

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 15 JUNE 2004 AT 7:00 PM

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# CITY OF COCKBURN

## MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 15 JUNE 2004 AT 7:00 PM

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### PRESENT:

#### ELECTED MEMBERS

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

#### IN ATTENDANCE

Mr R. Brown	-	Chief Executive Officer
Mr D. Green	-	Director, Community Services (Dep. 8.15 pm)
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr S. Hiller	-	Director, Planning & Development (Dep. 8.15 pm)
Mr B. Greay	-	Director, Engineering & Works (Dep. 8.15 pm)
Mrs B. Pinto	-	Secretary/PA, Finance & Corporate Services
Mr C. Ellis	-	Communications Manager (Dep. 8.15 pm)

### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 pm.

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

### 3. DISCLAIMER (Read aloud by Presiding Member)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written



advice from the Council prior to taking action on any matter that they may have before Council.

**4 (OCM 15/06/2004) - 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 written declaration of conflict of interest from Cllr Allen, which would be read at the appropriate time.

**5. APOLOGIES AND LEAVE ABSENCE**

Nil

**6 (OCM 15/06/2004) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTION TIME**

**Ordinary Council Meeting – 20 April 2004 – Public Question Time –** Ron Kimber provided the following questions via email with regard to Cockburn Cement's \$15 million environmental upgrades plan as reported in the Cockburn Herald, which were answered in a letter dated 4 May 2004 as follows:

Q *What is the Council's position in regards to progress on the licence and environmental program which CCL and the DoE has released, initially through the regular meetings of the Cockburn Cement Working Group?*

A Council has no formal position on this matter.

Q *If the Council has no position on the progress being made through the Community Working Group, will the Council be adopting a position on behalf of the people of this City? If not, why not?*

A There is no requirement for the Council to adopt a position on this matter. The working group and licensing issues are overseen by the Department of Environment, it is up to the Department to determine satisfaction with any progress being made.

Q *The Council has appointed an elected member and a Council officer to attend the Working Group Meetings on its behalf. Do these people report back to the full Council?*

A No. Copies of meeting minutes are provided to all Elected Members through the Councillors Newsletter.

Q *Where can their reports back to Council be obtained?*





A Not applicable.

Q *Do they speak for Council?*

A Where Council has a formal position on a matter, the Elected Member is obliged to communicate that position. The Officer attends these meetings to provide advice to the Elected Member and comment to the group on relevant technical matters as required. Neither the Elected Member nor the officer speak on behalf of the Council except where Council has adopted a formal position, relating to a matter which may be raised at the meetings.

Q *Is the Council aware of and does the Council fully endorse the input to the working group from its appointed representatives on the Cockburn Cement Community Working Group?*

A All Elected Members receive copies of the minutes of the Working Group through Councillors Newsletter. Council has not formally endorsed the contribution of its representatives on the Working Group. It is not formal practice to do so.

Q *With regard to alternative fuels. What is Council's position on alternative fuels? Does the Council believe that all alternative fuels are nasty? Hypothetically, if there were an alternative fuel found, such as say bio-oils, which was environmentally beneficial and helped conserve non-renewable resources, would this Council support and endorse its use? Is the Council aware that Natural Gas was originally an alternative fuel to Coal and Oil?*

A Council does not have a formal position on alternative fuels.

## 7 (OCM 15/06/2004) - PUBLIC QUESTION TIME

**Patrick Thompson**, Spearwood raised concern that there were too many Aussie rules pitches around Cockburn. The district desperately needs a soccer pitch. He also raised concern with regard to the old rusty barbed wire fence adjacent to the footpath, near the railway track between Edeline Street and Goldsmith Road. He asked if it was possible for it to be removed. Mayor Lee clarified with Director, Engineering and Works whether the City is in a position to remove this fence? Mayor Lee asked if it was the property of Council or Westnet Rail? Director, Engineering and Works replied that he would need to investigate whether it was Council property or land owned by the railways.

Mayor Lee gave the assurance that every endeavour would be made to replace the rusty fence.



**Logan Howlett**, North Lake spoke in relation to the 40 km/hr precinct zones. He wanted to make Council aware that these precinct zones are being increasingly introduced across WA and Australia and particularly being located on busy roads near shopping centres where there is high degree of pedestrians and vehicular movement. He requested Council give consideration to reviewing the possibility of introducing these 40 km/hr precinct zones on Rockingham Road between Phoenix Road and Spearwood Avenue and other shopping precincts throughout the City, which has improved road safety issues.

Mayor Lee replied that work is being carried out on Rockingham Road. Director, Engineering and Works stated that consultants have prepared some concept designs which have been out for consultation with businesses and residents. Feedback has been received and being collated and will be presented in the form of a report to Council.

Mayor Lee thanked Mr Howlett.

**Fred Pound**, resident of North Lake in relation to Item 16.2 – Traffic treatment on Progress Drive. He spoke on behalf of the residents that live on Progress Drive between Hope Road and Farrington Road, in reference to a petition that was presented to Council, when it met with the community members on 14 May. Their concerns were increasing volume of traffic, excessive speed and usage of Progress Drive by heavy traffic. The Group's main concern was the lack of road design over 18 years to cope with the present day usage. He said letters were sent to the Chief Executive Officer in the last 3 years requesting that there only be local traffic and to install 'Slow-Down' signs. There were no responses to these letters. Also, there is no pedestrian footpath. The point Mr Pound was making was when it was proved that the traffic was excessive, upgrade of North Lake Road should have occurred.

Mayor Lee thanked Mr Pound and mentioned that the matter is the subject of a recommendation before Council tonight.

**Joe Branco**, North Lake Residents Association read some questions in relation to Item 14.2 – Duplication of Farrington Road. The questions were as follows:

- Q1. Considering the well documented past history of Farrington Road, and documented evidence that exists of Aboriginal registered sites for the area of North Lake in which Farrington Road cuts through two sites, sites DIA 3294 and DIA 3709, why has the Council report Item 14.2 on the Farrington Road Duplication failed to inform the Elected councillors of Cockburn of its legal obligation under Aboriginal Heritage Act, 1972-80, when the combined local communities were



able to obtain information which supports the fact that, Council does have a legal obligation to inform the Department of Indigenous Affairs of the proposal put forward in item 14.2, and if there are legal obligations as we believe there are, will the Council inform the Authors of the report 14.2 to make a public apology to the indigenous community of Cockburn for not informing you the Councillors about their cultural heritage sites?

- Q2. Now that you all are aware about the Indigenous cultural Heritage sites and the significance of what they mean to the indigenous community, will you now face your community, media and just as importantly the indigenous community of Cockburn, and lead the way in maintaining your responsibility in protecting the indigenous cultural and heritage sites and reject the recommendation 14.2 which would further destroy these important archaeological sites, or will you simply ignore your legal obligations and bypass the indigenous community as Council did in 1984 when it first built Farrington Road?

Mayor Lee thanked Mr Branco and stated that the response to his questions were too detailed and a reply would be forwarded in writing.

**Logan Howlett**, North Lake spoke in relation to Item 16.2. The North Lake Residents Association's outcomes from the Community Development Forums clearly supported the need for traffic calming on Progress Drive. The Association is seeking to remove the existing calming devices, the existing road surface relayed as it is deteriorating and is the subject of flooding at several points, the construction of median islands and associated white line-markings on the road and a dual use path on the eastern side of Progress Drive. Mr Howlett urged Council to approve the traffic treatment on Progress Drive and other associated works.

Mayor Lee thanked Mr Howlett for his comments.

**Rob Bryant**, Bibra Lake referred to Item 14.7. Mr Bryant outlined that when application was made for a building licence for the shed, the officers had not picked up the excessive height of the shed walls. Subsequently, the neighbour had complained and further to this Council officers investigated the matter, and found that the walls were higher than the required limit. Since the officers, did not recognised this oversize, it was recommended that a \$100.00 fee for retrospective approval be waived. At the Council Meeting of May 2004, Council decided not to waive the fee. Mr Bryant felt that he had gone through the right procedure and due to an oversight by the officers of Council in approving the application, he should never have been penalised in such a situation.

Mayor Lee thanked Mr Bryant for bring the matter to Council's attention.



**Alisdair Wardle**, Coolbellup made note in support of Mr Branco's comments about the idea of duplicating Farrington Road. The Coolbellup Community Association was one of the community groups that supported the plan about the traffic calming proposal. They were opposed to duplicating Farrington Road, as it would detract from the environmental values of the area and create a much busier intersection at North Lake Road.

Mr Wardle also referred to Item 17.3. The Coolbellup Community Association met the previous night and passed a motion that the Association fully supports the Wetlands Education Centre at Bibra Lake and Council's ongoing support of that Centre. It urges the City to continue to allocate funds for that Centre. Coolbellup residents value that Centre and see it as a unique environmental precinct which the City should promote and develop in consultation with the community. The Association requests Council to agree to the additional funding which is before Council tonight.

Mayor Lee thanked Mr Wardle for his comments.

## 8. CONFIRMATION OF MINUTES

### 8.1 (MINUTE NO 2428) (OCM 15/06/2004) - ORDINARY COUNCIL MEETING - 18/05/2004

#### **RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Tuesday, 18 May 2004, be accepted as a true and accurate record.

#### **COUNCIL DECISION**

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

**CARRIED 10/0**

## 9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

## 10. DEPUTATIONS AND PETITIONS

Nil

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

Nil



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

Nil

**13. COUNCIL MATTERS**

THE PRESIDING MEMBER PRESENTED THE MINUTES OF THE HALL OF FAME SELECTION COMMITTEE MEETING FOR CONSIDERATION BY COUNCIL

**13.1 (MINUTE NO 2429) (OCM 15/06/2004) - HALL OF FAME SELECTION COMMITTEE - MINUTES 25 MAY 2004 (8182) (RA) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Hall of Fame Selection Committee Meeting, as attached to the Agenda, dated 25 May, 2004, and adopts the recommendation therein.

**COUNCIL DECISION**

MOVED Cllr M Reeve-Fowkes SECONDED Cllr A Tilbury that the recommendation be adopted.

**CARRIED 10/0**

**Background**

Council, at its Meeting of the 17 December 2002, resolved to establish a Sport Hall of Fame for the City of Cockburn. Further, Council at its meeting of the 16 December 2003, increased the Sports Hall of Fame budget by \$5,000 to allow for the construction of the wall subject to consideration by the Sports Hall of Fame Committee and a decision of Council.

**Submission**

N/A

**Report**

The Committee considered a number of alternative locations for the Sports Hall of Fame wall. The decision of the Committee was for the



plaques commemorating inductees to the Hall of Fame be placed on the colonnade pillars along the east side of the administration building.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

An additional \$5,000 was placed on the budget for the construction of the wall should it be required. It is proposed that the Hall of Fame current budget of \$30,500 be retained to cover and contingencies that may arise as the project proceeds.

**Legal Implications**

N/A

**Community Consultation**

There has been extensive consultation through advertising for nominees for the Hall of Fame.

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

Nil.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (MINUTE NO 2430) (OCM 15/06/2004) - PROPOSED SCHEME AMENDMENT NO 17 - INTRODUCTION OF DEVELOPMENT CONTRIBUTION AREA NO. 7, AUBIN GROVE - TPS NO 3 - DEVELOPMENT AREA NO. 11 (9324) (JLU) (ATTACH)**

**RECOMMENDATION**

That Council:

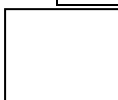
(1) adopt the following amendment:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

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

AMENDMENT NO. 17

Resolved that Council, in pursuance of Section 7 of the Town



<p>Planning and Development Act 1928 amend the above Town Planning Scheme by:</p> <p>1. Including the following in Schedule 12 – Development Contribution Plan of the Scheme:</p>	
Ref No:	DCA 7
Area:	Aubin Grove
Provisions:	<p>Landowners within DCA 7 with the exception of Part of Lot 199 Gaebler Road identified as Bush Forever Site No. 492 and the Water Corporation bore sites shall make a proportional contribution to the cost of common infrastructure. Lot 448 Lyon Road, Aubin Grove has been identified for a primary school, if this site is not developed for a primary school a proportional contribution to the cost of common infrastructure will be required.</p> <p>The proportional contribution is to be determined in accordance with the provisions of <i>clause 6.3</i> and contained on the Development Contribution Plan.</p> <p>Contributions shall be made towards the following items:</p> <ul style="list-style-type: none"> <li>• Full earthworks;</li> <li>• Provision of drainage infrastructure;</li> <li>• Boring under the Kwinana Freeway;</li> <li>• Servicing infrastructure relocation where necessary;</li> <li>• Landscaping of the linear swale adjacent to the high voltage power line;</li> <li>• Costs to purchase the land for the linear swale adjacent to the high voltage power line on the west side of the Freeway between Gaebler Road and Baler Court;</li> <li>• Costs to administer cost sharing arrangements – preliminary engineering design and costings, valuations, annual reviews and audits and administration costs.</li> </ul>
Participants and Contributions:	In accordance with the cost Contribution Schedule adopted by the local government for DCA 7.
<p>2. Amending the Scheme Map to include Development Contribution Area No. 7 accordingly.</p> <p>Dated this ..... day of ..... 2004.</p>	



Chief Executive Officer

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

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

In May 2003 the Western Australian Planning Commission adopted the Southern Suburbs District Structure Plan – Stage 3, Banjup. With the adoption of the Structure Plan and the lifting of the 'Urban Deferred' zoning from the MRS for this land, subdivision and development of the area has begun.

**Submission**

N/A





## Report

David Wills and Associates prepared the 'Southern Suburbs District Structure Plan Area – Russell Road Arterial Drain Scheme' for the City. This report has been prepared to assist the City to resolve technical issues associated with the provision of a stormwater drainage system to service the Southern Suburbs District Structure Plan area. (See plan of area within the Agenda Attachments)

The main points of the Wills Drain Scheme are:

- Provision of four compensation basins connected to the Water Corporation's Russell Road Buffer Lake (Lake Copulup); a 800m partially piped and partially open linear swale adjacent to the high voltage power lines on the western side of the Kwinana Freeway between Russell and Gaebler Roads; a compensation basin within Lot 199 Lyon Road; a compensation basin within Lot 412 Gaebler Road;
- Basins will be constructed to retain a 1 in 5 year storm event except for the linear swale which will retain a 1 in 100 year event. Events greater than 1 in 5 will flow over land and discharge into wetlands/nature reserves nearby;
- Connection of the basins and swale will be via open channels and some piped sections;
- Subsoil drainage is to be provided throughout the area;
- The Drain Scheme does not cover nutrient stripping requirements and there will be a need for Drainage and Nutrient Management Plans to be approved by the City's Environmental Services Team at the subdivision stage. The normal requirements for nutrient stripping will be required throughout the area.

(See Agenda Attachments for the proposed Arterial Drainage Scheme)

Funding for the construction of the proposed integrated regional drainage infrastructure should be contributed to by all developers within the area. It is proposed that Development Contribution Area No. 7 require contributions for the construction of the compensation basin within Lot 199 Lyon Road and the open linear swale adjacent to the high voltage power lines on the western side of the Kwinana Freeway between the northern boundary of Lot 80 Barfield Road and Baler Court. The cost of the works has been estimated to be \$510,784.37, this does not include the purchase of the land for the open linear swale. Contributions will be required to be made towards the following items:

- Full earthworks;
- Provision of drainage infrastructure;
- Boring under the Kwinana Freeway;
- Servicing infrastructure relocation where necessary;
- Landscaping of the linear swale adjacent to the high voltage power line;



- Costs to purchase the land for the linear swale adjacent to the high voltage power line;
- Costs to administer cost sharing arrangements – preliminary engineering design and costings, valuations, annual reviews and audits and administration costs.

