and the Liveable Neighbourhoods Design Code require a minimum contribution of 10% be given up for public parkland. The POS Schedule contained in the structure plan report shows POS being provided at this rate. Each of the allotments contain a POS provision relative to their respective lot areas, enabling open space requirements to be fulfilled by the development of any one lot. The POS has been located centrally within the structure plan area so as to provide a consolidated area of POS for the two lots.

Whilst the structure plan attempts to provide the 10% POS provision required by Western Australian Planning Commission policy, an error has been made in regard to calculating the lot area for Lot 17. The POS Schedule in the structure plan report shows Lot 17 as having an area of 2.023 hectares where in fact the lot area is 2.203 hectares. This miscalculation has resulted in there being a shortfall in the area required for POS of 169m². This needs to be amended.

In summary, Council support for the structure plan should be conditional upon requiring 10% of the subdividable area being set aside for POS.

Interface of Development with Jandakot Primary School

As already mentioned, there is a large contour difference between the school site and Lot 17 that prevents the construction of a road as the interface between the proposed development and the school site. The result of this is a situation where lots are effectively backing on to the school site.

This presents problems in regard to privacy for future residents from children overlooking their residences. Constructing walls and/or fences to prevent overlooking and nuisance to residents will be required at the time of subdivision of Lot 17. The cost of these items should be borne by the subdivider.

Walkable Accessibility

It is critical that a structure plan design allows for safe and convenient pedestrian and cyclist access throughout the development. The Success area has a number of “attractors” within close proximity of the structure plan area to which residents will be drawn. These include Jandakot Primary School, Gateways Shopping Centre and the future regional centre at Thomson’s Lake.

It is considered that the structure plan has a reasonable level of walkability given the constraints imposed by the Hammond Road

widening and the location of the Primary School. The centrally located POS allows residents of all lots within the structure plan area easy access to an area of public parkland.

Infrastructure and Servicing

The submitted structure plan report states development of the subject site can occur independently with servicing and infrastructure such as sewer, water supply, and electricity being adjacent to the subject area or within close proximity.

Disposal of stormwater is the key servicing issue in this locality. The land lies within the Southern Lakes Drainage Scheme area and is subject to the South Jandakot Drainage and Environmental Management Plans. These plans require subdivision proposals not only address the issue of containing and disposing of stormwater but also address the issue of water quality, particularly nutrient removal. The proposals for stormwater disposal will require detailed reporting and plans by the proponents.

Concluding Comments

It is recommended that the Lots 17 and 18 Hammond Road Structure Plan be adopted subject to the modifications detailed above and other changes and advice notes listed in the recommendation.

Strategic Plan/Policy Implications

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

Planning Your City

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

Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"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."*

Facilitating the needs of Your Community

- *"To facilitate and provide an optimum range of community services."*

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

Maintaining Your Community Facilities

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

The Planning Policies which apply to this item are:-

APD4 Public Open Space
APD30 Road Reserve and Pavement Standards

Budget/Financial Implications

N/A

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

Nil

14.8 (OCM1_5_2002) - PROPOSED STRUCTURE PLAN FOR LOTS 19 & 20 HAMMOND ROAD, SUCCESS - OWNER J & N SIMPSON AND L & M PUSEY - APPLICANT: GREG ROWE & ASSOC. (9638B) (SMM) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the proposed Structure Plan for Lots 19 and 20 Hammond Road dated February 2002 subject to the following:
 1. Modification of the plan to indicate 10% of the net subdividable area for public open space with any land required for drainage purposes being reserved separately;
 2. Modify the POS schedules contained in the structure plan report to reflect the correct lot sizes and the amount of land to be deducted for the widening of Hammond Road;

3. Modification of the plan to show a subdivisional road located entirely within Lots 19 and 20 as the interface with the Primary School site on the eastern boundary of the Structure Plan;
 4. Modification of the plan to indicate that no residential development is permitted within the structure plan area until such time as the operation of the poultry farm on Lot 19 Hammond Road ceases operations.
- (2) advise the applicant of the following:
1. Council requires road reserves and pavements widths to be designed in accordance with relevant Council policy;
 2. Groundwater availability in this region may be limited and it is suggested that the applicant liaise with the Water and Rivers Commission in this regard. In the event that a groundwater allocation cannot be obtained for the irrigation of the public open space areas to be provided as part of the development, the configuration and function of such areas may require modification;
 3. Public open space credits for drainage will not be able to be determined until detailed drainage design has been accepted by the City and any other relevant agency;
 4. 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;
 5. Subdivision proposals for the Success Lakes Developer Contribution Area (DCA 2) will attract conditions requiring contributions towards the construction of Hammond and Russell Roads in accordance with a Development Contribution Plan;
 6. Subdivision proposals for Lot 19 Hammond Road will need to address requirements for the adequate remediation of the site given its previous use for poultry farming;
- (3) adopt the Schedule of Submissions as contained in the Agenda Attachments; and
- (4) advise the Western Australian Planning Commission and those persons who made a submission of Council's decision.

COUNCIL DECISION**Background**

This report concerns a proposed structure plan prepared by Greg Rowe & Associates on behalf of John and Nola Simpson and Llewellyn and Margaret Pusey for land within the Success Lakes Development Area. See Agenda Attachments for proposal location details.

The subject land falls within the Southern Suburbs District Structure Plan (SSDSP) area. The SSDSP was adopted by Council in October 1999 and endorsed by the Western Australian Planning Commission in November 1999. The SSDSP provides the broad framework for the planning of future urban development along the Kwinana Freeway corridor extending southwards from the established communities at Success and Atwell.

The Commission's endorsement of the SSDSP triggered an amendment to the Metropolitan Region Scheme, which now sees the SSDSP area zoned Urban. It also led to the progression of amendments to District Zoning Scheme No.2 (Amendments 206, 207 and 211), which have rezoned the three precincts (Development Areas) that make up the SSDSP area to "Development" zone.

Amendment 206 included the subject land within the Success Lakes Development Area (DA 8) and Development Contribution Area (DCA 2). This included defining the particular structure planning requirements applicable to DA 8 and the obligations of developers in terms of cost contributions towards specified items of development infrastructure, namely the upgrading, widening and realignment of Hammond and Russell Roads.

In October 2001, Council adopted the Success Lakes Structure Plan, which proposed the development of a residential estate on approximately 78 hectares of land located on the western side of Kwinana Freeway between Bartram and Russell Roads, Success. The eastern boundary of the Lots 19 & 20 Hammond Road Structure Plan directly abuts the Success Lakes Structure Plan area.

Submission

The City of Cockburn Town Planning Scheme requires a structure plan to be prepared and adopted to guide subdivision and development applications within the Success Lakes Development Area. A structure plan, in addition to depicting the proposed development pattern and

road layout, can delineate land use classifications and density codes for the Development Area.

The proposed Structure Plan has been prepared to demonstrate the intended development pattern for Lots 19 and 20 Hammond Road, Success and an indicative layout for Lots 21 and JAA Pt Lot 261. Lots 21 and JAA Pt Lot 261 do not form part of the structure plan proposal. The layout of the submitted structure plan (see Agenda Attachments) is such that independent “stand alone” development of each lot can take place.

Lot 19 is currently utilised for a poultry farm. In the event of subdivision of Lot 19, all buildings will be demolished and adequate remediation of the site will be required. Lot 20 contains two residential dwellings with the remainder of the land used for rural pursuits. The southernmost of these dwellings is to be retained and has been incorporated into the structure plan, while the northernmost dwelling will be demolished.

The key components of the structure plan proposal are as follows:

- 54 proposed residential lots ranging in area from 446m² to 1,139m², with an average lot size of 511m². The base density for the structure plan is R20 with a row of lots on the eastern boundary with a residential density code of R25.
- The extension of Wentworth Parade through the site to intersect with Hammond Road
- An area of public open space in the south eastern corner of the site wherein a dampland and associated natural bushland is retained.
- A proposal to back lots onto the future Primary School to be developed immediately to the east of Lots 19 and 20.

The structure plan proposal was advertised for public comment for a period of 21 days, with the comment period concluding on 1 May 2002. Owners of property near the subject land were provided with a copy of the proposal and notified. An advertisement with details of the proposal was placed in the Cockburn Herald and various government agencies and servicing authorities were invited to make comment. A total of 7 submissions have been received. A schedule of submissions containing submission summaries and the recommended responses is included in the Agenda Attachments.

Report

There is nothing in the submitted proposal or the comments received during the advertising period that warrants rejection of the proposal. There are however several design considerations that require reporting as follows:

Public Open Space (POS) Provision

The provision of POS within new development areas is a key factor in the consideration of structure planning and subdivision proposals, particularly in terms of the extent of POS provision and of the dimensions and functions of the POS areas to be provided. There are several Council policies that are relevant to the submitted proposal in terms of assessing the POS provision. Ultimately however, it is the Western Australian Planning Commission (WAPC) that determines the level of POS provision, having regard for either its Liveable Neighbourhoods Design Code or DC Policy 2.3.

The Liveable Neighbourhoods Design Code requires a minimum contribution of 10% be given up for public parkland, however a discount of 2% of the POS contribution in return for enhancement of the POS area may be allowed by the Commission. In this instance, the applicant is seeking a discount on the grounds that the “development/enhancement of the POS areas will be undertaken in a manner reflecting the objectives of the WAPC’s Liveable Neighbourhoods”. Council’s approach to considering similar proposals is that the proponent must demonstrate compliance with all the elements of “Liveable Neighbourhoods”, to obtain support for 8% POS provision as opposed to 10%.

The structure plan proposal is not particularly clear as to whether it is submitted for assessment under Liveable Neighbourhoods, though it does state it has embraced a number of its objectives. The assessment of the structure plan is that whilst some of the elements of Liveable Neighbourhoods have been followed, the proposal has not demonstrated compliance with all elements and accordingly, should not receive a POS concession.

In addition to seeking a 2% concession pursuant to Liveable Neighbourhoods, the POS concession is also sought as an incentive to the removal of the poultry farm operation currently occupying Lot 19. Clause 5.5.2 of Statement of Planning Policy No.5 – Poultry Farm Policy does state that consideration will be given to providing incentives for existing poultry farms to relocate. However, the applicant’s argument is not considered valid, as the above mentioned clause makes no mention of discounts for POS as an incentive for the removal of poultry farms.

It should be noted that the Commission’s DC Policy 2.3 also allows for a minimum of 8% POS provision, provided the balance 2% is provided through cash-in-lieu of POS. Council has traditionally not supported proposals seeking 8% under DC Policy 2.3 and such a proposal is contrary to Council Policy APD 4.

The applicant’s proposal incorporates areas of drainage within the POS and it is stated that these drainage areas will be constructed in a manner that will facilitate a credit for POS of up to 100% of the land area. Council Policy APD 28 - Public Open Space Credit Calculations

allows for the crediting of 50% of all drainage areas, provided the area credited does not exceed 20% of the total POS area required and the drainage areas satisfy several performance criteria. As no details have been submitted as to the design of these drainage areas, POS credits for drainage can only be considered upon any subsequent subdivision application/s. Council Policy APD 28 can then be applied where applicable.

As to the issue of POS dimensions and function, there are no objections to the proposed configuration and function of the POS to be provided. Lot 19 proposes an area of POS that can be added to the Council Reserve that lies to the north. It is intended to develop this reserve in the future as a major active recreation reserve. The area of POS shown on Lot 20 will form part of a larger local park to be given up through the subdivision of Gold Estates land to the east and other subdividers to the south. Matters such as drainage requirements, revegetation, weed management, mosquito control and future maintenance will need to be addressed through the detailed design stage.

In summary, Council support for the structure plan conditional upon requiring 10% of the subdividable area being set aside for POS with any land required for drainage purposes being in addition to this 10%. It should be conveyed to the applicant that any proposals for POS credits for drainage will be assessed in accordance with Policy APD 28 as part of the consideration of subdivision proposals for the two lots.

As mentioned previously, the structure plan has been designed so that Lots 19 and 20 can be developed independently of each other. Accordingly, the applicant has provided a POS Schedule for each lot detailing the required POS and the amount provided. Both POS schedules contain some inaccuracies that require correction.

Interface of Development with the Proposed Primary School

The submitted plan shows lots backing on to the eastern boundary of the structure plan area adjacent to the proposed future primary school site. It is a requirement of the Education Department (EDWA), Department for Planning and Infrastructure and Council that road frontage be provided to at least 3 boundaries of a Primary School. In this instance it is proposed that the Primary School site be located immediately adjacent to the Council reserve to the north so that sporting facilities can be developed jointly. Accordingly, road access must be provided on the west, south and eastern boundaries of the future school site.

The area required for the Primary School site located on Gold Estates landholding is 3.5 hectares, as opposed to the standard 4.0 hectares. This reduced land area requirement is due to the northern boundary of the primary school site abutting an area of public open space. It is the

applicant's position that this 5,000m² reduction in the size of the school site provides Gold Estates with the opportunity to develop additional housing on their landholding. The applicant has submitted an indicative plan (see Agenda Attachments) demonstrating a future design wherein Gold Estates develops a row of housing backing on the Hammond Road Structure Plan, a north south subdivisional road, across from which will be the future Primary School.

Whilst such an arrangement may now be possible due to the reduced size of the school site, any benefit arising from the reduction in the school site should go to the landowner on which the school is to be located. In this instance, it is not to Gold Estates benefit to develop a row of housing that is isolated from the remainder of its Success Lakes development, especially given that the proposed Primary School is most likely 5 to 7 years away from being developed.

It should be noted that the submitted plan showing lots backing on to the future Primary School was always of concern to the City. The City's position was that advertising of the plan could only take place if that element of the proposal was agreeable to EDWA. A fax from EDWA indicating that it was agreeable to advertising and that it would provide formal comment on the plan within the 21-day advertising period was received on 3 April 2002. EDWA's formal submission states that a road is the required interface between the school site and any development. A summary of EDWA's response and Council's recommendation is contained in the Agenda Attachments.

The Southern Suburbs District Structure Plan (SSDSP) adopted by Council in October 1999 shows the western side of the Primary School located on the eastern boundary of Lots 19 and 20. It was always envisaged that in the event of subdivision that a road located entirely within Lots 19 and 20 would be the required interface with the future Primary School. There is no reason for this now not to be the case and subsequently, the proposed structure plan should be amended to show a subdivisional road, located entirely within Lots 19 and 20, as the interface with the Primary School site.

