

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 DECEMBER 2006 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 DECEMBER 2006 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr I Whitfield	-	Councillor
Mr K Allen	-	Councillor
Ms L Goncalves	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

##### IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr K. Lapham	-	Acting Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr R. Avard	-	Manager, Community Services
Ms V. Viljoen	-	PA to the Chief Executive Officer

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm.

#### 2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A

#### 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 (OCM 14/12/2006) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

The Presiding Member advised the meeting that he had received a declaration of financial interest from Clr Limbert; a declaration of a conflict of interest from Clr Goncalves; and three declarations of a financial interest and one declaration of a conflict of interest from Clr Allen, which would be read at the appropriate time.

**5 (OCM 14/12/2006) - APOLOGIES AND LEAVE OF ABSENCE**

Clr Amanda Tilbury - Leave of Absence  
Deputy Mayor Richard Graham - Apology

NOTE: AT THIS POINT MAYOR LEE HIGHLIGHTED CURRENT AWARDS RECEIVED FOR ACHIEVEMENTS OF THE CITY OF COCKBURN:

National Awards for Local Government 2006 –  
Category Winner, Community Business Partnerships

The Prime Minister's Employer of the Year Awards 2006 –  
Finalist, Large Employer of the Year Award

Accessible Communities Award 2006 –  
Winner for improvements in access and inclusion by a local government authority

The Fremantle Hospital Medical Research Foundation in appreciation of the  
2007 City of Cockburn Research Award

**6 (OCM 14/12/2006) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil



## 7 (OCM 14/12/2006) - PUBLIC QUESTION TIME

**John Lings - Pye Place, Safety Bay**  
**On behalf of Dean Lings – Aster Close, Beeliar**

ITEM 14.9 – RETROSPECTIVE APPROVAL (EXISTING BALCONY) – LOT 318 (NO. 11) ASTER CLOSE, BEELIAR

Q1 *Does council intend to formally reply to all elements of our submission and fully explain the details of the report recommendations at a formal meeting where council will explain their interpretation of the R codes to us and our consultants, as yet we have no formal reply?*

A1 The submission, provided by Mr. Lings, did not request that a formal response to the matters raised in the submission be provided, however Council's Planning Service will prepare and forward a detailed response on their submission.

Comments regarding concerns raised in Mr. Lings' submission have been included in the Council report on the item. Mr. Lings was sent correspondence acknowledging his submission, advising him that the matter would be considered at tonight's Council meeting, and that he had the opportunity ask questions/address Council.

Subsequent to being advised of the inclusion of the item on the Council agenda officers from Council's Planning Service have spoken to Mr. Lings on several occasions. In those conversations Council officers discussed the application, the concerns raised, and the manner in which the Council's Planning Services have assessed the application.

Q2 *Does council intend to issue full details of any & all proposed screening/louvres to the height of 1.6m as mentioned in the recommendation of the report before retrospective approval is granted?*

A2 Planning Services will be responsible for ensuring the conditions imposed on any development approval are satisfactorily addressed. Unless otherwise required, this will involve dealings directly between Council's Planning staff and the applicant. At present, the applicant is of the view that what is proposed is sufficient for the purposes of screening, hence there are no details provided other than those provided with as part of the application.

Q3 *Why is the report written implying our submission is biased to privacy issues when clearly our submission is referring heavily to R code?*

A3 The report before Council identifies concerns regarding privacy by



virtue of non-compliance with R-Code provisions relating to the protection of visual privacy. It should be noted that the two matters are directly related and therefore are not dealt with separately.

NOTE: Due to time limitations, the Presiding Member advised Mr Lings that any unanswered questions would be responded to in writing.

**Mia Shilkin – Waverley Road, Coolbellup**

ITEM 13.1 – PROPOSED REVOCATION OF MINUTE NO. 3257 (AGENDA ITEM 14.8) COUNCIL MEETING 14 SEPTEMBER 2006 – PEDESTRIAN ACCESSWAY – EGEUS WAY TO WAVERLEY ROAD, COOLBELLUP

Q1 *When will the laneway between 52-54 Waverley Road be closed as we have been asking for it to be closed for four years, we have a signed petition to present and are happy to cover costs of having the lane closed, which is unsafe to the residents in the neighbouring houses and surrounding area – we have Police reports as well?*

A Council at its meeting on the 14 September 2006 resolved not to initiate the closure of the pedestrian accessway between Egeus Way and Waverley Road, Coolbellup and to install bollard lighting within the pedestrian accessway, with Neighbourhood Watch signs at either end. On the agenda of tonight's Council meeting there is an item (Item 13.1) seeking a revocation of that Council decision and dependent upon Council's determination of the revocation notice Council will advise Ms. Shilkin and the other petitioners as to whether Council is prepared to support the closure of the pedestrian accessway.

The Presiding Member asked the Director, Planning & Development, how long the process was likely to take should Council decide to close the PAW at the Ordinary Council Meeting this evening.

The Director, Planning & Development advised there was no specified time period. There are a number of utility services located within the PAW and it was dependent on the level of work involved, but an estimate would be at least six months.

**Natasha and David Soltoggio – Hird Road, Success**

Item 14.7 – SINGLE HOUSE CODES APPROVAL (OUTBUILDING) – LOT 122 (NO. 4) HIRD ROAD, SUCCESS

Q *Why was this outbuilding approved in 2004 and objected to in 2006?*

A There was a previous application lodged for a similar structure in 2004, which was approved in April 2004. The approval however has subsequently lapsed and a new application is required. It has been assessed in accordance with Council's Policy (APD 18) and it also





required a variation to the R-Codes, which required it to be advertised to the adjoining landowners for comment. There have been changes that have occurred to the requirements over that period of time from when the application was previously lodged in 2004 to the current application in 2006.

## **N Cockterton – Mainsail Terrace, Yangebup**

### **YANGEBUP ROAD CLOSURE**

**Q** Why are the road works involved in closing Yangebup Road being further delayed, particularly when the Mayor confirmed with the Director Engineering & Works at the Council meeting on 11 May that there was nothing anticipated that would hold up this construction?

**A** The intersection of Yangebup Road and Spearwood Avenue has been completed and is open to traffic. Formal signing and lining has not been completed to date.

Yangebup Road west of the intersection is closed.

The upgrade of the intersection of Beeliar Drive and Birchley Street was recently completed and is also awaiting line-marking. This project was to be completed prior to closure of Yangebup Road east of the railway line.

Works to close Yangebup Road will be completed early in the New Year. Swan Transit will be notified and sufficient time will be provided to allow them to re-route their bus service. The works are progressing however we have experienced delays due to our labour shortage in both professional and operational areas.

The Presiding Member asked the Director, Engineering & Works, for an estimated date for the closure.

The Director, Engineering & Works anticipated closure would be finalised by the end of February 2007.

## **Hugh Needham – Quince Way, Coolbellup**

**Q1** *Dog Exercise area South beach to Catherine point Can the Council give an assurance that the dog exercise area known as South Beach will not be closed at any time other than for safety reasons even if recommended by the workshop that is being held on Monday 18/12/06.*

**A1** Whilst the workshop will be preparing a foreshore management plan that will cover activities on the foreshore and the dunes for South Beach, final acceptance of the management plan will be subject to Council deliberation.



Q2 *Will council release names and suburbs of participants in any meeting or workshop pertaining to the coastal area South beach to Woodman's Point.*

A2 It is not Council's position to release the names or details of any of the participants in the workshop. Suffice to say they come from a variety of the community groups across the City and represent residents in most of the surrounding suburbs as well as Councillors and other key members of the community.

## 8. CONFIRMATION OF MINUTES

### 8.1 **(MINUTE NO 3316) (OCM 14/12/2006) - (OCM 14/12/2006) - ORDINARY COUNCIL MEETING - 9 NOVEMBER 2006**

#### **RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 9 November 2006 be adopted as a true and accurate record.

#### **COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr V Oliver the Minutes of the Ordinary Council Meeting held on Thursday, 9 November 2006 be adopted as a true and accurate record, subject to a notation in respect of Item 18.1 (Minute No. 3312) that Mr Joe Ferreira's submission on this item did not refer to "removing the proposed alignment from the rear boundary of his property".

**CARRIED 8/0**

#### **Reason for Decision**

Mr Ferreira made a submission in relation to the "Draft Plan for the District" and the proposal to extend Spearwood Avenue between Hamilton Road and Cockburn Road. His proposal did not make mention of the alignment being at the rear of his property. His property does not share a boundary with either the proposed road alignment or the park.

## 9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil



**10 (OCM 14/12/2006) - DEPUTATIONS AND PETITIONS**

Clr Val Oliver tabled a petition which strongly opposed keeping the laneway between 52 and 54 Waverley Road open as it was felt to be a danger to the surrounding houses and neighbourhood and urged the Cockburn Council to approve it being closed as soon as possible.

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

Nil

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

Nil

**13. COUNCIL MATTERS**

**13.1 (MINUTE NO 3317) (OCM 14/12/2006) - PROPOSED REVOCATION OF MINUTE NO. 3257 (AGENDA ITEM 14.8) COUNCIL MEETING 14 SEPTEMBER 2006 - PEDESTRIAN ACCESSWAY - EGEUS WAY TI WAVERLEY ROAD, COOLBELLUP (450324) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council revokes Minute No. 3257 (Agenda Item 14.8) as adopted by Council at its meeting held on 14 September 2006 in relation to this matter.

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

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/1**

**Background**

By letter dated 19 October 2006 Councillor Oliver has submitted a Notice to revoke the following Council decision made at its meeting conducted on 14 September 2006:-



14.8 (MINUTE NO 3257) (OCM 14/09/2006) - PEDESTRIAN ACCESSWAY - EGEUS WAY TO WAVERLEY ROAD, COOLBELLUP - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: ADJOINING OWNERS (450324) (KJS) (ATTACH)

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr A Tilbury that Council:

- (1) receives the two petitions;
- (2) not initiate the closure of the Pedestrian Accessway between Egeus Way and Waverley Road, Coolbellup;
- (3) install bollard lighting at a cost of up to \$4,000 from the "Pedestrian Accessway Closure Costs" account within the 2006/07 Budget;
- (4) erect Neighbourhood Watch signs at each end of the Pedestrian Access Way; and
- (5) advise the petitioners of Council's decision.

**CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 6/1**

**Submission**

To revoke the Council decision made in response of this issue.

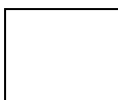
**Report**

It has been confirmed that none of the actionable sub-recommendations contained in the resolution have been initiated, therefore it is competent for Council to revoke the motion in its entirety.

Should the revocation motion be carried, Councillor Oliver has prepared the following motion to be considered in its place.

*"That Council:-*

- (1) *receive the petitions;*
- (2) *request the Minister for Planning and Infrastructure to close the pedestrian accessway between Egeus Way and Waverley Road, Coolbellup, subject to the adjacent landowners agreeing to:-*
  1. *purchase the land involved;*
  2. *pay for the cost of removing any infrastructure located within the accessway;*



3. *pay the Council Administration Fee of \$250; and*
- (3) *advise the petitioners of Council's decision."*

**Reason for Decision**

*Council considers that the degree of inconvenience caused to residents living adjacent to the accessway justifies a request to have it closed.*

Council may consider the motion without further officer comment on the matter, as there are no changes to the circumstances contained in the report submitted to the September Council meeting (see attachments).

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

Nil

**Legal Implications**

Local Government Act sec. 5.25 (1) (e) and  
Local Government (Administration) Regulation 10 refer.

**Community Consultation**

N/A

**Attachment(s)**

1. Notice of Revocation and alternative motion – Councillor Oliver.
2. Report and Attachment – OCM Item 14.8 September 2006

**Advice to Proponent(s)/Submissioners**

N/A

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

Nil.



**(MINUTE NO 3318) (OCM 14/12/2006) - PEDESTRIAL ACCESSWAY - EGEUS WAY TO WAVERLEY ROAD, COOLBELLUP - OWNER: STATE OF WESTERN AUSTRALIAN - APPLICANT: ADJOINING OWNERS (450324) (KJS)**

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr S Limbert that Council:

- (1) receive the petitions;
- (2) request the Minister for Planning and Infrastructure to close the pedestrian accessway between Egeus Way and Waverley Road, Coolbellup, subject to the adjacent landowners agreeing to:
  1. purchase the land involved;
  2. pay for the cost of removing any infrastructure located within the accessway;
  3. pay for Council Administration Fee of \$250; and
- (3) advise the petitioners of Council's decision.

**CARRIED 7/1**

**Reason for Decision**

Council considers that the degree of inconvenience caused to residents living adjacent to the accessway justifies a request to have it closed.

**13.2 (MINUTE NO 3319) (OCM 14/12/2006) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING MINUTES 8 NOVEMBER 2006 (1054) (SGC) (ATTACH)**

**RECOMMENDATION**

That Council receives the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 8 November 2006, as attached to the Agenda, and adopts the recommendations contained therein.

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



**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Background**

The delegated Authorities, Policies and Position Statements Committee conducted a meeting on 8 November 2006. The minutes of the meeting are required to be presented to Council and its recommendations considered by Council.

**Submission**

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

**Report**

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

**Strategic Plan/Policy Implications*****Governance Excellence***

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

**Budget/Financial Implications**

Committee Minutes refer.

**Legal Implications**

Committee Minutes refer.

**Community Consultation**

Committee Minutes refer.



**Attachment(s)**

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 8 November 2006.

**Advice to Proponent(s)/Submissioners**

N/A

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

Nil

**13.3 (MINUTE NO 3320) (OCM 14/12/2006) - MINUTES OF AUDIT COMMITTEE MEETING 8 NOVEMBER, 2006 (5017) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Audit Committee Meeting held on 8 November 2006, as attached to the Agenda and the recommendation contained therein be adopted.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

A meeting of the Audit Committee was conducted on 8 November 2006.

**Submission**

To receive the Minutes of the Committee and adopt its recommendation.

**Report**

The committee considered the following reports:-

1. Purchasing processes – Remedial action taken in respect of the City's purchasing and payments system.





2. Audit of fuel used for Council's fleet - A quotation has been received from KPMG to undertake the review. However, as no funds can be identified to allocate to the project, it is recommended that the matter be reconsidered at the Budget review in 2007.
3. Annual Financial External Audit Report for 2005/06 – As the Report is not yet available, the committee resolved to defer this matter to another meeting of the Audit Committee to be conducted in December 2006.
4. Internal Audit Compliance Review 2005/06 – The Internal Audit Report demonstrated a high level of compliance in those areas tested. It is recommended that the scope of the Audit be further reviewed at the March 2007 Audit Committee meeting.
5. Review of Tendering Arrangements – The Tendering Procedures Evaluation process was reviewed and recommended for adoption with minor modifications.
6. Legal Proceedings – A report in accordance with Position Statement PSES13 “Legal Proceedings Between Council and Other Parties” was presented to committee and is recommended for adoption.
7. I.T. Risk Impact Analysis Report – A report undertaken by consulting firm L7 Solutions was considered with a list of 10 areas to action noted.

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

Strategic Plan Initiative Outcome refers:

#### ***Governance Excellence:***

- *To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way*

### **Budget/Financial Implications**

As contained in Minutes

### **Legal Implications**

As contained in Minutes

### **Community Consultation**

N/A



**Attachment(s)**

Minutes of Audit Committee 8 November 2006.

**Advice to Proponent(s)/Submissioners**

N/A

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

Nil

**DECLARATION OF INTEREST**

Clr Limbert declared a financial interest in the following item, the nature of the interest being that she is a nominated Director of a body corporate which is an applicant for Council funding.

Clr Allen declared a financial interest in the following item, the nature of the interest being that he is an executive officer of a body corporate which is an applicant for Council funding.

CLRS LIMBERT AND ALLEN LEFT THE MEETING AT THIS POINT, THE TIME BEING 7.46PM.

**13.4 (MINUTE NO 3321) (OCM 14/12/2006) - MINUTES OF GRANTS AND DONATIONS COMMITTEE MEETING 21 NOVEMBER 2006 (5930) (RA) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Grants and Donations Committee meeting held on 21 November 2006, as attached to the Agenda and the recommendations contained therein be adopted.

**COUNCIL DECISION**

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

**CARRIED 6/0**



## Background

A meeting of the Grants and Donations Committee was held on 21 November 2006.

## Submission

To receive the minutes of the Grants and Donations Committee and adopt the recommendations of the Committee.

## Report

On Council's 2006/07 Budget the sum of \$490,000 was identified for distribution as grants and donations to not for profit organisations and to individuals. The Grants and Donations Committee at its meeting of the 15 August 2006 gave consideration to the level and nature of grants and donations for 2006/07.

The availability of donations to community organisations was advertised. Applications for donations have been considered by the Grants and Donations committee at its meeting of 21 November 2006.

A list of the recommended grants and donations made by the committee is attached to the Agenda along with the minutes of the Grants and Donations Committee.

## Strategic Plan/Policy Implications

### **Governance Excellence**

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

## Budget/Financial Implications

All Grants and Donations will be considered in the context of Council Policy SC35 "Grant and Donations – Not for Profit Organisations" which establishes that 2% of rateable income will be available for this purpose.

## Legal Implications

Elected members need to be aware of the requirements of the Disclosure of Financial Interests and Disclosure of Interests Affecting Impartiality provisions of the Local Government Act, 1995 and related Regulations.



### Community Consultation

The availability of Community Grants and Donations has been advertised in local newspapers and City of Cockburn publications.

### Attachment(s)

1. Minutes of Grants and Donations Committee Meeting 21 November 2006.
2. Proposed Grants and Donations Allocations for November 2006/07 as recommended by the administration and committee.

### Advice to Proponent(s)/Submissioners

N/A

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

Nil.

CLRS LIMBERT AND ALLEN RETURNED TO THE MEETING, THE TIME BEING 7.49PM.

THE PRESIDING MEMBER ADVISED CLRS LIMBERT AND ALLEN OF THE DECISION OF COUNCIL WHILST THEY WERE ABSENT FROM THE MEETING.

## 14. PLANNING AND DEVELOPMENT DIVISION ISSUES

### 14.1 **(MINUTE NO 3322) (OCM 14/12/2006) - SINGLE HOUSE CODES APPROVAL - LOT 433 (NO. 12) JESMOND LANE, SUCCESS - OWNER: G DWYER - APPLICANT: JWH GROUP PTY LTD (6005028) (AJW) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) grant its approval for a two (2) storey single dwelling on Lot 433 (No.12) Jesmond Lane, Success, in accordance with the approved plans subject to the following conditions:

#### CONDITIONS

1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.



2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
3. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
4. All stormwater is to be contained and disposed of on-site.
5. Driveways are to be provided and completed in accordance with the requirements of the Detailed Area Plan applicable to the lot and location.
6. Fencing is to be completed in accordance with the requirements of the Detailed Area Plan applicable to the lot and location.
7. Air conditioning or cooling units, and solar hot water units are to be placed on the dwelling and/or site in accordance with the requirements of the Detailed Area Plan applicable to the lot and location;
8. Any retaining wall(s) are to be constructed in accordance with a qualified Structural Engineer's design.

#### FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
  2. In the event there are any questions regarding the requirements of this approval, or the planning control applicable to the land and/or location, Council's Planning Services should be consulted.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval);
- (3) advise the applicant and submissioner of Council's decision accordingly.



**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R40
LAND USE:	Residential	
LOT SIZE:	427m <sup>2</sup>	
USE CLASS:	House – Single (R-Code) 'P' (Permitted)	

**Submission**

Application has been made to erect a two (2) storey single dwelling on the subject land. The proposal generally complies with the requirements of the Detailed Area Plan (DAP) applicable to the land and the requirements of the R-Codes with the exception of the following matters:

- Privacy - 'Cone of Vision' projection across north side boundary (from upper level guest room); and
- Privacy -'Cone of Vision' projection across south side boundary (from upper level bedroom two and balcony).

**Report**

The variations detailed above are considered minor and are supported.

**Consultation**

Adjoining property owners were consulted about the proposal, primarily in respect of the Cone of Vision projections. No response was received from the owners to the north regarding the minor projection across the northern side boundary. The owner adjoining to the south, however, has objected to the proposal. As explained in the submission, the main concern of the adjoining owner relates to an envisaged loss of privacy.

In response to the above concern, it is noted that the window and balcony from which the Cone of Vision projections occur form part of what amounts to be the front, or public elevation of the dwelling. The rear of all lots on the eastern side of Jesmond Lane front onto an area of local public open space. This interface with the public domain,



therefore, is tantamount to that where a dwelling typically fronts a road reserve - discounting the expectation that the level of privacy should be similar to that, for example, of a rear yard.

To the contrary, the composition of the proposed elevation is considered to be consistent with that anticipated in circumstances where dwellings do front onto roads and public spaces. In this regard, the establishment of a positive connection between the private and public domain is encouraged, providing for high degrees of natural surveillance and improved security for local residents and the community generally.

Bearing the above in mind, it is recommended that Council exercise its discretion and approve the variations presented as part of the application for the erection of a single dwelling on the subject land.

#### Recommendation

That Council conditionally approve the application for a two (2) storey single dwelling on Lot 433 (No.12) Jesmond Lane, Success.

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

##### ***Demographic Planning***

- *To ensure development will enhance the levels of amenity currently enjoyed by the community.*

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

In the event an application for review to the State Administrative Tribunal arises in respect of any of the conditions proposed to be imposed on approval, there may be a cost to be borne by Council.

#### **Legal Implications**

Town Planning Scheme No.3  
Residential Design Codes 2002  
Planning and Development Act 2005

#### **Community Consultation**

Adjoining owners were consulted regarding the proposal.

#### **Attachment(s)**

- (1) Location Plan
- (2) Site plan, floor plans and elevations;
- (3) Objector submission.



**Advice to Proponent(s)/Submissioners**

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 December 2006 Council Meeting.

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

Nil.

**14.2 (MINUTE NO 3323) (OCM 14/12/2006) - GROUPED (R-CODE) DWELLING - 36 DWELLINGS - LOT 1 (NO. 7) FLORIZEL STREET, COOLBELLUP - OWNER: DEPARTMENT OF HOUSING AND WORKS - APPLICANT: MIRVAC (WA) PTY LTD (1100822) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant its approval to thirty six (36) grouped dwellings on Lot 1 (No 7) Florizel Street, Coolbellup in accordance with the approved plan subject to the following conditions:-

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
5. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
6. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, by the Council.





7. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 2.1 metre truncation, as depicted on the approved plan.
8. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
9. All stormwater being contained and disposed of on-site.
10. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
11. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
12. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Council.
13. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed **prior to the development being occupied** and thereafter maintained to the satisfaction of the Council.
14. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade 2.5%.
15. Landscaping is to be undertaken in the street verge adjacent to the Lot(s) in accordance with the approved plans and be established **prior to the occupation of the building**; and thereafter maintained to the Council's satisfaction.
16. All outdoor living areas must be fully developed with appropriate paving, reticulation and landscaping with visually permeable front fences above 1.2 metres in height.