All other works associated with the integrated regional drainage infrastructure will be developed as part of subdivision approvals.

The introduction of 'Development Contribution Area No. 7' to Town Planning Scheme No. 3 will require contributions towards the proposed integrated regional drainage infrastructure be made by all developers. Without the drainage system, groundwater could rise uncontrolled and create significant problems in the future for the area.

The City already has six (6) other Development Contribution Areas within the Town Planning Scheme which are used to collect contributions from developers within the designated area for similar purposes as proposed above. The required provisions to manage Development Contribution Areas already exist within the Scheme and Amendment No. 17 proposes to introduce 'Development Contribution Area No. 7' into Schedule 12 and amend the Scheme Map to identify the area. Western Australian Planning Commission Planning Bulletins No. 18 and 37 outline the requirements for the application of Development Contribution Areas and the works that can be included in the contributions. The above proposed works comply with both Planning Bulletins.

The introduction of 'Development Contribution Area No. 7' to Schedule 12 of Town Planning Scheme No. 3 will ensure that a coordinated approach is taken to the regional drainage in the Southern Suburbs Area with all developers contributing to the provision of the drainage infrastructure.

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

N/A

### **Budget/Financial Implications**

There will be costs involved in the administration of the Development Contribution Plan however these costs are no different from the costs that are already incurred by Council for the other Development Contribution Plans within the City. These administration costs are to be recouped through the Contribution Plan.

### **Legal Implications**

N/A



### Community Consultation

The amendment will be advertised in accordance with the Town **Planning** and Development Act (1928) as amended.

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

Nil.

## 14.2 **(MINUTE NO 2431) (OCM 15/06/2004) - FARRINGTON ROAD DUPLICATION (450501) (SMH) (ATTACH)**

### RECOMMENDATION

That Council:

- (1) receive the report;
- (2) proceed with the planning and design of the duplication of Farrington Road between North Lake Road and Bibra Drive, on the basis that it could be constructed in 2005/06, subject to funding under the Metropolitan Regional Road Group Road Improvement Program;
- (3) following completion of (2) above and adoption by Council, refer the proposal to the Department of Environment (DoE) for assessment under Section 38 of the Environmental Protection Act;
- (4) depending on the DoE advice, advertise the proposal for public comment prior to making any decision to proceed with construction; and
- (5) reaffirm its support for the full connection of Karel Avenue to Berrigan Drive over the Roe Highway and the standard gauge railway line by a common traffic bridge, to be constructed as part of the Roe Highway Stage 7 and that the Council confirm that it would be prepared to seek Federal funds towards this work in conjunction with the State Government and Jandakot Airport Holdings, and that the Roe Highway Stage 7 Alliance be advised accordingly.

### COUNCIL DECISION

MOVED Cllr V Oliver SECONDED Cllr M Reeve-Fowkes that Council:

- (1) receive the report;



- (2) adopt the position that Farrington Road should not be duplicated between Bibra Drive and North Lake Road for environmental reasons; and
- (3) liaise with the Minister to identify other viable options for land set aside for development of Roe Highway Stage 8 reservation.

**MOTION LOST 3/7**

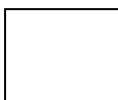
MOVED Clr M Reeve-Fowkes SECONDED Clr A Tilbury that Council:

- (1) receive the report;
- (2) does not proceed with the planning and design of the duplication of Farrington Road until the outcomes from the Freight Planning Congress have been formally adopted by Government;
- (3) support no increase to the current traffic volumes on Farrington Road, with a preference for South Street and Berrigan Drive as the east/west link roads;
- (4) oppose any plans to divert further traffic onto Farrington Road and Murdoch University Campus;
- (5) reaffirm its support for the full connection of Karel Avenue to Berrigan Drive over the Roe Highway and the standard gauge railway line, by a common traffic bridge, to be constructed as part of the Roe Highway Stage 7 and that Council confirm that it would be prepared to seek Federal funds towards this work in conjunction with the State Government and Jandakot Airport Holdings and that the Roe Highway Stage 7 Alliance be advised accordingly.

**MOTION LOST 4/6**

MOVED Clr L Goncalves SECONDED Clr K Allen that Council:

- (1) receive the report;
- (2) undertake extensive community consultation to ascertain the views of the residents on the possible duplication of Farrington Road, between North Lake Road and Bibra Drive by:
  1. Publishing a report in Cockburn Soundings with a balance of facts and concerns in regard to the issue being provided to the residents. A tear-off strip on the bottom of the page be provided for residents to be able to voice their thoughts in regard to Farrington Road after being given the relevant facts.



2. Conducting a telephone survey of an equal number of residents in each Ward, investigating their opinions in regard to the duplication of Farrington Road by an independent marketing company, based on a representative and statistically valid sample as determined by the marketing company.
- (3) approach the following authorities to ascertain their view on the possible duplication of Farrington Road, based on the Council report, namely:
1. City of Melville;
  2. Main Roads Western Australia;
  3. Environmental Protection Authority, under section 16(i) of the Environmental Protection Act;
  4. Aboriginal Advisory Committee;
- (4) reaffirm its support for the full connection of Karel Avenue to Berrigan Drive over the Roe Highway and the standard gauge railway line by a common traffic bridge, to be constructed as part of the Roe Highway Stage 7 and that the Council confirm that it would be prepared to seek Federal funds towards this work in conjunction with the State Government and Jandakot Airport Holdings, and that the Roe Highway Stage 7 Alliance be advised accordingly.

**CARRIED 6/4**

### **Explanation**

Before taking any further action, it is vital that Council investigate the feelings of both the local and wider Cockburn community on this important issue. Funds are available in Account No.OP 9761 'Community Consultation'. It is also vital to ascertain the initial opinion of the City of Melville, Main Roads WA and the Environmental Protection Authority. Moreover, it is important that the Council reaffirm its support of the full connection of Karel Avenue to Berrigan Drive over the Roe Highway and the railway line by a traffic bridge built at the same time.

### **Background**

#### **1. Council Position**

At the Council meeting held on 20 April 2004 Cr Allen, under Section 22 – Matters to be noted for Investigation Without Debate, requested:-



*“Cr Allen requested that a report be prepared on the duplication of Farrington Road”.*

The request was not supported with an explanation as to the purpose of the report, and therefore a general response has been prepared.

By way of background, there have been a number of Council decisions and reports on the future of Farrington Road over recent years.

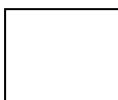
Initially, Mayor Lee requested at the July 2001 Council meeting that a report be prepared addressing road transport issues in the vicinity of Farrington Road and Hope Road. Particularly with regards to the fact that Council’s stated position is for the Roe Highway to finish at the Kwinana Freeway. (Minute 1223, Agenda Item 22.1)

In response to the request for a report from Mayor Lee, the Council’s Planning and Development Division prepared a comprehensive report, which resulted in the following decision by the Council at its meeting held on 20 November 2001 (Minute 1356, Agenda Item 14.3):-

- (1) *“receive the report;*
- (2) *in principle, for environmental reasons, adopt the view that Farrington Road should not be duplicated between Bibra Drive and North Lake Road at this stage;*
- (3) *await the outcome of the Hon Minister for Planning and Infrastructure’s Freight Planning Congress before further considering the impact of the proposed Roe Highway on local roads; and*
- (4) *write to Main Roads WA to identify the likely alternative use of the existing regional reservation for the Roe Highway between Progress Drive, Bibra Lake and Cockburn Road, Hamilton Hill, in the event that Stage 8 of the Roe Highway is not constructed as part of the regional ring road system.”*

On 19 February 2002, another report was prepared for the Council’s consideration, which dealt with the possible closure of Hope Road. In respect to this recommendation the Council resolved (Minute 1457, Agenda Item 14.1) to:-

- “(1) receive the report; and*
- (2) await the outcome of the Hon. Minister for Planning and Infrastructure’s Freight Planning Congress before further*



*considering the future of Farrington Road, Hope Road and Dixon Road.”*

Since this time no further reports have been considered by the Council relating to the duplication of Farrington Road, nor have any other decisions been made.

The reason the matter has not progressed further is because there has been no final recommendations made by the Freight Planning Congress that have been formally adopted by the Government, which would allow the Council to reconsider the future of Farrington Road, Hope Road and Dixon Road.

As an aside, in relation to Hope Road, the Council resolved in October 2003 to adopt a vision for Hope Road (between Bibra Drive and Progress Drive) and Progress Drive as gateways into the North Lake and Bibra Lake Regional Parklands and appoint a consultant to prepare an improvement plan for Hope Road and Progress Drive into attractively landscaped roadways, similar to Fraser Avenue in Kings Park, together with cost schedules and an implementation program.

The improvement plan is to include traffic and speed reduction options.

In addition the Council decided not to proceed with the closure of Hope Road Bibra Lake, so that traffic access between Bibra Drive and Progress Drive is maintained.

This is a relevant decision as it confirms that the Council has decided to retain Hope Road, and therefore it will continue to provide an alternative east-west crossing of the North Lake/Bibra Lake wetland reserves. This will therefore, have the effect of marginally reducing the volume of traffic using Farrington Road.

## 2. Farrington Road

Farrington Road was built in 1984. It is a major east-west connecting road to the Kwinana Freeway and allows Cockburn residents, especially those in Spearwood, Hamilton Hill, Coolbellup and Coogee to have easy access to the Kwinana Freeway and ultimately the Roe Highway (Stage 7).

In 1974 there were objections from the residents of Kardinya to the construction of Farrington Road which went between their properties and North Lake. This resulted in the road alignment being moved closer to the lake and away from the houses to accommodate the residents requests.



The residents in North Lake who were also close to Farrington Road, objected to its construction because of the potential increase in traffic noise which could have a detrimental effect on their neighbourhood.

A sand noise bund was constructed to try and ameliorate the potential noise, but was not fully installed because residents requested this not occur.

There was also a lot of concern about the environmental damage that would result from the work. The most significant impact could have been the extension of Bibra Drive through Roe Swamp, however, this route was realigned east to avoid the swamp.

The construction of Farrington Road between Progress Drive and Bibra Drive did not encroach on North Lake. It did not involve any extensive clearing of natural vegetation for the majority of the route, because it followed a cleared firebreak constructed on the boundary of the Murdoch University land.

A man-made drain had been constructed from the Murdoch University Veterinary School paddocks into North Lake. It carried a very high nutrient load to the lake. When the road was built, the residents insisted culverts be installed to guarantee that this drain would remain functional. Photos and videos that are shown of the Farrington Road construction, sometimes show the excavation work in the drain to install the culverts.

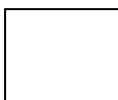
At a later date the Department of Environment (DoE) determined that the drain outlet into North Lake from the Veterinary School paddocks was degrading the water quality of the lake and the University was requested to close it. Since then the water quality in North Lake has improved.

The residential and industrial development has continued in the western sector of Cockburn and the traffic has continued to increase on the regional roads.

Farrington Road is a regional road. It was designated as a District Distributor 'A' by the Council in May 1997. It continues to be an important regional road for Cockburn residents and businesses.

A District Distributor 'A' is described as:-

- an important link road in the regional road network
- carries traffic flow of above 8000 vehicles per day
- preferably has no residential access
- has controls for safety of pedestrians
- operating speed is usually 60-70 kph
- used as a bus route





- parking is usually not allowed
- an acceptable truck route

Because of the importance of Distributor 'A' roads in the road hierarchy they are commonly constructed as either a 4 lane undivided or 4 lane divided road.

When it was first opened Farrington Road was used by regional traffic because the Kwinana Freeway only went to Forrest Road, so it was a convenient route to travel to Rockingham and beyond. Today the Freeway has been built to Mandurah so Farrington Road is used less by regional traffic and more by local residents and businesses in Cockburn.

The construction of the second carriageway of Farrington Road has always been planned, since its creation as a 35m wide road reserve to ultimately accommodate a four lane divided road. The duplication of Farrington Road is included in the Council's 10 Year Plan.

A points system devised by Main Roads WA to enable a quantitative assessment of road upgrades, which is used as the basis for prioritising and allocating funding to local government, has been applied to major district roads, including Farrington Road, which resulted in:-

- Farrington Road construction of the dual carriageway  
514  
Progress Drive to Bibra Drive
- North Lake Road construction of dual carriageway  
485  
Railway line to Bibra Drive
- Hammond Road construction of dual carriageway  
432  
Beeliar Drive to Bartram Road

This means that of the major roads assessed for upgrading, Farrington Road has the highest priority.

### **Submission**

This report has been prepared at the request of Cr Kevin Allen.

### **Report**

This report should be read in conjunction with the previous reports prepared on this subject.

Farrington Road is a district road which forms the boundary between the Murdoch University Campus in the City of Melville and the North Lake/Bibra Lake Beeliar Regional Park Reserve. Farrington Road



directly connects North Lake Road to the Kwinana Freeway and to Karel Avenue in Leeming.

Farrington Road is predominantly built as a divided dual carriageway between the Kwinana Freeway ramps and Bibra Drive. The balance of the road to the west of Bibra Drive is constructed as an undivided two lane road.

Farrington Road is located in a 35m road reserve, which is designed to accommodate a second set of carriageways on the northern side (Murdoch University side) of the existing carriageway.

Farrington Road is not an "Other Regional Road" (Blue Road) under the Metropolitan Region Scheme, therefore it is a district road, for which the City is responsible.

According to reports to Freight Network Review prepared by HGM, Traffic Engineers, it was estimated in 1996 that Farrington Road was carrying 22,000 vehicles per day (vpd).

By comparison, the report showed on other roads in the vicinity of Farrington Road that:-

- South Street 37,000 vpd (6 lane divided)
- North Lake Road 26,000 vpd (5 lane divided)
- Stock Road 23,000 vpd (6 lane divided)
- Phoenix Road 19,000 vpd (4 lane divided)

In 1996 Farrington Road carried about 70% of the traffic volume on South Street, between the Kwinana Freeway and North Lake Road.

It is estimated that by 2011, in 7 years time, Farrington Road could be carrying 32,000 vpd or 74% of the traffic volumes on South Street.

Currently (2004) it is estimated that Farrington Road is carrying about 24,000 vehicles per day.

There appears to be a concern and conjecture by some members of the Local Impacts Committee (LIC) about the likely impact that the construction of Roe Highway Stages 6 and 7 will have on Karel Avenue and Farrington Road without the construction of Roe Highway Stage 8.