Poultry farm buffer

As stated earlier, Lot 19 contains a poultry farm, which reportedly operates on an intermittent basis. Council's Town Planning Scheme requires that no incompatible subdivision or development be supported within the generic buffer area associated with the poultry farm on Lot 19 until the land use ceases or the buffer area is scientifically determined and approved by the Department of Environmental Protection.

Whilst a scientific assessment of the poultry farm buffer was carried out by consultants on behalf of Gold Estates in 1999, the assessment was

not endorsed by the City or the Department. Therefore the generic buffer of 500 metres, as established by the Department, applies.

Whilst Lot 19 obviously forms part of the proposed structure plan area, no subdivision or development can occur in line with the structure plan until the poultry farm ceases operating. Furthermore, development of Lot 19 will be dependent not only on the cessation of the poultry farm's operations but also the adequate remediation of the site. Subsequently, the proposed structure plan should indicate that subdivision or development within the structure plan area is subject to cessation of the poultry farm.

Walkable Accessibility

Whether a proposal is lodged for assessment under Liveable Neighbourhoods or not, it is critical that a structure plan design allow for safe and convenient pedestrian and cyclist access throughout the development. The Success Lakes area has a number of "attractors" within close proximity, to which residents will be drawn. These include the future playing fields to the north, the future Primary School and future shopping areas on Russell Road.

The structure plan depicts a dual use path network that provides adequate linkages to the Success Lakes Structure Plan area, the regional open space to the north and the future Primary School. On all other access roads footpaths will be provided on one side of the road providing a continuous path network throughout the structure plan area.

The structure plan has a simple 'modified grid' street pattern that in conjunction with the path network will allow for easy pedestrian access to surrounding areas.

Infrastructure and Servicing

The submitted structure plan report states development of the subject site can occur independently with servicing and infrastructure such as sewer, water supply, and electricity being accessed from Hammond Road.

Disposal of stormwater is the key servicing issue in this locality. The land lies within the Southern Lakes Drainage Scheme area and is subject to the South Jandakot Drainage and Environmental Management Plans. These plans require subdivision proposals not only address the issue of containing and disposing of stormwater but also address the issue of water quality, particularly nutrient removal. The proposals for stormwater disposal will require detailed reporting and plans by the proponents.

Concluding Comments

It is recommended that the Lots 19 and 20 Hammond Road Structure Plan be adopted subject to the modifications detailed above and other changes and advice notes listed 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."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

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

SPD4	'Liveable Neighbourhoods'
SPD5	Wetland Conservation Policy
APD4	Public Open Space
APD20	Design Principles For Incorporating Natural Management Areas Including Wetlands And Bushlands In Open Space And / Or Drainage Areas
APD28	Public Open Space Credit Calculations
APD30	Road Reserve and Pavement Standards

Budget/Financial Implications

N/A

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

Nil.

14.9 (OCM1_5_2002) - PERTH BIODIVERSITY PROJECT (6134) (PS) (ATTACH)

RECOMMENDATION
That Council:

- (1) support the Perth Biodiversity Project; and
- (2) endorse the Memorandum of Understanding for the protection of native vegetation.

COUNCIL DECISION

Background

The Perth Biodiversity Project (PBP) is a local government initiative, hosted by the WA Local Government Association and funded primarily through the Natural Heritage Trust. The intent of the project is to improve the capacity of local government to conserve biodiversity across the Perth Metropolitan Region through the provision of technical and financial support.

The PBP supports participating local governments in implementing the “National Local Government Biodiversity Strategy” and the policy options in the publication, “ Beyond roads, rates and rubbish:

opportunities for local government to conserve biodiversity". These two documents provide a conceptual framework for the project.

The aim of the PBP is to support the 30 metropolitan councils to use their functions and powers to effectively protect and manage local biodiversity areas. These areas refer to areas of bushland, other natural areas and revegetated areas, that exist outside the CALM estate and Bush Forever sites. In the City of Cockburn this excluded areas such as Woodman Point Regional Park, Beeliar Regional Park and the future Jandakot Botanical Park.

PBP support is in two main forms:

1. Development of Biodiversity Planning guidelines
2. Biodiversity Planning guidelines will be drafted to provide advice and guidance to local governments on how to effectively plan for the protection and management of local biodiversity areas under their care.

The PBP has just over \$200,000 per year available for joint Local Government and Community biodiversity planning and on-ground projects. The first round of expressions of interest closed at the end of February 2002. Feedback was provided to all applicants and final applications closed on the 26th April 2002. Successful Councils and community groups are required to match the amount of PBP funding received either in cash or in-kind.

Submission

To be part of the project, and be able to receive funding, a public statement of commitment to the protection of the environment is required. A copy of the Memorandum of Understanding (between the WA Local Government Association and each council) for the protection of native vegetation has been attached. This Memorandum of Understanding needs to be signed by the Mayor and CEO at each Council.

Report

The City of Cockburn has a strong environmental commitment and has adopted biodiversity principals through the development of management plans for a number of conservation reserves and the Greening Plan. The Perth Biodiversity Project is intended to assist and expand these activities within the Perth Metropolitan Region.

To take advantage of the available funding a number of draft applications were submitted to the Perth Biodiversity Project for consideration. The Perth Biodiversity Project office has shown interest in the proposed regional project with the Town of Kwinana and the City of Rockingham. This project has three objectives:

1. To help local landholders in long term management protection of biodiversity through providing information and incentives.
2. To manage potential biodiversity areas and ecological linkages, especially over municipal boundaries
3. Provide pilot project to develop capacity for local government to conserve biodiversity throughout the metropolitan region.

The matching funds for this project will be met through officer time and funds allocated to these biodiversity areas within the 2002/2003 budget. The success of the application will be known in late May 2002. Only those Councils who have signed the Memorandum of Understanding are eligible for funding.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

To be accommodated within the existing budget.

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

Nil

14.10 (OCM1_5_2002) - PERTH MANDURAH RAILWAY (9635) (AJB)

<p>RECOMMENDATION That Council:</p> <p>(1) advise the Minister for Planning and Infrastructure that;</p> <ol style="list-style-type: none"> 1. Council has reconsidered its position on the Freeway option for the Perth to Mandurah Railway and supports the Kenwick option for the reasons outlined in the report; 2. The apparent lack of consideration and consultation on issues affecting the City of Cockburn that were outlined in correspondence to the Minister dated 24th August 2001 to

which there has been no response is of major concern due to the potential impacts on the total public transport system within the City; and

- (2) provide a copy of the submission to the Manager of Perth Urban Rail, Mr P. Martinovich.

COUNCIL DECISION

Background

In July 2002 the State Government announced plans to redirect the Perth to Mandurah railway along the Kwinana Freeway to Perth instead of the previous route through Kenwick.

At its meeting held on 21 August 2001 Council resolved to advise the Minister for Planning and Infrastructure that the proposal to realign the Perth to Mandurah railway line was supported in principle as it will provide a faster service to and from the Perth CBD for passengers using the Thomsons Lake Station.

Council also noted deficiencies in the system that should be considered as part of the implementation of the railway project. This included possible loss of the South Lake station and adverse impacts on bus services and time delays for commuters to Perth from the western suburbs of the South West Corridor such as Coolbellup.

Council's letter to the Minister was acknowledged on 6th September 2001. However no response has been made to the issues identified by Council. The matters have been raised on numerous occasions with officers at Perth Urban Rail but it appears that the issues are being overshadowed by the desire to save 12 minutes off the journey time between Mandurah and Perth.

Submission

There has been no submission lodged.

This report has been prepared as result of numerous articles in the newspaper about the issue from both community and professional groups and individuals, together with the fact that project has become very expensive, at the cost of other public transport and road priorities. It is now doubtful that Cockburn Central can be completed by 2006.

Through meetings with Transperth, the project team meetings on Cockburn Central and statements in the media, it is becoming increasingly obvious that the issues raised by Council will not be satisfactorily resolved.

Report

In view of the following points it is considered that Council should reconsider its position on the Freeway option and should support the Kenwick option.

1. Overall cost implications of the additional cost of bridging and tunnelling.

The Kwinana Freeway option is to cost an estimated \$1.1 - \$1.3 billion. Whilst this may be similar in magnitude to the cost to the original Kenwick option, there are major additional costs such as bridging and tunnelling for this option. Some cost saving have been made by not having to complete infrastructure works on the line to Kenwick. Only a new spur line to either Spencer Road or Nicholson Road is to be constructed. However, other savings have been made through the deletion of stations like South Lake from the Stage One master plan. There is also a concern that funds for the remaining stations will be reduced and as a result their quality and functionality will be compromised.

2. Deletion of the South Lake Station

The South Lake station was included in the Master Plan of the original proposal through Kenwick. However it has been omitted from the Stage One master plan for the Kwinana Freeway option for the following reasons;

- Need for funds to be redirected to cover the additional cost of the tunnels and bridges.
- Need to save time on the journey between Perth and Mandurah (we are aware that from an operational point of view the South Lake station imposes significant over and above stopping time delays compared to other stations given its closeness to Cockburn Central).
- There is only limited development in the immediate walkable catchment of the station.

There is a major concern that whilst there is apparent support for a future station by the Western Australian Planning Commission proceeding to reserve land for the future station through the current MRS process, the operational time imperatives for Mandurah commuters may override local public transport needs and accordingly put the future of the South Lake Station at risk.

This will have the following impacts;

- Residents not being able to easily and readily access public transport infrastructure that passes through their area.
 - An inadequate public transport service unless the deletion of the train service is matched with improved bus services.
 - Inadequate parking at Cockburn Central (to ensure that Cockburn Central Regional Centre was not dominated by car parks, it was agreed in the Kenwick master plan to a higher parking provision at South Lake).
 - Probability that many commuters in the South Lake area will drive to the next Park and Ride Station in the direction of travel (Murdoch or Leach Hwy) adding to the congestion at Murdoch and adversely impacting on traffic volumes on roads in and around that area.
3. Inadequate funds being made available for improvements to bus services

Given the high cost of the railway system, it is understood that no additional funds will be available for improved bus services or bus route infrastructure including feeder bus services. The implications of this are;

- Bus services will not match the train frequency with consequential time delays particularly in the afternoon when transferring from train to bus, making the car an attractive option.
 - Based on the existing low frequency bus service through some areas there will still be a reliance on the motor vehicle to at least access a Park and Ride station.
 - Bus services can only be improved on one route if there is a consequential reduction in service on another route as currently occurs. This is clearly unsatisfactory.
4. Impacts of deleting the Freeway bus lanes on western suburb bus services in the S.W. Corridor

The Freeway option requires the conversion of the current bus lanes down the centre of the Freeway to rail. Due to inadequate room to accommodate both the railway and busway down the Freeway, the July 2001 Master Plan proposed that bus services from suburbs such as Cockburn's western suburbs that currently access the Freeway would interchange with the railway at Canning Bridge.

Deletion of bus lanes on the Kwinana Freeway to make way for the railway will mean that commuters using the current bus services between Perth and the western suburbs including Coolbellup will be required to transfer to the train at Canning Bridge. This is totally unacceptable for the following reasons;

- The modal transfer at Canning Bridge will introduce a significant and unacceptable time penalty in both real and percentage terms on a journey that is currently of short duration.
- There is a growing number of people using the Hamilton Hill Park and Ride area (Carrington St) and taking the high frequency bus to Perth in addition to the people who walk to the bus stop and use the service. The modal transfer time penalty will be a disincentive for these people and there is a real possibility that they will drive to the railway Park and Ride at Murdoch and Leach Highway or not catch public transport at all which was the experience at Glendalough and Leederville when the Northern Suburbs line was built.
- If commuters in the Coolbellup/Hamilton Hill area drive to the nearest Park and Ride Station in the direction of travel (Murdoch or Leach Hwy) this will add to the congestion at Murdoch and adversely impact on traffic volumes on roads in and around that area.

5. Inadequate car parking

It was understood that part of the master plan review for the Freeway option was to include remodelling of car parking requirements at each of the stations. This information has been requested given the implications of not constructing South Lake which included 540 bays. Whilst several suggestions including providing additional parking on the east side of the Freeway have been made through the Thomsons Lake (Cockburn Central) Implementation Steering Committee, there has been no response on this matter nor is there any indication that the matter has been seriously considered as part of the master plan preparation.

Cockburn Central will be the only station in the City of Cockburn and it is some distance to alternative stations. It is also the starting point of the higher frequency (5 minute) service and is also likely to be very attractive to people outside the district, especially people using the Freeway for access.

The major concerns of not providing adequate car parking within Cockburn are;

- Over flow of commuter parking into the proposed City Centre streets within Cockburn Central creating conflict between the City Centre users and commuters as occurs at Joondalup.
- Further pressure on the Murdoch Park and Ride and the road network around that facility.
- Loss of potential public transport commuters due to frustration with the lack of parking and the consequence of continuing the pattern of car dependency.
- Pressure to increase the amount of land for car parking within Cockburn Central itself which is not acceptable.

Given the tightness of the railway project budget and that the master plan and funding allocation is being finalised, urgent consideration needs to be given to quantifying the parking demand in Cockburn and how it is going to be satisfied. The allocation of additional land for car parking within Cockburn Central itself is not supported and accordingly an alternative needs to be identified, costed and included in the master plan.

6. There have been no published patronage figures comparing the Kwinana Freeway option to the alternative Kenwick option in combination with the Freeway bus service.

Whilst the Kwinana Freeway option maintains the possibility for the future extension of the Spencer Road spur line through to Cockburn Central the reality is that it is unlikely to occur. This is unlikely to appease the Canning Vale community.

Notwithstanding this, there has not been any published comparison of the patronage and likely impact on the road networks of the following;

- The Kwinana Freeway rail option together with the railway spur off the Kenwick link only extended to either Spencer Road or Nicholson Road (if no bus lanes are to be provided on the freeway this option would need to quantify the likely reaction of bus users in the western suburbs of the S.W. Corridor taking into account the Glendalough experience and likely bus patronage in the Canning Vale and Southern River areas).
- The Kenwick rail option together with the freeway bus service which provides an extremely efficient and competitive service from Murdoch and Canning Bridge to Perth.
- Traffic volumes on roads providing access to Park and Ride stations and in particular Murdoch in the event that additional parking is not provided in Cockburn to compensate for the loss of 540 bays at South Lake together with additional traffic from the west if there is no Freeway bus lane.

7. Perth Central/ CBD Underground Rail Loop

According to newspaper reports there is some concern about the impact the rail will have entering the City from the Narrows Bridge and the possibility that some of the options may compromise the ability to build an underground rail loop under the Perth CBD.