17. The emissions of airborne dust and sand drift must not cause nuisance to neighbours during subdivision works. Prior to commencement of any site works, a Dust Management Plan, in accordance with the Local Government Guidelines for the preparation of Dust Management Plans, is to be submitted by the subdivider to the Local Government for approval.
18. Measures being taken to the satisfaction of the Council to ensure the identification and protection of all mature trees on the site worthy of retention prior to the commencement of site works.
19. The new road reserve being a minimum width of 13 metres in accordance with the WAPC subdivision approval of 29 March 2006.
20. Street corners within the development being truncated to the standard truncation of 8.5 metres unless otherwise determined by Council.
21. Redundant crossovers being removed and footpaths and kerblines being reinstated to the satisfaction of Council.

#### SPECIAL CONDITIONS

22. The proposed development must only be carried out in accordance with the Coffey Geosciences Pty Ltd "Bowen Court Apartments, Coolbellup Geotechnical Investigation", dated 14 May 2006 (P6570.01-AB), and further require that the footing detail equivalent to an ("M") foundation be used.
23. Soak wells must be installed at least 4m clear of house footings (including those on adjacent lots) in accordance with Coffey Geosciences Pty Ltd subsequent recommendations. Flexible connections for the hydraulic services must also be utilised to accommodate any potential building movement.
24. Site compaction at all times must not cause unacceptable vibration that adversely affects the amenity of surrounding residents.
25. The founding conditions and footing design for each dwelling unit proposed on the land must be certified by Structerre based on the stiffened raft slab that the buildings will perform adequately based on Coffey Geosciences Pty Ltd settlement estimates.



26. Structerre must provide compaction certificates and carry out structural inspections for all 36 building pads and carryout inspections throughout the duration of building construction to ensure adherence to their designs. Structerre must also accept responsibility for any failure of the structure constructed in accordance with their certification.
27. A notification under Section 70A of the Transfer of Land Act is to be prepared in the form below and lodged with the Registrar of Titles Office on the Certificate of Title of all lots for endorsement of development works. This Notification affects 36 lots and is to be sufficient to alert prospective purchasers of the geotechnical investigation and site classification including building and site construction requirements. The Notification should (at the cost of the applicant) state as follows:

*“This land has been classified ‘P’ under AS2870 – 1996, because of the presence of loose soils within the soil profile, which could lead to unacceptable settlement for a residential structure if not addressed by adequate engineering. Foundations for a ‘P’ classification must to be designed by a Structural Engineer taking into account the conditions that have resulted in this classification. These requirements can result in additional development costs. Proposed light structures within the affected area must be certified by a Structural Engineer on a ‘P’ type soil classification. Soak wells must also be installed at least 4 metres clear of house footings (including those on adjacent lots).”*

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

28. All **stormwater** drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be **certified by a suitably qualified practicing Engineer**, and designed on the basis of a 1:10 year storm event. Special drainage requirements defined in Coffey's Geotechnical Report must be addressed.
29. A landscape plan must be submitted to the Council and approved, **prior to applying for building licence** and shall include the following:-

(1) the location, number and type of existing and

proposed trees and shrubs, including calculations for the landscaping area being in conformity with the City of (2)Cockburn Greening Plan;

- (2) any lawns to be established;
- (3) any natural landscape areas to be retained;
- (4) those areas to be reticulated or irrigated; and verge treatments.

**FOOTNOTES**

- 1. The development is to comply with the requirements of the Building Code of Australia.
  - 2. This development has been assessed and approved as "grouped dwellings". Approval of the development application should not be construed as an approval to subdivide the land and in particular the proposed development may not be suitable for "single house" subdivision.
  - 3. Council has exercised its discretion not to impose the requirements of the R-Codes relating to visitor car parking bays and lockable storage areas for units on the basis that the proponent proceeds to subdivide the subject land into separate titles. A reduced side setback of 1.0m in lieu of 1.5m adjacent to bedrooms 1, 2, 3, bathroom and laundry and 1.4m setback in lieu of 1.5m adjacent to kitchen and living room has been accepted in accordance with the submitted application. All setbacks must comply with BCA requirements as a minimum.
  - 4. This approval has been granted having due regard to Council's decision at its meeting on 9 March 2006 to advise to the Western Australian Planning Commission of its conditional support to the 36 lot subdivision (WAPC Ref 130186).
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).

**COUNCIL DECISION**

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

**CARRIED 8/0**



## Background

ZONING:	MRS:	Urban
	TPS3	Residential R40
LAND USE:	Residential	
LOT SIZE:	1.3082ha	
USE CLASS:	Grouped Dwellings "Permitted"	

The subject land was previously developed for housing by the Department of Housing and Works. The site comprised three apartment blocks referred to as Bowan Court Apartments. These apartments were demolished in 2004 as part of the Department of Housing and Works' New Living Program.

The Western Australian Planning Commission approved the subdivision of the subject site into 24 lots on 15 December 2003. This application facilitated retention of one of the three apartment blocks located on site. The apartment block has subsequently been demolished and the approval was not implemented.

On 4 January 2006, the City received a subdivision referral from the Western Australian Planning Commission in regards to Lot 1, (No. 7) Florizel Street, Coolbellup to create 36 lots. The City is yet to provide its response to the WAPC.

Council at its Meeting on 9 March 2006 resolved to support an application for subdivision of the subject land into 36 lots subject to various conditions of approval. The Western Australian Planning Commission subsequently granted subdivision approval on 29 March 2006.

## Submission

The application – Mirvac acting as Project Manager for the Department of Housing and Works (DHW), proposes to deliver a fully built-out housing development through a 'New Living' Agreement established in 1999. Mirvac will also be the Registered Builder and Real Estate Agent for the development.

A summary of the background to this proposal is outlined as follows:

- Originally the site contained 3 large three-storey apartment buildings from the early 1970's.
- The site was redeveloped in 2004 leaving one building remaining that was intended to be refurbished.
- During building refurbishment a structural defect was detected.
- Upon structural and geotechnical analysis by Golder Assoc. Pty Ltd the site was classified in March 2004 to be Class P.



- The Class P was due to the presence of weathered limestone and loose sand;
- A second opinion was sought from Coffey Geosciences Pty Ltd in May 2004 with similar conclusions as Golder Associates Pty Ltd but included alternative recommendations on how the land could be developed.
- It was concluded to demolish the remaining apartment building and redevelop the whole site, providing a fully designed and certified structural solution to overcome the soils issue.
- A fully built out (36 no.), single storey grouped housing development was proposed rather than selling individually subdivided blocks as this ensured total in-house control of the specific engineering requirements for this development.
- Western Australian Planning Commission approval for this proposal was received on 29 March 2006 that was the subject of the Council's recommendation in support.
- A review of the site remediation options was undertaken and it was concluded that the development could not proceed with any of the site remediation options due to the potential damage that could be caused to surrounding residences.
- Based on recommendations in Item 8.4.10 of the Coffey Geosciences report the structural engineers have designed all dwellings and retaining walls with a class M stiffened raft footing in accordance with AS2870.
- All structural work and site work will be carried out in accordance with the Coffey Geosciences investigation dated 14 May 2004.
- The proposed buildings are all single storey to further minimise the risks of differential settlement whereas the Coffey report was based on worst case scenarios of single and two storey buildings.
- Dennis, Price & Miller (DPM) have been appointed as civil engineers for the design, documentation and certification of the subdivision works.
- DPM will also provide upon completion of compaction levels achieved and that the specification and method statements have been adhered to.
- Strutterre have been appointed as structural engineers for the structural design, documentation and certification of the built form houses.
- Mirvac will be employing full time construction supervision on-site to ensure the requirements of the design documentation are executed on-site.
- Coffey Geosciences are currently reviewing and will provide confirmation that Strutterre's structural design for each dwelling will be suitable for this development.
- It is agreed for a Section 70A notification under the Transfer of Land Act to be included on all new lots alerting purchasers of



the geotechnical investigation and site classification including building and site construction requirements.

A copy of the applicant's full submission should be read in conjunction with this report and is contained in the agenda attachments.

## **Report**

The subject land is zoned Residential R40 under the City of Cockburn Town Planning Scheme No 3. Council has the discretion to either approve (with or without conditions) or to refuse the application.

The proposed development complies with the standards and provisions of the City's Town Planning Scheme No 3/Residential Design Codes with the exception of the following:-

- 1.0m setback in lieu of 1.5m adjacent bedrooms 1, 2,3 bathroom and laundry.
- 1.4m setback in lieu of 1.5m adjacent kitchen and living room.
- Given that the grouped development will be subdivided into single house lots the normal requirements for 4sqm storage areas and visitor car parking are requested to be waived.

## Geotechnical Investigations

The subject site has a 'Poor' classification for residential development in accordance with Australian Standard 2870 (1996). Council's Filling of Land Policy APD35 does not accept class 'P', 'H' and 'E' sites, which are required to be fully remediated to enable building construction based upon Class 'A', Class 'S' or Class 'M' standard. Ordinarily the City would not favour this 'P' classification over the entire site, as prospective purchasers are disadvantaged and forced to bear the costs associated with foundation design.

The applicant has advised that the Department of Housing and Works will subdivide and build the 36 residential dwellings and therefore all engineering requirements and costs will be coordinated and be fully borne upfront by the developer. This design and construction process enables a proper coordinated approach to subdivision through to development using a select number of qualified consultants with geotechnical and structural engineering expertise. The alternative to this based on the subdivision approval is that the lots are created and on-sold to 36 new owners who individually engage Geotechnical Engineers and Structural Engineers which would be highly undesirable.

The applicant's Geotechnical Engineer in a report dated 11 May 2004 advised that a footing equivalent to that for Class M conditions as set out in AS2870-1996 should be able to accommodate the expected differential settlement. Soak wells would need to be at least 5m from house footings. Accordingly this approach is based on Stiffened Raft Footings (Class M) with on-site disposal of run-off as the preferred



option. Accordingly full remediation of the site is not required given that other engineering solutions can be applied to ensure that the site is acceptable for residential development.

It was subsequently advised by Mirvac (14/11/06) that the proposed design comprises a reinforced raft foundation with integrated garage slabs and reinforced brickwork. In accordance with Coffey's recommendations all soakwells will be a minimum of 4m from foundations (revised setback).

#### Recommendation

Based on the geotechnical advice that the applicant has obtained that indicates the site can be developed for residential development with the engineering design solution it is recommended that the application for 36 grouped dwellings be approved subject to conditions that reflect the unique site characteristics.

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

##### ***Demographic Planning***

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

##### ***Lifestyle and Aspiration Achievement***

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

The Planning Policies which apply to this item are:-

APD17	Standard Development Conditions and Footnotes
APD30	Road Reserve and Pavement Standards
APD35	Filling Of Land

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

Nil.

#### **Legal Implications**

Town Planning Scheme No 3  
Residential Design Codes 2002  
Planning and Development Act 2005  
State Administrative Tribunal Regulations

#### **Community Consultation**

Nil.





**Attachment(s)**

- (1) Location Plan
- (2) Site Plan and Elevations
- (3) Applicant's justification

**Advice to Proponent(s)/Submissioners**

The Proponent(s) have been advised that this matter is to be considered at the 14 December 2006 Council Meeting.

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

N/A

**DECLARATION OF INTEREST**

Clr Allen declared a financial interest in the following item, the nature of the interest being the proximity of property of which he is an owner to the land which is subject to development.

CLR ALLEN LEFT THE MEETING AT THIS POINT, THE TIME BEING 7.50PM.

**14.3 (MINUTE NO 3324) (OCM 14/12/2006) - PORT COOGEE DETAILED AREA PLAN - STAGE 1 - PORT COOGEE - OWNER: AUSTRALAND - APPLICANT: TAYLOR BURRELL BARNETT (9022) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) approve the Port Coogee Detailed Area Plan – Stage 1 in accordance with the plan submitted dated 15 November 2006 pursuant to clause 6.2.15.7 of the City of Cockburn Town Planning Scheme No 3;
- (2) advise Taylor Burrell Barnett that all designs for houses should be pre-checked by a suitably qualified planning or design consultant for compliance with the Detailed Area Plan prior to application for a building licence with the City, which must include a pre-approval stamped set of drawings.



**COUNCIL DECISION**

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

**CARRIED 7/0**

**Background**

Council has previously resolved to require any Detailed Area Plans for Port Coogee to be referred to Council for determination. (Min. 2335 OCM 16/3/04)

**Submission**

The applicant has provided a Detailed Area Plan for Stage 1 of Port Coogee which include:

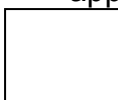
- building envelopes
- building setbacks for two storey houses with loft
- orientation of buildings to address streets
- maximum building heights
- Finished design surface levels of lots and garage finished floor level
- Fencing
- Retaining Walls
- Air Conditioning or cooling units/ solar hot water units
- Noise Attenuation – Quiet House design

**Report**

Town Planning Scheme No 3 Development Area 22 Provisions 13 and 14 enable the Council to require Detailed Area Plans under clause 6.2.15 of the Scheme to guide development for a particular lot or lots within the adopted Structure Plan, which must be referred to the Council for its consideration and determination.

The proposed Detailed Area Plans for Stage One reflect detailed design requirements as specified in the City's Town Planning Scheme and provide appropriate alternative design requirements from that specified by the Residential Design Codes 2002.

Given that Detailed Area Plans are intended for all lots within the Port Coogee development when normally only laneway lots and multiple housing sites would require such plans it is recommended that consultants be engaged by Australand to pre-check building plans for conformity to the design requirements prior to builders making an application for building licence.



It is recommended that Council proceed to approve the Detailed Area Plans for Stage One without modification.

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

#### ***Lifestyle and Aspiration Achievement***

- *To facilitate and provide an optimum range of community services and events.*
- *To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.*

#### ***Governance Excellence***

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

The Planning Policies which apply to this item are:-

APD31          Detailed Area Plans

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

Town Planning Scheme No 3  
Planning and Development Act 2005

### **Community Consultation**

Community consultation has not been undertaken given that the DAP complies with the building height of two storeys plus loft as outlined in the City of Cockburn Town Planning Scheme No 3 provisions that apply in Development Area 22 provision 18.

Pursuant to clause 6.2.15.3 of TPS3 where a DAP may affect landowners other than the owner of the land the subject of the plan the Council may advertise the DAP for comment and call for submissions. In this instance as explained above it is not considered necessary because the DAP complies with Scheme requirements and does not impact on residents within Coogee. People living in Coogee have similar development rights under the Residential Design Codes.



**Attachment(s)**

- (1) Detailed Area Plan

**Advice to Proponent(s)/Submissioners**

The proponent has been advised that this matter is to be considered at the 14 December 2006 Council Meeting.

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

N/A

CLR ALLEN RETURNED TO THE MEETING AT THIS POINT, THE TIME BEING 7.51PM.

THE PRESIDING MEMBER ADVISED CLR ALLEN OF THE DECISION OF COUNCIL WHILST HE WAS ABSENT FROM THE MEETING.

- 14.4 **(MINUTE NO 3325) (OCM 14/12/2006) - PROPOSED AMENDMENT NO. 48 TO TOWN PLANNING SCHEME NO. 3 - VARIOUS LOTS IN HENDERSON - OWNER: VARIOUS - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (6004499) (MR) (ATTACH)**

**RECOMMENDATION**  
That Council:

- (1) adopt the amendment for final approval without modification;
- (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;
- (3) advise the applicant of Council's decision accordingly.

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

**CARRIED 8/0**



## Background

Council at its meeting on 11 May 2006 resolved to initiate an amendment to the City of Cockburn Town Planning Scheme No 3 to bring the City's Scheme into line with the Metropolitan Region Scheme Amendment 1071/33 that proposes the rezoning of land from 'Primary Regional Roads' and 'Other Regional Roads' to 'Industrial'. Council initiated the following corresponding changes to TPS3 as follows:-

- “(1) 1. *Amending the Scheme Map by extending ‘Special Use Zone No.2’ and ‘Development Area No.15’ to include lots 4995 – 4997 Cockburn Road and portions of Quill Way & Stuart Drive.*
2. *Amending the Scheme Map by zoning Lots 500 – 502, 400, 303 & portion of Lot 4620 Cockburn Road, portions of Lots 4291, 21, 2 – 5 & 101 Russell Road, portion of 4895 Success Way, portion of Lot 4896 & 4898 Jessie Lee Street, and portions of the Success Way, Jessie Lee Street & Crane Street road reserves ‘Industry’; and*
3. *Amending the Scheme Map by zoning Lot 106 and portion of Lot 105 Russell Road ‘Light and Service Industry’*
- (9) *during the public consultation process representatives from LandCorp, Main Roads WA and the Department of Planning and Infrastructure are to be invited to a meeting to discuss the scheme amendment in more detail with Mayor Lee, Cr Baker and the Director Planning and Development, and/or additional staff as deemed necessary by the Chief Executive Officer.”*

## Submission

The scheme amendment under consideration applies to land in the Henderson Industrial area that will be affected by the gazettal of MRS Amendment 1071/33. The MRS Amendment proposes the rezoning of the land from 'Primary Regional Roads' and 'Other Regional Roads' to 'Industrial'.

The land the subject of this proposal (10.5 ha area) stretches along 3 kilometres of Russell Road and Cockburn Road within the Henderson Industrial Area (see Agenda attachment 1).

The land is in a variety of ownerships, including both private and public, with various portions of the former MRS reservations having been acquired by the State Government to facilitate the Fremantle to Rockingham Highway.



## Report

The subject land is currently reserved under the Metropolitan Region Scheme (MRS) as either 'Primary Regional Road' and 'Other Regional Road'. The City of Cockburn Town Planning Scheme No.3 (TPS3) currently reflects the existing regional road reservations over the subject land (see Agenda attachments 2 & 3).

Upon gazettal of MRS Amendment 1071/33, the land will be rezoned to 'Industrial' under the MRS (see Agenda attachment 4).

However, the subject land will become 'unzoned land' under the TPS3 as a result of its removal from the Fremantle – Rockingham Highway Primary and Other Regional Road Reserve upon the gazettal of MRS Amendment 1071/33. The Scheme Amendment seeks to extend the current TPS3 zones of the adjoining industrial estates to encompass the 'unzoned' land. The Scheme Amendment proposes the rezoning of the land from 'Primary Regional Roads' and 'Other Regional Roads' to 'Special Use' (SU2) and 'Development Area' (DA15) as well as 'Industry' and 'Light & Service Industry' Zone (see agenda attachment 5).

The Scheme Amendment will provide the Council with development control commensurate with that which guides the adjoining industrial estates.

The amendment was advertised in accordance with the Regulations and no submissions were received.

A meeting was arranged by the Director Planning and Development the subject of item (9) of Council's resolution from its meeting on 11 May 2006. The meeting clarified the intent of the scheme amendment as not having any adverse impacts.

It is recommended that Council proceed to grant final adoption to the scheme amendment and seek endorsement from the Hon. Minister for Planning and Infrastructure.

## Strategic Plan/Policy Implications

### ***Employment and Economic Development***

- *To plan and promote economic development that encourages business opportunities within the City.*

### ***Transport Optimisation***

- *To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.*



- *To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.*

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

Planning and Development Act 2005  
Metropolitan Region Scheme  
Town Planning Scheme No 3  
Planning Regulations 1967

### **Community Consultation**

Consultation was undertaken in accordance with the Regulations and at the close of the advertising period no submissions were received.

### **Attachment(s)**

(1) Scheme Amendment Documents

### **Advice to Proponent(s)/Submissioners**

N/A

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

Nil.

- 14.5 (MINUTE NO 3326) (OCM 14/12/2006) - CHILD CARE CENTRE PLAY AREA EXTENSION TO THE REAR OF EXISTING HOUSE - LOT 864 (NO.7) AMY COURT, MUNSTER - OWNER: T BRIEN & F CARABIN - APPLICANT: T R BRIEN (3316212) (MR) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) grant its approval for an extension of the play area for the Child Care Centre (Lollipops) on Lot 864 (No. 7) Amy Court, Munster in accordance with the approved plan subject to the following conditions:-

#### **STANDARD CONDITIONS**

1. Development may be carried out only in accordance with the terms of the application as approved herein and any



approved plan.

2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. All stormwater being contained and disposed of on-site.

#### SPECIAL CONDITIONS

5. This playground approval specifically relates to the 109m<sup>2</sup> area of the rear yard and doesn't include the balance area of No. 7 Amy Court and the house.
6. All access and car parking for the child care center must continue to occur via Lot 800 Marvell Avenue and Rockingham Road and not at all via Amy Court.
7. A screen brick wall shall be constructed along the perimeter of the new play area, as agreed between the applicant and the adjoining owner of 5 Amy Court within 3 months of the commencement of the approval to the satisfaction of Council.
8. Hours of operation are limited to 6:45am to 6:00pm Monday to Friday and not at all on Saturday, Sunday or Public Holidays.
9. This approval is for a maximum of 60 children as per the planning approval granted by Council at its Ordinary Meeting on 18 November 2003 to increase the number of children at the existing premises on Lot 800 (No 504) Rockingham Road, Munster.
10. The play area extension at 7 Amy Court being subdivided and amalgamated with lot 800 (No 504) Rockingham Road, Munster. An application for subdivision/amalgamation must be submitted to the Western Australian Planning Commission for approval and lodged for titles at the Department of Land Information.

#### FOOTNOTES

1. The development is to comply with the Environmental





Protection Act 1986 which contains penalties where noise limits exceed those prescribed by the Environmental Protection (Noise) Regulations 1997.

2. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).

#### **COUNCIL DECISION**

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

**CARRIED 8/0**

#### **Background**

ZONING:	MRS:	Urban
	TPS3	Residential R20
LAND USE:	Existing Residence	
LOT SIZE:	843m <sup>2</sup>	
USE CLASS:	Child Care Premises "A" – discretionary use	

An application for the development of a child care premises on the subject property was refused by Council on 2 May 1995 for the reason that *"it would create a traffic conflict on Rockingham Road with parents dropping off and picking up children in proximity to the Marvell Avenue intersection, the Gull service station and St Jeromes School"*.

The Applicant subsequently appealed against the decision and in August 1995, the Minister for Planning upheld the Appeal subject to:-

- “1. *The access to the parking area being from Marvell Avenue. All crossovers to be designed and installed to Council’s satisfaction.*
2. *The portion of the Lot shown to be excised not to be created as a separate lot and to be landscaped as part of the development in order to provide an effective visual separation from the lot to the rear.*
3. *The development complying with such conditions as the City of Cockburn might reasonably impose on a development of this type.”*



Council subsequently issued approval for a child care premises on the 11 October 1995 subject to a number of conditions.

On 14 August 2003, an application was received for 3 additional facility rooms. The proposal involves enclosing three existing patio areas, two at the front of the building and one at the rear of the building. The application also proposed to create a staff room from the existing garage, which is no longer in use.