The following extracts are from e-mails received by the City between 11 May and 15 May 2004 on a "non-confidential" basis, and contain the following comments relevant to the future role of Farrington Road which demonstrate the depth of concern:-

- On 11 May 2004 –



*“... my concerns about the impacts on Farrington Road with an interchange at Karel...”*

- on 12 May 2004 –

*“The figures quite clearly show a 40% increase in the traffic volume along Farrington Road, after the construction of Roe 7...”*

and

*“...over a year that we have significant concerns over the volumes of traffic that will be likely on Farrington Road, after the construction of Roe 7, if the full interchange at Karel Avenue proceeds. These figures not only support these concerns, but indicated that (based on current volumes of 16,000 vehicles per day), that there could be as many as 22,500 vehicles per day travelling along Farrington Rd, after Roe 7 is completed @ +40%)...”*

and

*“..based on the current design, and the need to get traffic to the west of Kwinana Fwy, that it was blatantly obvious that there would be an increase on Farrington....”*

- On 13 May 2004 –

*“... The Alliance Team is confident that the current forecasts are appropriate...”*

- on 14 May 2004 –

*“..my main point was that I suspect Farrington Road is already in part acting as Stage 7, and for that matter Stage 8.”*

and

*“...the answer is to find appropriate management responses for the local distributor roads, and in my view finish the highway.”*

- On 15 May 2004 –

*“.. During the Freight Network Review, MRWA’s own freight origin to destination studies do not show a need to link East and South, and that is what this road becomes without Stage 8 and the FEB....”*

and

*“...One such thing is the peoples awareness of the impacts on Farrington Road....”*



and

*“Stage 7 will not give you a sustainable freight network (unless 8 and the FEB are built)....”*

and

*“....a traffic survey of the South Street/Karel Ave and Karel Ave/ Farrington would give an indication if your views were accurate and Farrington is a defacto Stage 7 & 8....”*

Only the extracts relating to Farrington Road have been highlighted from the emails, and tend to confirm that Farrington Road is likely to become an important district distributor in the road network following the completion of Roe 7.

To retain Farrington Road as a two lane divided road is not an option from a traffic and transport point of view.

From an environmental point of view, concern has been expressed in the past by the DoE in its Bulletin 179 published in 1984, which included the following management suggestions in respect to the duplication of Farrington Road:-

- “1) The section of Farrington Road between Murdoch Drive and North Lake Road should remain a single 7.4m carriageway to rural design standards as presently proposed; and*
- 2) The second carriageway should be permanently deleted and the road reserve should be reduced to 12m width, and the area freed replanted with native species local to this area.”*

In addition to this the Bulletin contained another 6 management suggestions. The suggestions were directly based on the submission, lodged at that time by the Kardinya Residents Association. The Environmental Protection Act was not gazetted until 1986.

Despite Bulletin 179, in 1991 the EPA published another Bulletin 517 which provided for the duplication of Farrington Road between the Kwinana Freeway and Bibra Drive, subject to conditions.

In Bulletin 517 it contained the following recommendation (2) in relation to Farrington Road, that:-

*“The second carriageway should be permanently deleted and the road reserve should be reduced to 12m width, and the area freed replanted with native species local to this area.”*



This reinforced the DoE position in 1984. However, this position is not based on scientific or environmental grounds, but simply restates the submission made by the Kardinya Residents Association.

A comprehensive report was prepared for Council on the implications of Bulletins 179 and 517 in November 2001 and February 2002.

In February 2002 the Convenor of the North Lake Residents Action Association, wrote to the Minister for the Environment, Dr Judy Edwards, to solicit confirmation that the EPA was committed to the deletion of the second carriageway and the reduction of the road reserve to 12m.

In a response from the Minister in March 2002 to the Convenor, the Minister advised in part that:-

*“Thank you for your letter of 15 February 2002 regarding the proposed second carriageway at Farrington Road, North Lake. I understand that you have already received advice from the Chairman of the Environmental Protection Authority (EPA) on the EPA’s position with respect to a possible second carriageway for Farrington Road.*

*The Environmental Protection Act 1986 sets out a thorough and transparent process for assessing any proposals that may have a significant impact on the environment. Should a proposal be pursued by Main Roads WA and my involvement be required, I am obliged to consider all relevant information. I assure you that I do hold the EPA’s advice in high regard.”*

This tends to indicate that 18 years on, the EPA is not committed to the recommendation contained in either Bulletin 179 or 517 and is prepared to assess any proposal to duplicate Farrington Road on its merits.

It is pointed out that in 1984 and in 1991 there was no question about the future of the Roe Highway (Stage 8) or the Fremantle Eastern Bypass. It was assumed from a transport planning point of view that these roads would carry the regional traffic and therefore the relative importance of Farrington Road in the network was less significant than today. It was not until 2001 that there was any firm indication that the Roe Highway and the FEB may not be constructed. Therefore, the role and function of Farrington Road has necessarily changed, given the deletion of the FEB from the MRS in 2004 and the possibility that Roe 8 may also be deleted.

Also since that time, traffic volumes on Farrington Road have increased substantially from 7,600 vpd (1991) to 24,000 vpd (2004).

Farrington Road is:-



- a local road under the control of the local government,
- reserved for public purposes (U) University under both the MRS and the local scheme,
- located in a 35m road reservation,
- a two lane undivided road built to rural standards on the south side of the reserve,
- used by around 24,000 vpd,
- has no direct property frontage,
- a district distributor road which is about 5 kms long and directly serves North Lake, Murdoch and Leeming,
- directly connected to the Kwinana Freeway via a north connected ramp,
- a divided dual carriageway between Bibra Drive in the west to Karel Avenue in the east. The dual carriageway is about 2.7 kms or 54% of the total length of Farrington Road. The dual carriageway east of the Kwinana Freeway carried about 15,000 vpd in 1996 (MRWA), and was built as a dual carriageway when the subdivision was created in the 1980's.

The reasons that Farrington Road should be duplicated are:-

- The Kwinana Freeway Connection

Farrington Road joins the Kwinana Freeway 1.2 kms south of the South Street junction and provides for vehicles travelling south to exit the freeway and vehicles travelling north to enter the freeway. This junction is clearly sign posted to advise freeway users of the exit and entry option. The junction has been designed to serve a district function.

- Traffic Volumes (vehicles per day – vpd)

It is currently estimated that 24,000 vpd use Farrington Road west of the Kwinana Freeway.

As a general rule the Australian Standards suggest roads carrying more than 10,000 vpd should be 4 lanes and preferably divided.

Four lane divided roads are safer and more efficient and reflect their purpose in the road hierarchy.

- Road Reservation

The Farrington Road reservation is 35m wide and provides for a 4 lane divided road, together with a verge width that can accommodate landscaping and a dual use path.

The existing 2 lanes are located on the southern side of the reserve closest to the North Lake reserve, and therefore any duplication will



be located on the northern side closest to the Murdoch University Campus.

Farrington Road has been built to rural standards with no piped drainage system except west of Progress Drive and east of Bibra Drive. The drainage outlets are caught by a sump and do not discharge directly into the Beeliar Regional Park reserve. Given this, there is no evidence of any adverse environmental impacts on the quality of North Lake or its surrounds due to the operation of Farrington Road.

This situation is unlikely to change if Farrington Road was duplicated, given that the road already carries in the order of 24,000 vpd.

- Murdoch University

The University is currently preparing a master plan for the future development of the campus. This will provide for the expansion of the University facilities together with residential and commercial/mixed business developments supported by an extended internal road system. The plan is likely to include new access points onto the surrounding public roads, including Farrington Road. This will generate increased traffic onto the road system. It is unlikely that the MRWA modelling for the traffic projections on Farrington Road have taken account of this additional traffic potential.

Therefore it is highly likely that the 32,000 vpd projected for Farrington Road by 2011 is an underestimate.

- Possible Deletion of Roe Highway (Stage 8)

The FEB has been deleted from the MRS and the Fremantle Town Planning Scheme.

The Roe Highway (Stage 8) Primary Regional Road Reserve remains in the MRS and the local scheme. At this stage the Government does not intend to construct Stage 8.

In the event that Stage 8 is not built, then the existing district road system will become the de facto Roe Highway, namely:-

- Farrington Road
- Forrest Road
- Phoenix Road

The Connell Wagner Report, March 2003, relating to the alternative to the FEB, indicates that Forrest Road will experience an increase in traffic volume around 350% by 2031.



- Access to Roe 7 from the Western Suburbs

To get to and from Roe 7, which is the metropolitan ring road system from the western suburbs of Cockburn, it will be necessary to use Farrington Road and Karel Avenue. Hope Road may also attract some of this traffic, but is a less direct route and Progress Drive has a speed limit of 50 kph.

For those areas south of Spearwood Avenue it is likely that they will use Beeliar Drive to the Kwinana Freeway to access Roe 7.

Similarly, for traffic returning from Roe 7 to travel to the western suburbs, Karel Avenue and Farrington Road will be the most attractive route.

South Street and Berrigan Drive exits are not convenient options.

The Berrigan Drive/ Kwinana Freeway junction is not an effective intersection as Berrigan Drive serves a very small catchment.

- Karel Avenue/ Berrigan Drive Highway Junction

Because Farrington Road does not have exit and entry ramps onto the Kwinana Freeway to the south, traffic wanting to travel west from Roe 7 will need to exit at Karel Avenue to connect to Farrington Road in order to use North Lake Road as the distributor west of the central lake chain to serve the suburbs north of Spearwood Avenue.

For those travelling to areas west of the freeway, but south of Spearwood Avenue, they are most likely to remain on Roe 7 to the Kwinana Freeway and then exit at either Berrigan Drive or Beeliar Drive.

To make the Berrigan Drive/ Kwinana Freeway junction more effective it is important that Karel Avenue be linked directly into Berrigan Drive as provided for under the MRS.

This link will enable traffic to conveniently exit at Berrigan Drive, access the Jandakot Airport, make inter-suburb connections, South Lake to Leeming and to separate the traffic from the increased use of the Freight Rail Line which will be carrying in the order of 300,000 containers per annum by 2012, based on the Government's 6 point freight network plan.

It is essential that the planned traffic bridge over Roe 7 be built over the railway line at the same time to maximise construction efficiencies, minimise public inconvenience by staging the development and to capitalise on the existing infrastructure at the junction of Berrigan Drive and the Kwinana Freeway.





Based on the foregoing it is clear that Farrington Road is a strategically important district distributor road serving the north-western suburbs of Cockburn, and therefore should be duplicated to cater for the existing and future traffic volumes, particularly given that Roe 8 may not be constructed.

The duplication of Farrington Road will make it safer and more efficient.

In addition, the Council should reinforce the need to build the Karel Avenue/ Berrigan Drive traffic bridge to cross Roe Highway Stage 7 and the rail freight line as a single project. This would be preferable to building the traffic bridge to Hope Road with a level crossing at the railway line, which is understood to be the current intention.

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

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

2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
5. Maintaining Your Community Facilities
  - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and convenient and safe for use by vehicles, cyclists and pedestrians."*

### **Budget/Financial Implications**

Based on the City of Cockburn's Principal Activities Plan, it was estimated on 2002 prices, that the duplication of Farrington Road between Bibra Drive and North Lake Road would be in the order of \$2.25 million. Of this around \$750,000 would be sourced from Reserve Funds and \$1.5 million from Regional Road Grants.

In May 2004, the Engineering and Works Division submitted an application for funds to the Metropolitan Regional Road Group, for a Road Improvement Project Submission for the project year 2005/06, to duplicate Farrington Road from Bibra Drive to North Lake Road. This was based on a Total Weighted Score 514.34 which makes it a priority project within the district. The Council can withdraw from the funding



and not proceed with the proposal, if following approval of the grant it decides not to proceed.

### **Legal Implications**

Prior to proceeding to duplicate Farrington Road, between Bibra Drive and North Lake Road, the Council would be required to refer the project to the EPA for assessment under Section 38 of the EP Act.

### **Community Consultation**

As part of the EPA assessment, Section 40 requires a project referred to it under Section 38, to advertise the proposal for public review.

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

Nil.

## **14.3 (MINUTE NO 2432) (OCM 15/06/2004) - PROPOSED CLOSURE OF PORTION OF WRIGHT ROAD, HENDERSON (450109) (KJS) (ATTACH)**

### **RECOMMENDATION**

That Council request the Minister for Planning and Infrastructure close portion of Wright Road pursuant to Section 58 of the Land Administration Act 1997.

### **COUNCIL DECISION**

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

**CARRIED 10/0**

### **Background**

Council conditionally supported subdivision of the road to be closed and adjoining land on 10 November 2003 into industrial lots.

### **Submission**

LandCorp has written to the City requesting the closure.

### **Report**



Wright Road is a section of unmade road reserve south of Jesse Lee Street in Henderson. The land between the subject land and Cockburn Road is owned by Main Roads WA. Main Roads WA inform the City that they have a contract to sell this land to LandCorp. The closed road will be incorporated into the adjoining land in accordance with the conditionally approved subdivision known as Support Industry Precinct.

The extent of the closure at the southern end will be such that a cycleway can be constructed in the portion of Crane Street road reserve off Cockburn Road.

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

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

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

N/A

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

Nil.

#### **14.4 (MINUTE NO 2433) (OCM 15/06/2004) - DIALOGUE WITH THE CITY COMMUNITIES PROGRAM - ROUND 1 APPLICATION - COMMUNITY CONSULTATION (9165) (SMH) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) reconfirm its intention to proceed with the refurbishment of Memorial Hall in 2005/06 in accordance with the adopted plans, and that the plans be used as the basis for undertaking public consultation in respect to the preparation of a Structure Plan for



the Memorial Hall Precinct;

- (3) arrange to conduct facilitated public workshops to discuss the planning and development of the Memorial Hall Precinct;
- (4) make an application for \$8,000 on a dollar for dollar basis under the Dialogue with the City Communities Program;
- (5) include for consideration on the proposed 2004/05 Budget, the sum of \$16,000 for the public workshop, subject to a \$8,000 contribution being made by the State Government; and
- (6) subject to the funding being received under (3) above and the monies being included in the 2004/05 Budget, under (5) above, the Council proceed to organise the public workshop referred to in (2) above.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

The State Government has initiated the “*Dialogue with the City*” which is an ongoing dialogue with the community on how to make Perth a better place.

The Mayor, Stephen Lee, is a member of the Implementation Team, chaired by the Chairman of the Western Australian Planning Commission, Mr Jeremy Dawkins, which is directly responsible to the Minister. The Mayor is also a member of the Local Government Liaison Team, and the Governance and Process Working Group, both of which are chaired by Mr Eric Lumsden, CEO of the City of Swan.

**Submission**

Refer to the attachment to the Agenda “*Dialogue with the City Communities Program – Round 1 Application*”.

The attachment explains the objectives of the program, funding arrangements, the scope of the projects and how to make an application.

**Report**



The brochure is not clear and an explanation was sought from the Project Officers.

Round 1 is understood to mean that local governments are encouraged to conduct public consultation in order to liaise with the community on future projects, plans and strategies for their respective districts.

A local government cannot proceed to Round 2, the planning and development of a particular project or projects, until Round 1 is completed.

Funding for Round 1 relates to consultation, and it is understood that funding will be on a dollar for dollar basis.

The funding is understood to enable the Council to rent a venue for the workshop, send out invitations, engage a facilitator and summarise the results.

The Council could have an open workshop to solicit opinion and views about what projects could be undertaken in the City of a project, planning or strategic nature and then prioritise these as the basis of a Round 2 application, or have a workshop on a particular development that is not progressing or needs to be initiated.

An open ended workshop could be difficult to conduct and could produce irrelevant and inworkable outcomes, and instead it is suggested that the Council consider a workshop on the Memorial Hall Precinct. This could be undertaken as a complementary exercise to the proposed refurbishment to the Memorial Hall itself, in that the precinct includes:-

- the future of the Shopping Centre
- car parking and traffic movement
- bus interchange
- landscaping
- the possible future use of the Roe Highway (Stage 8) Reserve.