The Kenwick option does not preclude this option or impact on the river foreshore at the front of the City.

On closer examination it is most likely that the Kenwick option provides the best overall patronage and reduction in total vehicle trips on the road network (including those to Park and Ride stations). The Council should support this option.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A

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

Nil

14.11 (OCM1_5_2002) - 30 RESIDENTIAL UNITS - LOT 24 (NO. 485) ROCKINGAM ROAD, SPEARWOOD (3309212) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the proposed 30 Residential Units, Lot 24 (No 485) Rockingham Road, Spearwood, in accordance with the application dated 17 January 2002, subject to the following conditions:-
 1. Standard conditions contained in Council Policy APD 17 as determined appropriate to this application by the delegated officer under clause 7.6 of District Zoning Scheme No.2;
 - .
 - Special Conditions.
 1. The proposed development must only be carried out in accordance with the MPA Williams and Associates Geotechnical Report titled *"Surcharge Loading Trial Proposed Residential Development Part Lot 24 Rockingham Road, Spearwood"* April 2002, and further require that the surcharge preloading be carried out and a footing detail equivalent to an "S" class (AS2870-1996) or stiffer ("M") foundation be used depending on the results of monitoring of the surcharge preloads.
 2. The owner must ensure that a suitably qualified

geotechnical engineer supervises the surcharge pre-loading of the site to ensure satisfactory compliance with Special Condition 2 and adjust the construction requirements to suit the differential settlement of the land.

3. The founding conditions and footing design for each dwelling unit proposed on the land is to be certified by MPA Williams and Associates as being suitable for development and that MPA Williams and Associates accept the full responsibility of any failure of the structure constructed in accordance with the certification.
4. Prospective purchasers are to be notified in writing of the measures undertaken in the geotechnical report, the extent of differential settlement achieved in preloading works, the anticipated differential settlement post building construction, and selected footing class.
5. The provision of at least 50% visual permeability in fencing to the public open space and street frontage to Troode Street
6. A nutrient stripping basin on the western portion of Lot 24 intended to be transferred to the crown as a reserve as a condition of subdivision approval (WAPC Ref 117886), being designed, constructed and landscaped in accordance with urban sensitive water design principles to maximise detention time, and minimise the discharge of nutrients to the satisfaction of the City.
7. The owner being responsible for the maintenance of the reserve for a minimum period of 2 years from the date of completion of the development to the satisfaction of the City.
8. The construction of a dual use path along the western boundary of the development area within the land earmarked for a reserve.

Footnote:

1. No development can occur within the portion of land affected by the sewer easement area, unless with the prior approval of the Water Corporation; and
- (2) issue a form 2 Notice of Approval to the applicant.



Background

ZONING:	MRS:	Urban
	DZS2:	Residential R30
LAND USE:	Vacant	
APPLICANT:	Myers Constructions (1995) Ltd	
OWNER:	"as above"	
LOT SIZE:	1.0260ha	
USE CLASS:	Grouped Dwelling "P"	

The subject land is not included in the Packham Development Area. The reason for this was to facilitate the development of the site for grouped and aged persons housing.

Since 1982 there have been several applications lodged with the City of Cockburn seeking approval to fill the subject land, develop a medical clinic, 30 residential units and single residential lots. The site conditions have been a focal point of applications and approvals.

The natural soils of the land are peat, sand and limestone, but the land has a history of undifferentiated landfill (including building rubble, boulders and vegetation). Consequently the Council has raised a concern about the site conditions of the land.

The background to this site was extensively reported in Item 14.10 OCM1/11/2000. This report contains geotechnical language that has where possible been simplified for ease of reading. Some text may still appear to be complicated by the use of such terms as "building and footing classifications", "differential settlement" and "preloading". These terms are described later in this report and it is important to understand these in the context of this item to give meaning to the recommendations.

When the subject land was previously filled, the underlying peat was not removed. Past geotechnical investigations undertaken by MPA Williams and Associates, confirmed the presence of 1.5 –2.0 m thickness of organic deposits (peaty clays and peat) beneath the fill. The peat overlies 0.6 to 2.0 m of very loose sand, which rests on relatively intact limestone bedrock.

The previous owners and their consultants earlier advised that they were not prepared to remediate the site by removing the underlying peat.

In June 2000, MPA Williams and Associates Geotechnical Engineers undertook a geotechnical assessment of the site on behalf of the previous landowners, which confirmed the existence of peat material, limestone cobbles and bricks up to 0.8 m in size. This confirmed anecdotal evidence that the site was originally filled with builders rubble and the like which was not completely removed before additional sand/limestone was placed on site in 1992. The report acknowledged that some differential settlement should be anticipated over the site due to the variation in the organic (peat) materials and their thickness.

The MPA Williams report concluded that the peat has substantially consolidated and there is no need to undertake further works on the central portions of the site, whilst the eastern and western extremities which require additional fill, should not be developed for some 2.5 years after additional filling and testing is undertaken. MPA Williams concluded that the mid portion of the site land was acceptable for building construction and should be considered as Class S with the other areas not as well suited to building construction (the best building construction being Class A with Class S being second).

The City sought independent advice from Coffey Geosciences Pty Ltd. who expressed several concerns with MPA Williams report. These concerns related to the potential for differential settlement to occur by not preloading or “compressing” the peat prior to house construction. There were also concerns regarding the risk of structural damage to residences occurring over a 50 year life on the site where dwelling pad and footings were constructed to an “S” classification. The “S” class relates to soils with known stability characteristics, that can be addressed by a type of building footing. MPA Williams earlier advised they were not prepared to remediate the site by removing the underlying peat, claiming that it is not economic or necessary.

In May 2001 an appeal was lodged with the Town Planning Appeal Tribunal by consultants acting on behalf of the former owner of the subject land. The appeal was in response to the WA Planning Commission not determining an application for subdivision to create 20 residential lots within the prescribed period. The appeal mediation focused on the capability of the land for residential development. The appeal was subsequently withdrawn following mediation between the appellant and the Council.

The Western Australian Planning Commission have since granted subdivision approval for the subject land to be subdivided into 3 lots. Two of these lots would be retained as development sites with an area of 1.026ha (“subject land”) and 4556m². The third lot is to be transferred to the crown as a reserve.

Submission

The applicant seeks approval from the Council to construct 30 single storey residential units over the central lot.

It is the intention of the owner to develop these units in one stage and strata title the development.

Report

The subject land is located opposite the Cable Ski Water Park and Saint Jeromes Primary School which are situated on the south side of Troode Street. The site is adjacent to Bush Forever Site No. 435, which encompasses Market Garden Swamp No. 1.

The proposed development complies with the City of Cockburn District Zoning Scheme No 2 in respect of the residential density and design standards such as setbacks, car parking, open space etc.

In September 2001 the previous owner Mr Galati, his consultants MPA Williams and Associates, together with the City's consultants Coffey Geoscience established a ground stability trial. This determined the settlement response of the ground to loading conditions in excess of those likely to be imposed by conventional residence slab on ground footings. The test procedure was agreed between both the Coffey and MPA Williams.

The trial procedure consisted of surcharging two test pads 43m long, 24m wide constructed between 31 October 2001 and 7 November 2001. Each pad had split level heights to gauge different loadings. There were 6 settlement monitoring stations on each pad where levels were recorded with precise levelling and monitoring points were later re-surveyed at the end of construction on a systematic basis until 6 March 2002.

The monitoring was completed over a period of 126 days to gauge settlement beneath two surcharge mounds. The City's Geotechnical Consultant – Coffey Geosciences have observed the trial period and visited the site. This has allowed the independent verification of the testing procedures and results, which are outlined below.

MPA Williams interpreted the results to be representative of the general site conditions and predictions on the long term settlement for the proposed design loading conditions were made. Two options were outlined below:-

“Option One

(i) Build structures on existing surface without pre-loading and allow for total settlement of 30mm- 60mm over a 50 year period. Flexible service couplings are recommended for this option. Since differential movements are unlikely to be severe, conventional type S slab on ground foundations may be considered acceptable. However if it is

considered prudent by the structural engineer, the slabs could be upgraded to class M to provide additional rigidity and resistance to differential movement.

Option Two (“Preferred Option”)

(ii) Pre-load the building areas prior to construction to eliminate the majority of the potential long term settlement, then build using conventional type S slabs without the need for flexible service couplings. By simple comparison with the trial results, a surcharge of 2.5m height left in place for approximately 3 months will induce settlements in excess of 50mm. Subsequent total settlements on removal of the surcharge and placement of structural loading should not exceed 15mm.

It is estimated that the cost of either option is comparable if Class M type slabs are used for the ‘no surcharge’ option.

Notwithstanding design/construction option (i), pre-loading of the building areas prior to construction in accordance with design/construction option (ii) is recommended.”

Source: MPA Williams and Associates Geotechnical Report titled “*Surcharge Loading Trial Proposed Residential Development Part Lot 24 Rockingham Road, Spearwood*” dated April 2002.

Coffey Geosciences independently reviewed the 2002 MPA Williams report and supported Option Two of surcharge preloading and using a footing detail equivalent to an “S” class in the relevant Australian Standards or stiffer (“M”) foundation, depending on the results of monitoring of the surcharge preloads. The previous concerns regarding differential settlement can be satisfactorily addressed based on the agreement reached between the two Geotechnical Consultants.

It has been concluded that the proposed development of 30 residential units can be supported based on the 2002 geotechnical report by MPA Williams for the following reasons:-

1. Geotechnical predictions have been verified “on-the-ground” through the pre-trial period, which simulates loads in excess of the anticipated residential development;
2. Both MPA Williams and Coffey have concluded that preloading is acceptable and would enable the soil to be suitably stabilised for residential development. The differential settlement from preloading is 50mm under certain conditions and following house construction anticipated to be less than 15mm movement, which is naturally occurring even with a standard “A” classification in the best soil conditions for a house slab and footing;

3. The MPA Williams Geotechnical investigations have been observed and verified for accuracy and validity by the City's independent geotechnical consultant – Coffey Geosciences. Depending on the results of the surcharge preloading, Coffey advised an informed decision can be made on the final footing detail to an "S" class (AS2870-1996) or stiffer ("M") foundation. Coffey only had one point of difference with MPA Williams who by comparison recommended using the "S" class foundation and did not consider the "M" class foundation. This matter has been addressed in Special Condition 2;
4. Recent examples provided by Coffey Geosciences were given to the City where residential and commercial development has occurred using preloading to eliminate long term settlement in peat conditions. These development sites are in Mandurah – Berringup Retirement Village – surcharge preloading "M" classification footings, Port Geographe north of Bunbury surcharge preloading "M" classification footings;
5. Coffey Geosciences indicated the advantage of this development over one of the sites mentioned above is that the owner intended to complete the development in one stage and to strata title the development when completed. This ensures uniformity in achieving settlement of the peat as opposed to difficulties potentially experienced by 30 individual owners dealing with the site conditions independently of each other;
6. The previous concerns expressed in the background to this report are resolvable following a review of the 2002 geotechnical report and it is no longer considered sufficient to simply require the owner to remove the peat given the above considerations;
7. In recommending the approval of this development it is acknowledged that an abnormal pre-construction phase of preloading the land with soil mounds will be required to stabilise the ground levels before precise slab and footing construction details are known. The situation on Lot 24 is however not unique as was previously thought given the above examples elsewhere in Perth;
8. Special Conditions of approval are required to ensure the development proceeds only in accordance with the Geotechnical Report, except where otherwise stated by Coffey Geosciences; and
9. Given the special building considerations of the site it is also prudent for prospective purchasers to be given copies of all information relating to the geotechnical reports and works completed to make them aware of the prevailing site conditions prior to purchasing the land or strata lots.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

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

14.12 (OCM1_5_2002) - PROPOSED METROPOLITAN REGION SCHEME AMENDMENT - LOT 28 COOGEE ROAD, MUNSTER (3411402) (MR)

RECOMMENDATION

That Council:

- (1) request the Western Australian Planning Commission initiate an amendment to the Metropolitan Region Scheme ("MRS") to include Lot 28 Coogee Road, Munster within a "Regional Reserve – Parks and Recreation"; and
- (2) advise the owner Cockburn Cement accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS2:	Rural
LAND USE:	Bushland, Cockburn Cement Pipeline	
APPLICANT:	N/A	
OWNER:	Cockburn Cement	
LOT SIZE	1.23ha	

Submission

N/A

Report

This report recommends that the boundary of the Region Reserve surrounding Lake Coogee be extended to include Lot 28 Coogee Road. A Regional Reserve for Parks and Recreation in the Metropolitan Region Scheme, which is administered by the Western Australian Planning Commission. This report examines the planning and environmental factors of relevance to this proposal.

Metropolitan Region Scheme

Lot 28 is zoned "Urban" in the Metropolitan Region Scheme. The Urban zoning was introduced with the gazettal of Amendment No 991/33 South West Districts Omnibus No.3B 1998. This MRS amendment rezoned land bounded by Fawcett Road, Coogee Road, Frobisher Avenue, Rockingham Road, Russell Road and Lake Coogee, Munster from "Rural Zone" to "Urban Zone" (refer to figure 2) to enable the development of a Marine Industry Technology Park to service and support heavy maritime industry at Jervoise Bay.

The EPA identified various environmental factors relevant to the proposal including, terrestrial flora, terrestrial fauna, wetlands, gaseous emissions, odour, dust and particulates, vibration, visual amenity (landscape impact) and other factors.

District Zoning Scheme No 2

The Council adopted Amendment 177 to District Zoning Scheme No 2, which affects the MRS amendment area mentioned above. The amendment proposes to introduce new Scheme Text provisions relating to the development of a Marine Technology Park. Amendments to the Scheme Maps will also add a new zone referred to as "Marine Technology Park".

The amendment has been forwarded to the Minister for Planning and Infrastructure for final endorsement. If accepted Lot 28 Coogee Road will be included within the Marine Technology Park zone. The Scheme provisions however require the preparation of a Structure Plan to guide land use and development.

A Structure Plan would closely examine the environmental and physical attributes of the land in order to determine an acceptable subdivision pattern and servicing arrangement. As part of the Scheme amendment process a preliminary Structure Plan has already been prepared which includes Lot 28 Coogee Road in public open space. This proposed area of POS extends from the southeastern corner of

the outer Lake Coogee environs. This matter was discussed in more detail by environmental consultants acting on behalf of the Department of Commerce and Trade (“DCT”).