The application included an increase in the number of children being cared for from 39 to approximately 60. The staff levels are proposed to increase from 7 to 10 to meet the increase in children being cared for.

In 2003, Council advertised the proposal and received two objections from the adjoining owners – D & C Conclaves of 7 Amy Court and P Sprlyan of 496 Rockingham Road. Concerns were raised regarding the expansion of the child care premises regarding increased noise and the existing dividing fence being inadequate and not providing an adequate visual or noise barrier to the adjoining child care premises. Mr Sprlyan claimed the proposal would devalue his property, increase noise and fumes from service station may impact on children.

Council addressed the issues of concern by special conditions of approval at its Meeting on 18 November 2003.

### **Submission**

The applicant has provided the following justification in support of the proposal:-

*“Please find enclosed the required documentation for approval of the change of use to Special Use Child Care of 152sqm of land at 7 Amy Court Munster.*

*The intention is that the change of use will enable the future subdivision of 7 Amy Court. This land would be taken by Lollipops Child Care Centre next door to increase the size of the outdoor play area by 109sqm.”*

### **Report**

The subject land is zoned Residential R20 under the City of Cockburn Town Planning Scheme No 3. Council has the discretion to either approve (with or without conditions) or to refuse the application.

It is proposed to use 109sqm of the back yard of 7 Amy Court as a play area for Lollipop’s Child Care Centre. The proposal does not include the use of the house associated with the business. All vehicular



access and car parking will occur from the Lollipop car park. There will be no change to the residential appearance of 7 Amy Court.

The adjoining owners were given the opportunity to provide comments within 14 days by letter dated 16 August 2006. At the close of the submission period, which was extended to the owner of 5 Amy Court, two submissions were received. A submission of no objection was received from 502 Rockingham Road. One of objection to the proposal included a petition containing 10 signatures representing 5 properties at No 2, 3, 4 & 5 Amy Court and No 66 Turfan Way. Several concerns were raised regarding noise and impacts from the centre and they have all been considered by the City and in the applicant's response.

Council has previously examined noise generated from another child care centre in the district which showed that the noise generated from an operating centre at the closest residence as a result of 83 children (current approval is less at 60 children) playing was 40dB(A), which complied with the Regulations (maximum level of 53dB(A)). The calculations also demonstrated that before 7am hours noise received at the neighbouring premises would also comply with the regulatory requirements. The owner must ensure that the premise complies with the Environmental Protection (Noise) Regulations 1997.

The child care premise has views into the neighbouring property, as the subject property is substantially higher than the adjoining properties to the north of the site even within the site subject of the application. It is recommended that the brick wall be constructed along a realigned boundary to the extended play area of an appropriate height in a residential area in order to achieve an appropriate screen wall and assist in noise attenuation.

There will also be no noise disturbance during the weekend and on public holidays based on the limitation on the days of operation.

Any claims that the operation of a child care centre devalues the surrounding residential properties are unsubstantiated and are not a relevant planning consideration.

The proposal has also been assessed for conformity with the City's Policy on *Location of Child Care Centres within residential Areas*. The relevant consideration in the Policy is that outdoor play areas should be located so as to minimise their impact on the amenity of the adjoining properties whilst taking advantage of solar orientation where possible. It is desirable for these areas to be screened from sources of pollution. The rear backyards of neighbours backing onto the outdoor play area will increase in the vicinity of 5 Amy Court, but the construction of a wall and storage use of the area along the common boundary should provide effective screening.



### Recommendation

The concerns raised by the adjoining owner have been extensively set out but having considered each point raised it is believed that the issues of concern have either been appropriately addressed by the applicant and can also be addressed through conditions of approval. It is recommended that Council grant conditional approval to the proposal to extend Lollipops Child Care Centre given that the existing centre operating next door has a limited play area and the location of the activity next to the St Jerome's Primary School. Special conditions are considered appropriate to address the concerns of the adjoining owner.

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

#### ***Lifestyle and Aspiration Achievement***

- *To facilitate and provide an optimum range of community services and events.*
- *To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.*

#### ***Governance Excellence***

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

### **Budget/Financial Implications**

The Planning Policies which apply to this item are:-

- |       |   |
|-------|---|
| APD17 | Standard Development Conditions and Footnotes           |
| APD44 | Location of Child Care Centres within Residential Areas |

### **Legal Implications**

Town Planning Scheme No 3  
Planning and Development Act 2005

### **Community Consultation**

The submission of objection raised the following concerns:-

- Don't understand what is being proposed – change of use is over the whole property.
- Noise problem. Raised noise complaint on previous occasions. The brick boundary wall has not be fully constructed only a small length on boundary to 5 Amy Court



- Previous agreement to use 7 Amy Crt as a child care centre was temporary following the fire at the Lollipops Child Care Centre. Following this temporary use the site was not to be used in future as a child care centre.
- Mess of toys that fly over the fence to Lollipops
- Risk of visitors injuring themselves by toys thrown over the fence
- Visual eyesore of playground. My house overlooks the backyard of 7 Amy Crt where the playground is being proposed.
- A shade sail over the play equipment would block views and late afternoon sun.
- Reduced value of property
- Outlined family history of Council being involved in a Resumptive Town Planning Scheme of the family property
- Suggested the centre be relocated

A copy of the full objection is included in the Agenda attachments and should be read in conjunction with this report.

The applicant has responded to the submission concerns as follows:-

- The petition from local residents has raised issues that are incorrect as the change of use is for the portion of land to be subdivided and not the remaining land and buildings.
- The use of the outdoor play area is for children to have a physical outdoor activity area. There is no intention of erecting any more play equipment.
- We are open to discussion with our neighbours and Council as to the kind of area we create and are willing to erect screening to reduce any impact but have cautioned that this will look odd from the street and the neighbours property.
- Access to construct a new boundary wall would mean a significant footing and access from the neighbours property which would become difficult.
- We have owned the centre for almost 6 months and have received no complaints from neighbours.
- There has been no need to retrieve toys from 7 Amy Court in the past 6 months.
- Any agreements with the previous owners are "out of our hands".
- We were unaware of any agreements and did all of the correct searches prior to purchase.
- A good quality child care centre can in the operators view increase property values.
- We are experienced child care operators with another centre in Palmyra.
- We have a substantial investment in the Centre to serve the local community.



- We have people on our waiting list who are willing to travel from Armadale to ensure their child has high care.
- Children are put first not profits and care is taken in everything that is done.
- Child Care Regulations have made the requirement for more land to happen, not greed.

**Attachment(s)**

- (4) Location Plan
- (5) Site Plan of proposal
- (6) Objection and Petition from Mr Sprlyan of 5 Amy Court Munster
- (7) Letter of response from T & F Brien

**Advice to Proponent(s)/Submissioners**

The proponent has been advised that this matter is to be considered at the 14 December 2006 Council Meeting.

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

Nil

**14.6 (MINUTE NO 3327) (OCM 14/12/2006) - SINGLE HOUSE CODES APPROVAL - LOT 561 (NO.3) GOSSHAWK PASS, BEELIAR - OWNER/APPLICANT: ROBERTO ZICCARDI (6004268) (AJW) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant approval for the erection of a single dwelling on Lot 561 (No.3) Gosshawk Pass, Beeliar, in accordance with the approved plans subject to the following conditions:

CONDITIONS

- 1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.
- 2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
- 3. The surface finish of the boundary wall abutting the adjoining lot is to be either face brick or rendered the same colour as the external appearance of the proposed dwelling unless otherwise agreed with the adjoining



property owner. In all instances, the standard of work is to be of a high standard.

4. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
5. All plant and equipment i.e. air conditioning condenser units, solar hot water units etc is to be placed and/or erected so as to not be visible from public view.
6. All stormwater is to be contained and disposed of on-site.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
  2. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, Council's Planning Services should be consulted.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval);
- (3) advise the applicant and submissioner of Council's decision accordingly.

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

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	786m <sup>2</sup>	
USE CLASS:	Single (R-Code) House 'P' (Permitted)	



## Submission

Application has been made to erect a single dwelling on the subject land. The proposal generally complies with the requirements of the R-Codes with the exception of the following matters:

- The reduced side setback proposed for the front part (approximately 6.4 metres) of the eastern side wall; and
- The extent of builtform proposed for the western side boundary (garage wall and alfresco patio combined).

## Report

### Reduced Side Setback

The reduced side setback (required 1.5 metres, proposed 1.0 metre) is for a relatively small section of the eastern side of the proposed dwelling, and is supported. The balance of the building on the eastern side (over 70% of the builtform) is setback at, or greater than the required 1.5 metres. It is also noted that the adjoining landowners consulted in respect of the variation either did not respond, or do not object.

### Building Proposed for West Side Boundary

The R-Codes provide for boundary walls not higher than 3.0 metres, with an average of 2.7 metres up to 9.0 metres in length on one side boundary in an R20 zone. As proposed, the garage wall complies with this requirement. By definition, however, the patio proposed above the applicant's alfresco area is also considered to form part of the boundary wall, amounting to a variation to the Acceptable Development standard in the Code.

Due to the above, the west side property owners were consulted in respect of the application. In response, the owners presented a submission indicating that they object to the proposal, their grounds for concern relating to:

- the garage wall forming the boundary wall; and
- there being a setback of just 1.5 metres to bedroom one of their house.

In response to the concerns raised, it is important to note that the subject property sits approximately 1.4 metres below that adjoining to the west (due to retaining associated with the subdivision of the location). The disparity in height provides for a situation whereby the height of the garage wall and alfresco patio will project no more than approximately 1.3 metres beyond the height of the retaining wall on the adjoining property - and will generally sit below the height of any





fencing atop the retaining wall (assuming a typical 1.8 metre high boundary fence is erected).

To summarise, the construction proposed for the western side boundary of the subject land will sit well below that of the dwelling recently commenced on the adjoining property to the west. Bearing this in mind, the concerns raised are not considered valid.

### Recommendation

That Council conditionally approve the application for a single dwelling on Lot 561 (No.3) Gosshawk Pass, Beeliam.

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

#### ***Demographic Planning***

- *To ensure development will enhance the levels of amenity currently enjoyed by the community.*

### **Budget/Financial Implications**

In the event an application for review to the State Administrative Tribunal arises in respect of any of the conditions proposed to be imposed on approval, there may be a cost to be borne by Council.

### **Legal Implications**

Town Planning Scheme No.3  
Residential Design Codes 2002  
Planning and Development Act 2005

### **Community Consultation**

Adjoining owners were consulted regarding the proposal.

### **Attachment(s)**

- (1) Site plan, floor plans and elevations;
- (2) Objector submission.

### **Advice to Proponent(s)/Submissioners**

The proponent and the submissioner have been advised that this matter is to be considered at the 14 December 2006 Council Meeting.

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

Nil.



## DECLARATION OF INTEREST

Clr Allen declared a financial interest in the following item, the nature of the interest being the proximity of property of which he is an owner to the land which is subject to development.

CLR ALLEN LEFT THE MEETING AT THIS POINT, THE TIME BEING 7.52PM.

**14.7 (MINUTE NO 3328) (OCM 14/12/2006) - SINGLE HOUSE CODES APPROVAL (OUTBUILDING) - LOT 122 (NO.4) HIRD ROAD, SUCCESS - OWNER: DN & NL SOLTOGGIO - APPLICANT: HIGHLINE LIMITED (6001397) (AJW) (ATTACH)**

### RECOMMENDATION

That Council:

- (1) grant its approval for the erection of an outbuilding on Lot 122 (No.4) Hird Road, Success, in accordance with the approved plans subject to the following conditions:

#### CONDITIONS

1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.
2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
3. The garage/outbuilding being setback 2.0 metres from the southern boundary of the subject property, the details in respect of which are to be satisfied as part of an application for Building Licence.
4. The roof of the outbuilding being modified from a pitched form to a flat roof, the details in respect of which are to be presented to the satisfaction of Council as part of the application for Building Licence.
5. The rear setback area being landscaped with appropriate vegetation for the purposes of screening that part of the structure that extends beyond the height of the fencing dividing the subject and adjoining property, the details in respect of which are to be presented to the satisfaction of Council as part of the application for Building Licence.



6. All stormwater is to be contained and disposed of on-site.
7. No activities are to be carried out within the outbuilding that would cause noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
8. The outbuilding may only be used for domestic purposes consistent with the residential use of the property.

#### FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
  2. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, Council's Planning Services should be consulted.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval);
- (3) advise the applicant and submissioner of Council's decision accordingly.

#### **COUNCIL DECISION**

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

**CARRIED 7/0**

#### **Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	850m <sup>2</sup>	
USE CLASS:	Single (R-Code) House 'P' (Permitted)	
AREA	73.45m <sup>2</sup>	

In April 2004, approval was granted for the erection of a similar structure (to that proposed) in the same location on the subject land. This approval, however, has subsequently lapsed.



## Submission

Application has been made to erect an outbuilding to store a boat in the south-west corner of the subject property. The proposed structure is 11.3 metres long and 6.5 metres wide, and will adjoin the western boundary of the lot. A one (1.0) metre setback is proposed from the rear boundary. The height of the proposed structure is 4.5 metres (walls) and approximately 5.68 metres (roof ridge height).

The proposal generally complies with the requirements of the R-Codes and Council's Policy APD 18 dealing with 'Outbuildings' with the exception of the following matters:

- The length and height of the wall proposed to be located on the western side boundary of the land; and
- The wall and roof height of the structure.

## Report

The following comments are provided in respect of the variations detailed above, and the consultation and subsequent negotiation that has taken place with the applicant.

The City's Town Planning Scheme No. 3 permits outbuildings on a residential property of 100m<sup>2</sup> or less with a wall height of 3 metres, as opposed to the proposed area of 73.45m<sup>2</sup> and wall height of 4.5m. The ridge height is also 5.68m instead of 4.2m and a wall height of 2.4m in the Residential Design Codes. The proposal is therefore non-compliant with both the wall and ridge height acceptable standards.

## Consultation

Adjoining property owners were consulted about the proposal.

In response to being consulted about the length and height of the wall to be located on the western side boundary of the land (and the height of the structure generally), the property owners adjoining to the west have advised they do not object to the proposal.

The property owner adjoining to the south, however, has objected to the proposal. As stated in the Submission Response received by Council, the structure "*will block natural light for what is to become my only outdoor living/entertaining area. I have also spoken to real estate agents and have been advised that as an eyesore right in dominating view of the entertainment area it will devalue my property*".

Following receipt of the submission objecting to the proposal, the owner has been asked to consider the extent to which amendments



can be made to address the concerns raised. In response, the owner has verbally advised that the following change is possible:

- An increase in the rear setback of the proposed building from 1.0 to 2.0 metres.

Whilst the possibility of reducing the height of the building was discussed, by changing the roof from a pitched form to a flat roof, the owner advised that this might be difficult to achieve.

From a planning perspective, increasing the rear setback is considered appropriate given the height of the structure, and an appropriate condition requiring such is recommended. It is also recommended that the height of the structure be reduced. This can be achieved by requiring a flat roof, instead of a pitched roof. The reduction in height of the structure will be approximately 1.15 metres – from 5.65 metres to just above the wall height of 4.5 metres. It is noted that the previously approved building had 3.85 metre wall heights.

A further condition requiring the rear setback area to be landscaped with appropriate vegetation for the purposes of screening that part of the structure that extends beyond the height of the rear dividing fence is also recommended.

#### Recommendation

That Council conditionally approve the application for a garage/outbuilding on Lot 122 (No.4) Hird Road, Success.

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

##### ***Demographic Planning***

- *To ensure development will enhance the levels of amenity currently enjoyed by the community.*

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

In the event an application for review to the State Administrative Tribunal arises in respect of any of the conditions proposed to be imposed on approval, there may be a cost to be borne by Council.

#### **Legal Implications**

Town Planning Scheme No.3  
Residential Design Codes 2002  
Planning and Development Act 2005

#### **Community Consultation**

Adjoining owners were consulted regarding the proposal.



**Attachment(s)**

- (1) Site plan, floor plans and elevations;
- (2) Objector submission.

**Advice to Proponent(s)/Submissioners**

The proponent and the submissioner have been advised that this matter is to be considered at the 14 December 2006 Council Meeting.

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

Nil.

CLR ALLEN RETURNED TO THE MEETING, THE TIME BEING 7.52PM.

THE PRESIDING MEMBER ADVISED CLR ALLEN OF THE DECISION OF COUNCIL WHILST HE WAS ABSENT FROM THE MEETING.

**14.8 (MINUTE NO 3329) (OCM 14/12/2006) - RETROSPECTIVE APPROVAL (EXISTING FENCING) - LOT 149 (NO.6) COLGRAVE MEWS, SOUTH LAKE - OWNER/APPLICANT: C.L. RICHARDSON (6001397) (AJW) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) refuse the application seeking retrospective approval for the existing fencing in the primary street setback area on Lot 149 (No.6) Colgrave Mews, South Lake, for the following reasons:
  - 1. The fencing does not comply with the Acceptable Development standards of the Residential Design Codes of Western Australia relating to Street Walls and Fences (notably clause 3.2.5 A5 of the Codes).
  - 2. The fencing represents an inappropriate intrusion into the Colgrave Mews streetscape which is characterised by generally open front setback areas i.e. void of front walls and fences.
  - 3. The fencing is considered contrary to the maintenance of a visually transparent streetscape that provides for interaction and engagement between residents.



4. The fencing is considered contrary to the maintenance of a safe and secure street environment by precluding the opportunity for the natural surveillance of the public domain.
  5. The fencing affects the safe movement of vehicles on adjoining properties due to the obscuring of sightlines in the vicinity of Colgrave Mews road reserve.
  6. The fencing is considered contrary to the orderly and proper planning of the locality, and the preservation of the amenity of the locality.
- (2) serve a written direction on the owner pursuant to section 214(3) of the Planning and Development Act 2005 to remove the unlawful fence and restore the land as close as practicable to its condition immediately before the development took place to the satisfaction of the responsible authority within 60 days of the issue of the written direction.
  - (3) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval);
  - (4) advise the applicant and submissioners of Council's decision accordingly.

### **COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr T Romano Council

- (1) grant retrospective approval for the existing fencing in the primary street setback area on Lot 149 (No.6) Colgrave Mews, South Lake, subject to the following conditions:

#### CONDITIONS

7. The height of the fencing, in front of the building setback line, being reduced to a maximum of 1200mm above natural ground level, in accordance with the Acceptable Development standards of the Residential Design Codes of Western Australia relating to Street Walls and Fences (notably clause 3.2.5 A5 of the Codes).
8. The fence being truncated or reduced to a height no greater than 750mm within 1.5m of the driveway of the subject property and the adjoining properties, in accordance with the Acceptable Development standards of the Residential Design Codes of Western Australia relating to Street Walls

and Fences (notably clause 3.2.5 A6 of the Codes).

FOOTNOTE

1. No screening is permitted to be placed on top of or in addition to the fencing.
  2. The fence is to be modified in accordance with the conditions specified within twenty eight (28) days of the date of this approval.
- (2) serve a written direction on the owner pursuant to section 214(3) of the Planning and Development Act 2005 to remove the unlawful fence and restore the land as close as practicable to its condition immediately before the development took place to the satisfaction of the responsible authority within 60 days of the issue of the written direction, should the height of the fence not be reduced in accordance with the conditions of approval within 28 days of the date of Council's determination;
- (3) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval); and
- (4) advise the applicant and submissioners of Council's decision accordingly.

**CARRIED 8/0**

**Reason for Decision**

Councils Officers investigated the matter and advised the owner of non-compliance, and the need to modify the fence or submit an application for retrospective planning approval. Council believes that the applicant should be given the opportunity to modify the fence to the acceptable height of 1.2 m.

Should there be non compliance with the fence reduction within 28 days of Council's decision, then the applicant will be issued with a direction to remove the fence within 60 days or face legal action.

**Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	537m <sup>2</sup>	
USE CLASS:	Single (R-Code) House (Existing Fencing)	





In July 2006, Council received a letter of concern regarding the erection of fencing within the front setback area and across the front boundary of the property the subject of this application.

Council's Officer(s) subsequently investigated the matter and determined that the fencing erected was not compliant with the planning controls applicable to the land. The owner of the property was accordingly advised of the non-compliance, and of the need to either modify the fence or submit an application for retrospective planning approval if it is intended to retain the fencing as is. At the same time, the owner was also advised of the possibility that application for such may still be refused.

### **Submission**

Application seeking retrospective planning approval for the fencing at the front of the site has been made. The plans and elevations submitted with the application show the following:

- Solid Colourbond fencing, 1.8 metres high, extending along both side boundaries to the front of the property (with the exception of the south west corner where the fence reduces in height to approximately 1.0 metre, approximately 2.5 metres from the front boundary);
- A dog-leg extension of the side fence, approximately 1.8 metres high, that runs parallel with the 1.0 metre high fence on the side boundary (mentioned above). The 1.0 metre high section of fence on the side boundary is separated from the parallel section of 1.8 metre fence by approximately 800mm (0.8 metres). Both sections of fence are solid;
- A 1.8 metre high fence across the front of the site, the bottom 1.2 metres of which is noted as being solid, the top 0.6 metres consisting of a semi transparent lattice feature.

It is noted that what is shown on plan is not precisely accurate with what is on-site. The heights on-site are marginally higher than what is shown on the plans and elevations. Given the discrepancy, the applicant has advised that approval is being sought for the on-site heights.

### **Report**

#### Planning Considerations

With the exception of the existing situation at 6 Colgrave Mews, the street represents a traditional suburban environment, characterised by an open streetscape void of high front walls and fences. In this



context, the fence for which approval is sought is considered inappropriate, and it is recommended that the application be refused.

In addition to concerns regarding the appearance of the fence in the street are those relating to the impact of such on the function of adjoining properties. In this regard, specific concern is raised in relation to the impact the fencing has on the visual sightlines of adjoining residents, particularly when reversing from adjoining parking areas into the carriageway of Colgrave Mews. The other issue in this regard is pedestrian safety. It is for these reasons that Council imposes conditions on the majority of development applications requiring truncation areas in the vicinity of where driveways meet the road reserve to be clear of fences and vegetation.

### R-Code Requirements

The 'Acceptable Development' standard of the R-Codes for fencing refers to "*Front walls and fences within the primary street setback area that are visually permeable 1.2m above natural ground level*". In the case of the subject location, the primary street setback is six (6.0) metres. The fences on the side boundaries in the primary street setback area are solid and approximately 1.8 metres high. They are, therefore, non-compliant with the Acceptable Development standard. The fencing across the front of the property is solid to a height of approximately 1.34 metres (as measured on-site), and whilst visually permeable above the solid section, the permeability does not comply with the definition relating to such.