The Memorial Hall Precinct project has stalled and the Communities Program represents an unique opportunity to recommence the planning studies.

However, it is important to point out that the Council intends to proceed with the refurbishment of Memorial Hall in accordance with an adopted plan in 2005/06 and the precinct study should be undertaken in recognition of this commitment.

The landscaping, car parking, loading and unloading facilities and the access to the Memorial Hall as a refurbished facility, should form an



integral part of the plan for the development of the Memorial Hall Precinct.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
  - *"To conserve the character and historic value of the human and built environment."*
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*

### **Budget/Financial Implications**

It is estimated that to conduct say 2 workshops, conducted by a professional facilitator and supported by refreshments and a supper, together with a report on the outcomes to provide the basis for a Round 2 application, could cost in the order of \$16,000.

Based on this, the Round 1 Application should be for \$8,000.

The figure of \$16,000, subject to \$8,000 contribution from the State Government, be placed on the proposed 2004/05 Budget for consideration.

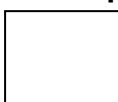
### **Legal Implications**

N/A

### **Community Consultation**

This is the purpose of the application.

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



Nil.

**14.5 (MINUTE NO 2434) (OCM 15/06/2004) - SINGLE HOUSE - PATIO - REDUCED SIDE SETBACK - LOT 601; 37 WAUHOP CIRCLE, BEELIAR - OWNER: G VIOLA & M SMITH - APPLICANT: PHOENIX PATIOS (3318497) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant retrospective approval to the patio on Lot 601 (No. 37) Wauhop Circle, Beeliar, subject to the following conditions:

**STANDARD CONDITIONS**

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

**FOOTNOTES**

1. The development is to comply with the requirements of the Building Code of Australia.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant; and
- (3) advise the complainant of Council's decision.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**



ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	683 m2	
AREA OF PATIO:	62 m2	
USE CLASS:	Single (R-Code) House	
APPLICANT:	Phoenix Patios	
OWNER:	G Viola & M Smith	

## Report

The application proposes a patio with a reduced side setback of 800mm. The Residential Design Codes stipulate a minimum setback of 1.5m for a patio that exceeds 12m in length.

Refer plan with the attachments.

### Community Consultation

The application was referred to the adjoining affected landowner in accordance with Clause 9.4.3 of the City's Town Planning Scheme No.3.

The adjoining landowner objected to the proposal due to the concern that stormwater would be directed onto the submitter's property and as a result may undermine the earth at the fence line and surrounding brick paving.

It is considered that the above concerns be dismissed, as the owner must ensure all stormwater is contained on site and a condition is recommended to that effect. Further, the application proposes a 15cm gutter to ensure stormwater runoff from the patio is trapped and contained on-site.

### Strategic Plan/Policy Implications

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

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

### Budget/Financial Implications

N/A





**Legal Implications**

N/A

**Community Consultation**

Application referred to adjoining landowner in accordance with Clause 9.4.3 of the City's Town Planning Scheme No.3. One letter of objection was received.

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

Nil.

**14.6 (MINUTE NO 2435) (OCM 15/06/2004) - AMENDMENT NO. 9 TO TOWN PLANNING SCHEME NO. 3 AND PROPOSED STRUCTURE PLAN - PROPOSED GROUP HOUSING SITE - LOT 501 TROODE STREET, MUNSTER - APPLICANT: ROBERTS DAY GROUP (3315202; 93009) (JW)**

**RECOMMENDATION**

That Council:

- (1) support the development of the Group Housing site located west of the wetlands and adjoining Gumina Place subject to:
  1. The management of long-necked tortoises is to form part of the Wetland Management Plan and is to be submitted to Council at subdivision stage.
  2. Fences being installed to prevent human access into the wetland area, but designed to allow tortoise movement between the wetland and the group housing site.
  3. A Detailed Area Plan for this development being submitted to Council for assessment prior to development.
- (2) advise the Western Australian Planning Commission and those persons who previously made submissions on Amendment No. 9 and the Structure Plan, of Council's decision.

**COUNCIL DECISION**

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

**CARRIED 10/0**

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## Background

ZONING:	MRS:	Urban
	DZS:	Special Use 10
LAND USE:	Cable Water Ski Park	
LOT SIZE:	14.4 Ha.	
AREA:	N/A	
USE CLASS:	Recreation - private	

## Background

At the Ordinary Meeting on 16 March 2004, Council resolved to adopt the amendment with the following modifications:

*Adding a new (v) to the Eleventh Schedule – ‘Development Areas’ as follows:*

- (v) *Development of the Group Housing site located west of the wetlands and adjoining Gumina Place is subject to a study by the developer to the Council’s satisfaction, to determine if the site is used for breeding by long necked tortoises and depending upon the outcome, the future planning and development of the site will be decided by the Council.*

Council also resolved to adopt the proposed Structure Plan and report subject to the following:

4. *The proposed R40 Group Housing site adjoining Gumina Place, be noted with the words “subject to Further Investigation and Determination”.*

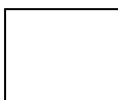
The Scheme amendment documents and the Structure Plan were modified accordingly and sent to the Western Australian Planning Commission (WAPC) for final approval on 6 April 2004.

## Submission

A letter dated 7 May 2004 was received from the applicant seeking Council’s support for the development of the group housing site after an investigation was undertaken by M.J Bamford, a consulting ecologist engaged by the applicant, on the proposed group housing site as a breeding site for the long-necked tortoise. A copy of the research findings is attached providing details of the investigation.

## Report

The report prepared by M.J Bamford concludes:



*“ The Long-necked Tortoise is present at Lot 501, but does not appear to be abundant.*

*There was no evidence that breeding by the species is concentrated (or even occurs) on the proposed group housing site, and around other wetlands in the Perth area the female tortoises appear to disperse widely to lay their eggs (M. Bamford pers.obs). It would therefore be unlikely that the females would concentrate their nesting in one location on Lot 501.*

*There is other high ground along the western and eastern margins of the natural wetland that is also almost certainly used by tortoises for breeding, and the structure plan would appear to retain these margins. It should be noted, however, that the group housing area does represent approximately 10-15% of high ground near the natural wetland.”*

M.J. Bamford also noted that there was no evidence that the long-necked tortoise actually breeds on the proposed group housing site.

The report has been reviewed by Council Environmental officers and the findings are considered satisfactory. Further comments were provided by Environmental officers on this issue as follows:

1. The Wetland Management Plan must encompass long-necked tortoise management, including tortoise capture and removal.
2. Any fencing used to exclude human access into the wetland should accommodate tortoise movement, but prevent them from accessing the road and risking death.

### Summary

It is recommended that Council resolve to support the development of the group housing site located west of the wetlands adjoining Gumina Place, and advise the Planning Commission of Council's decision accordingly.

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

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

3. Conserving and Improving Your Environment
  - *“To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.”*



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

The Planning Policies which apply to this item are:-

SPD1	Bushland Conservation Policy
SPD3	Native Fauna Protection Policy
SPD5	Wetland Conservation Policy
APD20	Design Principles for Incorporating Natural Management Areas Including Wetlands and Bushlands in Open Space and / or Drainage Areas
APD31	Detailed Area Plans

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.

- 14.7 (MINUTE NO 2436) (OCM 15/06/2004) - SINGLE HOUSE - RETROSPECTIVE APPROVAL - SHED - WAIVE PLANNING FEE - LOT 16; 39 LACHLAN WAY, BIBRA LAKE - OWNER/APPLICANT: R J BRYANT (1100176) (MD)**

**RECOMMENDATION**

That Council waive the requirement for payment of the planning application fee of \$100 for retrospective approval of the shed at Lot 16; 39 Lachlan Way, Bibra Lake and advise the owner accordingly.

**COUNCIL DECISION**

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

**CARRIED 10/0**



## Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	700 m2	
SHED AREA:	39.61 m2	
USE CLASS:	SINGLE (R-CODE) HOUSE	

The City issued a building licence for the shed on the 19 December 2003. A complaint from an adjoining landowner was later received on the 14 April 2004 relating to certain design elements of the shed.

Council officers subsequently investigated the shed on site on the 21 April 2004. At this time the approved plans were reviewed and it was discovered that the height of the shed walls shown on the plans exceeded that prescribed by the City's policy on outbuildings.

The applicant was subsequently made to lodge a retrospective planning application to seek a variation from Council to allow for the 4 metre high walls of the shed.

A report was submitted to Council at its ordinary meeting held 18 May 2004 recommending that the application be approved and the requirement for the \$100 planning application fee be waived. Council resolved to grant retrospective approval to the existing shed, however, the Council resolved not to waive the \$100 planning application fee.

## Submission

The owner has provided the following justification to support the request to Council to waive the planning application fee:-

*"The reason I am making this request is that the shed was being constructed in accordance with the approved plans and building licence BA03/1920, which was issued on December 19, 2003."*

## Report

The owner has sought reconsideration from Council of paying the \$100 fee because the City overlooked that the height of the walls of the shed did not comply with Council Policy when assessing the building licence application for compliance with the Residential Design Codes. The application was inadvertently referred back to Council's Building Service from Statutory Planning Service and a building licence was subsequently issued.

The owner commenced building the shed in accordance with the approved plans and building licence. It should be pointed out that the



owner was not aware that the plans for the shed did not comply with Council policy.

To encourage the owner to lodge the planning application after the building licence had already been issued a planning application fee of \$100 was not taken.

It is recommended that the Council use its discretion and waive the planning application fee in this instance, due to the administrative error that occurred.

The City's procedures are being reviewed to prevent similar situations occurring.

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

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

1. Managing Your City

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

### **Budget/Financial Implications**

This report recommends the waiving of a \$100 standard planning application fee.

### **Legal Implications**

N/A

### **Community Consultation**

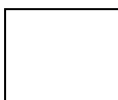
N/A

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

Nil.

- 14.8 **(MINUTE NO 2437) (OCM 15/06/2004) - PROPOSED RETAINING WALLS AND RETROSPECTIVE APPROVAL FOR EXISTING RETAINING WALLS - LOT 507; 5 PROVINCIAL MEWS, BIBRA LAKE - OWNER/APPLICANT: D NICHOLSON & K GEDDES (1117860) (VM) (ATTACH)**

<b>RECOMMENDATION</b>
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That Council:

- (1) grant retrospective approval to the existing limestone retaining wall on Lot 507 (No. 5) Provincial Mews, Bibra Lake, subject to the following conditions:-

Standard Conditions

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

Special Conditions

4. The existing retaining walls shall be certified by a suitably qualified structural engineer to the satisfaction of the City.

Footnotes

1. The development is to comply with the requirements of the Building Code of Australia.
2. The applicant is advised that the City is legally unable to issue a retrospective building licence for the retaining walls. Special Condition 4 simply ensures the retaining walls have been constructed to a suitable standard and can be increased in height.

- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**



ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Existing dwelling and retaining walls	
APPLICANT:	D Nicholson & K Geddes	
OWNER:	" " " "	
LOT SIZE:	884m <sup>2</sup>	
USE CLASS:	"P" Class use	

The lot accommodates a single dwelling approved by Council and rear and side retaining walls constructed without Council approval. The walls were constructed over a Water Corporation easement.

### **Submission**

An application has been made for retrospective approval of two retaining walls constructed along the rear and right hand side boundaries of the lot. The walls vary in height from 300mm to 1.3 metres. The applicant also intends to raise the height of the walls by approximately one limestone block (ie. 350mm).

A photo and a plan showing the existing retaining wall is contained in the Agenda attachments.

### **Report**

#### Existing Retaining Walls

The application is referred to Council as Council officers do not have delegated authority to approve retrospective applications.

Council has the discretion to grant planning approval to development retrospectively, pursuant to Clause 8.4 of Town Planning Scheme No. 3, provided the development conforms to the provisions of the scheme.

The existing and proposed height increase to the walls is acceptable from a planning point of view, as the rear boundary of the property abuts a Primary Regional Road Reserve with no detrimental visual impacts. Therefore the increase in height can be supported.

The retaining walls were constructed over a Water Corporation easement. The application was referred to the Water Corporation. The Water Corporation on 4 May 2004 approved the construction of the walls over the easement subject to conditions. The conditions have been complied with.

#### Proposed Retaining Wall Height Increase

The proposed addition in height to the retaining wall of 350mm to 500mm maximum, complies with Council's Town Planning Scheme and is acceptable from a planning point of view.





Conclusion

No further action is recommended with respect to the unlawful development, given that the owner has now sought approval and that the existing retaining wall does not adversely affect the residents of the locality or the likely future development of the locality.

It should be noted that a building licence for the existing retaining wall cannot be issued retrospectively and the owner should be advised of this.

**Strategic Plan/Policy Implications**

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

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

The Planning Policies which apply to this item are:

APD 9	Retaining Walls
APD17	Standard Development Conditions and Footnotes
APD33	TPS No. 3 Provisions.

**Budget/Financial Implications**

N/A.

**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.



**14.9 (MINUTE NO 2438) (OCM 15/06/2004) - NEW PRIMARY RESIDENCE, RECLASSIFICATION OF EXISTING RESIDENCE TO ANCILLARY ACCOMMODATION AND OUTBUILDING - LOT 15; 17 LORIMER ROAD, WATTLEUP - OWNER: L DAMJANOVICH - APPLICANT: DA COSTA DRAFTING & DESIGN (4411160) (ACB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grants approval to the Single House, Ancillary Accommodation and Outbuilding on Lot 15 (No. 17) Lorimer Road, Wattleup subject to the following conditions:

**STANDARD CONDITIONS**

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No activities causing noise and/or inconvenience to neighbours being carried out after 7:00pm or before 7:00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
5. The ancillary accommodation must only be occupied by member(s) of the same family as the occupiers of the main dwelling.
6. A legal agreement be prepared in a form acceptable to the Council binding the owners and successors of Title to the following:
  - The existing residence will continue to be used as the primary residence by the owners until the proposed dwelling is completed.
  - Upon completion of the proposed dwelling the existing dwelling will be converted to ancillary accommodation.
  - The ancillary accommodation will only be occupied by member(s) of the same family as the occupiers of the main dwelling.



The legal agreement should (at the full cost of the applicant) be prepared by the Council's Solicitors and be executed by the owners, occupiers of the ancillary accommodation and the Council.

7. The shed shall be used for domestic and/or rural purposes only associated with the property, and not for human habitation.
8. An approved effluent disposal system to the satisfaction of Council's Health Service and/or the Department of Health must be installed prior to the occupation of any habitable building to be erected on the land.
9. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

#### SPECIAL CONDITIONS

10. Satisfactory arrangements for the provision and maintenance of a vegetation screen as approved by Council along the eastern and southern boundaries of the existing dwelling and shed (marked red on approved plan).
11. The proposed shed walls and roof shall be constructed in Colorbond to complement the surroundings to the satisfaction of the Council.
12. The shed being reduced to a maximum wall height of 4.5m in accordance with Council's Outbuildings Policy APD18.

#### FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. The existing and proposed septic installations must comply with the requirements of the Government Sewerage Policy and the *Health Act 1911*. Application for approval of the construction of septic tanks is to be made to the Council's Health Service.
3. With regards to Condition 10, the proposed ancillary accommodation shall be screened from view of the street and surrounding development so as to maintain the single residential appearance of the property.