Consultant’s Report

Environmental consultants have previously examined the state of the environment, potential environmental impacts and proposed management associated with the proposed marine technology park. The report recommends a 50-metre buffer around the wetland between the edge of the wetland dependant fringing vegetation and the closest proposed development area. This buffer area was extended beyond the extent of the EPP boundary to include other land identified in a wetland atlas and was further adjusted to align with existing roads. Importantly additional land was identified within the Structure Plan and Lot Layout Figure 1.1 for public open space that includes Lot 28 Coogee Road.

The site has been examined for its environmental characteristics as outlined below:-

Lake Coogee

The subject land is located in the south eastern corner of Lake Coogee which is an environmentally significant lake reserved in the Metropolitan Region Scheme (“MRS”) for Parks and Recreation. Lake Coogee is an “A class” reserve vested in the City of Cockburn, part of a System 6 area (M92) and a registered EPP wetland.

The physical extent of the reservation includes the lake and a limited extent of fringing vegetation but does not include other portions of land that are an integral part of the lake environment. The lake is 63ha in area, shallow and extremely saline and eutrophic. Historically the main source of nutrients has been from the use of fertilisers from nearby market gardeners.

The key conservation value of Lake Coogee is the presence of saltwater paperbarks with a predominance of salt marsh reeds, according to the Department of Environmental Protection.

Lake Coogee is situated on the Swan Coastal Plain and has a soils of the Spearwood Dunes, consisting of two belts of dunes separated by the depression occupied by Lake Coogee and its associated wetlands. The depression is less than 1.0 metre above sea level and its base is likely to be below sea level.

Lake Coogee is designated as an EPP Wetland by the Department of Environmental Protection (“DEP”) and therefore affords a high level of protection under the Environmental Protection Act. The boundary of the EPP wetland borders with the subject land.

Wetland Classification

The subject land is included in the wetland mapping report titled "Wetlands of the Swan Coastal Plain (Vol 2B) – Wetland Mapping, Classification and Evaluation Wetland Atlas, 1996 by A Hill, C Semeniuk and A Del Marco.

Both Lot 28 and Lake Coogee are included in the Basin and Flat Wetland category of a lake subject of permanent inundation. The type of wetland is that of a "Lake" and the preliminary wetland management category is a "Conservation Category Wetland". A Conservation Category Wetland Management Priority is to preserve the wetland attributes and functions through reservation in national parks, crown reserves, state owned land and protection under environmental protection policies.

Bushland Significance

A significant amount of remnant vegetation has been cleared for horticultural/market gardening purposes within the locality. Lake Coogee has a narrow band of vegetation that fringes Lake Coogee, the majority of which lies within an existing "A class" reserve. Except for a narrow strip up to 10 metres in width there is little remnant vegetation around the lake to buffer it from surrounding activities. Lot 28 is the only land that has not been significantly cleared.

Terrestrial Fauna

There are only a few native vertebrate fauna that remain within Lake Coogee Reserve. There are a number of waterbirds, which use the lake on a transitory basis.

Environmental Protection Policy

Lake Coogee is a registered wetland under the Swan Coastal Plains Lakes Environmental Protection Policy. This prevents the filling of lakes, excavation, discharge of effluent and no direct discharge of stormwater is permitted into the lake. The boundary of the EPP abuts the subject land. The EPP prevents significant degradation or destruction to environmentally significant lakes.

Conclusion

It is recommended that the Council prepare the necessary documentation requesting the Western Australian Planning Commission initiate an amendment to the Metropolitan Region Scheme to include Lot 28 Coogee Road within a reserve given the environmental significance of the land which forms part of the Lake Coogee fringing wetland environment.

Strategic Plan/Policy Implications

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

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

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

Budget/Financial Implications

Should the WAPC agree to include Lot 28 in the region Reserve, the State will be responsible for the acquisition of the land.

Council may be requested to maintain this land in the future as part of Lake Coogee.

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

Nil.

14.13 (OCM1_5_2002) - NOXIOUS INDUSTRY DEFINITION AMENDMENT TO DISTRICT ZONING SCHEME NO. 2 (OFFENSIVE TRADE - SCHEDULE 2 HEALTH ACT) (92225) (MR)

RECOMMENDATION

That Council:

- (1) grant final adoption to the amendment for final approval with the modification:-

by deleting the proposed definition:-

"Industry – noxious means an industry in which the processes involved constitute an offensive trade within the meaning of the health Act 1911, an in addition to the offensive Trades specified in Schedule 2 of the Act also includes:-

(a) any trade, business, process, or manufacture whatsoever causing effluvia, offensive fumes, vapours or gases, or discharging dust, foul liquid, blood or other impurity, or other noxious or offensive trade, business or manufacture, and any trade that, unless preventative measures are adopted, may become a nuisance to the health of the inhabitants of the district, but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm; a waste

disposal site for disposal of liquid and dry waste of any nature.”

and replacing it with the following amended definition:-

“Industry-Noxious means an industry which is an offensive trade within the meaning of Schedule 2 Health Act but where an offensive trade is also included as a category of prescribed premises in Schedule 1 of the Environmental Protection Regulations, Schedule 2 of the Health Act prevails, and includes a landfill site, but does not include a fish shop, dry cleaning premises, laundromat, piggery, poultry farm or rabbit farm.”

- (2) in anticipation of the Hon Minister’s advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission.

COUNCIL DECISION

Background

Council at its Ordinary Meeting on 20 March 2002 resolved to:-

- “(1) defer the adoption of the Western Australian Planning Commission’s suggestion in light of the change of the State Government; and*
- (2) write to the new Minister, suggesting that the changes to the Health Act 1911, gazetted on 17 November 2000 be reversed; and*
- (3) request the Minister to re-instate the provisions within the Health Act until adequate alternatives have been established under the Planning Legislation.”*

Further detailed background to this scheme amendment is available from item 14.12 OCM 20 March 2001.

The 42 day public consultation period for Amendment 225 concluded on 7 March 2001. At the close of the advertising period no submissions were received. A copy of the proposed Scheme Amendment was forwarded to the Department of Environmental Protection (DEP) for comment. The EPA decided that the environmental impact of the Scheme Amendment would not be severe enough to warrant assessment under the EPA Act and no advice was given in this regard.

Submission

N/A

Report

It is recommended that the Council proceed to amend the definition of noxious industry in accordance with the definition recently adopted by the Council for Town Planning Scheme No 3.

Strategic Plan/Policy Implications

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

Managing Your City

“To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.”

Planning Your City

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

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act 1995

Nil

14.14 (OCM1_5_2002) - RECONSIDERATION OF SPECIAL CONDITION 7: EXTENSIONS TO EXISTING SCHOOL FACILITIES (NEW KINDERGARTEN AND HIGH SCHOOL CLASS ROOM) - LOT 10 GWILLIAM DRIVE, BIBRA LAKE (1117395) (MR)

RECOMMENDATION

That Council grant a revised form 2 approval for the proposed extension to the existing school facilities (new kindergarten and high school classroom) on Lot 10 Gwilliam Drive, Bibra Lake subject to the same conditions of approval from its Ordinary Meeting on 21 August 2001 except for the following condition:-

Special Condition 7

"The car park on Lots 1,2,3 & 4 North Lake Road are not to be used by the school."

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS:	Commercial – Additional Use Education Establishment etc.
LAND USE:	Perth Waldorf School	
APPLICANT:	Hammond & Green Pty Ltd – Architects	
OWNER:	Perth Waldorf School for Steiner Education	
LOT SIZE:	4.398ha	
USE CLASS:	'P' – Permitted Use	

The Council approved additions to the Waldorf School for a new kindergarten and high school classroom. The initial school buildings were constructed over 15 years ago.

Submission

The applicant seeks reconsideration of Special Condition 7 as follows:-

"7. The car park on Lots 1,2,3 & 4 North Lake Road are not to be used by the school."

The Condition is not considered to be valid due to reciprocal parking arrangements as set out on the certificate of title for Lot 5 owned by the School which allows for the sharing of parking between Lots 1,2,3, 4 & 5.

Report

The subject site is situated behind commercial properties fronting North Lake Road (ie Chinese Restaurant, BC Body Club and Red Rooster). The land has access from both North Lake Road and Gwilliam Drive.

The legal agreement between the City of Cockburn and Selkirk Nominees Pty Ltd made on 8 December 1994 was required as a condition of approval by the Department of Planning and Development. The Deed sets out the grant of easement in favour of the City to permit vehicles to pass along the accessway parallel to North Lake Road and to park vehicles temporarily. Legal advice was obtained and it is now evident that the Council cannot currently prevent the owner from using

the car parking on Lots 1,2,3 and 4. This is because the easement created by the deed is a public easement for car parking to enable the parking by the public over that portion of the land shown on the easement sketch.

Special Condition 7 was required to address concerns raised in a public submission about the overflow of parking generated by the school which conflict with the peak hours of the commercial businesses along North Lake Road. This matter is not to be confused with the current parking problems with BC the body club which is the subject of a separate report to the June Ordinary Meeting of Council.

The applicant has provided sufficient parking arrangements (73 bays) which is over the minimum parking requirements in the City's District Zoning Scheme. The existence of a legal agreement allows for the sharing of parking. There are no objections to the deletion of Special Condition 7 on this basis.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

Budget/Financial Implications

N/A

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

Nil

14.15 (OCM1_5_2002) - PROPOSED CHILD CARE CENTRE - LOT 863; 50 BERRIGAN DRIVE, JANDAKOT - OWNER: C COOPER & R CHEGWIDDEN - APPLICANT: CHERYL COOPER (5114684) (SC) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the proposed Child Care Centre on Lot 863; 50 Berrigan Drive, Jandakot, in accordance with the submitted application received on 18th of February 2002 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 the City of Cockburn District Zoning Scheme No. 2 and

Special Conditions

1. Hours of operation being limited from 7am to 6pm on Monday to Friday only and not at all on weekends and public holidays.
2. Three additional car-parking bays must be provided as indicated in red on the attached approved plans.
3. The maximum number of children allowable is thirty(30).
4. Vehicle accessways including traffic movement arrows and signs (entry and exit) to be marked as indicated in red on the approved plans.
5. A notification being placed on the Parent Registration Form for children attending the Child Care Centre advising of the existence of High Voltage Powerlines.

The Notification to state as follows:

“This Child Care Centre is partially affected by a Western Power Easement containing high Voltage Powerlines that emit electromagnetic radiation.

Footnotes

1. The bathroom must be modified to comply with the Building Code of Australia Part F2.
2. Additional crossover constructed on the eastern portion of the lot must be to the satisfaction of the City's Engineering Department.
3. The applicants must provide a copy of the Registration Form (mentioned in Special Condition No. 5) containing the warning to the parents must be submitted to Council for approval prior to the commencement of the Child Care Centre.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS:	Residential "R15"
LAND USE:	House and garden	
LOT SIZE:	1,215m ²	
AREA:		
USE CLASS:	"SA"	
APPLICANT	Cheryl Cooper	
OWNER	Cheryl Cooper and Ross Chegwidde	

Submission

The application is for a child care centre operated by 8 staff (4 qualified and 4 unqualified) with a maximum of 30 children. The age of the children will range from up to 6 years old. The centre would operate between 7am to 6pm Monday to Friday, not at all on weekends and public holidays.

Report

The surrounding landowners were notified of the application in writing and given the opportunity to comment within a period of 21 days. At the close of the advertising only one landowner responded. The submissioner did not have any objection to the proposal, however expressed concern over the high voltage powerlines that are located on the eastern portion of the lot. (Refer to agenda attachment). Currently, an easement in favour of Western Power is placed on the title of the lot. The proposed playground area is located within this easement. These are 330,000 volt powerlines, which is the highest amount of voltage for powerlines. In comparison, the high voltage power lines running through Spearwood is 60,000.

A spokesperson for Western Power has advised the company would not knowingly place high voltage powerlines near or next to schools, hospitals, childcare centres, retirement villages and so on under its "Prudent Avoidance Policy". Although it is a popular belief that electro magnetic fields emitted from high voltage powerlines may have adverse health effects for those who are exposed to it on a regular basis, Western Power has maintained that the level of these fields are within limits set by the World Health Organisation. It is also interesting

to note that the Child Care Services Board do not have any policy in regards to Child Care Centres located near or next to high voltage powerlines. Numerous tests have been conducted to determine if these electro magnetic fields have adverse health effects on humans and to date no tests can prove that these fields cause any form of undesirable physical effects.

Parents have the right to make an educated and informed decision about sending their children to a Childcare Centre next to high voltage powerlines. This is one of the reasons for recommending approval for this application, however the applicant has a duty of care to parents about informing them the 'potential' health hazards of the high voltage powerlines.

The proposal complies with all other requirements of the Scheme and the Child Care Services Board in terms of parking, access and space for each child. However, pursuant to Clause 5.11.1 of City of Cockburn's District Zoning Scheme No. 2, the minimum lot sizes of Childcare Centres must be 1,250m². The subject lot only has an area of 1,215m². Even though it does not meet the minimum lot size requirements by 35m², the size of the existing house is suitable for the number of children expected and the applicant has demonstrated the workability of the car-parking layout.

The proposed child care centre is supported given that the applicant has agreed to advise parents of the high voltage powerlines and the potential risks.

Strategic Plan/Policy Implications

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

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

PD17* Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

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

Nil.

14.16 (OCM1_5_2002) - CONTAINER REFRIGERATION PTY LTD - LOT 121 O'CONNOR CLOSE, HAMILTON HILL - ILLEGAL CONTAINER STORAGE (2213440) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) advise the appellant that if:-
 1. a formal response is not received by Thursday 30 May 2002 to the Council's offer to settle the appeal as set out in the letter dated 30 August 2001 to Phillips Fox, from McLeods on behalf of the City of Cockburn, the Council inform the Tribunal that it does not believe any purpose will be served by continuing mediation in respect of Tribunal Appeal No.40 of 2001;
 2. a response is received by the date stipulated which is not acceptable to the Chief Executive Officer, the Chief Executive Officer on behalf of the Council is to inform the Tribunal that it does not believe any purpose will be served by continuing the mediation; and
- (3) commence prosecution action, but defer the hearing until the outcome of Tribunal Appeal No.40 of 2001 is known. At that time the Council can decide which options to adopt in regard to continuation of the prosecution, as discussed in the report.

COUNCIL DECISION

Background

Council at its meeting held on 16 April 2002 resolved in relation to this matter as follows:-

“that Council defer this matter to the next meeting of Council, prior to which, the owners and operators of Lot 121 O’Connor Close be afforded the opportunity to present informally to the Elected Members and appropriate staff, their evidence to support the assertion that the business is operating with appropriate Council approval.”