### Consultation

Five property owners in the vicinity of the subject property – two (2) adjoining and three (3) adjacent, were consulted in respect of the proposal. In response, three (3) Submission Responses objecting to the application have been received by Council. The following points are made in the submissions:

- The fencing is "*unsightly and too high*";
- The fencing "*obstructs some of our view when reversing from the driveway*";
- We "*object to the ... proposal as it will not fit with the street standard of front gardens in Colgrave Mews. When we purchased this block, we had to abide by standards set by the proprietor. Why should #6 Colgrave Mews be excused from these standards?*";
- "*Other gardens in Colgrave Mews are clean, tidy and open. This unsightly wall is the oposite (sic)*";
- "*We built in this area because its new, young, fresh and open*".

The standards referred to in point 3 above are Special Covenants registered against the Certificate of Title to each lot. With respect to



fencing, the Covenant states that “*any boundary fence forward of the building line shall not (except in the case of a swimming pool safety fence) exceed 1.0m in height*”.

### Recommendation

That Council refuse the application seeking retrospective approval for existing fencing at Lot 149 (No.6) Colgrave Mews, South Lake. It is also recommended that Council resolve to serve a written direction on the owner pursuant to section 214(3) of the Planning and Development Act 2005 to remove the unlawful fence and restore the land as close as practicable to its condition immediately before the development took place to the satisfaction of the responsible authority within 60 days of the issue of the written direction

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

#### ***Demographic Planning***

- *To ensure development will enhance the levels of amenity currently enjoyed by the community.*

### **Budget/Financial Implications**

In the event an application for review to the State Administrative Tribunal arises in respect of the refusal, there may be a cost to be borne by Council.

### **Legal Implications**

Town Planning Scheme No.3  
Residential Design Codes 2002  
Planning and Development Act 2005

### **Community Consultation**

Adjoining owners were consulted regarding the proposal.

### **Attachment(s)**

- (1) Site plan, elevations and photos;
- (2) Objector submissions.

### **Advice to Proponent(s)/Submissioners**

The proponent and those who lodged submissions on the proposal have been advised that this matter is to be considered at the 14 December 2006 Council Meeting.



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

Nil.

**14.9 (MINUTE NO 3330) (OCM 14/12/2006) - RETROSPECTIVE APPROVAL (EXISTING BALCONY) - LOT 318 (NO.11) ASTER CLOSE, BEELIAR - OWNER/APPLICANT: JM & A P DE ABREU (4413773) (AJW) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant retrospective approval to the existing first floor balcony at Lot 318 (No.11) Aster Close, Beeliar, in accordance with clause 8.4.1 of Town Planning Scheme No. 3 and the approved plans subject to the following conditions:

CONDITIONS

1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.
2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
3. The erection of a purpose-designed fixed louvred screen on top of the eastern side balustrade to a height of 1.6 metres, the details in respect of which are to be provided to Council's satisfaction prior to the erection of the screen.
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. In the event a louvred screen is not preferred, an alternative vertical screen to a height of 1.6 metres may be considered, in consultation with, and to Council's satisfaction.
3. In the event there are any questions regarding the



requirements of this approval, or the planning controls applicable to the land and/or location, Council's Planning Services should be consulted.

- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval);
- (3) advise the applicant and submissioner of Council's decision accordingly.

### **COUNCIL DECISION**

MOVED Clr V Oliver that Council not approve this retrospective existing first floor balcony on Lot 318 (No. 11) Aster Close, Beeliar.

### **MOTION LAPSED FOR WANT OF A SECONDER**

### **Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	583m <sup>2</sup>	
USE CLASS:	Single (R-Codes) House (Existing Balcony)	

The subject land is situated on the northern side of Aster Close in Beeliar and is occupied by a two (2) storey single residence (approved by Council in September 1999). The site is flanked to the east and west by single dwellings. The rear of the site is also bound by single dwellings, albeit at a lower level, fronting Nogga Retreat.

In April 2006, the erection of an unlawful balcony on the north east corner of the dwelling on-site was drawn to the attention of Council's Building Services.

### **Submission**

This application seeks retrospective planning approval for the balcony. The plans and elevations submitted with the application detail the following:

- A balcony extension to the north east corner of the existing building (at the first floor level). The balcony is shown to be 5.89 metres long by 4.2 metres wide;



- Enclosure of the balcony with a one (1.0) metre high balustrade containing opaque glass panels; and
- An angled “*visual screen*” attached to the top of the baluster. The screen extends at 45 degrees away from the top of the balustrade and is 250mm in height.

At present, the floor of the balcony and surrounding balustrade have been constructed. The glass panels and visual screen, however, have not been installed/attached.

In support of the application, the owner makes the following comments:

*“My neighbour’s backyard is shielded by a line of leafy green trees 3 metres high, which run along the entire length of our boundary;*

*A fence between our two properties, which is 1.8 metres high, shields my neighbour’s windows and back yard from sight;*

*Clearly, the only things which can be seen from my balcony are:*

- a) My neighbour’s tiled roof, and*
- b) The line of trees along the boundary.”*

## **Report**

The principal issue with the balcony, and therein the subject application, is one of privacy. Whilst the balcony affords expansive overlooking into the adjoining property at the rear of the site, and to a lesser extent the property situated to the north east, the owners of both these properties have provided written confirmation to Council that they raise no objection to the proposal. The owners of the adjoining property to the east, however, object to the application on grounds relating to privacy.

### R-Code Requirements

To satisfy the ‘Acceptable Development’ provisions of the R-Codes relating to Visual Privacy, balconies similar to that for which approval is sought should be setback a minimum of 7.5 metres from the boundary, or alternatively, suitably screened to restrict views and prevent situations where a direct line of sight within the ‘Cone of Vision’ can occur. In this regard, the Codes elaborate by referring to the prevention of “*direct line of sight within the cone of vision to ground level of the adjoining property if closer than 25m to the opening or equivalent*”.

In the case of the subject proposal, the balcony is setback approximately 5.75 metres from the side boundary, whilst the visual screen proposed on top of the balcony balustrade is not considered to be a suitable screen for the purpose of protecting privacy. Having



regard, therefore, for the concerns raised by the adjoining property owners (detailed below), an appropriate, permanent screening solution up to 1.6 metres in height, is considered warranted for the eastern side of the balcony.

The main views from the balcony are in a northerly direction, towards the city skyline. The screening envisaged for the purposes of addressing the concerns raised, will not detract from, or erode the extent of views towards the city. Secondary views available from the balcony are toward the north east and east - though across the adjoining property. For the purposes of preserving the secondary views whilst addressing the issue of direct overlooking, it is recommended that the erection of a purpose-designed louvred screen on top of the balcony balustrade be required.

Whilst protecting the privacy of the adjoining property, the louvred blades (set at 45 degrees to the orientation of the balcony), will still permit views in a north easterly direction.

### Consultation

The adjoining property owners to the east object to the proposal on grounds relating to visual and acoustic privacy.

With respect to visual privacy, concern is raised in regard to both the side and rear (southern end) of the balcony. The erection of the screen detailed above will address the concerns raised regarding the side of the balcony. In regard to the southern end of the balcony, it is noted the Cone of Vision does not extend beyond the common boundary between the two properties.

In terms of acoustic privacy, it is considered the balcony will contribute only marginally to the existing situation, noting the primary living/outdoor entertaining area is situated beneath the balcony and between the boundary, of the adjoining property.

### Recommendation

That Council conditionally approve the application for a first floor balcony at Lot 318 (No.11) Aster Close, Beeliar. It is also recommended that a specific footnote be included in the approval advising the applicant that in the event a louvred screen is not preferred, an alternative suitable screen to a height of 1.6 metres may be considered, in consultation with, and to Council's absolute satisfaction.



## Strategic Plan/Policy Implications

### **Demographic Planning**

- *To ensure development will enhance the levels of amenity currently enjoyed by the community.*

## Budget/Financial Implications

In the event an application for review to the State Administrative Tribunal arises in respect of any of the conditions proposed to be imposed on approval, there may be a cost to be borne by Council.

## Legal Implications

Town Planning Scheme No.3  
Residential Design Codes 2002  
Planning and Development Act 2005

## Community Consultation

Adjoining owners were consulted regarding the proposal.

## Attachment(s)

- (1) Floor plans and elevations;
  - a. Objector submission;
  - b. Site photographs (taken from the balcony and adjoining property (east side).

## Advice to Proponent(s)/Submissioners

The proponent and submissioner have been advised that this matter is to be considered at the 14 December 2006 Council Meeting.

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

Nil.

**(MINUTE NO 3331) (OCM 14/12/2006) - RETROSPECTIVE APPROVAL (EXISTING BALCONY) - LOT 318 (NO. 11) ASTER CLOSE, BEELIAR - OWNER/APPLICANT: JM & AP DE ABREU (4413773) (AJW) (ATTACH)**

### **COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted subject to amendment to Condition 3 as follows:

3. The erection of a purpose-designed fixed louvred screen





on top of the eastern side balustrade to a height of 1.6 metres, the details in respect of which are to be provided to Council's satisfaction prior to the erection of the screen. The approved screen is to be installed prior to the balcony being used.

**CARRIED 7/1**

### Reason for Decision

The Officer's report covers all the problems and the erection of the purpose design screen will make sure all parties are satisfied with the result.

### **14.10 (MINUTE NO 3332) (OCM 14/12/2006) - SUBDIVISION OF LOT 45 (NO.147) PEARSE ROAD, WATTLEUP - OWNER: HE & MD DENIC - APPLICANT: MCMULLAN NOLAN & PARTNERS (123666) (AJW) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) recommend to the Western Australian Planning Commission that the application proposing the subdivision of Lot 45 (No.147) Pearse Road, Wattleup, be refused for the following reasons:
  1. The proposed subdivision does not comply with the Council's Rural Subdivision Policy (APD7) which recommends against ad hoc subdivision of land proposed to be retained for rural pursuits both under the Metropolitan Region Scheme and the City of Cockburn Town Planning Scheme.
  2. The land is zoned 'Rural' under both the Metropolitan Region Scheme and the local Town Planning Scheme (No.3). The purpose and intent of the rural zoning is to preserve the area's current rural use and intensity of development. Subdivision in the manner proposed would establish the potential for the introduction of increased non-rural activity in conflict with the zoning objectives.
  3. The property is affected by the Environmental Protection (Atmospheric Wastes) Policy 1999 and draft Statement of Planning Policy under the MRS where there is a presumption against subdivision and increased residential activity based on environmental constraints

that apply to the land.

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

**COUNCIL DECISION**  
 MOVED Cllr S Limbert SECONDED Cllr I Whitfield that Council:

(1) request that the Western Australian Planning Commission grant Council an extension of time in which to respond to the Commission on the subdivision application for Lot 45 (No. 147) Pearse Road, Wattleup, in order for Council to review its policy on rural subdivisions within the Kwinana Industrial Area Air Quality Buffer;

(2) directs Administration to review Policy APD7 (Rural Subdivision Policy), in respect to Council's position on the subdivision of land within the Kwinana Industrial Area Air Quality Buffer, with a view to supporting limited subdivision within this area. The review to be tabled at the next meeting of the Delegated Authority Policy and Position Statement Committee; and

(3) advise the applicant accordingly of its recommendation.

**CARRIED 7/1**

**Reason for Decision**

Whilst Council considers that the subdivision should potentially be supported, it acknowledges that such a decision would be contrary to its adopted policy on rural subdivision. It is therefore seeking consent from the Western Australian Planning Commission to defer its determination on the subdivisional application to enable the Council to review its policy, with a view to Council amending the policy so that it may support such subdivisions in the area.

**Background**

ZONING:	MRS:	Rural
	TPS3:	Rural
LAND USE:	Dwelling and Ancillary Accommodation	
LOT SIZE:	14,228m <sup>2</sup>	

The subject land is occupied by a house and a brick ancillary accommodation and numerous sheds. The site is flanked to the south by land used for rural purposes (market garden) and to the north by a



property occupied by improvements similar to those on the subject land. The rear of the site adjoins a 'bush block', whilst the adjacent side of Pearse Road consists of land Reserved for Parks and Recreation under the Metropolitan Region Scheme (encompassing the Thompson's Lake wetland system).

### Submission

Application to subdivide the subject land into two (2) lots has been made to the Western Australian Planning Commission (WAPC) for determination. The WAPC has subsequently referred the application to a number of different authorities for comment, including the City of Cockburn. The application proposes the following:

- Lot 500, fronting Pearse Road (size: 2563m<sup>2</sup>, frontage 38.47m);
- Lot 501, fronting Pearse Road (size 11.736ha, frontage 42.0m).

### Report

Proposals to subdivide rural land within the City are assessed in accordance with the provisions of Council's Policy APD7 dealing with 'Rural Subdivision'. One of the 'Purposes' of this Policy is – *"To recommend against the ad-hoc subdivision of land proposed to be retained for rural pursuits under both the Metropolitan Region Scheme and Town Planning Scheme."*

Council's policy states that it will not support further subdivision of land within the Metropolitan Region Scheme Rural Zone, particularly where the land is contained within the Kwinana Industrial Area and Cockburn Cement Air Quality Buffer (and north west of Jandakot Airport). The subject land is affected by the EPP (Environmental Protection Policy Buffer).

The Policy also states that *"The Council will not make recommendations in support of an application referred to it by the WAPC, on compassionate and hardship grounds as these are irrelevant matters that are not taken into account by the Western Australian Planning Commission."*

Bearing the above in mind, the proposed subdivision is not supported.

### Recommendation

That Council resolve to refer the application (WAPC Ref: 132666) proposing the subdivision of Lot 45 (No.147) Pearse Road, Wattleup, into two (2) lots back to the WAPC with a recommendation that the application be refused.



## **Strategic Plan/Policy Implications**

### ***Demographic Planning***

- *To ensure development will enhance the levels of amenity currently enjoyed by the community.*

### ***Governance Excellence***

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

### ***Natural Environmental Management***

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

## **Budget/Financial Implications**

In the event an application for review to the State Administrative Tribunal arises in respect of any of the WAPC's decision, there may be a cost to be borne by Council.

## **Legal Implications**

Planning and Development Act 2005

## **Community Consultation**

N/A. Adjoining owners were not consulted in respect of the proposal, as consultation is not required for sub-divisions.

## **Attachment(s)**

- (1) Subdivision Plan

## **Advice to Proponent**

The proponent of the proposal has been advised that this matter is to be considered at the 14 December 2006 Council Meeting.

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

Nil.



**14.11 (MINUTE NO 3333) (OCM 14/12/2006) - PROPOSED STRUCTURE PLAN - LOT 80 BARFIELD ROAD, HAMMOND PARK - OWNER: SKYWIDE HOLDINGS PTY LTD - APPLICANT: URBANPLAN (9685) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt the structure plan for Lot 80 Barfield Road, Hammond Park subject to the following modifications to the structure plan and report:
  1. extend the structure plan boundaries to include Lot 81 Gaebler Road, Hammond Park and to show Lot 81 as Residential ('R30') to be developed as a separate Grouped Housing site and amend the structure plan report accordingly;
  2. include a notation on the structure plan over Lot 81 stating that the subdivision/development of Lot 81 will be subject to a cash payment in lieu of public open space and amend the structure plan report accordingly;
- (3) upon receipt of a revised Structure Plan compliant with Clause (2) above, forward the Structure Plan documents and schedule of submissions to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No 3;
- (4) adopt the officer comments on the Schedule of Submissions contained in the Agenda attachments for Lot 80 Barfield Road, Hammond Park and forward those comments requiring consideration to the applicant for information; and
- (5) advise those persons who made a submission of Council's decision.

**COUNCIL DECISION**

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

**CARRIED 8/0**



## Background

ZONING:	MRS:	Urban
	TPS3:	Development Development Area 9 Development Contribution Area 3
LAND USE:	Vacant	
LOT SIZE:	2.82ha	

## Submission

UrbanPlan has submitted a proposed structure plan for Lot 80 Barfield Road, Hammond Park. The structure plan proposes approximately 31 single residential lots (R20) and the provision of a public open space (POS) area of 2,800m<sup>2</sup>. It is proposed to accommodate a swale for 1:10 year storm events within the POS.

Refer proposed Structure Plan contained in the Agenda attachments.

## Report

The proposed structure plan is consistent with the Southern Suburbs District Structure Plan (Stage 1), which identifies the subject land for residential development.

### Community Consultation

The proposed Structure Plan was advertised to surrounding landowners and relevant government agencies and was advertised in two local papers circulating within the locality for a period of 21 days, which closed on 24<sup>th</sup> November 2006, in accordance with the requirements of the Council's Scheme.

The City received 5 submissions during the advertising period which included a submission from the Department of Housing and Works (DHW). DHW have recently acquired Lot 81 Gaebler Road from Western Power. Lot 81 is located adjacent to the south eastern boundaries of Lot 80 Barfield Road. DHW have requested that Lot 81 be included within the structure plan and shown as Residential with a residential density code of R30, to facilitate future grouped housing development.

The City is supportive of including Lot 81 within the structure plan and coding Lot 81 as R30 as this will allow development of Lot 81 to proceed independently to Lot 80 Barfield Road as a grouped housing development, with access being obtained from Gaebler Road. It is recommended that the structure plan be amended to include Lot 81 and to show Lot 81 as a Residential (R30) site. The developer of Lot 81 will be required to provide cash-in-lieu of public open space and this should be notated on the structure plan.



The Department of Water raised issues regarding Flora and Fauna Surveys, acid sulfate soil investigations, Water Management Plan and clearing of vegetation. The City is supportive of the comments made and these issues can be addressed at the subdivision stage.

The City also received a submission from a representative of an adjoining landowner regarding the payment of proportional contributions to the adjoining landowner for the drainage and upgrading of Barfield Road. This is acknowledged by the City and it is recommended that the Council write to the applicant advising of this requirement.

The submissions do not require explanation over and above that outlined in the Schedule of Submissions.

Refer Schedule of Submissions contained in the Agenda attachments.

### Conclusion

It is recommended that the Council adopt the structure plan for Lot 80 Barfield Road, Hammond Park, subject to the modifications outlined in the recommendation section of the report, and refer the structure plan to the WA Planning Commission for final consideration.

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

#### ***Demographic Planning***

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

#### ***Infrastructure Development***

- *To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.*

### **Budget/Financial Implications**

The Planning Policies which apply to this item are:

APD4            Public Open Space

### **Budget/Financial Implications**

The cost of maintaining the public open space at the expiry of the 2 year maintenance period.



### **Legal Implications**

Advertised in accordance with the provisions of section 6.2.8 of City of Cockburn Town Planning Scheme No 3

### **Community Consultation**

The structure plan was advertised to the community for a period of 21 days. This included an advertisement in two local papers circulating in the District, letters to adjoining owners, letters to servicing and other government agencies, copies of the report and plans on Councils Web site and a copy at the front counter.

### **Attachment(s)**

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

### **Advice to Proponent(s)/Submissioners**

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the December 2006 Council Meeting.

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

Nil.

**14.12 (MINUTE NO 3334) (OCM 14/12/2006) - GROUPED (R-CODE) DWELLING - PROPOSED SECOND DWELLING - LOT 514 (NO. 46) HEBBLE LOOP, BANJUP - OWNER/APPLICANT: PB & PH SPITTLE (5513571) (MR) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) refuse the application for a second dwelling on Lot 514 (No 46) Hebble Loop, Banjup for the following reasons:-
  1. The proposed development is interpreted as a "grouped dwelling" as distinct from a "dwelling" and therefore is not provided for in Statement of Planning Policy No. 2.3 – Jandakot Groundwater Protection Policy and is not permitted in the Resource Zone pursuant to Clause 5.10.11 (e) of the City of Cockburn Town Planning Scheme No. 3.
  2. The proposed second dwelling is inconsistent with the





objective of limiting land use and development over public groundwater to achieve an acceptable risk for contamination and where the continuation of existing approved levels of activity is provided as outlined in Statement of Planning Policy No. 2.3 – Jandakot Groundwater Protection Policy.

3. The proposed second dwelling will result in the land use intensification of a rural lifestyle lot and may give rise to future landowner expectation to subdivide the land into two lots based on separate occupancy of the same lot.

#### FOOTNOTE

1. The applicant is advised that a fresh application can be made to the Council for ancillary accommodation provided that the net area of the ancillary accommodation does not exceed 60m<sup>2</sup> pursuant to clause 5.10.2 (f) (iii) of the City of Cockburn Town Planning Scheme No. 3.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal.

#### **COUNCIL DECISION**

MOVED Cllr I Whitfield SECONDED Cllr S Limbert that Council defer a determination on this item, at the applicant's request, until the next meeting of Council in January 2007.

**CARRIED 8/0**

#### **Reason for Decision**

The applicant, Mr Spittle, wishes to seek legal opinion regarding some of the aspects of the Officer's report before he addresses the Council. To allow him the extra time does not impinge on any other development and shows that the Council is willing to listen to the needs of its ratepayers. Council is in receipt of a copy of a document confirming Mr Spittle is seeking legal opinion.



## Background

ZONING:	MRS:	Rural Water Protection
	TPS3	Resource
LAND USE:	Residence & Outbuilding	
LOT SIZE:	2.0ha	
USE CLASS:	Land Use must be in accordance with Table 1 of Statement of Planning Policy No 2.6	

Prior to the gazettal of the Resource Zone in former District Zoning Scheme No 2 the subject property was zoned – Special Rural – 4.0 Tapper Road Banjup. The Sixth Schedule of the Scheme reinforced that only a single house was a permitted use. Other discretionary uses included limited rural activities. Grouped dwellings or second houses were not listed in the schedule and therefore were “not permitted”. The Scheme also included provisions requiring the minimum lot size to be 2.0 hectares and clearing restrictions and other requirements.

An application for approval for a second dwelling was previously refused on 20 October 2006 by the City under delegated authority of Council for the following reasons:-

1. *“The proposed second dwelling is a use that is not listed in Table 1 – Land use suitability for the Rural – Water Protection Zone in Statement of Planning Policy No 2.3 – Jandakot Groundwater Protection Policy (Gazetted 12/06/98) as amended and therefore is a land use that is generally not permitted.*
2. *The proposed second dwelling is inconsistent with the objective of limiting land use and development over public groundwater to achieve an acceptable risk for contamination and where the continuation of existing approved levels of activity is provided.*
3. *The proposed second dwelling may result in a landowner expectation to subdivide the land into two lots based on separate occupancy of the same lot.*
4. *The Jandakot Groundwater Protection Policy No 2.3 reinforces a minimum lot size of 2ha with a single house and restricted land uses. The proposed development fails to comply with this requirement.”*

The following footnote was included in accordance with Council’s Policy requirements:-

*“Alternatively, if you are dissatisfied with this decision you may write to the Council within 14 days of the date of this advice requesting that the application be referred to the Council for its consideration and determination. This does not extinguish your right of appeal.”*

It was subsequently determined upon closer review of the City of Cockburn Town Planning Scheme No 3 that no discretion to approve the proposed development exists.