**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

ZONING:	MRS:	Rural
	TPS3:	Rural
LAND USE:	Rural	
LOT SIZE:	1.0644ha	
AREA:	Residence 394.46sqm and Shed 300sqm	
USE CLASS:	Single House	

The background relevant to this proposal is:-

- The City issued a Building Licence for a brick and tile dwelling in 1971.
- This existing dwelling has an area of approximately 124sqm with a 32sqm patio.
- A water tank and 154sqm shed are located at the rear of the existing dwelling.

**Submission**

The proposal is to:-

- Construct an additional residence adjacent to the existing dwelling, which will become the primary residence.
- Once constructed, convert the existing dwelling to ancillary accommodation to house the applicant's aging parents of 60-70 years who require constant care in their later life.
- Construct a 300sqm shed to store vintage and collectable vehicles.

**Report**

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

- The requirement that a primary residence exists prior to applying for ancillary accommodation (i.e. a dwelling is not ancillary unless there is an existing residence for it to be ancillary to).
- The proposed shed size and height exceed the requirements contained within Policy APD18 Outbuildings.



- The aggregate areas of the existing and proposed sheds exceed the 200sqm size requirement in accordance with Council Policy APD18 Outbuildings.

In respect to these matters it is recommended that:-

- Satisfactory arrangements are made with the City to ensure the existing dwelling is converted to ancillary accommodation prior to occupying the new house and that the existing dwelling is screened from view of the street so as to maintain the single residential appearance of the property. Satisfactory arrangements to be made by way of a Deed of Agreement to ensure successors in Title are aware of the limited uses of the ancillary accommodation.
- Given the location of the proposed shed at the rear of the proposed dwelling it is considered that the shed will be reasonably screened from view of the road. In addition letters of no objection have been received from the adjoining neighbours. The proposed shed size can be supported provided the wall height is reduced to 4.5m and the shed is constructed with a colorbond finish, in a colour which harmonises with the rural setting, to the satisfaction of the City.

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

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

2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
4. Facilitating the needs of Your Community
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

The Planning Policies which apply to this item are:-

APD10          Discretion to Modify Development Standards



- APD11 Aged or Dependant Persons Dwellings and Ancillary Accommodation on Rural and Resource Zone Lots
- APD17 Standard Development Conditions and Footnotes
- APD18 Outbuildings
- APD33 Town Planning Scheme No. 3 Provisions

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.

**14.10 (MINUTE NO 2439) (OCM 15/06/2004) - RETROSPECTIVE PLANNING APPLICATION (ANCILLARY ACCOMMODATION) - LOT 531; 8 LEASIDE WAY, SPEARWOOD - OWNER: R J SMITH - APPLICANT: B J MAGRO (2205626) (ACB) (ATTACH)**

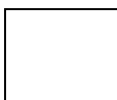
**RECOMMENDATION**

That Council:

- (1) issue retrospective approval for ancillary accommodation on Lot 531 (8) Leaside Way, Spearwood, subject to the execution of a Section 70A Notification and registration on the Certificate of Title of the land, together with the payment of all costs associated with the preparation of the notice and previous notices conditional upon:

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 to the satisfaction of the Council.
5. The ancillary accommodation must only be occupied by member(s) of the same family as the occupiers of the main dwelling.
6. A notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the Council and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective purchasers of the use and restrictions of the ancillary accommodation as stipulated under Condition 5 of this approval. The notification should (at the full cost of the applicant) be prepared by the Council's Solicitor McLeod & Co and be executed by both the landowner and the Council.
7. 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 before the carrying out of any work or use authorised by this approval.
8. An approved effluent disposal system to the satisfaction of Council's Health Service and/or the Department of Health must be installed prior to the occupation of any habitable building to be erected on the land.

#### SPECIAL CONDITIONS

9. The Ancillary Accommodation shall be screened from view of the street so as to maintain the single residential appearance of the property.
10. The proposed ancillary accommodation will be connected to the primary residence by the covered pergola as identified on the approved plans.

#### FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia. (Please liaise with Council's Building Services on 9411-3595).
2. The existing and proposed septic installations must comply with the requirements of the Government



Sewerage Policy and the *Health Act 1911*. Application for approval of the construction of septic tanks is to be made to the Council's Health Service. (Please liaise with Council's Health Services on 9411-3589).

3. In regard to Condition No. 9, the applicant is required to erect a 1.8m fence along the boundary as marked red on the approved plans.

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

**CARRIED 10/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	784sqm	
AREA:	138.6sqm (including non-habitable areas)	
USE CLASS:	Ancillary Accommodation (R-Code)	
APPLICANT:	B J Magro	
OWNER:	R J Smith	

The background relevant to this proposal is:-

- The City issued a Form 2 Approval to Commence Development for Ancillary Accommodation on 13 December 2002 and the applicant was advised accordingly.
- Upon the owners (Mr Magro's) request, the City instructed McLeods Barristers and Solicitors (McLeods) on 17 December 2002 to prepare a legal agreement which binds the owner of the property to ensure the ancillary accommodation is used by members of the family of Mr Magro, to comply with conditions 1 & 4 of the approval.
- The documents were prepared by McLeods and forwarded to Mr Magro on 19 December 2002 for execution.
- Mr Magro did not execute these documents and therefore registration of a Section 70A Notification on Certificate of Title was never completed.
- Mr Magro commenced construction of the ancillary accommodation and installed the on-site effluent disposal system without a Building





Licence and approval from the City's Health Service or the Department of Health.

- Construction was not in accordance with the approved plans dated 13 December 2002.
- The City's Principal Building Surveyor issued a Notice on 6 February 2003 *"to pull down the building so as to remove the cause of objection"* under the Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1)(c).
- Mr Magro lodged an appeal to the Minister for Housing and Works in response to the Notice.
- As part of this Appeal process Mr Magro was required to submit a retrospective planning application for the ancillary accommodation, as the building has not been constructed in accordance with the planning approval issued on 13 December 2002.

### **Submission**

The applicant has provided no justification for proceeding to construct the building without a Building Licence and approval from Health Services for the on-site effluent disposal system.

*"My discussions with Officers from the Department for Housing and Works revealed that Mr Magro was unaware that these approvals were required as he believed the planning approval gave him the consent to commence development."*

The proposal is to seek re-approval of the ancillary accommodation. The proposed floor space areas are identical to the plans approved on 13 December 2002. The floor space configuration is marginally different to the original approval (copy of original and proposed plans in Agenda Attachments).

### **Report**

Notwithstanding that construction has already commenced, the proposal can be supported, as the reconfigured floor space does not vary in area to that already approved on 13 December 2002.

The only issue considered unacceptable is non-compliance with a condition of the 2002 planning approval, i.e. failure to comply with the requirement to register a Section 70A Notification on the Certificate of Title of the subject land that notifies successors in Title of the restricted occupancy of the ancillary accommodation.

The owner has been advised of this requirement and until execution of these documents is completed, it is recommended that this application be held in abeyance and issue the approval when the notification has been registered on the Title.



### Strategic Plan/Policy Implications

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

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

The Planning Policies which apply to this item are:-

APD12      Aged Persons Accommodation - Development Guidelines  
APD17      Standard Development Conditions and Footnotes

### Budget/Financial Implications

N/A

### Legal Implications

N/A

### Community Consultation

N/A

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

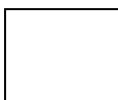
Nil.

**14.11 (MINUTE NO 2440) (OCM 15/06/2004) - GROUPED (R-CODE) DWELLING - RETROSPECTIVE APPROVAL OF EXISTING PATIO - STRATA LOT 2; 11B ORSULICH LOOP, SPEARWOOD - OWNER: C SALVADORE & L PAVANA - APPLICANT: N GOHRT & E L LEAMAN (3319090) (JW) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) grant retrospective approval to the existing patio on Strata Lot 2 (No. 11b) Orsulich Loop, Spearwood, subject to the following conditions:



**STANDARD CONDITIONS**

1. Development can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No 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 such wall or fence is constructed with a 2 metre truncation.
4. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

**SPECIAL CONDITIONS**

6. The proposed development shall be clad or coloured to complement the surroundings, and/or adjoining developments, in which it is located.

**FOOTNOTES**

1. The development is to comply with the requirements of the Building Code of Australia.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

ZONING:	MRS:	URBAN
	TPS3:	RESIDENTIAL R30
LAND USE:	2 Grouped Dwellings	
LOT SIZE:	Strata Lot 2 - 515 m <sup>2</sup>	
USE CLASS:	Single (R-Code) House 'P' (Permitted) Use	



## Submission

The applicant seeks retrospective approval for an existing patio at 11b Orsulich Loop, Spearwood. Plans of the proposal are contained in the Agenda attachments.

## Report

As the patio exists the application is referred to Council for determination. The City does not have delegated authority to approve retrospective applications, but the Council does, pursuant to Clause 8.4 of Town Planning Scheme No. 3.

Confirmation was provided from a Certified Practice Engineer that the existing patio is structurally sound and complies with the Australian Standards and with the Building Code of Australia, but this is not a prerequisite to grant planning approval.

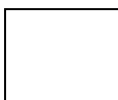
The patio does not detract from the streetscape or the adjoining owners visual amenity. The eaves setback of 500mm instead of 750mm from the side boundary is accepted as a variation to the Codes, given that there were no objections from the adjoining owner.

No further action is recommended in respect to the unlawful development, given that the owner has now sought approval. Given the above it is recommended that the retrospective approval be given.

## Strategic Plan/Policy Implications

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

1. Managing Your City
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To conserve the character and historic value of the human and built environment."*
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*



The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes  
 APD18 Outbuildings

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.

**14.12 (MINUTE NO 2441) (OCM 15/06/2004) - EXISTING ABRASIVE BLASTING AND SPRAY PAINT WORKSHOP - LOT 150 CUTLER ROAD, JANDAKOT - OWNER/APPLICANT: COOK INDUSTRIAL MINERALS PTY LTD (5500001) (ACB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant retrospective approval for an Abrasive Blasting and Spray Paint Workshop on Lot 150 Cutler Road, Jandakot, 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.

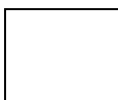


SPECIAL CONDITIONS

4. The abrasive blasting and spray paint activities to be carried out in a grit chamber or blasting enclosure with efficient dust collectors to contain dust and spray drift on the property.
5. Spray paint activities to be carried out in an enclosed area to ensure that spray drift is contained on site.
6. The approval conditions of the Department for Environmental Protection form conditions under this approval.
7. The proponent is required to conduct all activities in accordance with the Water and Rivers Commission Registration Application number 00882.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. The approval of the Environmental Protection Authority is required prior to development under the provisions of the Environmental Protection Act 1986.
3. This approval is issued by the Council under its Town Planning Scheme, and approvals or advice by other agencies may be required, and it is the responsibility of the applicant to ensure that all other approvals/advice are issued prior to commencing development or use of the land, and a copy of the approval/advice should be provided to the Council.
4. Until the Council has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any such purpose.
5. The use of the premises must comply with the Department of Environmental Protection's Code of Practice (Abrasive Blasting and Spray Painting).
6. 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*.



7. The operations should comply with all environmental standards as specified in any works approvals, licence, conditions of approval applied under the *Environmental Protection Act 1986*.
8. The project area is located within the Jandakot Groundwater Area, which is proclaimed under the *Rights in Water and Irrigation Act 1914*. This means there is a requirement to obtain a Groundwater Licence should groundwater draw be necessary for irrigating greater than 0.2 hectares in size (i.e. Public Open Space). The issue of a Licence is not guaranteed but if issued will contain a number of conditions including the quantity of water that can be pumped each year. If there is an existing license for the property, it may need to be amended to change the purpose or area. Please contact Kym Del Casale from the Allocation Section of the Kwinana-Peel Region Office on 9411 1710 for more detailed information on licensing.
9. The subject land is located within the Jandakot Underground Water Pollution Control Area (UWPCA), which has been declared for Priority 3 (P3) source protection. Priority 3 (P3) source protection areas are defined to manage the risk of pollution to the water source. P3 areas are declared over land where water supply sources co-exist with other land uses such as residential, commercial and light industrial developments. There is restriction on land uses considered to have significant pollution potential.
10. The applicant should refer to the *Water Quality Protection Notes on Land Use Compatibility in Public Drinking Water Source Areas* for a list of compatible and conditional land uses for P3 areas. This publication is available at <http://www.wrc.wa.gov.au/protect/policy/WQPN.htm>

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

ZONING:	MRS:	Industrial
	TPS3:	Industry
LAND USE:	Industrial	
LOT SIZE:	3.2375ha	
AREA:	Within 100sqm shed	
USE CLASS:	General Industry (Licensed) – Abrasive Blasting “D” Discretionary Use	

The background relevant to this proposal is:-

- This application is in response to a complaint received by an adjoining owner regarding spray paint from a nearby premises.
- The Department for Environmental Protection has not issued a license for sand blasting from the premises.
- The City has not issued a planning approval for carrying out sand blasting and spray paint activities on the premises.
- The applicant has submitted an application to the Department for Environmental Protection to undertake abrasive blasting activities. DoE Officers have advised that a determination is imminent.

### Submission

The proposal is to seek Council approval for abrasive blasting and spray painting activities within an existing 10m by 10m shed on the subject site.

- Abrasive blasting is a method of cleaning steel and other surfaces for the application of protective coatings. Items should be blasted only in grit chambers or blasting enclosures in established and licensed abrasive blasting premises.
- Spray painting is to atomise liquid paint into a fine spray and direct it onto the surface being painted. This activity generates overspray and provision should be made to collect it with a recovery system.

### Report

Abrasive blasting is a Prescribed Premises – (Category No 5 in Schedule 2 of the Environmental Protection Regulations 1987 (page 61) – Abrasive Blasting Operations. The applicant is in the process of seeking a license from the Department for Environmental Protection to carry out abrasive blasting activities.

Both abrasive blasting and spray paint activities must be conducted following an environmental code of practice outlined by the Environmental Protection Authority to ensure that the operations will cause little, if any, adverse environmental effects.





As the property is within a general industrial estate the proposal is acceptable from a planning point of view provided the abrasive blasting is confined to a grit chamber or blasting enclosure with efficient dust collectors to contain dust and spray drift on the property and that spray paint activities are carried out in an enclosed area to ensure that spray drift is also contained on site.

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

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

#### **2. Planning Your City**

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

The Planning Policies which apply to this item are:-

APD10          Discretion to Modify Development Standards  
APD17          Standard Development Conditions and Footnotes  
APD33          Town Planning Scheme No. 3 Provisions

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

N/A

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

Nil.

#### **14.13 (MINUTE NO 2442) (OCM 15/06/2004) - PROPOSED CLOSURE OF PORTION OF ROAD RESERVE BETWEEN 31 AND 32 HARING GREEN, ATWELL (451031) (KJS) (ATTACH)**

#### **RECOMMENDATION**

That Council request the Minister for Planning and Infrastructure close



portion of Haring Green, Atwell between No. 31 and No. 32, pursuant to Section 58 of the Land Administration Act 1997.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

The portion off Haring Green road reserve was created on survey plan 18635. The area has been utilised as a pedestrian accessway (PAW) through to Empress Crescent.

**Submission**

A petition signed by the residents of 49 properties in the vicinity has been received requesting that the 'accessway' between Haring Green and Empress Court be closed.

**Report**

Although the tenure of the land is road reserve, the use of the land has been for pedestrian access.