The explanation in support of the Council resolution was:-

"The owner/operators have maintained in representation to various Elected Members that they have the appropriate approvals. This differs from the application advice. Deferral will afford the opportunity for the owner operators to present their position and enable areas of doubt to be clarified."

A meeting with representatives of Container Refrigeration together with their solicitor, was held on Thursday 9 May 2002 at 5:30pm at the Council Offices with Elected Members and Council's Solicitor to discuss the issues surrounding the company's current approvals and matters concerning the appeal.

As a result of this meeting Council's Solicitors, McLeods, prepared a recommendation for the Council's consideration, which forms the basis of this report.

The Council previously deferred this matter on 19 March, 2002 where it resolved that

"the matter be deferred to the next Council meeting to allow Elected Members and staff to receive further documentation."

The explanation was that:-

"Council should give Container Refrigeration Pty Ltd one month to provide documentation that has been repeatedly requested. This will give Elected Members time to receive further information before making a decision."

The Council solicitor wrote to Phillips Fox on the 30th August 2001, stating:-

"The City is not prepared to settle the appeal on the basis proposed by your client, but on 21 August resolved in the following terms:

- 1. Require the Appellant, Container Refrigeration Pty Ltd, to enter into an agreement with the City of Cockburn that the company will cease using Lot 121 O'Connor Close, Hamilton Hill for the storage, repair and painting of containers by a predetermined date and in the event that the Appellant (owner) does not vacate the site by the predetermined date then a significant penalty will apply and that the entering into the agreement will be a pre-requisite to the Council agreeing to any compromise to enable a planning approval to be issued for the land;*
- 2. Subject to the execution of the agreement referred to in 1. above the Council is prepared to issue a time limited approval of a maximum of three years from the date the Consent Order issued*

by the Tribunal, for the storage and repair of containers on Lot 121 O'Connor Close, Hamilton Hill subject to conditions."

On 25 March 2002, a mediation hearing was held between the Appellant and their representatives and the Respondents comprising representatives from the Council and the DPI.

The mediation did not result in any measurable outcome, except that the Appellant undertook to consider the matter further and get back to the Respondents. Overall, the mediation was disappointing.

Refer to Council reports:-

- 19 March 2002 – Item 14.5
- 16 April 2002 – Item 14.6

Submission

Due regard should be had to the previous Council reports and to the deputation by Container Refrigeration held on Thursday 9 May 2002 together with the advice of Council's legal Advisor.

Report

Except for an informal meeting to discuss a possible negotiated outcome, there had been no mediation of this appeal up until 25 March 2002, almost 12 months after the appeal was lodged.

Based on the outcome of the formal mediation conducted at the office of the Town Planning Tribunal on 25 March 2002, it appears that the parties are no closer to reaching a settlement. In addition, the method identified by the Appellant to arrive at an acceptable period for a time limited approval has the potential to become protracted.

Given this, the Council should request the Appellant to provide a formal response to its offer of 30 August 2001, by a given date so that the matter can proceed to a hearing without further delay. The date set should be in time for a subsequent report to the Council meeting in June.

Based on the decision by the Council to defer this matter on two previous occasions, it appears that the Council is concerned about proceeding with prosecution action against the owner of Lot 121 O'Connor Close for operating a container storage and repair business without the necessary approvals.

Therefore the situation should be divided into two parts, namely the need to:-

1. continue to defend the Council's decision to refuse the application to "relocate an undercover storage area and store containers" against an appeal (40/2001) by Container Refrigeration;
2. pursue prosecution action against Container Refrigeration for not having applied for and received the planning consent of the Council to use Lot 121 O'Connor Close for the storage and repair of containers.

The first part is current and the Council has provided a statement by respondent to the Tribunal and has been represented at mediation. The Council should continue with the hearing in the Tribunal.

As far the second part is concerned, the Council could consider prosecution action for the owner of Lot 121 for not complying with Clause 5.1 of District Zoning Scheme No. 2, before using the land to store and repair containers, or defer such action until the outcome of the appeal is known.

The matter of the appeal and the possible illegal use of Lot 121 are quite separate issues and may be pursued and determined independently.

The officers are of the view that the two actions should be jointly pursued due mainly to the protracted delay in settling this issue. Because of this the officers' view is that the prosecution should be initiated, but the decision to continue with prosecution action should be made following the outcome of the Appeal rather than deciding at that point whether or not to initiate prosecution action, as indicated in the Council Report of 19 March 2002. Once a Complaint is served it can take 4 to 6 months before the matter is heard in the Court of Petty Sessions. The recommended course of action would short-circuit that process.

Under the recommended course of action, there would be three options open to the council on the conclusion of the appeal, depending on the outcome namely:

- (1) In the event that the Appeal is successful, the Council could resolve not to continue with the prosecution if it so wished.
- (2) In the event that the Appeal is dismissed, the Council could continue the prosecution against the company for using Lot 121 for the storage and repair of sea containers without the approval of the Council.
- (3) In the event that the Tribunal in the Appeal only gives approval for a limited time, and requires termination of the use at the end of that time, the Council could:

- (i) discontinue the prosecution;
- (ii) proceed with the prosecution;
- (iii) adjourn the prosecution pending compliance with the approval and conditions. Thus if the use was not terminated at the end of the approval period (eg. 3 years) the prosecution could be recommenced and a conviction and penalty sought, in addition to a prosecution for non-compliance with the terms of approval, or the conditions of approval; or
- (iv) the prosecution could continue to a hearing, and if a conviction was obtained, the Court could be asked to delay sentencing pending the Company's termination of the use in accordance with the approval and conditions.

The pending proceedings/penalty involved in (iii) and (iv) above would provide a strong incentive to the owner to comply with the requirement for termination if imposed. That incentive would be added to the ordinary incentive involved in a prosecution for non-compliance with the terms of approval, or conditions of approval, and may be more effective than an agreement containing penalty provisions.

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."*

The Planning Policies which apply to this item are:-

APD29 Development Compliance Process

Under the circumstances, it is considered appropriate that the process set out in Policy APD29 be set aside and legal action be initiated.

Budget/Financial Implications

Legal costs will be incurred. Depending on how far the legal action proceeds, costs could be awarded against the Council in the event that it discontinues the action and the respondent incurs costs or if the Council is unsuccessful, the court may award costs against it.

Based on informal legal advice and the information contained on the Council file a successful prosecution may be likely.

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

Nil

14.17 (OCM1_5_2002) - PROPOSED SOUTH BEACH STRUCTURE PLAN (9523; 92201) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) adopt the Proposed South Beach Structure Plan for the purposes of public advertising;
- (3) advertise the proposed Structure Plan based on the provisions of Clause 6.2.9 of proposed Town Planning Scheme No. 3;
- (4) require the Council's Planning and Development Division to prepare a report on the proposed Structure Plan during the public advertising period and include in the report comments and recommendations on any submissions received for the Council's consideration;
- (5) initiate the advertising of the proposed Structure Plan on the understanding that the land will become Development Zone (DA12) in proposed Town Planning Scheme No. 3 which has been adopted by the Council for final approval by the Minister for Planning and Infrastructure;
- (6) request South Beach Pty Ltd to provide an additional 11 copies of the report for public viewing, together with 4 copies of the proposed Structure Plan for display and an electronic copy for distribution to Elected Members prior to advertising commencing;
- (7) advertise the proposed South Beach Structure Plan for a period of not less than 21 days commencing on Monday 27 May 2002 and concluding on Monday 17 June 2002;
- (8) forward a copy of the proposed Structure Plan to the Western Australian Planning Commission for comment and advice as to whether it is prepared to endorse the plan with or without modifications.

COUNCIL DECISION**Background**

The Council would be aware that the owners of the Bradken and the Wesfarmers property, together with Westrail, have been promoting the redevelopment of this vacated industrial land for urban purposes for some years.

On 21 December 2001 the land as amended under the MRS (Amt 1008/33) from Industrial and Railway Reserve to Urban.

Between Saturday March 16 through to Friday March 23, the proponent of the redevelopment of this land, South Beach Pty Ltd conducted a public workshop on the planning and development of the locality. The workshop was open to all members of the public. Elected Members from both the Cities of Cockburn and Fremantle attended.

At the conclusion of the workshop a concept plan was produced resulting from professional and public input. This plan became the basis of the proposed South Beach Structure Plan.

Submission

On 1 May 2002, a copy of the South Beach Structure Plan Report was received, with a request from the consultant for comments prior to making the final submission.

South Beach Pty Ltd, however, were concerned that instead of commenting on the report which would lead to another month's delay before advertising, that a request was made to advertise the proposed Structure Plan and while public comments were being sought that the Council's Planning and Development Division undertake the necessary assessment.

This is not an unreasonable request.

Report

The South Beach Structure Plan Report is 44 pages long excluding maps and diagrams.

The plan applies to most of the land within the City of Cockburn north of Rollinson Road, which is primarily the Bradken and Wesfarmers properties and a portion of the Westrail land. The balance of the

Westrail land is within the City of Fremantle and extends north to Ocean Road and Alice Avenue.

The Structure Plan provides for access from the north via South Street to serve only the Bradken site and the northern end of the Westrail land. The balance of the site is accessed from Island Street (off Cockburn Road) and from Rollinson Road. The plan is comprised of mainly single house lots at R25/R35, medium density of between R40/R80 and some group dwelling sites also at R40/R80. The plan provides for a linear open space linking the centre of the housing area directly to Wilson Park.

The plan also provides for the retention of the Light Industrial Zone on O'Connor Close, except that the D'orsogna property on Rollinson Road has been reshaped to provide a buffer of mixed uses to its east and north.

It is not the purpose of this report to discuss the merits of the proposed plan, but for this work to be done by the Council staff during the public advertising period.

At the close of the public advertising period any submissions received will be assessed and the recommendations integrated into the comments on the plan.

The staff report will enable the Council to adopt, adopt with conditions or reject the Structure Plan.

Any decision made by the Council is likely to be made at around the same time as proposed Town Planning Scheme No. 3 is gazetted. Should this occur prior to gazettal, then it is hoped that the Western Australian Planning Commission will accept that the plan has been advertised as if TPS No. 3 had been in effect.

The Council adopted TPS No. 3 at its Meeting 19 March 2002, and a draft set of documents sent to the Department for Planning & Infrastructure for final examination prior to a recommendation being made by the WAPC to the Minister, it is expected that the new scheme could be operating by the end of July.

Based on this Mitchell Goff & Associates, the firm responsible for Amendment No. 201 to District Zoning Scheme No. 2, requested on the 27 March 2002 that the Amendment be held in abeyance until TPS No. 3 is finalised, subject to no unforeseen delays. The WAPC has been advised accordingly.

The Executive Summary and the proposed Structure Plan are attached for the information of Elected Members.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

Budget/Financial Implications

N/A

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM1_5_2002) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

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.

**15.2 (OCM1_5_2002) - REVIEW OF RESERVE FUNDS (5000; 5402)
(ATC) (ATTACH)**

RECOMMENDATION

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

COUNCIL DECISION

Background

Council reviews its Reserve Funds on an annual basis.

Submission

N/A

Report

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

Strategic Plan/Policy Implications

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

Budget/Financial Implications

The proposed movements in Reserve Funds outlined in the report will be used in Council's Principal Activities Plan and the first draft budget for 2002/03. Use of Reserve Funds as set out, may be varied at Budget meetings.

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

Nil.

15.3 (OCM1_5_2002) - DRAFT PRINCIPAL ACTIVITIES PLAN 2002/03 - 2005/06 (ATC) (ATTACH)

RECOMMENDATION

That Council adopt the Draft Principal Activities Plan 2002/03 to 2005/06, as attached to the Agenda and that the Plan be advertised for public comment.

COUNCIL DECISION

Background

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

Submission

N/A

Report

The Draft Principal Activities Plan for the period 2002/03 to 2005/06 is attached to the Agenda.

The Draft Plan is required to be available for public comment for a period of six weeks. It is intended to advertise the Plan as being available from Monday, 27 May 2002 with public comment closing on Monday, 8 July 2002. Comments on the Plan and the proposed final Plan would then be submitted to Council at its Meeting on 16 July 2002.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

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

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

Nil.

15.4 (OCM1_5_2002) - PURCHASE OF TWO IBM SERVERS - REQUEST FOR BUDGET AMENDMENT (1404) (ATC)

RECOMMENDATION

That Council allocate the sum of \$93,775 from the Computer Reserve Fund to Account No.125720 - "Computer Equipment" for the purchase of two IBM Servers.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

At its Meeting on 16 April 2002 Council approved the purchase of a replacement Local Government Software System. Council was advised at that time of the requirement to upgrade its central hardware in order for the software to operate satisfactorily.

Submission

N/A

Report

Initial installation of the new software will commence in early June 2002 with an anticipated "go live" date of November 2002. The new

hardware is therefore required as soon as possible. IT Services have had discussions with Technology One Ltd, the supplier of our new software, as to the appropriate servers to be purchased to ensure the new software operates satisfactorily. Following those discussions, and after research into the most appropriate servers to meet the needs of the City for the next five years, it has been concluded that two IBM xSeries 360 Servers are required.

The same minimum specifications for the Servers (as provided to us by Technology One) were sent to the hardware suppliers set out below. All three suppliers are on the West Australian Local Government Association (WALGA) Panel Contract for Computer Hardware and thus tenders are not required. The prices quoted by the three suppliers were:

Computercorp	96,861.27	ex GST
Moncrieff	99,439.00	ex GST
Stott & Hoare	93,775.00	ex GST

Stott & Hoare has provided the cheapest price and previous service provided to Council by the firm has been excellent. IBM provides a three-year onsite warranty including a four-hour replacement time on all components.

To fund the purchase of the two IBM xSeries 360 Servers it is proposed that an amount of \$93,775 be transferred from the Computer Reserve Fund.

Strategic Plan/Policy Implications

Our commitment is:

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

Budget/Financial Implications

Funds are available in the Computer Reserve Fund for the purchase.

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM1_5_2002) - FREMANTLE - ROCKINGHAM HIGHWAY IMPROVEMENT WORKS: ROCKINGHAM ROAD / RUSSELL ROAD WEST / COCKBURN ROAD (9710) (JR)

RECOMMENDATION

That Council advise Main Roads WA that Council:-

- (1) agrees to their proposed road improvement works for Rockingham Road / Russell Road, Russell Road West and Cockburn Road at McTaggart Cove, Amity Boulevard and O’Kane Court as a result of the decision to delete the realignment of the Lake Coogee section of the Fremantle-Rockingham Highway; and
- (2) agrees to the additional lighting arrangements and 50% sharing of the ongoing running costs at the McTaggart Cove and Amity Boulevard intersections with Cockburn Road.