## Submission

The applicant has provided the following justification in support of the proposal which has been summarised accordingly:-

A copy of the applicant's full submission should be read in conjunction with this report and is contained in the agenda attachments.

- A second dwelling is not proposed and perhaps should be referred to as a new residence or new house;
- The second house will be left empty and will not be a prime place of residence;
- The new house would include the installation of a new alternative treatment unit for waste water called Envirosafe Septic System;
- Rural set backs on blocks are 20 & 10 metres from the front and back respectively. The proposed new house will not be built into rural setbacks;
- There are no preconceived ideas or expectations to subdivide the land into two lots based on separate occupancy of the same lot;
- Property was purchased for rural lifestyle reasons that will be maintained;
- The restricted land use requirements that apply under Jandakot Groundwater Protection Policy No 2.3 will remain unchanged with a new house on the lot;
- The option to redevelop the existing house is not an acceptable option;
- The applicant has an aging Mother who lives in Atwell. She is 79 years old. Although she lives alone at the moment, she will need closer care in the near future and this house may provide an ideal place for her to live. The family will be able to aid her in her aging years with assistance to do things she is no longer capable of.
- The immediate neighbours were contacted and the applicant has submitted 6 letters of no objection to the proposal from them, 3 are from Hebble Loop and 3 are from Bartram Road.

## Report

The subject land is zoned Resource under the City of Cockburn Town Planning Scheme No 3. The use and development of land within the Resource Zone is in accordance with Statement of Planning Policy No 2.3 – Jandakot Groundwater Protection Policy. The SPP is a State Planning Policy that Council must have proper regard in its determination of planning applications within the Policy Area.



SPP2.3 permits a dwelling on each lot in Table 1. The use is "dwelling" in a singular sense not plural to mean "dwellings" or "grouped dwellings". SPP 2.3 and the City's Town Planning Scheme No 3 don't define "dwelling" but the Residential Design Codes do as follows:-

*"A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family or no more than six persons who do not comprise a single family."*

Thus the SPP 2.3 dwelling use class only permits a single dwelling and prohibits second dwellings or grouped dwellings. Various sections of the Resource Zoned area were previously included in Special Rural Zoned and Rural Zoned lots with 2ha minimum lot sizes and limited to a single house. These requirements were translated into the Resource Zone applied through SPP 2.3. The area is essentially a Rural Living Area with the ability subject to site conditions for subdivision down to a minimum lot area of 2ha.

Clause 5.10.11 (e) states that where any use is not provided for in Table 1 of Statement of Planning Policy No 2.3 – Jandakot Groundwater Protection Policy is not permitted 'X' in the Resource Zone. Accordingly Council doesn't have the ability to approve the proposed second dwelling.

An alternative to a second dwelling on the site is for the applicant to consider lodging an application for ancillary accommodation. Clause 5.10.2 of the Scheme allows the Council to approve ancillary accommodation on a lot where a single house already exists on the lot in the Resource Zone where the net area of the ancillary accommodation does not exceed 60m<sup>2</sup> and the area of the lot is to be greater than 2ha.

The applicant has already been given the opportunity to lodge a fresh application for ancillary accommodation and has rejected this option. In the interim if the applicant obtained an approval for two houses on the lot, (despite that this doesn't seem legally possible) it was intended to leave the existing house vacant leaving the applicant's family living in the (new) second house. If the family circumstances changed in the future then the house could be occupied by the applicant's mother.

The applicant has also questioned the approvals for Lot 515 Hebble Loop and Lot 513 Hebble Loop. In both instances the buildings have been granted approval for ancillary accommodation by Council.

#### Recommendation

Council does not have the ability to approve the proposal for a second residence and therefore the refusal decision must apply.



The reasons for refusal have been refined to more accurately reflect the Scheme and Policy requirements that apply to the land.

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

#### ***Demographic Planning***

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

#### ***Natural Environmental Management***

- *To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.*
- *To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.*

The Planning Policies which apply to this item are:-

SPD1            Bushland Conservation Policy  
APD40          Response To Appeals

### **Budget/Financial Implications**

If the applicant lodges an appeal the City may incur costs in defending such an appeal despite the fact that an appeal right does not appear to exist.

### **Legal Implications**

Town Planning Scheme No 3  
Residential Design Codes 2002  
Planning and Development Act 2005  
State Administrative Tribunal Regulations

### **Community Consultation**

The applicant has included letters of support to the proposal from nearby neighbours.

### **Attachment(s)**

- (8)            Location Plan  
(9)            Site Plan  
(10)          Applicant's justification



**Advice to Proponent(s)/Submissioners**

The proponent and submissioners(s) have been advised that this matter is to be considered at the 14 December 2006 Council Meeting.

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

Nil.

**14.13 (MINUTE NO 3335) (OCM 14/12/2006) - CONSIDERATION OF TENDER DOCUMENTS - CONSULTANCY/PROJECT MANAGEMENT SERVICES - REVITALISATION OF COOLBELLUP TOWN CENTRE PRECINCT (93010) (AJB) (ATTACH)**

**RECOMMENDATION**  
That Council:

- (1) accept the tender submitted by Syme Marmion & Co for Tender RFT22/2006 as the contractor for the Revitalisation of Coolbellup Town Centre precinct project at the tendered price of \$41,771 (ex. GST); and
- (2) advise those tenderers who were not awarded the contract of Council's decision and thank them for making a submission.

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

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Development Development Area 7
LAND USE:	Local Centre	

On the 20 November 2001 Council agreed to request the Department for Housing and Works (DHW) and the Department for Planning and Infrastructure (DPI) undertake a joint planning study on the Coolbellup Town Centre Precinct.

An Enquiry-By-Design community consultation workshop was established as a result of the agreement and the workshop investigated



options for the redevelopment of the existing under performing Coolbellup Town Centre. One of the options investigated – “Scenario 3”, involved the relocation and redevelopment of the existing Town Centre on the former Koorilla Primary School site.

Council at its meeting held 17<sup>th</sup> February 2004 (Minute No 2316) resolved to pursue Town Centre - Scenario 3 as the preferred option for the redevelopment of the Coolbellup town centre and to establish a consultative process to include landowners and lessees within the commercial precinct, government agencies and Council, to further investigate Town Centre Scenario 3 and to develop an implementation strategy.

### **Submission**

The City of Cockburn is seeking the services of a qualified and experienced Project Manager/Consultant to undertake the necessary feasibility studies, needs assessments, implementation strategies and detailed structure plans to assess the possible redevelopment of the Coolbellup Town Centre on the former Koorilla Primary School site and the existing Town Centre site.

The request for tender closed on 26 September 2006 with 3 submissions received from:

- GHD
- Syme Marmion & Co
- Voran

### **Report**

#### Review of Tender Documents

The assessment criteria outlined in the tender documents are as follows: -

- |                                       |     |
|---------------------------------------|-----|
| • Relevant Experience                 | 25% |
| • Key Personnel Skills and Experience | 25% |
| • Tenderer’s Resources                | 20% |
| • Demonstrated Understanding          | 30% |

GHD, Syme Marmion & Co and Voran are reputable companies with sound experience and positive references. All tenderers were deemed compliant with the condition of tendering and compliance criteria.

Tenders were evaluated by:

- Manager Planning Services – Allen Blood
- Senior Planning Officer – Mike Davis



## Scoring Table

Tender Name	Non Cost Evaluation Score	Cost Evaluation Score	Total Score
GHD	72%	N/A	72%
Syme Marmion & Co	75%	N/A	75%
Voran	73.5%	N/A	73.5%

Syme Marmion and Co's tender performed marginally better than the other tenders, particularly in the area of relevant experience, where Syme Marmion & Co were involved in the original Coolbellup Enquiry-by-Design process. Given that the price tendered by Syme Marmion & Co is significantly less than the price tendered by GHD and Voran, it is recommended that the Council appoint Syme Marmion & Co to undertake the project.

Refer to Tender Evaluation Sheet (confidential attachment) contained in the Agenda attachments for detailed performance and tendered prices.

Consultation

Further to the consultation undertaken as part of the Enquiry-by-Design exercise, which indicated strong support for Scenario 3, a survey was sent to all owners and tenants of the Coolbellup shopping centre to determine the current level of support for the proposed redevelopment of the Coolbellup Town Centre on the former Koorilla Primary School site.

Eight (8) survey responses were received. Of these, three tenants strongly objected to the proposal, two tenants supported the proposal in principle, two survey responses required additional information to make a decision and one survey response had doubts about the proposal. No response was received from the Coolbellup Community Association.

Refer Schedule of Submissions – Survey Results contained with the Agenda attachments.

The survey results confirm that the Coolbellup shopping centre tenants and owners as a group are not strongly opposed to the Council proceeding with the investigation into the proposed redevelopment of the Coolbellup Town Centre on the former Koorilla Primary School site.

As such, it is recommended that Council appoint a consultant to undertake the necessary investigations as previously resolved by Council at its meeting held 17<sup>th</sup> February 2004.





## Conclusion

It is recommended that Council appoint Syme Marmion & Co as the contractor for the Revitalisation of Coolbellup Town Centre precinct project and advise the tenderers of Council's decision.

## **Strategic Plan/Policy Implications**

### ***Demographic Planning***

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

### ***Lifestyle and Aspiration Achievement***

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

### ***Governance Excellence***

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

## **Budget/Financial Implications**

The tender value of \$41,771 is marginally more than the budgeted amount of \$40,000 for this project (OP 9817). The variation to the budget is not classed as significant and accordingly no amendment to the budget is required.

## **Legal Implications**

- Section 3.57 of the Local Government Act 1995
- Part 4 of the Local Government (Functions and General) Regulations 1996
- Public Interest Disclosure Act 2003

## **Community Consultation**

Tenders closed on 26 September 2006.

A survey of all landowners and tenants of the Coolbellup Shopping Centre was also undertaken to determine the level of support to proceed with the project.

## **Attachment(s)**

- (1) Site Plan
- (2) Schedule of submissions
- (3) Tender Evaluation Sheet including Tendered Prices – Confidential Attachment



**Advice to Proponent(s)/Submissioners**

The tenderers have been advised that this matter is to be considered at the December 2006 Council Meeting.

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

Nil.

**DECLARATION OF INTEREST**

Clr Allen declared a conflict of interest in the following item, the nature of the interest being that he is in partnership with a Director of one of the property owners.

CLR ALLEN LEFT THE MEETING AT THIS POINT, THE TIME BEING 8.14PM.

**14.14 (MINUTE NO 3336) (OCM 14/12/2006) - PROPOSED STRUCTURE PLAN - LOTS 27, 28 & 29 ROCKINGHAM ROAD, MUNSTER - OWNER: L27 - C BURNBY, L28 & 29 - FEYMORE STARLINE JOINT VENTURE - APPLICANT: BURGESS DESIGN GROUP (9686) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the structure plan for lots 27, 28 and 29 Rockingham Road, Munster subject to;
  1. The structure plan report being modified to include the text amendments recommended by the Water Corporation as contained in the Schedule of Submissions.
  2. The Structure Plan being amended to show combined access roads along the common boundary of lots 28 and 29 and along the southern boundary of lot 27 and for reciprocal rights of access over the roadways to be provided in the event that strata development is undertaken.
- (2) adopt the officer recommendations on the Schedule of Submissions contained in the Agenda attachments .and forward a copy of the Structure Plan and Schedule of Submissions to the Western Australian Planning Commission for its endorsement



- pursuant to clause 6.2.10 of Town Planning Scheme No 3; and
- (3) advise the applicant and those who lodged a submission of Council's decision accordingly.

### **COUNCIL DECISION**

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

**CARRIED 7/0**

### **Background**

ZONING:	MRS:	Urban
	TPS3:	Development Development Area 5 Development Contribution Area 6
LAND USE:	Residential	
LOT SIZE:	Lot 27: 0.3258ha Lot 28: 0.3398ha Lot 29: 0.3561ha	

### **Submission**

Burgess Design Group has submitted a proposed Structure Plan for Lots 27, 28 and 29 Rockingham Road, Munster. The proposed structure plan shows the subject lots being zoned Residential R40.

Refer to proposed Structure Plan contained in the Agenda attachments.

### **Report**

#### POS

The structure Plan does not propose any public open space (POS). This is acceptable to the City given that the structure plan area is approximately 1.0200ha in area and the subdivider(s) would only be required to give up approximately 1000m<sup>2</sup> as POS. Council Policy APD4 – *Public Open Space* recommends a minimum of 1500m<sup>2</sup> for POS areas given that any smaller area of POS would likely become a management burden to the City and would provide limited benefit to the community.



It is recommended that 10% POS being provided as cash-in-lieu is justified in this instance.

### Community Consultation

The proposed Structure Plan was advertised to surrounding landowners and relevant government agencies and was advertised in two local papers circulating within the locality for a period of 21 days, which closed on 24<sup>th</sup> November 2006, in accordance with the requirements of the Council's Scheme.

The submissions do not require explanation over and above that outlined in the Schedule of Submissions.

Refer to Schedule of Submissions contained in the Agenda attachments.

### Conclusion

It is recommended that the Council adopt the structure plan for Lots 27, 28 and 29 Rockingham Road, Munster and refer the structure plan to the WA Planning Commission for final consideration.

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

#### ***Demographic Planning***

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

#### ***Infrastructure Development***

- *To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.*

The Planning Policies which apply to this item are:

APD4            Public Open Space

### **Budget/Financial Implications**

The subdivider will be required to provide 10% Public Open Space in the form of cash-in-lieu, which can be used by the Council to develop POS in the locality.

### **Legal Implications**

Advertised in accordance with the provisions of section 6.2.8 of City of Cockburn Town Planning Scheme No 3.



### Community Consultation

The structure plan was advertised to the community for a period of 21 days. This included an advertisement in two local papers circulating in the District, letters to adjoining owners, letters to servicing and other government agencies, copies of the report and plans on Councils Web site and a copy at the front counter.

Submissions were received from Alinta Gas, Western Power, Water Corporation and Department of Water.

### Attachment(s)

- (1) Site Plan / Structure Plan.
- (2) Schedule of submissions.

### Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the December 2006 Council Meeting.

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

Nil.

CLR ALLEN RETURNED TO THE MEETING, THE TIME BEING 8.15PM.

THE PRESIDING MEMBER ADVISED CLR ALLEN OF THE DECISION OF COUNCIL WHILST HE WAS ABSENT FROM THE MEETING.

### **14.15 (MINUTE NO 3337) (OCM 14/12/2006) - LIQUOR STORE - LOT 2 (NO. 64) COOLBELLUP AVENUE, COOLBELLUP - OWNER: NIGHTVIEW PTY LTD - APPLICANT: INFRATEC PTY LTD (1104406) (JH) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) in accordance with clause 4.4.2 (b) (ii) determines that a Liquor Store is a use which may be consistent with the objectives of the Development Zone (Development Area No.7);
- (2) grant approval to a Liquor Store on Lot 2 (No.64) Coolbellup Avenue, Coolbellup in accordance with the approved plans subject to the following conditions:-

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
4. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the Council prior to the erection of any signage on the site/building.
5. No bunting is to be erected on the site (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).
6. The landscaping installed in accordance with the approved detailed landscape plan must be reticulated or irrigated and maintained to the satisfaction of the Council.
7. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 2.1 metre truncation, as depicted on the approved plan.
8. All stormwater shall be contained and disposed of on-site to the satisfaction of the Council.
9. Refuse bins shall be provided adequate to service the development and the bins are to be screened to the satisfaction of the Council before the development is occupied or used.
10. The vehicle parking and manoeuvring area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of



the Council.

11. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
12. A minimum of 1 disabled carbay designed in accordance with Australian Standard 2890.1 – 1993 is to be provided in a location convenient to, and connected to a continuous accessible path to, the main entrance of the building or facility. Design and signage of the bay(s) and path(s) is to be in accordance with Australian Standard 1428.1 – 1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in conjunction with the building licence application.
13. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade 2.5%.

STANDARD CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A BUILDING LICENCE

14. Notwithstanding the detailed specifications required to be submitted for a building licence approval, a separate schedule of the colour and texture of the building materials shall be submitted and approved to the satisfaction of the Council prior to the occupation of the site and before the commencement or carrying out of any work or use authorised by this approval.
15. A landscape plan being submitted to the Council and approved, prior to applying for a building licence and shall include the following:-
  - (1) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area being in conformity with the City of Cockburn Greening Plan;
  - (2) any lawns to be established;
  - (3) any natural landscape areas to be retained;
  - (4) those areas to be reticulated or irrigated; and
  - (5) verge treatments

STANDARD CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPANCY

16. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS/NZS 2890.1: 2004) unless otherwise specified by this approval and are to be



constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed **prior to the development being occupied** and thereafter maintained to the satisfaction of the

17. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
18. Landscaping is to be undertaken in the street verge adjacent to the lot in accordance with the approved plans and be established prior to the occupation of the site; and thereafter maintained to Council's satisfaction.

#### SPECIAL CONDITIONS

19. This approval relates to a liquor store only and does not include a drive through facility.
20. This approval authorises the use of the premises as a liquor store to be carried on for a period of seven years from 11 October 2005 - the date of the State Administrative Tribunal's order. A fresh application for planning approval must be lodged and approved prior to 11 October 2012 for the continuation of the use for a period in excess of this time period.
21. Evidence being provided to the satisfaction of Council to demonstrate that sufficient Rights of Carriageway easements exist to enable access and egress to and from the site in accordance with the approved plans.
22. The proponent must engage a suitably qualified environmental consultant to certify that the underground fuel tanks and equipment have been properly removed and to conduct site investigations to remove any contaminated soil and/or groundwater in accordance with the requirements of the Department of Environment and Conservation to the satisfaction of Council. These works must be completed prior to issuance of a building licence by the City.

#### FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. The development site is to be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.





3. The applicant is required to obtain all relevant licences and certificates under the Liquor Licensing Act 1988 prior to the operation of the use (e.g. Section 40).
  4. The use of the premises is required to comply with the Health (Food Hygiene) Regulations 1993 and the Australia New Zealand Food Standards Code (Australia only – where applicable)
  5. Uncovered parking bays shall be a minimum of 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre (minimum) wide paved accessway.
  6. The Council takes no responsibility or liability in respect to maintenance and reinstatement of any verge area landscaped as a condition of approval.
  7. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval - Approval (inclusive of MRS Form 2 Notice of Approval);
- (3) advise the applicant of Council's decision accordingly.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban
	TPS3	Development (Development Area No.7)
LAND USE:	Liquor Store	
LOT SIZE:	1386m <sup>2</sup>	
USE CLASS:	Use Not Listed – “Liquor Store”	



The land subject of this application is a former Ampol service station site situated adjacent to Coolbellup Avenue, immediately to the north west of the Coolbellup Shopping Centre.

On 17 May 2005 Council considered an application for a change of use from service station to bottle shop, and resolved to defer the application to enable the immediate preparation of a detailed structure plan based upon Council's preference of Scenario 3 arising from the Coolbellup Enquiry-by-Design consultation process.

The applicant subsequently made application for a review with the State Administrative Tribunal ("SAT"). On 11 October 2005 the SAT issued a formal order approving the application subject to conditions including a special condition limiting the period of time for which the approval was granted to seven years.

### **Submission**

The applicant has submitted a planning application to construct a new liquor store building replacing the existing vacant service station. The previous proposal approved by the SAT was to carry out alterations and additions converting the existing service station to a liquor store. The current proposal is for a new building. The liquor store currently located within the Coolbellup Shopping Centre will relocate and operate from the proposed new premises if approved. The proposal is summarised as follows:

- Demolition of service station
- Development of a new 300m<sup>2</sup> building incorporating a 169m<sup>2</sup> bottle shop, 69m<sup>2</sup> coolroom, 30m<sup>2</sup> store and staff office and toilet facilities.
- Parking for 21 customer vehicles and 4 staff vehicles
- Loading bay

### **Report**

A Liquor Store is a "use not listed" in the Zoning Table of Town Planning Scheme No.3. In accordance with clause 4.4.2 of Town Planning Scheme No.3, the Council therefore needs to determine whether the use and development is consistent with the objectives of the Development zone (Development Area No.7).

The objective of the Development zone is "*To provide for future residential, industrial or commercial development in accordance with a comprehensive Structure Plan prepared under the Scheme.*" Additionally:

- *An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development;*



- *To provide for an integrated town centre with a mix of residential, commercial, recreation, community and education facilities ... .”*

To date, no Structure Plan has been prepared for Development Area No. 7. In accordance with Clause 6.2.4.2 of the Scheme, the Council may grant approval to the use and development of land within a Development Area without a Structure Plan if the Council is satisfied that the development will not prejudice the specific purposes and requirements of the Development Area.

### Strategic Planning Context

Preferred ‘Scenario 3’ arising from the Coolbellup Enquiry-by-Design consultation process for the Coolbellup Centre identifies the subject site for medium density residential development. Implementation of preferred Scenario 3, however, is highly complex and it is therefore difficult to put a timeframe on how long a Structure Plan could take to prepare and implement. The State Administrative Tribunal recognised this fact in previously granting approval for a change of use to Liquor Store.

Given the vacant, un-maintained state of the existing building on the subject land, the development of the premises as a new Liquor Store is expected to improve the amenity of the site in the interim. In the longer term, if the surrounding land is developed for residential purposes, and the Coolbellup Centre relocated it may be more appropriate for the liquor store to also relocate allowing the subject lot to be redeveloped for residential purposes consistent with Scenario 3.

Given that a structure plan has not yet been prepared, and that the State Administrative Tribunal has previously approved the proposed use, it is considered appropriate, should Council approve the proposal, to limit the timeframe of this approval to seven years from the date of the State Administrative Tribunal’s order. This will enable the applicant to proceed with a degree of certainty, but will also require the applicant to lodge a new application for the use of the premises as a liquor store prior to the continuation of the use for any period after this date. Such application (incorporating any necessary modifications to access, landscaping etc) may then be considered in the context of an approved structure plan and any consequential developments.

### Town Planning Scheme No.3

The proposed development generally complies with the standards and provisions of the City’s Town Planning Scheme No 3, and proposes adequate parking and sufficient access arrangements. Landscaping on site is proposed to represent 8.5% of the lot area. The City’s Town Planning Scheme No.3 stipulates a minimum on-site provision of 10%



which may be reduced to 5% subject to the street verge abutting the site being developed and maintained by the owner as an integral part of the on-site provision. The verge is already landscaped and the provision of 8.5% on-site landscaping is therefore considered acceptable subject to the verge being maintained as a condition of planning approval.

#### Site Remediation

The applicant has advised that the tanks associated with the service station have been removed and the site remediated, however the City does not have any record of this. The applicant has agreed to provide evidence of their removal and the remediation of the site as a condition of planning approval. The wording of the condition outlined in the State Administrative Tribunal's decision is considered appropriate and includes a requirement for a soil contamination assessment of the site to be approved to ensure that any potential contamination of the site is identified and removed prior to construction occurring on site.