A planning report prepared by Council officers concluded that closing pedestrian and cycle access at this point would not have an adverse impact on accessibility by residents to the future Jandakot transit station, public open space, bus stops and primary school.

The owners either side of the area to be closed have agreed to purchase the land.

The service authorities will forward their requirements once the closure has taken effect.

The proposal was advertised and at the conclusion of the statutory period no objections were received.

Following a report to the Minister, the Department for Planning and Infrastructure will have the portions of land identified on a survey plan and then arrange the transfer of the land to each of the owners.



It will be the responsibility of the owners to remove the concrete path and install a new boundary fence.

The land shown as PAW off Empress Crescent will remain as PAW. Currently the appearance of the Paw is that of a normal verge or garden in front of 7 Empress Crescent, Atwell.

The owner of 9 Empress Crescent is in favour of the proposal as recommended.

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

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

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

The proposal has been advertised for the statutory period.

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

Nil.

## **14.14 (MINUTE NO 2443) (OCM 15/06/2004) - PROPOSED CLOSURE OF PORTION OF TAPPER ROAD, ATWELL (450053) (KJS) (ATTACH)**

### **RECOMMENDATION**

That Council request that the Minister for Planning and Infrastructure close portion of Tapper Road, Atwell, pursuant to Section 58 of the Land Administration Act 1997, subject to the owner of Lot 31 Tapper Road transferring free of cost 281 square metres of Lot 31 to the crown for road widening purposes.



**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

The section of Tapper Road reserve was created before the special rural subdivision to the east, and the residential subdivision to the west of Tapper Road were created.

**Submission**

The owner of Lot 31 has requested a realignment of the common boundary of his land and the unconstructed portion of Tapper Road to enable him to fence and clear firebreaks with a minimum amount of vegetation clearing.

**Report**

The road closure and road widening as proposed will minimise the removal of natural vegetation as a result of establishing a fence line and firebreak.

The area remaining is sufficient for the passage of pedestrians, who will be able to walk from the special rural properties on Myall Place and beyond to the school and other facilities in the residential area west of Tapper Road.

The owner of Lot 31 has agreed to engage a Licensed Surveyor and apply to the Western Australian Planning Commission for approval to cede the 281 square metres of the southern-most section of Lot 31 to road widening.

The pedestrian access will then be able to connect to either Shadwell Retreat or the western side of Tapper Road.

The proposal was advertised for the statutory period with no objections received.

The service authorities have all responded with no objections received.

**Strategic Plan/Policy Implications**

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



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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

The proposal has been advertised for the statutory period.

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

Nil.

**14.15 (MINUTE NO 2444) (OCM 15/06/2004) - SOUTHERN METROPOLITAN REGIONAL COUNCIL COMMUNITY GREENHOUSE GASES PROJECT (9132) (PS/AJB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) advise the Southern Metropolitan Regional Council that:-
  1. The City of Cockburn endorses the Regional Community Greenhouse Project Action Plan 2004-2007 as prepared by the Southern Metropolitan Regional Council and agrees to extend the "cut – off date" as specified in the clause 11(b) of the Project Participants Agreement to the date specified as 30 June 2007; and
  2. The City reserves the right to review its endorsement and participation outlined above if any of the member Councils the subject to the Project Participants Agreement do not agree to the proposed extension to 30 June 2007.
- (2) allocate \$21,474 in the 2004/05 Budget to fund its proportion of the Regional Community Greenhouse Project Action Plan; and
- (3) include \$25,085 for 2005/2006 and \$25839 for 2006/2007, in the 2004/05 – 2008/09 Principal Activity Plan, to identify its proportional contribution for the Regional Community Greenhouse Project Action Plan.



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

**COUNCIL DECISION**

MOVED Cllr M Reeve-Fowkes SECONDED Cllr L Goncalves that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0**

**Background**

At its meeting held in October 2001 Council adopted the Regional Community Greenhouse Gases Project and Strategic Plan. It was considered that a regional approach with other members of the Southern Metropolitan Regional Council (SMRC) was the best way of implementing the community component of the Cities for Climate Protection Program Milestone 3 – Local Action plan.

Council at its meeting held in December 2001 considered a report on the draft Project Participants Agreement for the Regional Community Greenhouse Gases Project through the SMRC and resolved as follows:-

- “(1) confirm its agreement to contribute \$18,000 per annum towards the cost of employing a Regional Coordinator, to administer the Regional Greenhouse Project through the Southern Regional Metropolitan Council;*
- (2) agree to the terms and conditions as outlined in the Project Participants’ Agreement for the Regional Community Greenhouse Gases Project of the Southern Metropolitan Regional Council;*
- (3) note that funding is for a period of 2 years with the possibility of an extension subject to the agreement of the participants; and*
- (4) authorise the Chief Executive Officer to approve any minor variations as required to the Draft Project Participants’ Agreement and arrange for the document to be executed.”*

The report to the December 2001 meeting of Council noted that the project was for a 2 year project and would be reviewed to examine its effectiveness and consider extending the project into future years.

**Submission**



By letter dated 5 April 2004 the SMRC submitted a review of the project to date and is seeking Council's agreement to extend the project for a further 3 years. The submission includes an action plan and budget for the 3 year timeframe (see Agenda attachment for details).

## Report

In late September 2002 a two year funding of the SMRC Regional Greenhouse Gas Project commenced with the appointment of a Regional Greenhouse Coordinator (Stephanie Jennings) on a two year contract in accordance with the Project Agreement signed by the member Councils.

The SMRC Regional Greenhouse Gases Project currently has a cut off date of 22 September 2004.

Achievements of the project over the first 2 years include:-

- Development of an energy use behaviour change program for regional application through:
  - The successful piloting of Green Houses program to 300 residents in East Fremantle and Kwinana, part funded through a state Government grant,
  - Extension and further development of the Green Houses program to an estimated 400 residents in Canning, Melville, Cockburn and Rockingham, and
  - Input to the implementation and development of the award winning Living Smart pilot course in Fremantle.
- Investigation into alternative fuels and fuel efficiency options and performance evaluation of existing fuels (ULP, BP Ultimate, LS Diesel and LPG) in waste collection vehicles and selected light vehicles is underway.
- Research paper investigating 10 industry programs and recommending a path forward for a regional project with small to medium sized businesses.
- Greenhouse presentations to member Councils

Proposals for the next 3 years are detailed in the Agenda attachments but in summary are:-

### 1. Residential Greenhouse Project

Extension of the Green Houses Pilot and Living Smart Pilot programs



2. Greenhouse Education – Greenhouses in School Community

Programs for school children that increases environmental awareness and participation.

3. Industry Greenhouse Abatement - Business Partnerships Project

To work with small to medium sized businesses to identify ways which can reduce their energy consumption through site specific assessments and through a supporting business association.

4. Alternative Fuels Project

Identification of new opportunities in alternative fuels and evaluation/trial.

5. Street Lighting Project

To determine ways to reduce energy consumption from street lighting and traffic lights.

The program outlined by SMRC is supported and it is recommended that Council agree to the proposed 3 year extension of the project.

Councils contribution so far has been \$18,000 per annum. Subject to all member Councils agreeing to participate for a further 3 years, it is estimated that the cost to Council will be as follows (see Agenda attachment for details):-

2004/2005	\$21747
2005/2006	\$25085
2006/2007	\$25839

**Strategic Plan/Policy Implications**

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

1. Managing Your City
  - *“To manage a fleet of plant and vehicles that contribute to the efficient operation of Council’s services.”*
  
3. Conserving and Improving Your Environment
  - *“To conserve the quality, extent and uniqueness of the natural environment that exists within the district.”*

**Budget/Financial Implications**





The 2004/05 – 2008/09 Principal Activity Plan includes an amount of \$20,000 per annum for the next 3 years for this project and is proposed to be included in the draft 2004/05 Environmental Management Services budget.

The revised costs for 2004 to 2007 will need to be included in the 2004/05 budget and the Principal Activity Plan.

**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.

**DECLARATION OF CONFLICT OF INTEREST**

The Presiding Member read a written declaration received from Clr Kevin Allen on Item 14.16. The nature of the interest being that he lives at the house which is the subject of the recommendation.

CLR ALLEN LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.44 PM

**14.16 (MINUTE NO 2445) (OCM 15/06/2004) - EXISTING RETAINING WALL - RETROSPECTIVE APPROVAL - LOT 64; 4 CHRISTINE CRESCENT, COOGEE - OWNER/APPLICANT: K J & D J ALLEN (3309852) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant retrospective approval to the retaining wall on Lot 64 (No. 4) Christine Crescent, Coogee, subject to the following conditions:

STANDARD CONDITIONS

- 1. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

FOOTNOTES



1. The development is to comply with the requirements of the Building Code of Australia.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant; and
- (3) advise the owner that because the retaining wall has been constructed, the Council is unable to issue a building licence retrospectively.

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

**CARRIED 9/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	688 m2	
AREA:	N/a	
USE CLASS:	Single (R-Code) House	

The application is retrospective because the limestone retaining wall has been constructed without the prior planning approval of Council or a building licence being issued.

The existing limestone retaining wall is 1.1 metres in height at the northern end and 0.250 metres in height at the southern end of the lot.

A Plan showing the existing retaining wall is attached.

**Submission**

The applicant has stated that the retaining wall the subject of this application was constructed on-site to replace a previous existing retaining wall, which was damaged by a contractor undertaking work on the premises.

**Report**



Council has the discretion to grant planning approval to development retrospectively, pursuant to Clause 8.4 of Town Planning Scheme No. 3.

### Residential Design Codes

The retaining wall has a maximum height of 1.1m, which fails to comply with Clause 3.6.2 A2 of the Codes, which is the acceptable standard.

In determining the application, the Council is to have regard to the performance criteria under Clause 3.6.2 of the Codes, which states:

*"3.6.2 P2 Retaining walls designed or set back to minimise the impact on adjoining property".*

It is considered that the retaining wall will not have an adverse impact on the amenity of the adjoining property, considering that the retaining wall is a replacement for a previous existing retaining wall that was damaged by on-site works.

No further action is recommended in respect to the unlawful development, given that the owner has now sought approval for the development.

It should be noted that a building licence cannot be issued retrospectively and the owner should be advised of this.

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

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

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

N/A

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



Nil.

CLR ALLEN RETURNED TO THE MEETING THE TIME BEING 7.45 PM.

**14.17 (MINUTE NO 2446) (OCM 15/06/2004) - SECOND STAGE - GATEWAYS SHOPPING CENTRE EXTENSION AND MASTERPLAN CHANGES - LOT 203;816 BEELIAR DRIVE, SUCCESS - OWNER: PERRON INVESTMENTS PTY LTD - APPLICANT: TAYLOR BURRELL BARNETT (5518344) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) endorse the Master Plan for the Gateways Shopping Centre on Lot 203 (No 816) Beeliar Drive, Success subject to:-
  1. A notation being included on the Master Plan specifying that any retail floorspace beyond 50,000sqm net lettable area (nla) is contingent upon the centre status being elevated from a "Regional Centre" to a "Strategic Regional Centre" as recommended by the City of Cockburn Local Commercial Strategy adopted by Council and referred to the Western Australian Planning Commission for endorsement.
  2. The main entrance to the entertainment precinct should be on the southern side of the entertainment precinct to create an active space and relate to the "main street" and create future opportunities for shops to operate after hours.
  3. Shop windows are not to be obscured with more than 30% advertising and signage to ensure trade displays are maximised.
  4. Details of the undercroft parking area and passenger bus stop for the centre being detailed on a site plan showing the direct connection into the shopping centre mall.
  5. Opportunity for mixed use development within the centre for office and high-density housing is to be provided for in response to market demand.
  6. Preparation of a pedestrian access plan for the centre detailing walkway networks.



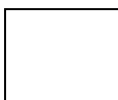
- (2) grant approval to the Second Stage Extensions of the Gateways Shopping Centre on Lot 203 (No 816) Beeliar Drive, Success subject to the following conditions:-

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 qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of Council.
5. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS4282-1997: "Control of the Obtrusive Effects of Outdoor Lighting".
6. 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.
7. The extension and/or alterations shall be in the same materials, colour and design as the existing building.
8. Notwithstanding the detailed specifications required to be submitted for a Building Licence approval, a separate schedule of the colour and texture of the building materials shall be submitted and approved to the satisfaction of the Council prior to applying for a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval.
9. Landscaping and tree planting to be undertaken in accordance with the approved plan, prior to occupying the shopping centre extensions.



10. The landscaping, in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
11. All stormwater being contained and disposed of on-site.
12. Earthworks over the site and batters must be stabilised to prevent sand blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand is blown from the site.
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 in this approval. Such areas are to be constructed, drained, line marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied.
14. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade of 2.5%.
15. The provision of bicycle parking facilities in accordance with the approved plans is to be provided in the locations marked on the attached plans, and are to be installed prior to the centre extensions being occupied.
16. The existing crossover not required as part of this development is to be removed, the kerblines reinstated and the verge graded, stabilised and landscaped to the satisfaction of the Council prior to the development being occupied.
17. 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.
18. A minimum of 10 disabled carbays 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 entrances of the shopping centre. 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 a building licence



application.

19. Works depicted on the approved parking plan shall be maintained to the satisfaction of Council.
20. Vehicular entry and exit from the site shall be shall be restricted to that shown on the plan approved by Council.

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

21. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer, to the satisfaction of the Council.
22. The applicant engaging a suitably qualified practicing Engineer to certify that the whole of the lot is suitable for the approved development to the satisfaction of the Council prior to applying for a Building Licence and before the commencement or carrying out of any work or use authorised by this approval.
23. 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 and type of existing and proposed trees and shrubs;
  - (2) any lawns to be established;
  - (3) any natural landscape areas to be retained; and
  - (4) those areas to be reticulated or irrigated.

**CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION**

24. The landscaping, car parking and drainage must be completed in accordance with an approved detailed landscape plan, prior to the occupation of the centre extensions.

**SPECIAL CONDITIONS**

25. Intersection treatment of the new and existing access points of the centre onto Wentworth Parade being designed and constructed at the cost of the proponent in accordance with specifications that include dedicated turning lanes and deceleration lanes approved by the

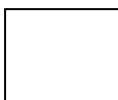


Council prior to commencement of any works.

26. Submission of a pedestrian access plan of the centre detailing walkway networks into and out of the centre.
27. Provision being made to accommodate 1,400 on-site car parking bays in accordance with the applicant's submission.
28. The applicant must notify Main Roads WA of the proposed extensions prior to applying for a building licence.
29. The bin store area being located and screened from view of streets including Kwinana Freeway.
30. A minimum of 5% of landscaping being provided on-site subject to the verge areas appurtenant to the development being landscaped and maintained to the satisfaction of Council.

#### FOOTNOTES

1. Until the Council has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any such purpose.
2. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of Australian Standard 3666 of 1989 for Air Handling and Water Systems, should be submitted in conjunction with the Building Licence application. Written approval from the Council's Health Services for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
3. Detailed plans and specifications of the Food hall and retail tenancies are to be submitted to the City's Health Services for approval. The plans must comply with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australia New Zealand Food Standards Code. It is noted that individual tenancies are yet to be leased (therefore no plans for the internal fit out of these premises are available at this time) however Building license application plans for the food court tenancies must include information as per the above.