COUNCIL DECISION

Background

As a result of the State Government’s decision not to proceed with the Fremantle Eastern Bypass, the proposed realignment of the Lake Coogee section of the Fremantle-Rockingham Controlled Access Highway has been deleted from the Main Roads WA works program. As a consequence, there will be an extended demand by regional traffic to use Rockingham Road, Russell Road West and Cockburn Road.

Submission

Main Roads have submitted for Council’s agreeance their proposed works program and additional lighting arrangements to improve Rockingham Road, Russell Road West and Cockburn Road to accommodate the on-going regional traffic flows.

Report

The improvement works proposed are:

1. Rockingham Road/Russell Road Intersections

Due to the deferral of the realignment of the Lake Coogee section of the Fremantle-Rockingham Highway, there is no

longer the need or warrant to construct an interchange at the Rockingham Road/Russell Road intersection. To provide for safe movement of traffic through the closely staggered T-junctions, two sets of co-ordinated traffic signals will be installed. This also includes the construction of a separate left slip lane in the Russell Road West approach to Rockingham Road and the installation of street lighting in Rockingham Road to Australian Standards. On-going road maintenance and power consumption costs will be the responsibility of MRWA.

2. Russell Road West Improvements

Widening to provide sealed shoulders together with passing and turning facilities at Coogee and Anderson Roads. On-going road maintenance and power consumption costs will remain the responsibility of Council.

3. Cockburn Road Improvements

Intersection works and safety improvements will be carried out as follows:-

- McTaggart Cove – infill of median islands and installation of lighting to Australian Standards.
- Amity Boulevard – provision of pedestrian median islands, right turn and passing lanes and upgrading of lighting to Australian Standards.
- O’Kane Court – provision of a safe northbound left turn lane for vehicles towing boats, and semi-trailers.

On-going road maintenance costs will be the responsibility of MRWA whilst power consumption costs will be 50% funded each by MRWA and Council.

The works as proposed by Main Roads to be undertaken at their cost should be supported as they would be required for improved safety reasons whether or not the re-alignment of the Lake Coogee section of the Fremantle-Rockingham Highway proceeds. Main Roads undertake public consultation with their projects and would, in this case, involve the South Coogee Primary School and any businesses/residents whose accesses may be affected.

No road improvements are proposed at the intersections of Cockburn Road with Kiesey Street, Powell Street and Beach Road at this stage due to the impact of the proposed Port Catherine realignment section changing these intersections with Cockburn Road.

Strategic Plan/Policy Implications

The Corporate Strategic Plan objective that applies to this item is:-

- *"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."*

Budget/Financial Implications

The additional lighting costs, can be adequately accommodated within the street lighting budget.

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

Nil.

16.2 (OCM1_5_2002) - PROPOSED MODIFICATIONS TO ROCKINGHAM ROAD BETWEEN PHOENIX ROAD AND SPEARWOOD AVENUE (450498) (SL/JR) (ATTACH)

RECOMMENDATION

That Council support the traffic calming to one lane in each direction and the re-development of Rockingham Road between Phoenix Road and Spearwood Avenue, subject to the findings of the Integrated Transport Plan to be developed for the South West Group/City of Cockburn.

COUNCIL DECISION

Background

At the Ordinary Meeting of Council held on 20th November 2001, Mayor Lee requested a report be prepared outlining the possibilities of providing acceleration and deceleration lanes on Rockingham Road between Phoenix Road and Spearwood Avenue. The report is to also address the opportunities this may provide in making this area more people friendly by addressing such issues as street furniture including, but not restricted to seating, lightpoles and flower beds as per Subiaco/Victoria Park and a report be presented to a future Council meeting.

A decision was made at the meeting held on Tuesday, 19th February 2002 to appoint a traffic engineering consultant to undertake the feasibility study of transforming Rockingham Road between Phoenix

Road and Spearwood Avenue from a four lane road to a two lane road with turning pockets.

Three traffic engineering consultants were invited to express interests in undertaking the feasibility study. Sinclair Knight Merz Pty Ltd was the successful contender.

Submission

Sinclair Knight Merz Pty Ltd have completed the study in consultation with Council's Engineering and Planning Departments and have submitted their final report.

Report

Sinclair Knight Merz's final report comprises of three sections in addition to the introduction. They are namely:

- Section 2 – Proposed concept plan;
- Section 3 – Broader traffic management considerations; and
- Section 4 – Summary and recommendations.

In Section 2, the following studies were conducted:

1. Key features of the concept plan.
Nine key features were defined. The plan was developed with a view to balancing a variety of conflicting needs, including convenient access to properties, provision for through sub-regional traffic movements, bus and bicycle travel and road safety. This proposal was to test the feasibility of single lane traffic movement along this section of Rockingham Road.
2. Comparison with other streets
Traffic calming of commercial/shopping streets, such as Rokeby Road, Subiaco, Scarborough Beach Road, Mount Hawthorn and Albany Highway, Victoria Park, were examined and compared with Rockingham Road in terms of their 24 hour and peak hour traffic volumes. The comparison shows that both peak hour and 24 hourly flows are higher in Rockingham Road than the other three streets:-

Road	Location	Date	24 hour (vpd)	Peak Hour 2-way	Peak Hour 1-way
Albany Highway	S of McMillan St	May 01	17,259	1,319	794
Rokeby Road	S of Hay St	Aug 01	13,124	1,081	609
Scarborough Bch Rd	W of Oxford St	Aug 01	14,371	1,183	633
Rockingham Rd	S of Phoenix Rd	Mar 01	20,685	1,736	1,036

3. Traffic capacity analysis

Traffic capacity analyses were performed on three signalised intersections with Rockingham Road at Phoenix Road, Lancaster Street and Spearwood Avenue in terms of average delay, level of service and degree of saturation in the existing and proposed situations. The carrying capacity of the single lane traffic in place of two was also examined.

4. Safety and operational considerations

The inherent safety offered in the proposed modification with the provision of protected lanes for turning traffic, lack of overtaking and the more consistent and slower operating speed will result in a safer environment for all users.

5. Access to adjacent properties

There will need to be some modifications in access arrangements to business and residential premises and this would need to be examined at the detailed design and consultation stage.

In Section 3, the broader transport issues are identified for further consideration, such as:

- Corridor traffic growth and demand management of traffic along Rockingham Road;
- Possible re-classification of part or whole of Rockingham Road to a District Distributor Road (B);
- Priority for public transport in the absence of a full transitway along Rockingham Road.

In Section 4, the summary and recommendations of the study are presented, and these are attached to the Agenda.

The result of their study concludes that, on a local basis and based on existing traffic volumes, Rockingham Road could be calmed to provide for one lane of traffic in each direction. This is achieved by separating all left and right turning movements so they don't delay the main traffic stream.

However, the future development of Rockingham Road must take account of potential future traffic volumes that are highly dependent on strategic transport planning adopted by the Council and the Department for Planning and Infrastructure, including recognition of the requirements for the possible Fremantle-Rockingham bus transitway.

The Department has just instigated the preparation of an integrated transport plan with the City on a district basis and the South West Group of Councils on a regional basis. This will take into account the function of Rockingham Road on a district and regional basis and will address its possible modification to one lane in each direction.

Consequently, any further decisions to modify Rockingham Road should be delayed until the integrated transport plan is completed.

Strategic Plan/Policy Implications

"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."

Budget/Financial Implications

The traffic calming, streetscape development and utility service modifications for Rockingham Road will require substantial funding. As this will be a major project, it should be considered as part of the preparation of the next Principal Activities Plan.

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

Nil.

16.3 (OCM1_5_2002) - TENDER NO. 01/02 - CLEANING OF PUBLIC BUILDINGS (4435) (JR)

RECOMMENDATION

That Council:

- (1) accept the withdrawal of Dominant Property Services from their tender for Group 1 – Recreation Facilities; and
- (2) accept the tender from Delron Cleaning Pty Ltd for Group 1 – Recreation Services at their alternative tender of \$56,689 per annum plus an acceptable arrangement for consumables at cost plus 5% ;

for Tender No. 01/02 – Cleaning of Public Building for the period March 2002 to February 2004 (with two extension options of 12 months each).

COUNCIL DECISION

Background

At the Ordinary Meeting of Council held on 16 April 2002, it was resolved to accept the tenders from Dominant Property Services and Delron Cleaning Pty Ltd for Tender No. 01/02 - Cleaning of Public

Buildings for the period March 2002 to February 2004 (with two extension options of 12 months each), for the following variable sums:-

- (1) Group 1 - Recreation Facilities - Dominant Property Services at \$42,416 per annum;
- (2) Group 2 - Community Facilities - Delron Cleaning Pty Ltd at their alternative tender of \$38,673 per annum plus the various rates indicated in their tender submission for the Civic Centre Halls; and Community Halls; and
- (3) Group 3 - Administration Facilities - Delron Cleaning Pty Ltd at their alternative tender at \$60,157 per annum.

Submission

Dominant Property Services have advised that they do not wish to undertake the Group 1 portion of the tender without also undertaking Groups 2 and 3. Consequently, they have withdrawn their submission after being advised that they were successful for Group 1 only.

The top five assessments using weighted scoring of various criteria for the Group 1 submissions was as follows:

	<u>Score</u>	<u>Annual Value</u>
• Dominant Property Services	80%	\$42,416.00
• Delron (Alternative)	79%	\$56,689.80
		(plus consumables)
• Delron	64%	\$63,309.00
• MP Cleaning Contractors	57.5%	\$62,390.95
• Lists	52%	\$58,944.10

As Dominant have withdrawn their tender, the next best value submission for Council is from Delron with both their compliant and alternative bids. Delron have indicated that, for the alternative bid, consumables are an extra on a cost plus 5% basis. Consequently, Delron's alternative submission should be supported subject to an acceptable arrangement for consumables so that Delron's compliant price is not exceeded.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

Cleaning costs under the recommended tender are adequately catered for in the Building Maintenance Budget.

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

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM1_5_2002) - PROPOSED CLOSURE OF GOLFING FACILITY ADJACENT TO BIBRA LAKE (1101399) (DMG)

RECOMMENDATION

That Council:

- (1) decommission the area adjacent to Bibra Lake, located opposite Adventure World on Progress Drive, currently used as an informal golf range and revert the area to a passive reserve area, and;
- (2) allocate \$8,000 on the 2002/03 Municipal Budget to provide for the necessary remedial works to be undertaken in order for the area to be returned to a passive reserve.

COUNCIL DECISION

Background

In the 1980's, Council utilised Government provided Grant Funding to construct a public "pitch and putt" golf facility at the south-western corner of Bibra Lake. While the facility was a suitable use of the area for the time, it has become evident more recently that there is potential for hazards to arise as a result of errant golf balls leaving the area and posing risk to the public using the adjacent road and footway.

Submission

To close the area as a golf facility and revert it to passive use public open space.

Report

Since the facility was established close to 20 years ago, a number of factors have contributed to it becoming a less desirable area for this type of use.

Significantly, there has been a decline in public usage of the area over the years. This is probably due to there being adequate alternatives located in near proximity to this area (North Lake and Jandakot facilities provide more modern "pitch and putt" type courses).

As a result of this decline in usage, Council maintenance of the facility is not as regular as would be expected of a higher quality service. The protective fence along Progress Drive is in disrepair, there are no flags to indicate where the greens are and the care and maintenance of the facility is not of a standard associated with a normal golf course.

Of most critical importance, however, is the potential for conflict between users of the course and members of the public who use the adjoining dual use path and Progress Drive. Use of those public thoroughfares has increased significantly in recent years to the extent that Council has received reports of errant golf balls straying from the course area, creating a potential hazard for passing pedestrians, cyclists and vehicular traffic. Associated with this conflict, of course, is the threat of litigation being brought against Council in the event that a person or personal property is hurt or damaged as a result of contact from an errant golf ball being hit by a user of the course.

Taking these three factors – low usage, low maintenance and potential liability risk – it is considered that Council should take steps to close the area as a golf facility and revert it to an area reserved for passive public pursuits.

For this to occur, it is proposed to remove the wire mesh fence which separates the grassed area from the public thoroughfare (road reserve) and undertake some minor landscaping works which would eliminate any connection between the proposed usage and that of a golf facility. Prohibition signs would be erected, enabling Council Rangers to effectively patrol the area, in case any members of the public continue to practice golf at the site.

Strategic Plan/Policy Implications

Key Result Area – "Providing an optimum range of community services" refers.

Budget/Financial Implications

Estimated \$8,000 to revert the area to passive use public open space. Cost provided by Parks Service Unit, which will undertake the remedial work.

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

Adequate alternative golf facilities are located a short distance away in Baker Court, North Lake and Hope Road, Jandakot.

17.2 (OCM1_5_2002) - COMMUNITY FACILITIES AT COCKBURN CENTRAL (8136A) (RA)

RECOMMENDATION

That Council establish a working party comprised of Elected Members _____ and _____ and Council staff appointed by the Chief Executive Officer, to investigate the requirements for and timing of community facilities to be located on the community purpose site on the corner of Beeliar Drive and Wentworth Parade in Success.

COUNCIL DECISION

Background

There is an area of 1.8 hectares vested in Council for community purposes on the corner of Beeliar Drive and Wentworth Parade in Success.

Submission

N/A

Report

With the projected growth in population in the eastern portion of the City it is now time to determine what community facilities should be established on the community purpose site on the corner of Beeliar Drive and Wentworth Parade in Success and the timing of the construction of such facilities. The facilities could include a Library, Council Information Centre, meeting rooms, etc..

In order to determine which facilities should be established, the timing of their construction, and to establish an initial concept plan for consideration by Council it is proposed that a working party be set up consisting of Elected Members and staff to consider the matter. If the working party is established it is further proposed that in the Budget for 2002/03 an amount of \$40,000 be allocated to assist the working party in its deliberations as required.

Strategic Plan/Policy Implications

Facilitating a range of services responsive to community needs.

Budget/Financial Implications

Depending on the size of the facilities finally approved by Council loan funds may be required.

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

Nil.