#### Community Consultation

A sign was erected on site for a period of 14 days advising of the application. No submissions were received.

#### Conclusion and Recommendation

The State Administrative Tribunal approved the use of the site for a liquor store in October 2005. The proposed relocation of a use from the adjoining Shopping Centre site and the removal and replacement of the derelict service station with a new building and associated landscaping is expected to improve the visual amenity of the area.

The proposal will not compromise future structure planning in the short to medium term. The appropriateness of the development can be reassessed at a later date in the context of any approved plans and developments through imposition of a condition consistent with the State Administrative Tribunal's decision, which limits the approval period

Parking, access, landscaping and design aspects are considered acceptable and the proposal has been advertised with no submissions received.

Given the above it is recommended that Council approve the application subject to appropriate conditions,



## Strategic Plan/Policy Implications

### **Demographic Planning**

- *To ensure development will enhance the levels of amenity currently enjoyed by the community.*

### **Employment and Economic Development**

- *To plan and promote economic development that encourages business opportunities within the City.*

## Budget/Financial Implications

In the event of an application for review being made to the State Administrative Tribunal in respect of Council's decision or conditions of approval, there may be costs associated with defending such decision / conditions.

## Legal Implications

Town Planning Scheme No 3  
Planning and Development Act 2005  
State Administrative Tribunal Regulations

## Attachment(s)

- (1) Site plan, floor plans and elevations
- (2) Scaled Drawings of Development

## Advice to Proponent(s)/Submissioners

The proponent has been advised that this matter is to be considered at the 14 December 2006 Council Meeting.

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

Nil.

## 14.16 **(MINUTE NO 3338)** (OCM 14/12/2006) - DISTRICT BOUNDARY CHANGE - AUSTRALIAN MARINE COMPLEX (1035) (MR) (ATTACH)

### **RECOMMENDATION**

That Council:

- (1) adopt the proposed amendment to the Local Authority boundary to follow the western boundary along the coastline between the districts of the City of Fremantle and Town of Kwinana as shown on Attachment A and seek approval from the Local Government Advisory Board;

(2) advise the Department of Land Information accordingly.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The district of the City of Cockburn was gazetted on Friday, 20 May 1966 and was explained in a lengthy statement using a complicated series of descriptions that referred to location numbers and reserves. The final statement in Schedule A of the gazettal notice included as follows:-

*“; thence westerly to and along that boundary and onwards to the low water mark of the Indian Ocean aforesaid and thence generally north-north-westerly along that low water mark to the starting point.”*

The City sought advice from the Department of Local Government and Regional Development regarding the interpretation of this clause as the alignment of the low water mark has been modified due to the reclamation works associated with the Australian Marine Complex. The clause suggested that the reclaimed land is automatically within the district but further discussion on this point with the Department of Land Information suggested that this is not the case.

**Submission**

The submission seeks Council’s approval to adjust the district boundary to include the area of land reclaimed along the coastal frontage to the southern portion of the Australian Marine Complex.

**Report**

LandCorp undertook substantial reclamation works a few years ago for the new heavy load out facility and common user facility. These works extended beyond the amended district boundary that was set out in the Government Gazette. Other structures have been built within the ocean including man-made seawalls and groynes elsewhere along the Cockburn coastline that should be included within a revised western district boundary.

The form for boundary changes is set out in the *Local Government (Constitution) Regulations 1998*. The Governor would need to make



an order in Council to give effect to any change for a district boundary. This would include the Department of Land Information technical description of the changes to the district boundary. The changes would take effect after the Order was published in the Government Gazette.

The district boundary needs to be amended in order for the Council's municipal administrative functions including Local Laws to apply to this land. Council rates cannot be applied to land unless it is within the Cockburn district as proclaimed.

It is recommended that Council proceed to amend the district boundary based on Attachment A, inclusive of the written description, which is subject to DLI approval, and seek approval from the Local Government Advisory Board accordingly.

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

#### ***Employment and Economic Development***

- *To plan and promote economic development that encourages business opportunities within the City.*
- *To pursue high value employment opportunities for our residents.*

#### ***Transport Optimisation***

- *To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Local Government (Constitution) Regulations 1998.

### **Community Consultation**

N/A

### **Attachment(s)**

- (1) Maps of Proposed District Boundary
- (2) Technical Description (subject to DLI approval)

### **Advice to Proponent(s)/Submissioners**

N/A



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

Nil.

**DECLARATION OF INTEREST**

Clr Golcalves declared a conflict of interest in the following item, the nature of the interest being that her sister is in partnership with the owner of one of the subject lots.

CLR GOLCALVES LEFT THE MEETING AT THIS POINT, THE TIME BEING 8.15PM.

**14.17 (MINUTE NO 3339) (OCM 14/12/2006) - MODIFIED STRUCTURE PLAN FOR LOTS 55, 56 AND 181 TINDAL AVENUE, YANGETUP (9620) (AJB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the modified structure plan for lots 55,56 and 181 Tindal Avenue prepared by John Chapman planning consultant as shown on Plan 3 in the Agenda attachments;
- (2) adopt the officers recommendations on the Schedule of Submissions contained in the Agenda attachments and forward a copy of the modified Structure Plan and Schedule of Submissions to the Western Australian Planning Commission for approval; and
- (3) advise those who lodged a submission of Councils decision accordingly.

**COUNCIL DECISION**

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

**CARRIED 7/0**

**Background**

A modified structure plan was prepared for the area bounded by Tindal Ave, McLaren Ave, Spearwood Ave and Beeliar Drive Yangebup





following representations from the owners of lot 55, 56 and PRM property group on behalf of Department of Housing and Works

### **Submission**

N/A

### **Report**

The proposal relates to land in the area bounded by Tindal Ave, McLaren Ave, Spearwood Ave and Beeliar Drive Yangebup. A structure plan for the area was adopted by Council in July 2004 (see Plan 1 in the Agenda attachments). In adopting the plan Council sought agreement between the owners regarding the provision of public open space as the entire 10% was located on central lot 56 and the adjoining owners were to come to an arrangement to compensate the owner for the over provision. Subsequently lots 55 and 56 were sold and no agreement was reached. Following representations from owners in the area the City's' planning officers considered that the fair and equitable arrangement was for the public open space to be positioned across the common boundary of lots 55 and 56 so that they would satisfy their own open space requirement and to take cash in lieu from the owner of lot 181. Accordingly a modified Structure Plan was prepared by the City's' Strategic Planning Services and was advertised for public comment (see Plan 2 in the Agenda attachments).

The Structure plan was advertised for public comment from 20<sup>th</sup> September to 24<sup>th</sup> October 2006. Eleven submissions were received, eight from servicing authorities and three from landowners or their consultants. The submissions are summarised in the Schedule of Submissions included in the Agenda attachments.

In the main the submissions provide information or confirmation of no objection to the proposal being implemented and require no explanation over and above that outlined in the Schedule of Submissions. Issues requiring specific comment are in respect to Submission No 3 by Agility Management Pty Ltd and Submission No 5 by John Chapman Planning Consultant on behalf of the owner of lot 55 Tindal Avenue. The matters raised are as follows;

#### Submission 3

Agility Management are contracted to manage and operate the Parmelia natural gas pipeline which is located down the east side of Spearwood Avenue. The Structure Plan area is some 50 metres west of the pipeline but within the 300m notification zone and within the 65m conditional development zone specified in the Planning Commissions' draft Pipeline Planning Bulletin. In the draft policy there is a presumption against residential development within the conditional development zone.



The 65 m conditional development zone affects a strip of land down the western side of Spearwood Ave owned by Department of Housing and Works. PRM Management Pty Ltd who manage the land as part of the Meve Estate advise that the 65m conditional development zone does not apply due to the following;

- A previous risk assessment has been undertaken and a 32 m set back was determined as adequate. This is the set back that has been applied to the Meve Estate which is on the eastern side of the relevant portion of the pipeline.
- Works have been completed on the adjoining section of the pipeline by the Meve development.
- The Department for Planning and infrastructure recently advised Agility that the draft Planning Bulletin has not yet been endorsed by the WAPC and requires additional work before it is endorsed. The letter also advises that the WAPC wants to be satisfied that appropriate recognition is given to current risk assessments which have been undertaken and mitigation measures agreed based on those assessments (WAPC letter dated 24 April 2006).

On the basis of the information presented by PRM on behalf of the Department of Housing and Works it is considered that the 65m conditional development zone is not appropriate. However the detailed subdivision plans for the area need to ensure that there is no encroachment of residential lots into the previously agreed 32m buffer.

#### Submission 5

Subsequent to the advertising of the Structure Plan, John Chapman planning consultant prepared a revised plan for lot 55. Following discussions with the owner of adjoining lot 56 a further modified plan was produced and submitted for consideration. The modified plan is shown as Plan 3 in the Agenda attachments. The modified plan embodies the same principles of shared public open space across the boundaries of lots 55 and 56 with R40 development around the POS as shown on the advertised plan. The modified plan improves on the advertised plan by providing a road along the southern boundary of the open space area, deleting a four way intersection and introduces a laneway to service the R40 development fronting McLaren Avenue. It is noted that the revised plan deletes some R40 development on lot 181 but in return increases the potential lot yield and reduces the development costs by reducing the length of road.

It is recommended that Council adopt the recommendations outlined in the Schedule of Submissions included in the Agenda attachments and approve the modified Structure Plan submitted by John Chapman.



## Strategic Plan/Policy Implications

### **Demographic Planning**

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

### **Infrastructure Development**

- *To construct and maintain community facilities that meet community needs.*

### **Lifestyle and Aspiration Achievement**

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

### **Governance Excellence**

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

The Planning Policies which apply to this item are:

SPD4	'Liveable Neighbourhoods'
APD4	Public Open Space

## Budget/Financial Implications

Cash in Lieu of the 10% public open space in respect of lot 181 will be spent on upgrading existing or proposed recreation reserves in the area subject to receiving approval for such works from the Minister for Planning and Infrastructure.

## Legal Implications

Nil

## Community Consultation

The structure Plan was advertised in the local papers and letters were sent to the affected landowners and the servicing authorities.

## Attachment(s)

- (1) Adopted Structure Plan – July 2004
- (2) Advertised modified Structure Plan
- (3) Recommended modified Structure Plan
- (4) Schedule of Submissions



**Advice to Proponent(s)/Submissioners**

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the December 2006 Council Meeting.

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

Nil.

CLR GONCALVES RETURNED TO THE MEETING, THE TIME BEING 8.16PM.

THE PRESIDING MEMBER ADVISED CLR GONCALVES OF THE DECISION OF COUNCIL WHILST SHE WAS ABSENT FROM THE MEETING.

**14.18 (MINUTE NO 3340) (OCM 14/12/2006) - STRUCTURE PLAN FOR LOT 1 WEST CHURCHILL AVENUE AND LOTS 24-26 ROCKINGHAM ROAD, MUNSTER - APPLICANT: BURGESS DESIGN GROUP (9674) (AJB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Structure Plan for Lot 1 West Churchill Avenue and Lots 24-26 Rockingham Road , Munster subject to the Structure Plan being amended to show combined access roads along the common boundary of Lots 24 and 25 and along the northern boundary of Lot 26 and for reciprocal rights of access over the roadways to be provided in the event that strata development is undertaken;
- (2) adopt the officer recommendations on the Schedule of Submissions contained in the Agenda attachments and forward a copy of the Structure Plan and Schedule of Submissions to the Western Australian Planning Commission for its endorsement pursuant to clause 6.2.10 of Town Planning Scheme No 3; and
- (3) advise the applicant and those who lodged a submission of Council's decision accordingly.



**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

Burgess Design Group submitted a structure plan for the subject land in September 2006 on behalf of the owners of the land.

**Submission**

N/A

**Report**

The proposal relates to land in the north east quadrant of the intersection of West Churchill Ave and Rockingham Road Munster. The land on the corner of West Churchill Ave and Rockingham Rd is developed as a pizza restaurant with the balance being single residences on lots having an area of approximately 3000m<sup>2</sup>. The adjoining lots to the north, east and south are also relatively large with single residences and suitable for redevelopment. Land to the west of Rockingham Road accommodates a local shopping centre and some single residential lots. Land south west of the West Churchill Ave/ Rockingham Rd intersection is the subject of the Munster Phase 2 Structure Plan adopted by Council in July 2005 which proposes R40 development on the corner in recognition of its location adjacent to a bus route and within the 400m walkable catchment of a local centre as promoted by "Liveable Neighbourhoods".

The Structure Plan proposes that the restaurant on lot 1 on the corner of West Churchill Ave and Rockingham Road be zoned Local Centre with an R code of R40 and the balance being Residential R 40 to allow up to 45 strata titled units to be developed (see plan in Agenda attachments). Given the smallness of the area (1.0299 ha) it is recommended that Council takes cash in lieu of public open space which would be some 1030m<sup>2</sup> which is considered too small to be viable.

The Structure Plan was advertised for public comment from 20<sup>th</sup> September 2006 to 20<sup>th</sup> October. Eleven submissions were received, nine from servicing authorities/Govt agencies and two from residents/landowners. The submissions are summarised in the Schedule of Submissions included in the Agenda attachments.



In the main the submissions provide information or confirmation of no objections to the proposal being implemented and require no explanation over and above that outlined in the Schedule of Submissions. Issues requiring specific comment are in respect of Submission No 6 by I & D Berkovich whose land is included in the Structure Plan and Submission No 7 by S & H McGuinness who live adjacent to the Structure Plan area on lot 2 West Churchill Ave. Both submissions raise similar issues and these are discussed in the following points;

- The Berkovich's claim that they did not agree to their land being included in the proposal. There is no requirement under the Scheme that an owner has to agree to their land being included in a Structure Plan. In this instance it is logical to include the land owned by the Berkovich's as it forms part of a contiguous area to be planned. Notwithstanding that, it should be noted that the inclusion of land in a structure plan and its designation of residential R40 does not in any way compel the owner to develop or subdivide. It will however enable the owner to either subdivide or develop the land at a time of their choosing if they elect to do so.
- Both submissions object to the proposed R40 zoning and advise that R 20 would be more acceptable. The subject land is opposite a local centre and on a strategic bus route. As such it is at the heart of the 400m walkable catchment of a neighbourhood where "Liveable Neighbourhoods" promotes higher density. Also the designation of the land at R40 will provide for a variety of housing types to satisfy a wider range of people and price range/affordability. Accordingly the proposal to provide R40 housing in this locality is in accordance with sound planning principles. It should also be noted that the R40 code is a maximum density and owners can develop at a rate they consider appropriate to their needs and market conditions. Accordingly there is nothing to stop Mr Berkovich from developing in accordance with the R 20 code.
- The McGuinness's submission 7 expresses concerns regarding the effects of R40 development on their lifestyle including noise, privacy and are concerned that such development will devalue their property and create a safety problem. Whilst it is acknowledged that the R40 coding will potentially allow a greater number of dwellings to be constructed, the side and rear setbacks for R20 and R40 are the same and hence the coding to R20 as suggested will not guarantee a lesser degree of noise or privacy. In respect to impact on values there is no evidence that R40 development will have a negative impact on property values particularly considering that the properties are located next to a commercial activity. Notwithstanding that, factors such



as competition and impact on property values are not valid planning considerations.

Finally the submission claims that the lots are on the inside of a curve on Rockingham Road and as such have restricted visibility. The fatality on Rockingham Road referred to in the submission occurred near Troode St, not in this location where traffic volumes are considerably lower and further more, vehicles accessing Rockingham Road from the development sites would be in a forward gear which is much safer than reversing onto the Road as is currently the case.

The proposal to code the subject land residential R40 is consistent with the principles of "Liveable Neighbourhoods" endorsed by Council (Policy SPD 4) and based on sound planning principles. It should also be noted that an application for the 3 lots north of the subject land to be zoned residential R40 has also been recently advertised for public comment and no objections were received.

For the reasons outlined in the Schedule of Submissions and detailed in the above report, it is considered that the proposal should be approved without modification.

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

#### ***Demographic Planning***

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

#### ***Lifestyle and Aspiration Achievement***

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

#### ***Governance Excellence***

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

#### ***Transport Optimisation***

- *To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.*



### **Budget/Financial Implications**

Cash in lieu of the 10% public open space will be spent on upgrading existing or proposed recreation reserves in the area subject to approval from the Minister for Planning and Infrastructure

### **Legal Implications**

Nil

### **Community Consultation**

The Structure Plan was advertised in the West Australian and letters were sent to neighbouring landowners and servicing authorities.

### **Attachment(s)**

- (1) Advertised Structure Plan
- (2) Schedule of Submissions

### **Advice to Proponent(s)/Submissioners**

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the December 2006 Council Meeting.

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

Nil.

**14.19 (MINUTE NO 3341) (OCM 14/12/2006) - MODIFICATION TO THE SOUTH BEACH STRUCTURE PLAN (EAST OF O'CONNOR CLOSE, NORTH COOGEE) - APPLICANT: MGA TOWN PLANNERS - OWNER: STOCKLAND (9653) (MR) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) adopt the variation to the South Beach Structure Plan as reflected on the modified Structure Plan attachment, given that the changes do not materially alter the intent of the Structure Plan pursuant to Clause 6.2.14.1 of the City of Cockburn Town Planning Scheme No 3;
- (2) refer the modified South Beach Structure Plan to the Western Australian Planning Commission for endorsement pursuant to Clause 6.2.14.3 of the City of Cockburn Town Planning Scheme No 3;





(3) advise the applicant accordingly.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

Council adopted South Beach Structure Plan (“Structure Plan”) at its meeting in July 2002 and forwarded this plan to the Western Australian Planning Commission (“Commission”) for endorsement. Further background to this matter is outlined in Item 14.3 OCM16/07/02 and OCM 19/09/02.

The Commission reviewed the Structure Plan and expressed concern in relation to various matters particularly the resolution to adopt the Structure Plan be under District Zoning Scheme No 2 rather than proposed Town Planning Scheme No. 3. Subsequently the Structure Plan was referred to the January 2003 Ordinary Meeting of Council where it was adopted pursuant to Town Planning Scheme No 3, following its gazettal in December 2002.

A subdivision plan was lodged by planning consultants acting on behalf of South Beach Pty Ltd in April 2003. The City recommended that the application be supported subject to several conditions. The subdivisional plan was generally in accordance with the adopted structure plan pursuant to Clause 6.2.3.2 of TPS3.

Further changes to the South Beach Structure Plan were made to lots along Rollinson Road at the Council meeting on 21 March 2005 by including lots within a Mixed Business Zone R60 to R80.

Minor Structure Plan changes were also adopted by Council at its meeting on 12 October 2006 which consolidated the residential density of the ANI site to R80.

**Submission**

The applicant seeks Council approval to amend the South Beach Structure Plan for the area east of O’Connor Close and north of Rollinson Road in accordance with two subdivision applications lodged with the Western Australian Planning Commission.



*“It is submitted that the proposed modifications improve the Structure Plan in the following ways.*

1. *More land is provided as POS*
2. *The additional POS necessary to allow the subdivision of the container land and former D’orsonga site is largely consolidated with the existing reserve for maintenance efficiency.*
3. *The POS is provided with additional road frontage from the south substantially improving accessibility.*
4. *The realignment of roads creates an east-west view corridor for unit sites behind to benefit.*
5. *The modified plan better resolves on (sic) acutely angled area of land, improving lot shapes.*

*For these reasons, Council is requested to approve the Structure Plan variations shown on the attached amendment map.”*

## **Report**

The following table is a brief comparison of the approved Structure Plan compared with the proposed Structure Plan changes for that part of the development the subject of modifications:-

Structure Plan Table

Density	Proposed Structure Plan No of Lots	Approved Structure Plan No of Lots
R20-R40	45	34
R40-R80	7	12
R60-R100	17	18
Total	69	64

In addition to the above modifications an additional area of 1,823sqm of public open space is proposed.

There are no objections to the proposed changes to the South Beach Structure Plan from a planning point of view for the following reasons:-

- There is only a marginal increase in the additional number of residential lots proposed;
- The arrangement of residential densities remains largely unchanged;
- The purchase of the industrial buildings by Stockland has facilitated improvements to the subdivision design and layout of lots;
- The Public Open Space area will increase;
- The road pattern has improved by the inclusion of rear laneways which makes for more attractive and pleasant streetscapes;



- The road pattern is based on a modified grid layout which allows for easy access and is highly legible;

The City of Cockburn TPS3 allows Council the ability to either adopt a variation to a structure plan if in its opinion the variation does not materially alter the intent of the structure plan or alternatively process the structure plan by public advertisement prior to making a decision on the structure plan variation.

Clause 6.2.14.1 states as follows:-

*“The local government may vary a structure plan:-*

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;*
- (b) otherwise in accordance with the procedures set out in clause 6.2.6 onwards.”*

The City’s Planning Services consider that the proposed variations to the adopted Structure Plan do not materially change the intent of the structure plan. It is open for Council on this basis to vary the structure plan by resolution pursuant to Clause 6.2.14.1 of TPS3. There are no significant changes to the intent of the structure plan from a land use planning point of view. The development area remains unchanged, land use configuration is unaffected and densities are comparable to existing densities on the current structure plan.

Given that the variation to the structure plan proposes the subdivision of land, the Council is required to forward the variation to the Commission for its endorsement within 10 days of making the decision in accordance with clause 6.2.14.3 of TPS3.

## **Strategic Plan/Policy Implications**

### ***Demographic Planning***

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

### ***Lifestyle and Aspiration Achievement***

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

### ***Governance Excellence***

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



Council Policies that apply are:-

SPD4            Liveable Neighbourhoods

**Budget/Financial Implications**

N/A

**Legal Implications**

Town Planning Scheme No 3  
Planning and Development Act 2005

**Community Consultation**

The South Beach Structure Plan has already been through a comprehensive public consultation program, which included workshops. The proposed structure plan changes do not materially alter the intent of the Structure Plan and therefore no further public consultation is required.

**Attachment(s)**

- (1) Current South Beach Structure Plan
- (2) Modified Structure Plan

**Advice to Proponent(s)/Submissioners**

The proponent has been advised that this matter is to be considered at the 14 December 2006 Council Meeting.

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

Nil.

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

**15.1 (MINUTE NO 3342) (OCM 14/12/2006) - LIST OF CREDITORS PAID - OCTOBER 2006 (5605) (KL) (ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for October 2006, as attached to the Agenda.



**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

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

**Submission**

N/A

**Report**

N/A

**Strategic Plan/Policy Implications*****Governance Excellence***

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

**Budget/Financial Implications**

N/A

**Legal Implications**

Section 13 of the Local Government (Financial Management) Regulations 1996.

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid - October 2006.

**Advice to Proponent(s)/Submissioners**

N/A



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

Nil.