4. Food court tenancy staff must be provided with change room facilities as per the Health (Food Hygiene) Regulations 1993. These may be provided within the individual tenancies or can be combined in a separate location. Separate male and female change rooms must be provided.
5. The number of toilet facilities within the centre upon completion of these works must comply with the minimum number as per table F2.3 of the Building Code of Australia.
6. The development and the operations conducted within the development upon completion must comply with the Environmental Protection (Noise) Regulations 1997. The only issue that the City may have is in the delivery and rubbish trucks accessing both the Big W and Woolworths yards along the access ring road. Should complaints arise it would be difficult to engineer a solution and delivery times may need to be confined to certain hours.
7. The development is to comply with the requirements of the Building Code of Australia.
8. The development being connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
9. This planning approval is to increase the shopping centre floorspace to 29,036m<sup>2</sup> retail nla pursuant to the City of Cockburn Town Planning Scheme No 3 and by delegation pursuant to the MRS. Any future proposal to increase the shopping centre retail floorspace above 50,000m<sup>2</sup> retail nla will require the prior approval of the Western Australian Planning Commission pursuant to the MRS where such proposal must accord with an adopted Retail Centre Plan or Local Commercial Strategy.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Regional Centre
APPLICANT:	Taylor Burrell Barnett	
OWNER:	Perron Investments	
LAND USE:	Vacant	
LOT SIZE:	19.0153ha	
USE CLASS:	Shop "P" Permitted	

Gateways Shopping Centre has an extensive history of proposals for the site going back 20 years. Various shopping centre plans have been considered for the site over this time.

Council at its Ordinary Meeting on 4 July 1995 approved a Regional Shopping Centre with a floorspace of 65,000sqm. The Western Australian Planning Commission however limited the shopping centre floorspace to 35,000sqm GLA on 21 June 1995 from their approval pursuant to the Metropolitan Region Scheme ("MRS").

On appeal to the Mon. Minister for Planning determination of 9 December 1996 against the WAPC's refusal to grant a planning consent for the 65,000sqm GLA shopping centre was ruled in favour of the appellant. The appeal was upheld and planning consent was granted for the development of 50,000m<sup>2</sup> GLA shopping Centre on the site. This decision was made having regard to the traffic generation of the use and the requirement to accommodate vehicle movements into and out of the site onto the adjacent road network. The decision recognised the long-term importance of the site by removing an artificial ceiling on the floor area. This decision was thought to enable applications for future stages to be lodged for the centre to reach its full potential.

A subsequent appeal of an earlier planning application to the Hon. Minister for Planning of 5 May 1998 determined amongst other things that:-

*"Prior to the shopping centre development exceeding 35,000m<sup>2</sup> retail gross leasable area, the applicant shall prepare an updated traffic study to the satisfaction of the Western Australian Planning Commission. The applicant may then be required to carry out, or contribute towards the cost of, any further modifications to the traffic arrangements required as a result of the shopping centre expansion, to the satisfaction of the Commission. Etc.."*

Stage 2 shopping centre extension plans are below this floorspace and therefore the requirements of this condition are not necessary at this point but would be required upon a further extension.

Various commercial developments have been approved and constructed including:-



- Showroom and Bulky Goods Commercial Development fronting onto Beeliar Drive with stage 2 showrooms currently under construction to the rear;
- Service Station (BP plus);
- McDonalds Fast Food Restaurant;
- Chicken Treat Fast Food Outlet; and
- Tavern (approved only).

### Submission

The applicant seeks approval to:-

- (1) Changes to the existing Concept Master Plan that details the intended development of the shopping centre to 50,000m<sup>2</sup> (refer to figure 2).
- (2) A planning application to expand the shopping centre to a retail floorspace of 15,000m<sup>2</sup> to 35,000m<sup>2</sup> gla before there is a requirement for further review of components of the centre. (This figure was later adjusted following the City's assessment of existing retail floorspace within the showroom complex).

The main components of the proposed Master Plan (refer to Figure 3) that have changed are outlined below:-

- Four mini-major stores as opposed to one mini-major store in current Master Plan;
- Big W and another Major Store included;
- Woolworths relocated to a position closer to the Kwinana Freeway;
- More specialty stores and more extensive shopper arcade network;
- Tavern (already approved);
- Entertainment Precinct repositioned opposite shops rather than part of the same building;
- The ultimate retail floorspace on the Master Plan is beyond the approved 50,000sqm of floorspace (59,530sqm retail);
- Carparking reconfiguration;
- Park and ride changes (bus interchange between local buses and commuter buses using the freeway remain unchanged);
- In all other respects the Master Plan remains generally unchanged. The Council's Community Purpose Site remains unchanged.

The development application for Stage 2 extensions has been summarised below:-

- The proposal is consistent with the Metropolitan Centres Policy which classifies the Gateways as a Regional Centre being promoted as a multi-purpose centre providing predominately



retail function, mix of offices, community and entertainment facilities. Shopping floorspace is confined to 50,000m<sup>2</sup>;

- The proposal is also consistent with the Cockburn Central Structure Plan;
- The WAPC and the Council have previously approved the development of a regional shopping centre with a maximum retail floorspace of 50,000m<sup>2</sup>(gla);
- The current application for stage two extensions of the centre would increase the retail floorspace to 35,000 m<sup>2</sup> gla

### Design Philosophy

The following design philosophy was adopted:-

- The retail plan is to run mainly in a north south direction to accommodate the major tenants and enable proper and orderly expansion north in future;
- Additions complement and enhance the existing centre and retain the architectural style and theming;
- The stage 2 additions will add vibrancy to the centre;
- Building heights and mass will generally match the existing centre;
- New entry statements are designed to an appropriate scale providing protection to customers and highlighting the front doors to the centre;
- Finishes generally consist of pre-cast concrete walls, finished in a textured high build paint in attractive colours and complementing the existing facades;
- External shop fronts will have verandah awnings providing weather protection for customers and retail operators;
- Internally new malls will be increased in width and have increased height to infuse style and ambience;
- Special precincts will be created such as 'fresh market zone' and 'food court';
- Retail mix includes discount department store, supermarket, mini majors and specialty shops;
- All materials for internal finishes will be the best available and of high quality and comply with the relevant standards and codes. State of the art graphics and interior design will add to the shopping experience.
- Additional grade parking will be provided to the south-west, south-east and north-east portions of the site;
- Docking and servicing to the supermarket and discount department store occur on the eastern side with access off the external ring road.

### Floorspace

The applicant has calculated the existing retail floorspace as 10,484 sq. m., which excluded the fast food outlets and showroom



development. The proposed retail floorspace of Gateways is 28,000 sq. m..

### Car Parking

The centre car parking is proposed to increase from 603 bays to 1,400 car bays which is reflective of the demand experienced at other centres referred to by the applicant. The applicant's calculations are based on gross leasable area rather than net lettable area and this has included floorspace that would normally be excluded from the calculation.

The applicant's calculations are based on gross leasable area rather than net lettable area and this has included floorspace that would normally be excluded from the calculation.

The applicant has also outlined a four-phase strategy to minimise inconvenience to customer and to accommodate the required opening dates for the supermarket

### **Report**

The shopping centre was bought by a Perth Based Company, the Perron Group (Peron Investments) in October 2000. Perron Investments and their consultants have an entirely different approach to the development of the Gateways site and are more aligned with the modern trends in shopping centres to create multi purpose integrated facilities that are people friendly and operate well beyond the normal hours of a shopping centre. Their vision includes integrated main streets, with alfresco dining, cinemas and closer integration with the railway station and the proposed Town Centre north of Beeliar Drive.

At the recent International Cities and Town Centres Conference at Fremantle 2004 City Officer's were in attendance from the City of Cockburn. A Keynote Speaker of interest was Ian Thomas – President of Thomas Consultant's Inc Vancouver British Columbia which specialises in large scale retail projects from around the world in over 35 countries. The firm specialises in creating a proper role and function of centres. The paper presented focused on six common factors in downtown vitality and how to bring customers back which are:-

- (1) *Close proximity to major employment concentrations;*
- (2) *New emphasis on downtown residential development;*
- (3) *Proximity to major institutions, convention centres, sports stadiums and government;*
- (4) *Connection to transit mall or hub;*
- (5) *Strong retail particularly flagship department stores; and*
- (6) *Management of the core by a single association responsible for the downtown area.*



The following are common themes relating to the vitality of cities and town centres:-

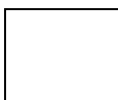
- (1) *Create new destination institutional attractions to broaden the appeal as a true town centre including library, community hall, daycare, senior and teen drop-in etc;*
- (2) *Round out appeal by providing mixed use facilities including hotels, offices, residential;*
- (3) *Generate natural environments to reflect the growing allure of street life blending outdoor and indoor elements;*
- (4) *Recognise leisure and socialising have become integral components of the shopping experience;*
- (5) *Responding to the aspirations of the trade area as consumers inevitably request quest and trade-up eg restaurants, lifestyle stores*
- (6) *Enhance multi purpose environments by zoning and methods to initiate municipal support.*
- (7) *“Shopping is melting into everything and everything is melting into shopping”.*

Many of the above aspects appear to have been considered in the preparation of the Master Plan for the shopping centre. Further consideration however could be given to pedestrian access details not shown and the interface between the entertainment precinct and the shopping centre.

The City Local Commercial Centres Strategy 2002 that has been referred to the WAPC for its endorsement refers to the Thompson’s Lake/Gateways as being the only Regional Shopping Centre within the City of Cockburn and is the only Regional Centre on the Freeway and future Passenger Rail. It is strategically located in terms of transport and residential catchment, essential for retail success.

Retail modelling by the City’s Retail Consultant confirmed that the shop retail component of the regional centre has the potential to increase its floorspace to some 50,000sqm by 2026. Stage 2 expansion plans is a progressive step however towards ultimately achieving a full regional potential (in retail shop terms) but this may take more than a decade to achieve.

Changes to the proponent’s Master Plan for the shopping centre are supported from a planning viewpoint, accepting that future extensions beyond 50,000sqm retail nla are subject to WAPC approval. The Master Plan is not a statutory document and therefore is not required as a pre-requisite for development to proceed. The owners have taken the initiative to prepare the plan nevertheless to ensure the orderly and proper planning and development of the centre for the benefit of customers and retailers. There is no requirement for Council to advertise the Master Plan or the Stage 2 development application in this instance prior to determining both proposals. The benefit of the



Master Plan is for the Council to place the current proposal into the context of the broader plan for the ultimate development of the site. The shopping centre extensions facilitate rather than prejudice future development options for the site.

The proposed development complies with the City's Town Planning Scheme No 3 requirements in respect of car parking and other statutory requirements. The current proposal is an expansion of the 'big-box' retail component but future extensions will place greater emphasis on 'Main Street' format. The size of the subject land is sufficient to accommodate the planned uses and growth will enable it to occur in an orderly manner without conflict with nearby residents.

The City's car parking assessment of the shopping centre extensions was based on an assessment of each use and their respective parking ratios under TPS3 rather than assessing the centre based on a fixed shop ratio (1:16sqm nla for over 10,000m<sup>2</sup> and over) because Table 1 – Use Class Table TPS3 doesn't include a *Shopping Centre* use only *Shop*. The resulting parking requirements are therefore less than the applicant intends to provide. The proposed car parking allocation is considered to be adequate both in terms of TPS3 and to fulfil the anticipated shopping centre parking demand.

The Council has the delegated authority to grant approval to the proposed development under:-

- City of Cockburn Town Planning Scheme No 3; and
- Metropolitan Region Scheme ("MRS")

The proposal is consistent with the function of a Regional Centre under Statement of Planning Policy No 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region. The referral of the application to the WAPC for its determination for a regional centre development is not required, as the approval of the proposal would not result in the shopping floorspace of the centre to exceed 50,000sqm net lettable area.

The City has calculated that the existing centre is 11,520 sq. m. retail nla. The total centre inclusive of the shopping centre, showroom development and fast food outlets and service station is 16,822 sq. m. (retail and non-retail nla).

It is recommended that the Council proceed to grant its approval to the shopping centre expansion in accordance with Stage 2 to increase the retail size of the centre from 11,520 sq. m. floorspace to 29,036 sq. m. nla retail floorspace. Correspondingly the changes to the Master Plan for the shopping centre are supported accepting that Council while it supports the site being designated as a Strategic Regional Centre with an upper limit of 80,000sqm nla retail this is contingent upon WAPC endorsement.



**Budget/Financial Implications**

N/A

**Legal Implications**

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

**Community Consultation**

Community consultation is not required in this instance given that the development is a permitted use under Town Planning Scheme No 3.

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

Nil.

**14.18 (MINUTE NO 2447) (OCM 15/06/2004) - COOGEE BEACH CAFE/KIOSK - RESERVE 46664R POWELL ROAD, COOGEE - OWNER: CITY OF COCKBURN (3319158) (CP)**

**RECOMMENDATION**

That Council:

- (1) receive the report.
- (2) discuss the options with Department of Planning and Infrastructure Land Asset Management Services to determine statutory constraints given the reserve class and purpose.
- (3) subject to a favourable response to (2), engage APP (WA) Pty Ltd to investigate the feasibility and implications for Option 2 identified in this report and report back to Council.
- (4) reallocate \$470,000 from account CW 4088 "Coogee Beach Café/Kiosk Design and Construct" to a new account "Coogee Beach Store Upgrade".
- (5) continue to pursue necessary planning approval from the Western Australian Planning Commission for the proposed café/kiosk and instruct APP(WA) Pty Ltd accordingly to follow up.

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

**COUNCIL DECISION**





MOVED Clr K Allen SECONDED Clr S Limbert that Council:

- (1) receive the report;
- (2) discuss the options with Department of Planning and Infrastructure Land Asset Management Services to determine statutory constraints given the reserve class and purpose;
- (3) engage APP (WA) Pty Ltd to undertake a preliminary feasibility investigation on the implications of proceeding with Option 3 contained in the report, but expanded to include consideration of full redevelopment of the existing site including a second storey, and for the report to be completed for Council to consider at its meeting on 20 July 2004;
- (4) reallocate \$470,000 from account CW 4088 "Coogee Beach Café/Kiosk Design and Construct" to a new account "Coogee Beach Store Upgrade"; and
- (5) continue to pursue necessary planning approval from the Western Australian Planning Commission for the proposed café/kiosk and instruct APP(WA) Pty Ltd accordingly to follow up.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0**

### **Explanation**

It is important that the more comprehensive development of the existing shop be reviewed by the consultants and that this be undertaken as quickly as possible so that the future of the café/kiosk proposal for Coogee Beach can be progressed without delay.

### **Background**

In September 2003 the Council advertised for expressions of interest ("EOI") for the development and /or operation of a café/kiosk at Coogee Beach.

Although a number of parties expressed initial interest in the project, only one submission was received.

At the Ordinary meeting of Council on 18 November 2003, the following was resolved:

*"That Council:*



- (1) *not accept the Expression of Interest submission lodged by Joy Anne Capon;*
- (2) *terminate the Expression of Interest process;*
- (3) *advise Joy Anne Capon accordingly;*
- (4) *continue to pursue necessary planning and environmental approvals for the proposed café/kiosk;*
- (5) *require the Chief Executive Officer to undertake discussions over the next four months with parties that may be interested in taking up the ground lease for the café/kiosk (Option A) with such discussion being in general accordance with the key terms expressed within the Expression of Interest document; and*
- (6) *require the preparation and presentation of a report to a meeting of Council no later than May 2004 on the potential and options for the upgrading of the existing shop in the event that there are no detailed proposals at the expiry of the four month period referred to in (5) above for progressing a ground lease on the proposed café/kiosk."*

Since this meeting, the project managers have reported that discussions held with interested parties have not yielded any substantive results.