17.3 (OCM1_5_2002) - FAMILY DAY CARE SCHEME - BUILDING WORKS (8506) (GB)

RECOMMENDATION

That Council allocate \$24,908 from the Family Day Care Scheme Building Maintenance Reserve and \$60,000 from surplus operational funds at the end of the 2001/02 financial year for the purchase of a transportable building and undertaking building works for the Family Day Care Scheme.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

For the past two years the Cockburn Family Day Care Scheme has had increasing Occupational Safety and Health risk issues, due to the overcrowding of staff at their existing building. This overcrowding is the result of increased funding and therefore an increase in staff numbers.

The City commissioned the development of a 10-year forward plan for Children's Services within the Cockburn District that was completed in May 2001. The scope of the plan also included the review of the current Children's Services structure and location. The Children's Services Plan recommended that the direct service delivery component of the Children's Services Area (Family Day Care and Out of School Hours Care) be co-located in either the Central or Eastern areas of Cockburn District in order to improve service delivery to residents. Currently the Out of School Hours Program is located within the City's

Administration Building and the Family Day Care Scheme is located in Coolbellup.

The Family Day Care Scheme is financially viable and is funded entirely by Commonwealth government funding, and membership fees.

Submission

N/A

Report

A safety inspection was carried out by the Safety Coordinator in April 2000 for the Family Day Care Scheme located on Winterfold Road in Coolbellup. It was found that the work and storage areas were unacceptable due to overcrowding and therefore posed an Occupational Health and Safety Risk.

There are currently 11 staff in the building and most of them do not have work stations that comply with the Occupational Safety and Health Regulations 1996, part 3.14. This states that employees must have adequate work space to ensure their safety and health. The Safety Coordinator's report concluded that Family Day Care operations would either have to move to a larger facility or a major extension/modification would be required to the existing building in order to create more user space.

As it is proposed that a Children's Services Area be included within the Community Facilities at Success, Coolbellup will only be a temporary site for Family Day Care, so this needed to be taken into account.

The City employed a draftsman to provide options, a concept design and cost estimate in order to address the immediate OS&H hazards.

After investigation the draftsman has recommended that the City purchase a transportable building and modify the interior of the existing building. The transportable building can also be sold if the Family Day Care Scheme is re-located to Success. The total cost estimate for the project inclusive of fees is \$103,000.

The Family Day Care Scheme is entirely funded by the Commonwealth Government and membership fees. There are sufficient funds within the Family Day Care Reserve accounts and within the operational budget to undertake the building and site works, and to purchase the transportable building.

\$24,908.78 has been set aside within the Family Day Care Building Maintenance Reserve for which there is no immediate need.

The Council has a current liability of \$162,923.84 for Employee Leave entitlements and Redundancy for the Family Day Care Scheme and an actual figure of \$181,100.05 in the Reserve. Therefore there are surplus funds of \$18,176.21 in the Family Day Care Employee Entitlements Reserve. It is intended to transfer these surplus funds for use on this project as part of the 2002/03 Budget.

There is also a current operational surplus of over \$60,000 within this current financial year. These monies can also be utilised for building works for the Family Day Care Scheme.

Accordingly, the following funds are available:-

Building Maintenance Reserve	\$24,908
Employee Entitlements Reserve Surplus Funds	\$18,176
Operational Surplus 2001/2002 financial year	\$60,000
Total available	<u>\$103,084</u>

As the office space will be increased an added benefit is the ability to co-locate all direct service delivery staff within Children's Services. Having all staff within the same building will facilitate effective communication, increase cost effectiveness by sharing administration support, and improve service delivery to the community by providing a one stop shop for residents who are seeking Children's Services within the City.

Primarily, the purchase of the transportable building and the internal building works will address the Occupational Health and Safety hazards.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

The Family Day Care Scheme is entirely funded by commonwealth grants and membership fees so this project is cost neutral to Council and within the program's budget.

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

Nil

17.4 (OCM1_5_2002) - BEELIAR (PANORAMA GARDENS/BEELIAR HEIGHTS) SECURITY PATROLS (8957) (RA) (ATTACH)

RECOMMENDATION

That Council discontinues the Beeliar Heights/Panorama Gardens security patrols as of 30 June 2002, as less than 50% of owners approved of continuation of the service.

COUNCIL DECISION**Background**

Council at its meeting of 16 of January 2001, resolved to instigate security patrols for the Beeliar Heights/Panorama Gardens area with the provision of a service charge levy to cover the cost of the patrols. The patrols began on 1 July 2001 on a one-year trial basis. This matter is presented to Council now to ensure that sufficient time is available for consideration of the matter and to carry out the necessary administrative tasks for the patrols to be continued if Council so desires.

Submission

N/A

Report

To assist Council in its deliberations on the question of the status of security patrols for the area, an individually addressed questionnaire was distributed to all landowners in the area currently served by the patrols. A copy of the questionnaire is attached for information. The questionnaire sought advice from property owners whether they would like to see security patrols extended for a further two years rather than for another one year.

Question: How much is the owner prepared to pay?

\$65	\$85	\$120	\$285	Nothing	Incomplete
98	66	39	14	52	2

NOTE FOR THE FOLLOWING QUESTIONS ONE IS LOW FIVE HIGH

Question: How do you perceive the level of crime and anti-social behaviour in Beeliar?

ONE	TWO	THREE	FOUR	FIVE	Incomplete
52	80	70	18	4	47

Question: How do you feel about the quality of the existing security patrols in the area?

TABLE 3					
ONE	TWO	THREE	FOUR	FIVE	Incomplete
10	28	94	59	50	30

Question: How do you rate your sense of personal safety since the patrols began?

TABLE 4					
ONE	TWO	THREE	FOUR	FIVE	Incomplete
0	6	92	94	44	35

A total of 696 questionnaires sent out to property owners of which 70 were Ministry of Housing (Homeswest) properties. For the analysis the respondents are defined as those who returned the forms, excluding Ministry of Housing owned properties. There were a total of 271 responses and as indicated in table 1, 80% of respondents were prepared to pay for patrols. Only 38% of respondents were prepared to pay \$85 per annum or more for patrols.

Table 2 shows 75% of owners to perceive crime and anti social behaviour in the area to be low to moderate. 75% of respondents saw the quality of the existing patrol service to be moderate to high, as indicated by table 3. On the question of personal safety, 85% rated their sense of personal safety to be moderate to high.

The Ministry of Housing position is that it will support the majority of other land owners position. On this basis, the vote for some level of service fee for security patrols is then 287 (217 plus 70) yes votes of a total of 696 questionnaires sent out or 40%. The issue remains whether the majority of votes should be based on the total number of questionnaires sent out or on the number of respondents. As Council's current position is that 50% of the total number of properties subject to the levy should approve its imposition, it is recommended that the patrols be discontinued.

BEELIAR HEIGHTS/PANORAMA GARDENS POLICE REPORTABLE CRIME STATISTICS FOR CORRESPONDING PERIODS JULY – FEB 2000/2001 & 2001/2002

July 2000	7	July 2001	23
Aug 2000	8	Aug 2001	6
Sep 2000	12	Sep 2001	10
Oct 2000	12	Oct 2001	11
Nov 2000	11	Nov 2001	10
Dec 2000	7	Dec 2001	11
Jan 2001	15	Jan 2002	6
Feb 2001	12	Feb 2002	7

Total **84****Total** **84**

In every recent trial of security by Western Australian Local Governments, there has been a noticeable trend in the reportable crime figures. That is, initially after the commencement of the patrols, there is an increase in the reported crime by 25-50%, thought to be due to the public perception that because of the Security Patrols any crime reported will more likely be acted upon. Frequently after the first six months, the number of reported crimes steadies and a gradual reduction occurs that stabilises below general trends after approximately twelve months. As indicated from the above statistics, the reduction appears to have commenced a little earlier, however it is expected that at the twelve-month stage, more accurate figures would be available.

There is scope within the existing contract with Secureforce to extend the contract for a further year. Should Council decide to continue with the patrols, it is suggested that this option be continued as 75% were moderately to very satisfied with the level of service currently provided.

Secureforce have quoted the figure of \$40,040 plus GST to continue the service for a further year under the current terms and conditions. This equates to a levy of \$60 per affected property, the same that currently applies.

Strategic Plan/Policy Implications

Facilitating a range of services responsive to the community needs.

Budget/Financial Implications

Should the patrols proceed, they will be funded by a service levy on landowners in the prescribed area.

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

It has been customary and long term practice for the State Government through the Police Department to provide security and on occasions patrols in urban areas.

17.5 (OCM1_5_2002) - SOUTH LAKE LEISURE CENTRE POOL UPGRADE (8143) (RA)

RECOMMENDATION

That Council:

- (1) allocate \$700,000 in the Budget for 2002/03 for the replacement and expansion of the South Lake Leisure Centre Pool Shell from

6 lanes to 8 lanes;

- (2) allocate \$50,000 in the Budget for 2002/03 for the contracting of the Design and documentation for the South Lake Leisure Centre Pool upgrade; and
- (3) draw \$750,000 from the Community Facilities Reserve fund to meet these costs.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The now defunct firm Florida Pools Pty Ltd constructed the Leeming, Gosnells and South Lake pools. The other facilities pool shells have since been replaced although they were constructed after the South Lake Leisure Centre pool. The marble sheen finish used on these pools was found to delaminate and hence the SLLC pool shell will also need to be replaced as it has similar signs of failure.

As has been previously reported there is a substantial leak occurring from the pool. The tests performed indicate that this leak is from the pool shell and the only way to address the problem is by replacing the shell.

The need to replace the pool shell has been known for a number of years and has been placed on the Principal Activities Plan at an estimated cost of \$500,000.

Submission

N/A

Report

The replacement of the pool bowl is set down to occur in the winter of 2003 and hence needs to be included in the 2002/03 budget. If Council intends to alter the pool configuration in any way by far the most practical and cost effective opportunity to do this will be at the same time as the pool shell replacement.

The South Lake Leisure Centre is the City of Cockburn's premier leisure facility and only aquatic facility. The facility was built over ten

years ago and since that time has not witnessed any significant expansion to the indoor aquatic facilities.

Since being built, the catchment population of the facility has expanded significantly, particularly land estate developments along the freeway. Large population increases along this corridor are expected for years to come.

Due to the current size of the indoor pool facility and usage demands, the Centre frequently operates at maximum capacity, particularly through the summer months. Currently, the Centre has had to book all available lane space at certain times of the day to meet the demands of schools, to the exclusion of lap swimmers. Additionally, the Centre has had to turn away some school bookings, as it is not able to meet the space requirements due to the limited number of lanes available.

To further compound the problem, suitable space for Centre run swimming lessons, Aquarobic classes and vacation swimming lessons are difficult to allocate. In order to cater for these programs, the Centre is forced to restrict public access to the lanes.

The reduction in available lane space generates a number of complaints from lap swimmers, elderly patrons who use the facility for walking and patrons undertaking rehabilitation programs. This has a detrimental effect on income as patrons who can not find suitable space go to alternative facilities.

Many other local governments in the region have superior aquatic facilities or are in the process of building superior facilities to the City of Cockburn. With new complexes at Riverton and in Melville, the Centre is being forced to compete without being able to offer modern suitable facilities.

The future population expansion within the City of Cockburn can not be catered for without expansion of the aquatic facilities. As the Council is not planning to build a new aquatic facility for some years, expansion of the current facility is the only way to meet the increasing demands of the community and ratepayers. Failure to provide suitable facilities for the ratepayers will force them to travel to other council's facilities, adversely impacting on the financial status of the South Lake Leisure Centre.

It is proposed that an expansion of the pool shell occur simultaneously with the pool shell upgrade planned for 2003. It is proposed that the 25-metre pool shell be expanded from 6 to 8 lanes. This will be accomplished by narrowing each lane by 10 cm, removing the 10 cm margin on each of the outside lanes and extending the pool shell by 3.2 metres. The result will be 8 lanes, each with a width of 2 metres. Installing a thinner set of Anti-wave lane ropes will reclaim some of the functional lane width.

At the same time the seating stands will be relocated to the end of the 25 metre pool.

The cost of this expansion has been estimated to be \$250,000 in addition to the funds allowed for the pool shell redevelopment.

As there is a sizeable loss of water from the pool bowl it would be prudent for Council to carry out the design and documentation work ready for the tender for construction of the new pool shell. The calling of tenders design and documentation ready for the calling of the construction tender will take in the vicinity of 4 months. The calling of tenders and the actual construction period will be approximately 5 months. It is proposed that the main pool be closed from the 1st of April 03 to the 1st of August 03.

As the South Lake Leisure Centre indoor pool will be closed for a considerable time during the renovation to the Pool Shell, the proposed closure time is from the first day of the April 2003 School Holidays, with reopening by the last day of the July 2003 School Holidays if possible.

Due to the seasonal nature of attendance figures at the pool, these months generally exhibit lower usage patterns. Additionally, reopening in July gives the Centre 2-3 months to resolve any problematic issues with the redevelopment before the busy season starts again.

Closure during the School Holidays is optimal because the April and July school holidays are periods of very low usage. The Centre runs small Vacation Swimming programs of up to 55 students and has no other programmed aquatic activities during this time. Compared to the School term, where the Centre will have a number of school swimming lessons and over 800 people enrolled in swimming lessons, the April and July holiday periods represent times of significantly lower trade and less disruption to the ordinary services offered by the Centre. The temporary out door pool covered area will be able to accommodate the small vacation swim classes during the July school holidays but for technical reasons the pool water in the outdoor pool could not be heated quickly enough to allow for vacation swim lessons to occur in the April school holidays.

Strategic Plan/Policy Implications

‘To facilitate and provide an optimum range of community facilities.’

Budget/Financial Implications

The replacement of the pool shell for the SLLC has been foreseen and placed on the Principal Activity Plan. The additional funds required to increase the number of lanes from 6 to 8 will require an additional

\$250,000. The funds required can be drawn from the Community Facilities Reserve Fund.

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

Council has previously committed itself to the provision of aquatic facilities at the SLLC.

17.6 (OCM1_5_2002) - BUSINESS CONTINUITY PLAN - PROTECTION OF COUNCIL PROPERTY (4206) (LCD)

RECOMMENDATION

That Council allocate \$221,235.00 from the Major Refurbishment Council Buildings Reserve Fund for the purpose of implementing measures to protect Council's property, primary information systems and records.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The consulting firm of CorpSec International Pty Ltd was commissioned to prepare a Business Continuity Plan for Council Offices and associated facilities. The associated facilities are the Libraries, Jean Willis Centre, the South Lake Leisure Centre, the Wellard Street Depot, Joe Cooper Centre, and other leased buildings. In essence the report deals with the assessment of risks relating to a disaster such as fire in the Council Offices and associated facilities and what measures could be taken to protect the property as well as implementing measures to provide for the continuation of business if a disaster did occur.