**15.2 (MINUTE NO 3343) (OCM 14/12/2006) - STATEMENT OF FINANCIAL ACTIVITY - OCTOBER 2006 (5505) (NM) (ATTACH)**

**RECOMMENDATION**

That Council receive the Statement of Financial Activity and associated reports for the period ended 31 October 2006, as attached to the Agenda.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

Regulation 34(2) requires the Statement of Financial Activity to be accompanied by documents containing:-

- (a) details of the composition of the closing net current assets (less restricted and committed assets);
- (b) explanations for each material variance identified between YTD budgets and actuals; and
- (c) any other supporting information considered relevant by the local government.

**Submission**

N/A

**Report**

Attached to the Agenda is the Statement of Financial Activity for October 2006.



Note 1 shows how much capital grants and contributions are contained within the reported operating revenue.

Note 2 provides a reconciliation of Council's net current assets (adjusted for restricted assets and cash backed leave provisions). This provides a financial measure of Council's working capital and an indication of its liquid financial health.

Also provided are Reserve Fund and Restricted Funds Analysis Statements. These assist to substantiate the calculation of Council's net current assets position.

The Reserve Fund Statement reports the budget and actual balances for Council's cash backed reserves, whilst the Restricted Funds Analysis summarises bonds, deposits and infrastructure contributions held by Council. The funds reported in these statements are deemed restricted in accordance with Australian Accounting Standard AAS27.

#### Material Variance Threshold

For the purpose of identifying material variances in Statements of Financial Activity, Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality.

For the 2005/06 financial year, Council had adopted a materiality threshold of 10% or \$10,000, whichever is the greater. There is a need to review this for the 2006/07 financial year. For this purpose, a Position Statement will be developed and submitted to the next DAPPS Committee meeting.

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

#### ***Governance Excellence***

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

### **Budget/Financial Implications**

Where variances are of a permanent nature, these will be noted and addressed at the mid-year budget review.

### **Legal Implications**

Section 6.4 of the Local Government Act, 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996, refer.



**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity and associated reports – October 2006.

**Advice to Proponent(s)/Submissioners**

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (MINUTE NO 3344) (OCM 14/12/2006) - STINGER NETS AT COOGEE BEACH (1903) (JR)**

**RECOMMENDATION**

That Council:

- (1) not install stinger resistant net enclosures at Coogee Beach at this time;
- (2) seek regular feedback from the Coogee Beach Surf Lifesaving club regarding patronage, the incidence of stinger bites and the severity after each season;
- (3) advise the Coogee Beach Surf Life Saving Club of its decision.

**COUNCIL DECISION**

MOVED Cllr K Allen SECONDED Cllr L Goncalves that Council defer this agenda item for further consideration by Council at its February 2007 budget review deliberations.

**CARRIED 8/0**

**Reason for Decision**

This item requires further consideration as some of the statements and information contained within the report contradict other information provided by the Coogee Beach Surf Life Saving Club. Council needs





to seek further clarification and advice from both Surf Life Saving WA and the Coogee Beach Surf Life Saving Club before we can consider this item.

### **Background**

At the Ordinary Meeting of Council held on Tuesday 15 February 2005, under 'Matters to be Noted for Investigation Without Debate', Clr Allen requested that a report be provided to Council, investigating the feasibility of installing stinger nets at Coogee Beach or a portion of Coogee Beach.

The matter has been represented to Council on a number of occasions since that time however it has not been resolved to date. The Coogee Beach Surf Lifesaving Club and Surf Lifesaving WA have provided additional information for consideration.

### **Submission**

A report was presented to the Ordinary Meeting of Council held on Thursday 13 April 2006, and Council resolved to:-

- “(1) not install stinger resistant net enclosures at Coogee Beach at this time;*
- (2) advise the Coogee Beach Surf Lifesaving Club that it will reconsider the matter when the need for nets can be justified; and*
- (3) advise the Coogee Beach Surf Lifesaving Club that unless the information requested is provided prior to formalisation of the budget in May, the matter will not be considered during deliberations for the 2006/07 annual budget.”*

The explanation given was that Council is keen to quantify the need for stinger nets at Coogee Beach. The stinger season had recently ended and no reports had been received by Council regarding the severity of the stingers over that period. Information has been sought which will assist Council in making a determination on the matter and future funding of the project.

### **Report**

Previous reports considered at the Ordinary Meetings of Council held in November 2005 and April 2006 addressed the following issues amongst others, associated with establishing a stinger net enclosure at Coogee Beach:

- Statutory approval requirements, particularly as the area is a prohibited netting area.
- Establishment and on-going costs.



- Liability.
- Extent and period of problem.

Following Council's decision in April 2006, the Coogee Beach Surf Lifesaving Club has responded with the following advice:

- Users of the beach are raising concerns about the stinger problem.
- Stingers are just as prevalent at all metropolitan beaches, but the calmer waters at Coogee Beach does not break up the stingers and they can swim into shallower waters.
- There are 120 to 150 first aid treatments for stingers at Coogee Beach during the short stinger season.
- The sting is most extreme when received on the face and mouth, and may require medical referral.

In addition, Surf Life Saving Western Australia Inc. was approached to provide their views and experience on the problem. They responded as follows:-

1. *Are stingers a problem or nuisance on Metropolitan Beaches and to what extent?*

The type of marine stinger common to the Perth Metropolitan waters are more of a nuisance than a threat to the health of beach users. A 'bite' from marine stingers in metropolitan Perth are not life threatening and leave an affected person with varying degrees of discomfort. The table below provides statistics of marine sting treatments as recorded by surf life savers when patrolling beaches on week-ends over the summer.

Year	Recorded Treatments All Areas	Recorded Treatments Coogee SLSC
2000/2001	640	NA
2001/2002	752	NA
2002/2003	1233	63
2003/2004	2564	60
2004/2005	1061	21
2005/2006	289	27
<b>Total</b>	<b>6539</b>	<b>171</b>

2. *What is the demand for stinger nets i.e. are the users of the beach raising concerns?*

In metropolitan Perth the demand for stinger nets is rare. The Shire of Busselton has taken steps to install and maintain a stinger net within Geographe Bay and adjacent to the tourist attraction 'Mile Long Jetty'. Multiple or consistent concerns do not appear common; the installation of a stinger net in Perth is more likely to enhance beach user comfort by reducing exposure to stinger 'bite' episodes



rather than reduce any threat to life or long term illness/health effect. The City should be aware that the installation of a stinger net is not a guarantee that stingers will not enter the enclosed area.

3. *Are stingers more prevalent at Coogee than other beaches such as Cottesloe, City Beach, Scarborough Beach etc or to the South at Rockingham, Safety Bay and Mandurah?*

Statistics compiled by SLSWA do not support that Coogee Beach or beaches in the south metropolitan area have an increased presence of incidents of stinger bites. In fact statistics show that the northern Clubs listed above have a higher incidence of 'stinger bites'. This increase in prevalence may be attributed to these beaches having lifesavers patrolling these beaches for longer hours over the summer and more people using these beaches than at Coogee. The northern beaches noted in your question are in fact beaches with very high beach visitation rates.

4. *Have other metropolitan beach Councils considered establishing stinger nets?*

SLSWA is not aware of numerous coastal Councils considering this action for reduction of stinger 'bites', especially within the metropolitan area. As stated SLSWA believe the Shire of Busselton maintain stinger nets during the summer. Coastal Councils are more likely to have considered the need for shark nets than stinger nets.

5. *What are the instances or raised concerns of stinger 'bites' at Coogee each year?*

See table above. The statistics recorded for Coogee are representative of week-ends or public holidays only and during the summer season. The statistics do not account for midweek incidents.

6. *What is the severity of the injury and how is it treated?*

The severity of the incident can vary but is usually considered low. The main symptom is from a mild to painful discomfort which later becomes 'itchy' and is usually accompanied by raised welts. The discomfort is likely to abate in a short time frame when appropriate treatment is applied. The current recognised practice for treatment of stingers is to apply a cold pack for a period of 10 minutes and re-apply if discomfort persists. This practice is current policy of the Australian Resuscitation Council of which Surf Life Saving is a member of and takes advice from for basic first aid protocols.

7. *What is our liability in the event that a swimmer gets caught in a stinger resistant net enclosure?*



Stinger nets are generally designed with very small apertures i.e. <10mm. This design prevents entrapment opportunities with small children who in any event should be closely supervised by a guardian when in the water; further reducing the risk of entrapment. SLSWA investigations have not uncovered any recorded case of liability or claim made against a coastal Council from an injury resulting from this type of incident.

8. *What would the liability be in the event that the City was unable to effectively maintain the nets and a swimmer was stung and had some form of adverse reaction?*

Like any feature/infrastructure introduced by a Council, an element of liability exists if procedures or protocols are not complied with to effectively maintain and manage that feature. However, a swimmer having a severe adverse reaction (i.e. death) to a stinger in Perth is considered to be a rare event (e.g. once in a 100 years) and SLSWA has no knowledge of this occurrence. It is worth qualifying that any installation of a stinger net is likely to be 'resistant only' and not 'proof'. Council should not promote installed stinger enclosures as being free from stingers rather they should be aware that the nets will reduce the number of stingers in the enclosed area thereby minimising the likelihood and frequency of stinging incidents.

### Summary

It should also be noted that stinger nets only afford some protection to swimmers within the enclosure. There would still be swimmers that choose to swim outside the enclosure.

The feedback from both the Coogee SLC and the SLSWA is clear and concise. Whilst stinger bites provide some discomfort to the beach goer, it is easily treated and the effects are only short term. As development occurs along the City's coastline, patronage of the beach will almost certainly increase. The development of a new surf lifesaving club will also improve the ability to identify and address any threats to the beach goer including stingers. The establishment of stinger nets is premature and the matter should continue to be monitored through the Coogee SLC. On the basis of the information received, the installation of a stinger net enclosure at Coogee Beach should not be supported at this time.

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

#### ***Infrastructure Development***

- *To construct and maintain community facilities that meet community needs.*



### **Budget/Financial Implications**

Should Council decide to proceed with this proposal funding of \$46,000 initially and \$26,000 subsequently per year would need to be provided, subject to confirmation of prices and statutory authority requirements.

No funds are currently provided for this project in the 2006/07 Budget.

### **Legal Implications**

Approvals would be required from various State and Commonwealth statutory authorities before the proposal can proceed.

### **Community Consultation**

Council has contacted the Coogee Beach Surf Life Saving Club and Surf Life Saving WA.

### **Attachment(s)**

Nil

### **Advice to Proponent(s)/Submissioners**

N/A

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

Nil

## **16.2 (MINUTE NO 3345) (OCM 14/12/2006) - TENDER NO. 23/2006 - PROVISION OF A BULK WASTE VERGE COLLECTION SERVICE (4903) (ML) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) award Tender No. RFT 23/2006 – Provision of a Bulk Waste Verge Collection Service to Kwinana Recycle Services for an initial three (3) year period at rates of \$125/tonne (excl. GST) for greenwaste, \$135/tonne (excl GST) for Junk collection and \$137/tonne (excl GST) for the combined rural greenwaste and junk collection;
- (2) 6 months prior to expiry of Tender No. RFT 23/2006 – Provision of a Bulk Waste Verge Collection Service, the Director Engineering & Works present a report and benefit cost analysis for Council to undertake the service in-house.



**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The City of Cockburn currently provides 3 greenwaste collections and one junk collection from the verge of every residential property in the municipality. There is one collection of combined greenwaste and junk each year for rural properties.

The district is split into 5 residential areas and one rural area. In the residential areas greenwaste is collected in March, June and November and the junk collection is in August/September.

Tenders were called to provide the service for the next 3 years.

**Submission**

Tender No. 23/2006 closed on 31 August 2006. The award of this tender has been delayed due to ongoing discussions with the SMRC and City of Melville. All three contractors have confirmed that their submissions are still valid.

Three compliant submissions were received from the following:

- Kwinana Recycle Service (KRS)
- D & M Waste Service
- Cleanaway

**Report**

Evaluation

The following evaluation criteria was advertised and forms the basis of the assessment of each bid submitted:

Price	60%
Experience	10%
Key personnel	10%
Resources	20%

Using the above criteria, the evaluation of each bid has been determined as follows:



	<b>KRS</b>	<b>D&amp;M Waste Services</b>	<b>Cleanaway</b>
Price	60%	45.93%	54.31%
Experience	10%	10%	8%
Key personnel	10%	10%	8%
Resources	16%	20%	16%
<b>Totals</b>	<b>96%</b>	<b>85.9%</b>	<b>86.3%</b>

### *Kwinana Recycling Service*

KRS are a family owned and operated business. They have been in the recycling and waste industry for 15 years and have serviced the City's bulk verge collection requirements for the last 4 years.

KRS have experienced staff that have been with them for 8 years and the current supervisor is a Director of the company. Council officers have maintained positive working relationships with KRS throughout the period of the contract. There have however been some minor problems with ongoing communication which need to be addressed. KRS have eight rear load trucks (2 new) and four loaders and are well resourced to service the City's contract

### *D&M Waste Services*

D&M Waste Services are a professional group who have had years of experience in the delivery of bulk verge collection services. They have provided similar services to 8 other local government authorities within the last 5 years and are currently providing bulk verge collection to the SMRC member Councils.

D&M Waste Services have a full team of experienced operators and collectors. They are well established and resourced to undertake the work however they have a large number of local authority contracts which clash with our collection times.

### *Cleanaway*

Cleanaway has been the contract manager or facilitator of bulk verge collection contracts for four other local government authorities however have largely used sub contractors in the delivery of that service (eg. D&M Waste Services). They propose to complete this contract using their own resources.

Cleanaway as an organisation has provided many years of municipal service and have experience in administering contracts of this nature. No detail however has been provided on the experience of staff that will actually be undertaking the work. They propose to service the contract with 2 rear load trucks and 2 front-end loaders.



Cleanaway is a large company and have sufficient resources at its disposal to support the contract and complete the works as requested. The evaluation however reflects the lack of operational staff with experience in actually completing the works.

#### *Alternative Bids*

D&M Waste Services provided 2 alternative bids for Councils consideration. These bids have been evaluated and are included in the attachment.

Alternative 1 provides a range of costs per tonne. Thus once the tonnages exceed the threshold to cover the direct costs of providing the service, the price is reduced and the City receives the benefit.

Alternative 2 extrapolates the collection costs to a rate per rateable property. Collecting under this scheme makes it less beneficial to the Contractor to collect all of the material on the verge. Whilst it is important to have clear processes in place to control the amount of waste being disposed, we are providing a customer service and our contract needs to encourage bulk waste to be collected.

#### Options

The City has a number of options to deliver its bulk verge collection as follows:

1. Award the contract to KRS in accordance with the evaluation completed.
2. Participate with other member Councils of the SMRC in their Bulk Verge Collection Contract.
3. Reject all tenders and complete the works with day labour.

#### *Option 1 – Award to KRS*

Evaluation of the three conforming and 2 alternative submissions received has been completed and KRS represents the best value to Council. They have proven experience in delivering the City's bulk verge collection and a 3 year contract term would maintain flexibility for the City as it continues to redevelop the Henderson Resource Recovery Park (HRRP).

#### *Option 2 – Participate in the SMRC Bulk Verge Collection Contract*

Council has an opportunity to participate with 4 other Member Councils in an SMRC administered Regional Bulk Verge Collection Contract. On the 23<sup>rd</sup> November the SMRC board authorized the calling of tenders for regional verge collection and are hoping to award the contract in January or February 2007.





The premise of a regional contract is to save money through bulk purchasing of the service. The City however found that it received a more economical rate with its individual contract some 4 years ago. Costs submitted for this tender are economical and officers do not see any significant advantage in participating with the SMRC for bulk verge collection at this point in time. There may be some merit in delaying our decision until after the SMRC tenders have been called and closed however that would mean that the City would not have a contract in place for the green waste collection commencing in February. Officers would also like to pursue alternative means of collection to improve our ability to recover the resource and that would not be possible under the SMRC tender.

### *Option 3 – Reject and undertake the work in-house*

To undertake the service in-house, the City would need to purchase the necessary plant and machinery to complete the works and staff the business unit as required. Unfortunately however, the City's work only constitutes 24 weeks work for the team. On this basis the team would not be able to compete economically unless a further 24-26 weeks work was identified and secured.

Costs to complete the work in-house have been estimated at \$470,000 however that cost could be reduced to \$350,000 if an additional 26 weeks work could be secured. Preliminary discussions have been held with the City of Melville to ascertain if they would be interested in developing a partnership for bulk verge collection in the future. These negotiations are ongoing.

### Summary

The City continues to move forward with its plans to build a resource recovery centre (RRC). Unfortunately the collection methodology proposed by all contractors does not enable the City to recover any significant resource from the junk collection. That said, it is unlikely that the City will be in a position to commission its resource recovery centre for another 18 months. Any change to the collection strategy will increase costs to the community and these should be minimized until we are in a better position to process the waste.

Officers believe that undertaking the works in-house is the way forward for the future however much needs to be done to develop a more robust commercial collection business. The redevelopment of the HRRP is contingent on improving the overall collection strategy to optimize waste recovery and reuse. The intention will be to expand the business to achieve better returns and the bulk verge collection will form part of this. Our plans are however only in their infancy stage and more time is needed before we will be in a position to capitalize on the opportunity. It is therefore recommended that Council award the tender to KRS for a 3 year period as advertised.



## **Strategic Plan/Policy Implications**

### ***Natural Environmental Management***

- *To manage the City's waste stream to achieve sustainable resource management, in an environmentally acceptable manner.*

## **Budget/Financial Implications**

The costs of each submission is included in the evaluation spreadsheet and has been distributed under separate cover. The evaluation without the prices submitted has been attached for the public record. Council's current budget allocation for the Bulk Verge Collection is \$390,800.

Kwinana Recycling Services submission represents an increase of 38% on the previous tendered rates supplied in 2003 and a 4% increase on current rates. Costs have significantly increased since 2003 with fuel and labour accounting for the majority. The new tendered rates are consistent with prices anticipated for other bulk verge collection contracts.

## **Legal Implications**

Nil.

## **Community Consultation**

N/A

## **Attachment(s)**

- (1) Evaluation Spreadsheet (Confidential Attachment)

## **Advice to Proponent(s)/Submissioners**

The tenderers have been advised that this matter is to be considered at the 14 December 2006 Council Meeting.

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

Nil.



**16.3 (MINUTE NO 3346) (OCM 14/12/2006) - SUSTAINABILITY STRATEGY (9527) (PF) (ATTACH)**

**RECOMMENDATION**

That Council endorse the Sustainability Strategy for the City of Cockburn, as attached to the Agenda.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

At its ordinary meeting held on Thursday 8 June 2006, the Council adopted Policy SC37 - Sustainability. The purpose of the Policy is to provide a framework for the City to ensure economic viability and strategic management that simultaneously protects and enhances the natural and human environments for the benefit of present and future generations, whilst balancing and minimising any adverse environmental, social and economic impacts associated with its activities.

In accordance with the requirements of Council Policy SC37 – Sustainability, officers from the City have developed a sustainability strategy to ensure the City's activities and operations support sustainability.

**Submission**

N/A

**Report**

The Sustainability strategy provides a framework for the implementation of sustainability to be fully integrated into all operations and services of the City. Without the links between the Social, Economic and Environmental components of sustainability and a solid framework to base decisions on, there is a chance that the purpose, drive and reasoning behind why something should be changed, implemented or considered can be lost.

The strategy is a fluid document that will be developed over time and updated to incorporate changes and improvements. It will initially be reviewed on a six monthly basis during the development of



departmental position statements, as these will need to be reflected within the strategy. Once the organisational review has taken place the strategy will need to be reviewed on an annual basis to ensure consistency with monitoring and reporting findings.

The launch of the sustainability strategy will be led by a screening of 'An Inconvenient Truth', free to all staff members with a small introduction on the Policy and Strategy beforehand. After the screening it is hoped that the staff will be able to discuss their ideas about sustainability and will promote the fact that we all can do something to make the workplace more sustainable. Case studies of existing sustainability initiatives in place in Cockburn can be illustrated to explain how the Social, Economic and Environmental components of sustainability already work within the council.

Following the launch the departmental reviews will take place and the integration of sustainability into the City will take place.

The provision of 'Sustainability Updates' in the Soundings and Email Newsletters can be used to showcase existing sustainability initiatives in place and new developments that come into play.

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

#### ***Governance Excellence***

- *To develop and maintain a financially sustainable City.*

#### ***Natural Environmental Management***

- *To ensure 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

### **Legal Implications**

The Local Government Act 1995 S1.3 (3) states; '*In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.*'

### **Community Consultation**

Nil.



**Attachment(s)**

(1) Sustainability Strategy

**Advice to Proponent(s)/Submissioners**

N/A

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES****17.1 (MINUTE NO 3347) (OCM 14/12/2006) - MINUTES OF THE COCKBURN CENTRAL YOUTH CENTRE ADVISORY COMMITTEE MEETING - 07/11/2006 (8648) (MA) (ATTACH)****RECOMMENDATION**

That Council receive the Minutes of the Cockburn Central Youth Centre Advisory Committee meeting held on 7 November 2006 and adopts the recommendations contained therein.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The Cockburn Central Youth Centre Advisory Committee conducted a meeting on 7 November 2006. The Minutes of the Meeting are required to be presented to Council and its recommendations considered by Council.

**Submission**

The Minutes of the Cockburn Central Youth Centre Advisory Committee Meeting are attached to the Agenda. Items dealt with at the Committee Meeting form the Minutes of that Meeting.



## Report

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

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

## Strategic Plan/Policy Implications

### **Governance Excellence**

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

## Budget/Financial Implications

Committee Minutes refer.

## Legal Implications

Committee Minutes refer.

## Community Consultation

Committee Minutes refer.

## Attachment(s)

1. Cockburn Central Youth Centre Advisory Committee Minutes 7 November 2006.

## Advice to Proponent(s)/Submissioners

N/A

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

Committee Minutes refer.

## 17.2 **(MINUTE NO 3348) (OCM 14/12/2006) - COMMUNITY EVENTS / SUMMER OF FUN REPORT (8812) (RA)**

### **RECOMMENDATION**

That Council:

- (1) receive the report in relation to the "Summer of Fun" events budget allocation and



(2) retain Policy SC34 “Annual Budget Preparation”.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

Council at its meeting of the 14th of September 2006 resolved to require the Chief Executive Officer to prepare a report for presentation to Council on the events included within the Summer Of Fun budget allocation established under Council Policy SC 34 “Annual Budget Preparation”. Section 1 (d) of Policy SC34 states as follows “Provisional allocation of Community Events is to be a maximum of 1% of Rates revenue. Council to approve calendar of events.”

**Submission**

N/A

**Report**

Community events included within the City’s annual budget were identified and a list created which excluded those related to crime prevention such as Reclaim the Streets and those that were subject to grants such as the Drive Through Art Gallery. The following compiled list with indicative budget allocations were approved by Council at its meeting of the 10 August 2006:

The following table identifies budget amounts for events in 2004/2005: 2005/2006 and 2006/07.

	<b>2004/05</b>	<b>2005/06</b>	<b>2006/07</b>
Promotion	From District Promotion Budget	\$11,800	\$17,000
Spring Fair	\$31,000	\$31,000	\$32,000
FROSH	\$13,000	\$14,000	\$15,000
Bibra Lake Fun Run	\$5,000	\$5,000	-
Teddy Bears Picnic	\$3,700	\$3,700	\$6,000
Seniors’ Ball	\$3,000	\$5,000	\$8,000
Christmas Lights	\$15,000	\$10,000	-
( Summer Concerts	\$14,000	\$60,000	\$60,000 *

( Ward Events	\$60,000	-	-
Regional Concert	\$67,000	\$40,000	\$60,000 *
Movie Nights	-	\$5,000	\$5,480 *
Coogee Beach Party	\$15,000	\$30,000	\$35,000 *
Arts/Cultural Activities	\$10,000	\$10,000	-
NAIDOC	\$3,000	\$3,000	\$3,000
Heritage Festival open day	\$4,000	\$4,000	\$4,000
Silver Jubilee Expo	\$22,000	-	-
Total	\$265,700	\$232,500	\$245,480

The Policy identifies 'community events' as the criteria for the 1% of rates allocation. The promotional term "Summer of Fun Events" could be interpreted as those events that run over the summer months of say December, January, February and March of each year. These events include:

- \* Summer Concerts series
- \* Regional Concert
- \* Cockburn Festival (Coogee Beach Party)
- \* Movie Nights

The total value of these events included within the 2006/07 budget is \$173,480 (including an allocation of \$13,000 for promotion). Should Council decide that the 1% allocation is to be for these events alone there would need to be either an additional sum of \$72,000 placed on the budget for the NAIDOC, Spring Fair, FROSH, Seniors Ball, Teddy Bears Picnic and Heritage Festival Day or a decision for the events not to proceed. Council could then alter the policy to substitute the words community events for summer events hence the policy SC34 section 1 (d) would then read as follows.

"Provisional allocation for summer of fun events is to be a maximum of 1% of rates revenue. Council to approve calendar of events"

Alternatively Council could increase the allocation of 1% of rates income for community events to say a 1.25% allocation, which equates to an increase of \$30,625 in 2006/07. This would be the preferred alternative of the two options proposed as it does not require a definition and interpretation of what is a 'summer event' and what is not. The current policy SC 34 could be altered to read as follows:

"Provisional allocation for community events is to be a maximum of 1.25% of rates revenue. Council to approve the calendar of events"

Should Council proceed with this alternative the budget for advertising could be increased from \$17,000 to \$30,000 and the balance to increase the budget for the summer concert series and regional concert.





It is proposed that Council retain current Policy SC34 as it applies, with 1% of the annual rates income being set aside for community events. Should Council resolve to review the policy, the matter is then to be considered by the DAPPS Committee of Council.

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

Following Strategic Plan Initiative Outcome refers:

#### ***Lifestyle and Aspiration Achievement:***

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

Council Policy SC34 “Annual Budget Preparation” refers.

### **Budget/Financial Implications**

This Council decision will determine how the allocation of budget funds for community/summer events will be made.

### **Legal Implications**

N/A

### **Community Consultation**

A recent referendum among the City’s residents found that the large majority (12,500 versus 3,000 residents) wanted the City to keep providing free community festivals and events.

### **Attachment(s)**

Nil.

### **Advice to Proponent(s)/Applicant**

N/A

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

Nil.



**17.3 (MINUTE NO 3349) (OCM 14/12/2006) - JOE COOPER  
RECREATION CENTRE- FUTURE MANAGEMENT (8140) (R A)**

**RECOMMENDATION**

That Council:

- (1) confirm that it will continue to operate the Joe Cooper Recreation Centre under the current management arrangements in accordance with the City of Cockburn Plan for the District 2006-2016.
- (2) advise the Phoenix Theatre Group that it is permitted free use of a portion of the pottery room at the Joe Cooper Recreation Centre for storage provided that the cost of partitioning of the storage area is borne by the Group and;
- (3) permit the Phoenix Theatre Group exclusive use of meeting room 2 at a fee of \$1,000 per annum, to be reviewed annually; and
- (4) advise the Phoenix Theatre Group that the arrangements described in (2) and (3) above are conditional on the payment of all monies owed to the City being paid prior to the arrangements proceeding.

**COUNCIL DECISION**

MOVED Cllr V Oliver SECONDED Cllr I Whitfield that Council:

- (1) as recommended;
- (2) as recommended;
- (3) as recommended;
- (4) advise the Phoenix Theatre Group that the arrangements described in (2) and (3) above are conditional on the payment of all monies owed to the City being paid by 30 June 2007 and the outstanding debt being written off. Should the annual fee of \$1,000 for the use of the Recreation Centre not be paid in full by 30 June 2007, the matter is to be referred back to Council for further consideration.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**



## Reason for Decision

Although the Phoenix Theatre Group owe monies to Council, the Joe Cooper Centre facility offers them the opportunity to hold social events for added fund raising and increase membership which was too costly at Memorial Hall. The fact that they are in debt to Council has occurred due to circumstances not always their fault.

The Group paid from their last funding an amount of \$400.00 for the tuning of the piano in Memorial Hall, in addition to funds to enlarge the stage area and other repairs to window frames, etc. To set up a theatre is expensive. By denying the theatre group a centre to operate from denies them the opportunity to apply for Government funding.

Theatre and the arts are an essential part of today's society and Council should help to encourage these activities.

Cockburn has never had a theatre group before the Phoenix Theatre Group. They do not make money out of this venture and it is entirely a community based involvement. It is a bit of a chicken and egg situation – they cannot put on plays to make any funds if they do not have a place to rehearse or store their sets. Therefore they cannot put on a concert to make money to pay off their debt to Council and they also cannot get any new grants because they do not actually have a place to call their base. They do not need a hand-out, they need a hand-up in this instance and considering the amount is not huge for Council but is quite a substantial amount to a small community group, we really should be encouraging them. In this instance the debt should be written off and it would be a shame to put millions of dollars into Memorial Hall and have it refurbished up to theatre standard only to have the one theatre group in Cockburn being dissolved due to lack of funds.

## Background

The Joe Cooper Recreation Centre located on McFaull Park in Spearwood has been managed by the City for many years and currently has 16 separate groups utilising the Centre. As there has been some interest in leasing the property by a number of groups a council direction is sought on the management and control of the facility in the longer term.

McFaull Park comprises 7 separate lots and covers an area of 9.2 hectares and is zoned under the TPS3 for recreation purposes. The nature of the recreation zoning and vesting results in the land being available for recreation and not for profit purposes. Any say religious activity on the site would need to be of a minor nature and be subservient to recreational uses.



## Submission

In recent times there have been a number of organisations have approached the City with enquires concerning the ability to use or lease the Joe Cooper Recreation Centres. These contact include the Indian Society of Western Australia and several Christian church groups. The Western Australian Scouts association has also approached the City with an interest in leasing but have subsequently notified that they no longer interested in the property.

The Phoenix Theatre Group has written to the City seeking exclusive use an area within the Joe Cooper Recreation Centre for storage of props and rehearsals.

## Report

The Joe Cooper Recreation Centre was constructed on Mac Faull Park in Spearwood in the late 1960's and has had minimum maintenance since this time, consequently the building is in a run down state and requires at least \$750,000 to bring it up to a reasonable standard. Unfortunately, the Joe Cooper Recreation Centre is somewhat difficult to access as it is isolated in a residential area and has next to no exposure to passing traffic. Furthermore the City has another nearby older facility on Beale Park in Spearwood that is similarly run down and in need of an upgrade. The Beale Park facility is however on Hamilton Road with good exposure and also serves extensive active playing fields. There appears to be a benefit to Council in the long term to refurbishing and upgrading the Beale Park facilities and seeking an alternative management arrangement for the Joe Cooper Recreation Centre and if a suitable tenant cannot be found, demolishing the building. The City of Cockburn Plan for the District 2006/2016 adopted by Council in October 2006 requires the future of the Joe Cooper Recreation Centre to be revisited in 2009/10.

Several groups have contacted the City with an interest in leasing the Joe Coper Recreation Centre. The Phoenix Theatre group has also approached the City seeking to have exclusive use of an area currently not being used at a peppercorn rental for storage and make up of props and for rehearsals. The Theatre Group understand that they will not have access to the Memorial Hall for the period that the hall is being refurbished and the Hall will be booked for performances and not for long periods of performance rehearsals.

There are currently 16 regular users of the Joe Cooper Recreation Centre. It is understood that the intent of Council will be to allow these current users to remain in the short to medium term at least and any decision on the future of the Joe Cooper Centre will have this as an essential requirement.



### Option 1 - Seek a Lessee for the Joe Cooper Recreation Centre

As there has been some interest from not for profit organisations to lease the premises the Council could seek registrations of interest in accordance with section 3.59 of the Local Government Act 1995 for the lease of the premises. A lease arrangement could include a requirement for the lessee to upgrade the building to a standard required by the City. A not for profit lessee that takes on the cost of upgrading a building to the extent required for the Joe Cooper Recreation Centre with the constraint to accommodate the existing tenants even with the lessee retaining the income generated will likely require a lease of at least 10 years.

### Option 2 - Retain Current Management Arrangement for the Joe Cooper Recreation Centre

Council could continue to manage the facility under the current arrangements and at a later date when a decision is made on the upgrade of Beale Park determine the issue of the Joe Cooper Centre. There may also be preference by some groups that currently use the Joe Cooper Centre to move to the refurbished Memorial Hall. This option has the advantage of providing the Council with future options and not being tied down by any long-term lease arrangements with another party. The negative of this option is that a decision has still not been made and the Council is left with the dilemma of operating a rundown old facility. On balance it is proposed that the current arrangements for the management of the Joe Coper Centre remain until such time as the impact on the usage of the Memorial Hall is known and a final decision on Beale Park facilities is made.

### **Phoenix Theatre request**

The Phoenix Theatre Group have requested to have exclusive usage for one of the room in the Joe Cooper Recreation Centre at a peppercorn rent. Currently the entire facility accommodates 16 groups. The only area not in use by a group is the down stairs Pottery Room (64sq m) that has become a de facto storage area. Phoenix Theatre has indicated an interest in having use of a portion of this room for stage of their sets. They have identified meeting room 2 immediately above the pottery room as a suitable rehearsal room. This room is currently used by a belly dancing group one or two days per week and they have indicated that they are prepared to move to the dance room as an alternative. This would release meeting room 2 to for use by the Phoenix Theatre group. Based on current usage levels meeting room 2 would generate approximately \$1,000 per annum of income. Should Council decide to permit the Phoenix Theatre group exclusive use of meeting room one it is proposed that they be charged a fee at least equal to the anticipated income for the room.



To date the Phoenix Theatre has use of the Memorial Hall for which they receive a 20% subsidy approved by the City since the commencement of their hire in 2004. The total charge that the group received from the start of their hire until the end of their last production (April 06) was \$3,749.36. The City provided the group with a donation to the value of \$3,000 to help with the hall hire fee during this time. The Phoenix Theatre Group has paid a total of \$80.88 for the past 2 years of hire. The total outstanding account for the Phoenix Theatre's use of Memorial Hall as at October 2006 is \$2,637.48.

It is evident that the Phoenix Theatre is currently unable to sustain payments for the use of the Memorial Hall or any other facility under the current fee schedule. The question for Council is whether it sees benefit in providing a subsidy to the Phoenix Theatre to operate and if so in what form the subsidy should take. It is proposed that the Phoenix Theatre be permitted use of a portion of the pottery room at no cost for storage with the cost of the storage space partitioning being borne by the Theatre group. The Phoenix Theatre Group have exclusive usage of meeting room 2 at an annual fee of \$1,000. It is proposed that the group have use of the pottery room for storage at no cost, and exclusive use of meeting room 2 at a fee of \$1,000 per annum for rehearsals, these arrangements being conditional upon the Phoenix Theatre Group promptly paying all outstanding accounts.

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

#### ***Lifestyle and Aspiration Achievement***

- *To facilitate and provide an optimum range of community services and events.*
- *To deliver our services and to manage resources in a way that is cost effective without compromising quality.*

#### ***Governance Excellence***

- *To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.*
- *To develop and maintain a financially sustainable City.*

### **Budget/Financial Implications**

The table below provides as summary of the cost to the City to operate the centre.

	2005/06	2004/05	2003/04	2002/03
Income	\$15,462	\$11,964	\$15,070	\$19,554
Expenditure	\$88,283	\$75,854	\$74,153	\$89,798
Deficit	\$72,821	\$63,890	\$59,082	\$70,243



The current maintenance budget will sustain the building at a modest level until the review of the facilities, which is proposed to occur in 2009/2010.

### **Legal Implications**

Should Council decide to lease or seek to lease the Joe Cooper Recreation Centre it will need to comply with Section 3.59 of the Local Government Act 1995.

### **Community Consultation**

Should Council resolve to call for expressions of interest for possible lessees this will require public advertising.

### **Attachment(s)**

Nil

### **Advice to Proponent(s)/Applicant**

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the October 2006 Council Meeting.

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

Nil

## **17.4 (MINUTE NO 3350) (OCM 14/12/2006) - TENDER RFT 26/2006 BUILDING CONSTRUCTION SERVICES (REFURBISHMENT AND EXTENSION) MEMORIAL HALL (4623) (RA) (ATTACH)**

### **RECOMMENDATION**

That Council:-

- (1) accept the tender submitted by Tormaz Pty Ltd for the refurbishment and extension of Memorial Hall at the tendered price of \$2,632,586 (ex. GST); and
- (2) transfer the balance of funds required for completion of the project, being \$586,421, from an appropriate reserve fund to the Memorial Hall Building Works account (CW4204) in 2007/08.

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

### **COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**



## Background

Council has placed \$1,000,000 on its 2006/07 Municipal Budget to refurbish and extend the Memorial Hall. There is a further \$1,560,000 allocated to the Memorial Hall in the Plan for the District for 2007/08. Accordingly, design work has been finalised and the construction works tendered.

## Submission

The request for tender closed on 19 October 2006 with 3 submissions received from:

- Dalcon Construction Pty Ltd
- Tormaz Pty Ltd
- Newmans Building Services

## Report

The assessment criteria outlined in the tender documents are as follows:-

- |                                       |     |
|---------------------------------------|-----|
| • Relevant Experience                 | 20% |
| • Key Personnel Skills and Experience | 10% |
| • Tender Resources                    | 10% |
| • Price                               | 60% |

Dalcon Construction Pty Ltd advised on 23 November 2006 that they had withdrawn their tender. Accordingly, the Dalcon Tender has not been evaluated.

Both Tormaz Pty Ltd and Newmans Building Services are reputable building companies with sound experience and positive references. Both tenderers were deemed compliant with the condition of tendering and compliance criteria.

Tenders were evaluated by:

- Palassis Architects – Christopher Paterson
- Manager Community Services – Robert Avard
- Project Engineer – Jadranka Kiurski

## Scoring Table

Tender Name	Non Cost Valuation Score	Cost Evaluation Score	Total Score
Tormaz Pty Ltd	28.6%	60%	90%
Newmans Building Services	28.3%	47.59%	75.59%





The tender documentation allowed for a price for the total project and a price for the main hall refurbishment and amenities building alone, the details of which are provided in the finance section of the item.

The smaller drum hall building is an important part of the Memorial Hall redevelopment and to leave it out of the development will seriously hamper the ability of the site to function properly as a community and cultural centre.

Furthermore, the redevelopment of the Civic Centre to serve as a seniors centre will restrict the availability of larger quality space for hire within the City.

While the main hall will cater for the theatre productions and larger events the drum hall has a pivotal role in developing community and cultural activity within the City.

The smaller more intimate space catering for up to 100 people would be ideal to nurture activities such as:

- Small localised exhibitions – exhibition space is difficult to source in Cockburn and currently we enjoy a strong growing arts community with well respected professional artists through to enthusiastic amateurs.
- Craft groups and workshops – these usually cater for up to 20 people and this space would cater to that demographic.
- Workshop space for various types of art/cultural activity such as singing groups/choirs/dance groups/master classes/rehearsals
- Community meeting space for community associations/cultural groups and the like
- Group meeting space for activities such as language classes/community cafes/toastmasters
- Class space for activity such as speech therapy/guitar/acting
- Low impact classes such as yoga and pilates
- Unique reception venue for smaller weddings/parties/gatherings
- Hire space for commercial dance/theatre companies

While being a valuable space in its own right the drum building would also serve as an important adjunct to activity that may occur in the main hall such as:

- Workshop space for conferences/seminars at the venue
- Spill out space/meals area for theatre productions/ larger art exhibitions and conferences
- Additional gallery space for large art & craft exhibitions
- Workshop space to run in conjunction with art exhibitions.
- Crèche for larger events/activities occurring within the main hall.
- Additional intimate theatre space for touring theatre productions



- Workshop/rehearsal space for theatre productions
- Additional space for use during dance/theatre classes

For the Memorial Hall site to be a cultural and community precinct it should have the flexibility to cater to a broad range of activity through the provision of a range of spaces.

### Strategic Plan/Policy Implications

#### **Infrastructure Development**

- *To construct and maintain community facilities that meet community needs.*

### Budget/Financial Implications

The tender documentation provided for the lesser hall and the glazed link to be priced separately from the amenities building and the main hall.

Tormaz Pty Ltd Prices:

- Main Hall and Amenities Building \$1,524,224
- Lesser Hall and Glazed Link \$1,108,362

Should Council resolve not to include portion of the construction works there would be a surplus of \$642,958 of cost over budget.

Alternatively, should Council decide to proceed with the total project, additional funds would be required in 2007/08.

Note all figures exclude G.S.T.

Municipal Budget 2006/07	\$1,000,000
Plan for the District	\$1,560,000
Grant (War Memorial)	\$4,000
Total	<u>\$2,564,000</u>

	Total Project	Main Hall & Amenities Building Only
Tender Price	\$2,632,586	\$1,524,224
Contingency	\$263,259	\$152,422
Fees	\$194,396	\$194,396
Furniture	\$60,000	\$50,000
	<u>\$3,150,241</u>	<u>\$1,921,042</u>
Total Deficit/Surplus	<u>\$586,421</u>	<u>+ \$642,958</u>



## Legal Implications

Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996 refers.

## Community Consultation

Tender RFT 26/2006 was advertised in the West Australian on Wednesday 20<sup>th</sup> September 2006.

Tenders closed on 19 October 2006.

## Attachment(s)

Tender Evaluation Sheet (Confidential Attachment)

## Advice to Proponent(s)/Submissioners

Tenderers advised that the matter of the tender for the Memorial Hall workers would be considered at the Council meeting of the 14 December 2006.

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

Nil.

## 18. EXECUTIVE DIVISION ISSUES

### 18.1 **(MINUTE NO 3351) (OCM 14/12/2006) - CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE NOVEMBER 2006 (1192) (SC) (ATTACH)**

#### **RECOMMENDATION**

That Council receives the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 8 and 20 November 2006, as provided to the Elected Members under separate cover, and adopts the recommendations contained therein.

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

#### **COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**



## **Background**

The Chief Executive Officer and Senior Staff Performance Appraisal Committee conducted meetings on 8 and 20 November 2006. The minutes of the two meetings are required to be presented to Council and its recommendations considered by Council.

## **Submission**

The minutes of the Committee meeting are provided to the Elected Members as Confidential attachments. Items dealt with at the Committee meeting form the basis of the Minutes.

## **Report**

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

## **Strategic Plan/Policy Implications**

### ***Governance Excellence***

- *To maintain a professional, well-trained and healthy workforce that is responsive to the community's needs*

## **Budget/Financial Implications**

Committee Minutes refer.

## **Legal Implications**

Committee Minutes refer.

## **Community Consultation**

Nil

## **Attachment(s)**

Minutes of the Chief Executive Officer and Senior Staff Performance Appraisal Committee 8 and 20 November 2006 are provided to the Elected Members as confidential attachments.



**Advice to Proponent(s)/Submissioner(s)**

The CEO has been advised that this item will be considered at December OCM.

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

Committee Minutes refer.

**19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS****21.1 (MINUTE NO 3352) (OCM 14/12/2006) - MINUTES OF THE AUDIT COMMITTEE MEETING 11 DECEMBER 2006 (5017) (DMG) (ATTACH)****RECOMMENDATION**

That Council receive the Minutes of the Audit Committee Meeting held on 11 December 2006, as attached to the Agenda and the recommendations contained therein be adopted.

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

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Background**

A meeting of the Audit Committee was conducted on 11 December 2006.



### **Submission**

To receive the Minutes of the Committee and adopt its recommendations.

### **Report**

The City's Auditors, Barrett and Partners provided the Annual External Audit Report which was presented to the Committee for its consideration. In addition, the Draft Annual Report was also presented for the Committee's consideration.

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

Strategic Plan Initiative Outcome refers:

#### ***Governance Excellence:***

- *To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Secs. 7.9(1); 7.12A(2) and 5.54 of the Local Government Act, 1995, refer.

### **Community Consultation**

N/A

### **Attachment(s)**

Minutes of Audit Committee 11 December 2006.

### **Advice to Proponent(s)/Submissioners**

N/A

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

Nil



**21.2 (MINUTE NO 3353) (OCM 14/12/2006) - ADMINISTRATION CENTRE CONSTRUCTION COMMITTEE (1192) (SC) (ATTACH)**

**RECOMMENDATION**

That Council receives the Minutes of the Administration Centre Construction Committee dated 20 November 2006, as attached to the Agenda, and adopts the recommendations contained therein.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The Administration Centre Construction Committee met on 20 November 2006 to consider the selection of furniture for the Elected Members area. The minutes of this meeting are required to be presented to Council and its recommendations considered by Council.

**Submission**

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

**Report**

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

**Strategic Plan/Policy Implications**

**Governance Excellence**

- *To maintain a professional, well-trained and healthy workforce that is responsive to the community's needs*

**Budget/Financial Implications**

Committee Minutes refer.



**Legal Implications**

Committee Minutes refer.

**Community Consultation**

Nil

**Attachment(s)**

Minutes of the Administration Centre Construction Committee  
20 November 2006.

**Advice to Proponent(s)/Submissioner(s)**

The Architect has been advised that this item will be considered at  
December 2006 Ordinary meeting of Council.

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

Committee Minutes refer.

**22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Nil

**23. CONFIDENTIAL BUSINESS**

Nil

**24. (MINUTE NO 3354) (OCM 14/12/2006) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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





**COUNCIL DECISION**

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

**CARRIED 8/0**

**25 (OCM 14/12/2006) - CLOSURE OF MEETING**

MEETING CLOSED AT 8.36PM

**CONFIRMATION OF MINUTES**

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

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