Submission

N/A

Report

The report by CorpSec International Pty Ltd has made a number of recommendations to improve Council's capability to deal with a disaster. A number of issues will be put forward for funding in the

forthcoming budget. Of immediate concern is that the assessment of the Council Offices indicated that the CO2 gas used in the fire suppression system to protect Council's files in the immediate file storage area and the compactus file storage area was inappropriate and should be replaced with another gas such as Inergen. The doors to the aforementioned filing rooms are not fire rated and should be replaced with fire rated doors and there is not a system to purge the gas from the rooms if the gas is released. Also, the computer room, which houses Council's computer system, has no fire protection. The plan/printing room that houses the computer patch panel for the computer systems in the southern section of the building and the plans in the room have no fire protection. As a result, all of Council's primary information systems and records are at risk. Furthermore, the Administration Building is at risk because there is no Fire Detection System installed.

A Specialist in Fire Suppression issues will be required to draft the technical specifications concerning the installation of the gas fire suppression systems, the purging system and the installation of the fire detectors. The technical specifications will form part of the tender documents for this project.

The recommendations contained in the CorpSec report have been given an order of priority. Cost estimates have been obtained from the firm, Fire Design and Commissioning. Prices exclude GST.

		\$
1.	Provide a gas fire suppression system to protect plans and the computer patch panel in the plan room.	31,000
2.	Provide agent purging system to all gas flooded rooms with fire dampers to the ducts.	37,400
3.	Provide a gas fire suppression system to protect the computer room.	33,000
4.	Provide a new gas fire suppression system to the immediate filing room and replace current doors with fire rated doors.	25,750
5.	Provide a new gas fire suppression system to the compactus filing room and replace current doors with fire rated doors.	25,750
6	Drafting of Technical Specifications for the upgrading of the fire protection systems within the Administration Complex. The technical Specification will become part of the tendering	6,400

	process for the work.	
7	Install fire detectors to Australian Standards to the Administration Complex.	50,000
	Sub-total	209,300
	Contingency of 5%	10,465
	Total	<u>219,765</u>

Strategic Plan/Policy Implications

Council's commitment set out in its Corporate Strategic Plan.

To construct and maintain community buildings, which are owned or managed by Council, to meet community needs.

Budget/Financial Implications

Funds are available in the Major Refurbishment Council Buildings Reserve Fund to implement the work as described.

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

Nil.

17.7 (OCM1_5_2002) - SOUTH LAKE LEISURE CENTRE FEES AND CHARGES 2002/2003 (8143) (RA)

RECOMMENDATION

That Council:

- (1) adopt the proposed fees and charges for South Lake Leisure Centre for the 2002/2003 financial year; and
- (2) apply the new charges from the 1st July 2002, and give local public notice of the imposition pursuant to s.6.19 of the Local Government Act, 1995.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The South Lake Leisure Centre is the City of Cockburn's premier recreation venue. The Centre has calculated a number of price changes based on the increasing costs to provide services and also being cognisant of the need for a competitive price structure for the market place.

Due to new competition and the impending closure, the Centre has not recommended any increase to the majority of prices in the Aquatic and Fitness areas. Additionally, some fees in the program area have been reduced in an effort to increase participation in these areas.

Submission

N/A

Report

The pricing structure for South Lake Leisure Centre caters for all services, offering a variety of payment options for many services. The current and proposed pricing structure for the Centre is as follows.

Room Hire				
	Current fee	Proposed Fee	Plus GST	Total Fee
Recreation Room Day (until 5 pm)	16.50	15.00	1.50	16.50
Recreation Room Evening (after 5pm)	27.50	25.00	2.50	27.50
Recreation Room Bond	220.00	200.00	20.00	220.00
Sports Stadium Day	25.00	22.73	2.27	25.00
Sports Stadium Evening	35.00	31.82	3.18	35.00
Sports Stadium Bond	550.00	500.00	50.00	550.00
Crèche / Youth Room	12.50	11.36	1.14	12.50
Equipment Hire per item (Tables, chairs, sporting equipment)	3.50	3.18	0.32	3.50

Swimming Lessons				
	Current fee	Proposed Fee	Plus GST	Total Fee
Adult Swimming Lesson (up front payment)	92.00	86.36	8.64	95.00
Adult Swimming Lesson (weekly payment)	107.00	100.00	10.00	110.00
Preschool Swimming Lesson (up front)	86.00	87.00	0.00	87.00
School age inc GST(up front)	92.00	86.36	8.64	95.00
School age GST free (up	87.00	87.00	0.00	87.00

front)				
Parent – Child Lessons	88.00	80.00	8.00	88.00

Aquatics

	Current fee	Proposed Fee	Plus GST	Total Fee
Adult entry	3.50	3.18	0.32	3.50
Adult combined	5.70	5.18	0.52	5.70
Student Entry	2.40	2.27	0.23	2.50
Student combined	4.00	3.73	0.37	4.10
Pensioner entry	2.30	2.09	0.21	2.30
Spectator	1.20	1.18	0.12	1.30
School entry	1.30	1.27	0.13	1.40
Vacation 1 child	31.35	29.68	2.97	32.65
Vacation 2 children	51.20	48.45	4.85	53.30
Vac 3 children	71.00	67.23	6.72	73.95
Vac 4 children	91.00	86.18	8.62	94.80
Vac 5 children	108.70	102.91	10.29	113.20
Vac 6 children	125.40	118.73	11.87	130.60
Adult 10	33.30	30.27	3.03	33.30
Adult 20	63.00	57.27	5.73	63.00
Adult 50	148.75	135.23	13.52	148.75
Student 10	22.80	20.45	2.05	22.50
Student 20	43.20	40.91	4.09	45.00
Student 50	102.00	95.45	9.55	105.00
Pensioner 10	21.85	19.86	1.99	21.85
Pensioner 20	41.40	37.64	3.76	41.40
Pensioner 50	97.75	88.86	8.89	97.75
Spa/sauna	6.50	5.91	0.59	6.50
Pensioner Spa/sauna	5.50	5.00	0.50	5.50
Lane Hire	15.00	13.64	1.36	15.00
Dolphin 100	184.00	178.18	17.82	196.00
Dolphin 200	322.00	311.82	31.18	343.00
Family Swim(2 adults and 2 children)	N/A	9.09	0.91	10.00

Programs

	Current fee	Proposed Fee	Plus GST	Total Fee
Senior Team Registration (AM)	74.00	67.27	6.73	74.00
Senior Team Registration (PM)	94.00	85.45	8.55	94.00
Weekly Team Fees(AM)	26.00	25.45	2.55	28.00
Weekly Team Fees(PM)	33.50	31.82	3.18	35.00
Weekly Team Fees(Soccer / Hockey)	25.00	24.55	2.45	27.00
Weekly Team Fees(Soccer /	N/A	26.00	2.60	28.60

Programs

Hockey)				
Junior Coaching Fees (individual)/ term	36.00	36.36	3.64	40.00
Junior Team Registration(per player)	7.50	7.27	0.73	8.00
Junior Team Competition	21.00	22.00	2.20	24.20
Adult Courses/term	63.00	61.82	6.18	68.00
Junior Courses (excluding below & ballet)/term	52.00	47.50	4.75	52.25
Junior Drama/term	57.50	50.00	5.00	55.00
Junior Dance	52.00	45.45	4.55	50.00
Junior Art	52.00	40.91	4.09	45.00
Senior Art	N/A	50.91	5.09	56.00

Crèche

	Current fee	Proposed Fee	Plus GST	Total Fee
Crèche (1 st child) 1.5 hours	2.20	2.00	0.20	2.20
Crèche (additional child) 1.5 hours	1.10	1.00	0.10	1.10
Crèche (1 st child) 2 hours	2.70	2.45	0.25	2.70
Crèche (additional child) 2 hours	1.40	1.27	0.13	1.40
Crèche 10 Voucher(1 st child) 1.5 hours	19.00	17.27	1.73	19.00
Crèche 10 Voucher(1 st child) 2 hours	23.30	21.19	2.11	23.30

Childcare facilities are for South Lake Leisure Centre patrons only.

Crèche Opening Hours: Monday to Friday – 8.45am – 1.00pm

Public Holidays – 8.45am – 12.00pm

Fitness

	Current fee	Proposed Fee	Plus GST	Total Fee
Casual Gymnasium and Swim	8.00	7.73	0.77	8.50
Casual Aerobic/Aquarobic	6.50	5.91	0.59	6.50
Over 50	5.00	4.55	0.45	5.00
Club 50 Voucher x 10	45.00	40.90	4.09	45.00
Aerobic / Aquarobic voucher x 10	58.50	53.18	5.32	58.50
Aerobic / Aquarobic voucher x 20	110.50	100.45	10.05	110.50
1 option 1 month	60.00	54.55	5.45	60.00
1 option 3 month	145.00	131.82	13.18	145.00
1 option 6 month	255.00	231.82	23.18	255.00
1 option 12 month	380.00	345.45	34.55	380.00
1 option Direct Debit	35.00	31.82	3.18	35.00

Fitness

	Current fee	Proposed Fee	Plus GST	Total Fee
2 option 1 month	70.00	63.64	6.36	70.00
2 option 3 month	160.00	145.45	14.55	160.00
2 option 6 month	290.00	263.64	26.36	290.00
2 option 12 month	440.00	400.00	40.00	440.00
2 option Direct Debit	39.00	35.45	3.55	39.00
3 option 1 month	80.00	72.73	7.27	80.00
3 option 3 month	175.00	159.09	15.91	175.00
3 option 6 month	310.00	281.82	28.18	310.00
3 option 12 month	490.00	445.45	44.55	490.00
3 option Direct Debit	43.00	39.09	3.91	43.00
4 option 1 month	90.00	81.82	8.18	90.00
4 option 3 month	205.00	186.36	18.64	205.00
4 option 6 month	330.00	300.00	30.00	330.00
4 option 12 month	535.00	486.36	48.64	535.00
4 option Direct Debit	46.00	41.82	4.18	46.00
Off peak 1 month (Gym & Aquatics Only)	50.00	45.45	4.55	50.00
Off peak 3 month (Gym & Aquatics Only)	120.00	109.09	10.91	120.00
Off peak 6 month (Gym & Aquatics Only)	200.00	181.82	18.18	200.00
Off peak 12 month (Gym & Aquatics Only)	320.00	290.91	29.09	320.00
Off peak Direct Debit (Gym & Aquatics Only)	30.00	27.27	2.73	30.00
Joining Fee (Varies per m/ship options)	1 month DD m/ship	Varies	Varies	1 month DD m/ship
Direct Debit Cancellation Fee	100.00	90.91	9.09	100.00
Membership Suspension Fee	11.00	10.00	1.00	11.00

SOUTH LAKE DOLPHINS SWIM CLUB

It has been noted that included in the budget for the South Lake Leisure Centre is a donation from the Municipal Fund to the Centre for the use of the pool by the Dolphins Swimming Club. The proposed fee schedule allows for a continuation of the subsidy to the Dolphins. A detailed report on the donation to the Dolphin Swimming club will be included in the 2002/03 Budget preparations.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

The revised fees provide for a budget deficit of \$217,000 excluding the cost of the closure of the pool during the period of the replacement of the shell. The equivalent figure for 2001/2002 is expected to be \$210,000.

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

The South Lake Leisure Centre (S.L.L.C.) operates in a highly competitive market in an industry that is serviced by private enterprise (e.g. B.C. the Body Club), Community Organisations (e.g. Lakeside Baptist Recreation Facility) and surrounding local governments (e.g. City of Melville – Leeming Recreation Centre), all of which provide some, if not all, of the services, facilities and programmes offered by S.L.L.C. Council is required to be cognisant of the principles of National Competition Policy (N.C.P.) in setting its fees and charges, in order for it to be publicly known that the Centre is a commercial activity subsidised by the ratepayers of the District.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

19.1 (OCM1_5_2002) - NOTICE OF MOTION - PROPOSAL FOR COMMUNITY LIAISON AND SECURITY SERVICE (8957) (DMG)

RECOMMENDATION

That Council staff prepare a strategy paper to address a Community Liaison and Security Service, based on the City of Melville and other local government models, with a view to the possible future introduction of this type of service into the City of Cockburn.

COUNCIL DECISION

Background

On 16 April, 2002, officers from the City of Melville presented an overview of the Melville Community Liaison and Security Service.

By letter dated 17 April, 2002, a Notice of Motion was provided by Mayor Lee, as follows:-

"That Council staff prepare a strategy paper to address a Community Liaison and Security Service, based on the City of Melville model, with a view to the possible future introduction of this type of service into the City of Cockburn."

Pursuant to Council's Standing Orders, the Motion is required to be considered by Council at its May, 2002, meeting.

Submission

To investigate the possibility of establishing a similar service for the City of Cockburn.

Report

The City of Melville made an impressive presentation of its Community Liaison and Security Service (CLSS) to Elected Members and senior officers of the City of Cockburn.

The main focus of the presentation was that the Melville example provided more than an observe and report (to police) brief. It claimed to be action orientated and was keen to be seen as an added value service to the community by undertaking some basic tasks which would otherwise rely on the call-out of Council staff to attend, or the issue simply waiting to be addressed at a subsequent time.

While the presentation was brief and many implications of the service need more thorough investigation, there is enough preliminary evidence to suggest there is potential to develop a Community Safety Strategy for Cockburn, which could include aspects of the Melville CLSS.

Accordingly, it is considered that the recommendation is worthy of Council support.

Strategic Plan/Policy Implications

Key Result Area – "Providing an optimum range of community services" refers.

Budget/Financial Implications

The introduction of a security service would require a property levy to be issued against all properties benefitting from the service on a full cost recovery basis.

The Community Liaison and Security Service (CLSS) patrols cost the City of Melville \$823,00 p.a. and overall security initiatives for which a levy charge is made is \$1.2M p.a.

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

Security patrols have been introduced by local governments in recent times in response to a perceived lack of service and response by the traditional Police Service provided by the State Government.

Councils employing these patrols have done so by a variety of means, either utilising existing commercial providers, establishing their own in house service, or extending an existing service unit to integrate this component.

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

Nil

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

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

24.1 (OCM1_5_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:-

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

COUNCIL DECISION

25. CLOSURE OF MEETING

Nil