The matter was to have been reported to Council no later than May 2004 as stated in (6) above. The timing of the consultants report has prevented the matter being reported back to Council until now.

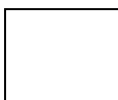
### **Submission**

It is the project managers recommendation that Council re-evaluate the project to determine an alternative strategy to maintain the level of service to beach users in the short term. APP noted that a factor in the current difficulty in attracting a developer could be uncertainty surrounding the planning for the area, in particular implications from the proposed Port Coogee marina development. APP note that the market may take a different view of the project viability once further development along the coast takes place.

### **Report**

In order to move forward it is necessary to consider the options available to the City in light of the outcome of the EOI process.

Option 1: Upgrade the shop to satisfy building and health standards and call for tenders to operate it on a short-term renewable lease basis. The existing Coogee beach store operates on a monthly lease. This



option is intended as a short-term arrangement (eg. a renewable annual lease) pending the development of the surrounding land (including Port Coogee marina). Longer-term development options could be considered at the expiry of the lease period in the future. Upgrading costs for the shop will need to be evaluated with either Council funding the shop upgrade or the successful tenderer could undertake the work. The upgrade work may be significant given the condition of the building at present.

Option 2: Upgrade the existing Coogee beach store building with a view to providing higher quality, wider range of services, possibly even extending outside the existing lease area, such as for alfresco dining and café services. Any change of use would warrant a significant physical upgrade to satisfy building and health requirements. This option would require a full survey of the structure and architectural advice. Discussions will be required with DPI Land Asset Management Services (“DPI LAMS”) given the tenure of the land. A call for tenders would be required to redevelop and/or operate, while the lease period may need to be longer term to attract suitable interest (eg. 5 to 10 year lease).

Option 3: Invite tenders for the complete redevelopment of the shop building as a café/kiosk facility, leased for the maximum period of 21 years. This option however may not be compatible with the “A” Class reserve classification of the land and would warrant further discussion with DPI LAMS.

Given the important strategic location of this site, and the need to provide a high quality service to the public at this location, doing nothing is not considered to be an appropriate option.

Option 1 is intended as a short term option until such time as market confidence returns and consideration can again be given to a café/kiosk proposal similar to that the subject of the recent EOI.

Option 2 has probably the greatest potential to provide a quality service to the public in the short to medium term. The work required to physically upgrade the building would be significant and should be the subject of further investigations to assess viability by suitably qualified consultants.

Option 3 requires discussion with DPI Land Asset Management Services to determine constraints created by the reserve status of the land. Investigations would be required to evaluate the costs and EOI called for to determine market interest.

A new project brief will be required for the project managers to coordinate tenders and facilitate investigations appropriate for the preferred option. APP should be retained in this capacity due to their prior involvement in the project and instructed accordingly.



Irrespective of the current outcome on the café/kiosk EOI, the Council is proceeding to seek development approval from the Western Australian Planning Commission for a café development at Coogee Beach. It is recommended this application be continued with and approval obtained, as this would provide a degree of certainty for the Council in terms covering a possible option should such a proposal prove to be feasible in the future. APP should continue involvement in this process and be instructed to follow up with the Western Australian Planning Commission through to a decision being issued.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

### **Budget/Financial Implications**

With the termination of the Coogee Beach café/kiosk project it is proposed to transfer the balance of the funds from this project to a new account "Coogee Beach Store Upgrade". Consultant's costs for Option 2 could be paid for from this account.

### **Legal Implications**

N/A



## Community Consultation

Community consultation has been undertaken for the development application to the WAPC for the café/kiosk, which included an advertisement in the local newspaper and a sign erected on site.

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

Nil.

### 14.19 **(MINUTE NO 2448)** (OCM 15/06/2004) - PROPOSED INDUSTRIAL SUBDIVISION (REVISED PLAN) - LOT 502 SUDLOW RD, PHOENIX RD AND NORTH LAKE ROAD, BIBRA LAKE - OWNER: LANDCORP - APPLICANT: WA LAND AUTHORITY (LANDCORP) C/- MASTERPLAN CONSULTANTS (113648) (MR) (ATTACH)

#### RECOMMENDATION

That Council:

- (1) advise the Hon. Minister for the Environment of its support to the revised conditions for the proposed subdivision of Lot 502 Sudlow Road, Bibra Lake having due regard to the extensive environmental assessment and consultation with all key stakeholders.
- (2) recommend to the Western Australian Planning Commission, that the industrial subdivision of Lot 502 Sudlow Road, Phoenix Road, and North Lake Road, Bibra Lake be approved subject to the following conditions:-

#### Standard Conditions

##### *Roads and Paths*

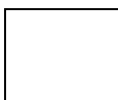
1. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost acceptable to the Western Australian Planning Commission. The land identified on the Deposited Plan or Plan of Survey must also be transferred to the Crown free of cost for vesting in Her Majesty as of Her former Estate for the purposes of creating a road reserve.
2. Street corners within the subdivision being truncated to the standard truncation of 14 metres to the satisfaction of the Western Australian Planning Commission.



3. Satisfactory arrangements being made with the Local Government for the construction and drainage/upgrading of North Lake Road, Sudlow Road and Miguel Road adjacent to the subject land, to the satisfaction of the Western Australian Planning Commission.
4. Traffic control devices are to be designed and constructed in accordance with the requirements and specifications of the Local Government for the new intersection at North Lake Road and the other intersection at Sudlow Road to the satisfaction of the Western Australian Planning Commission.
5. The dual use path/cycleway along North Lake Road and Sudlow Road adjacent to the subject site and being constructed by the subdivider to the satisfaction of the Western Australian Planning Commission.

*Site Works*

6. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission and any easements, and/or reserves necessary for the implementation thereof, being provided free of cost.
7. The drainage basin shall include Gross Pollutant Traps, Sediment Traps and Nutrient Stripping Facilities be designed, constructed and landscaped in accordance with urban sensitive water design principles to maximise detention time and minimise the discharge of nutrients to the satisfaction of the Western Australian Planning Commission.
8. The land being graded and stabilised at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
9. Arrangements being made to the satisfaction of the Western Australian Planning Commission for the preparation and implementation of an on-going Drainage and Nutrient Management Plan to specify the size and location and the long term monitoring and maintenance of the stormwater basin. The Drainage Management Plan is to be prepared at the cost of the subdivider and to the satisfaction of the Western Australian Planning Commission.
10. The applicant engaging a qualified engineer (with



subdivision experience) to prepare a Geotechnical Report and to certify that the land does not contain any unsuitable landfill associated with or prior to subdivisional works and that the land is physically capable of industrial development including road and building construction to the satisfaction of the Western Australian Planning Commission.

11. The applicant engaging a qualified engineer to certify that any filling or back filling has been adequately compacted for industrial development to the satisfaction of the Western Australian Planning Commission.
12. No activities associated with the subdivision site works causing noise and/or inconvenience to neighbours being carried out after 6.00 p.m. or before 7.00 a.m. Monday to Saturday, and not at all on Sunday or public holidays to the satisfaction of the Western Australian Planning Commission.
13. A building licence to be obtained prior to the construction of any retaining walls or other structures proposed as part of the subdivision to the satisfaction of the Western Australian Planning Commission.
14. Where subdivision works includes the installation of retaining walls, the wall shall be located so that the footing and the top of the wall are fully within the boundaries of the lot on which it is constructed, prepared by the subdivider to the requirements of the Local Government and to the satisfaction of the Western Australian Planning Commission.
15. Site assessment and possible preparation of an acid sulfate soil management plan is required. Prior to the commencement of any site works:
  - a) a site assessment shall be undertaken to determine whether acid sulfate soils are present on the land and, if present, their extent and severity;
  - b) if the site is found to contain acid sulfate soils, an acid sulfate soil management plan shall be submitted and approved; and
  - c) all site works shall be carried out in accordance with the provisions of the approved management plan to the satisfaction of the Western Australian Planning Commission.
16. Measures being taken to the satisfaction of the Western

Australian Planning Commission to ensure identification and protection of vegetation within the:

- a) 22ha POS area to South Lake;
- b) 10m wide frontage strip to North Lake Road and Phoenix Road and Sudlow Road to provide a native bushland façade.
- c) road reserves (where possible) prior to commencement of site works.

17. The carrying on of the subdivision must not cause a dust nuisance to neighbours during construction. The subdivider is required to submit a Dust Management Plan in accordance with the Local Government's Guidelines for the Preparation of Dust Management Plans. This Plan is to be approved by the Local Government's Environmental Services prior to the commencement of earthworks and complied with for the duration of the construction works.

*POS*

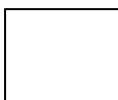
18. The proposed reserve(s) shown on the plan submitted by the applicant, being shown on the Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown to the satisfaction of the Western Australian Planning Commission.

19. The subdivider shall be responsible for the maintenance of developed public open space for a period of 2 years from the date of completion of public open space development to the satisfaction of the Western Australian Planning Commission.

*Services*

20. The drainage reserve must be shown on the Diagram of Survey as such and vested in the Crown under Section 20A of the Town Planning and Development Act (as amended) and ceded free of cost to the Crown and without any payment of compensation by the Crown.

21. The transfer free of cost of transformer and high voltage switchgear sites to Western Power Corporation, with the locations of the site(s) being to the satisfaction of the Western Australian Planning Commission on the advice of the Local Government and Western Power





Corporation.

*Miscellaneous*

22. Where a well or bore is located within the subdividable area, the applicant shall either:-
- a) fill the bore or well under the supervision of a "practicing structural engineer; OR
  - b) provide a certificate from a "practicing structural engineer" stating the closest setback a building may be sited from the bore or well.
23. The subdivider providing a sign on site to the satisfaction of the Western Australian Planning Commission, outlining a plan of the proposed future development of the land, staging of subdivision and contact details of the proponent for public enquiries.
24. Notification in the form of a restrictive covenant to be placed on the Certificate of Title of all lots adjoining North Lake Road, Phoenix Road and Sudlow Road advising the existence of a restriction on the use of the land in accordance with section 129BA of the Transfer of Land Act 1893, and notice of this restriction to be included on the Diagram or Plan of Survey (Deposited Plan), to the satisfaction of the Western Australian Planning Commission and at the applicants cost.

The restrictive covenant to state as follows:-

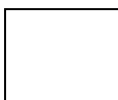
*"Vehicular ingress and egress is not permitted onto North Lake Road, Phoenix Road and Sudlow Road. For enquiries please contact the City of Cockburn Statutory Planning Services on 9411 3578.*

25. The proponent preparing a Fauna Management Plan for the relocation of any native fauna that may be displaced as the development requires habitat removal to minimise adverse impacts.

Special Conditions

26. The proponent committing to the preparation and implementation of the following management plans:-
- a) Rehabilitation and Bush Restoration Plan up to the value of \$600,000 works (South Lake);
  - b) Landscape Protection and Management Plan;

- c) Soil and Groundwater Contamination Management Plan;
  - d) Drainage Management Plan (using Water Sensitive Urban Design Principles) and
  - e) Construction Management Plan.
27. The proposed intersection onto Miguel Road is contingent upon landowner agreement to transfer the subject land to the crown free of cost and to ensuring the design facilitates safe access having due regard to traffic sight lines from the former railway embankment crossing point on Miguel Road, to the satisfaction of the Western Australian Planning Commission.
28. The proponent preparing a detailed Visual Resource Assessment by a suitably qualified consultant to provide a natural bushland frontage to North Lake Road and Phoenix Road, in consultation with the Local Government and being to the satisfaction of the Western Australian Planning Commission.
29. The aboriginal sites identified on-site being conserved and protected from damage in accordance with guidelines of the Department of Indigenous Affairs in consultation with key aboriginal stakeholders and the Section 18 clearance under the Aboriginal Heritage Act.
30. Bushland within future Public Open Space areas being clearly marked and/or fenced during subdivision construction to prevent unauthorised damage.
31. The proponent undertaking a detailed traffic management assessment and safety audit by a suitably qualified consultant to identify and carry out all works associated with the road intersections to North Lake Road, Sudlow Road and Miguel Road, in consultation with Main Roads WA and the Local Government, to the satisfaction of the Western Australian Planning Commission.
32. The works associated with the excavation and re-contouring of the land must directly relate to a subdivision plan approved by the Western Australian Planning Commission.
33. The South Lake Reserve extension being vested in Conservation and Land Management for the conservation of the wetland environment.
34. The proponent preparing a development plan and estate guidelines for development type, building design and



materials, landscaping, fencing, drainage, refuse and storage yards consultation with the Local Government.

35. The subdivisional final contours must ensure that all drainage for the development drains into a nutrient-stripping basin away from the South Lake Reserve.
36. All vegetation within the road verge to North Lake Road, Phoenix Road, Sudlow Road and Miguel Road being retained.
37. The preparation of a Site Contamination Management Plan addressing the cessation of landfill and waste water ponds on the site including:-
  - a) the decommissioning of effluent ponds & landfill site;
  - b) removal of solid waste and contaminated soil from past landfill operations. (refer to Condition 29)

#### FOOTNOTES

1. The applicant is advised that the Department of Environment, Water and Catchment Protection has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust Management Plans for subdivisions. Further information on the guidelines can be obtained from the Department or the Local Government.
2. The applicant is advised to liaise with the City of Cockburn regarding the detailed road reserve widths and carriageway design required by Condition 1.
3. The applicant is advised that Council has adopted a Strategic Policy – *“Prevention Of Sand Drift From Subdivision And Development Sites”* whereby bulk earthworks on Class 3 and 4 development sites is not permitted between 1 October and 31 March.
4. Council and the applicant are advised that unless otherwise agreed to by the Western Australian Planning Commission, the first Diagram or Plan of Survey (Deposited Plan) lodged for the Western Australian Planning Commission's endorsement shall include the Public Open Space required by Condition 18. of this approval, identified as a Reserve for Recreation, and shall include the creation of other lots within the subdivision to ensure that the Public Open Space land is properly vested under Section 20A on transfer of those

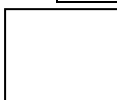
lots.

5. The applicant is advised to liaise with the City of Cockburn regarding the provision of appropriate road reserve and carriageway widths and traffic control devices.
6. The applicant is advised that subdivision construction drawings and earthworks should be approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.
7. The applicant is advised that a building licence is required prior to the construction of any retaining walls or other structures proposed as part of the subdivision.
8. In relation to condition 30 the protected bushland is to be included within the road reserve width.
9. The Western Australian Planning Commission is reminded of the need to consult where appropriate with relevant authorities and apply conditions relating to the following matters:
  - Padmount sites - Western Power
  - Underground Power - Western Power
  - Reticulated Fire Hydrants - Fire and Rescue Services of WA
  - Reticulated Water - Water Corporation
  - Reticulated Sewer - Water Corporation
  - Environmental advice - Department of Environment, Water and Catchment Protection
  - Aboriginal Sites - Dept of Aboriginal Affairs
  - Cycle Paths - Bikewest
  - Regional Road Reservations - Main Roads WA
  - Public Transport - Transperth

Accepting that the above list is not finite.

**COUNCIL DECISION**

MOVED Clr A Tilbury SECONDED Clr S Limbert that the recommendation be adopted subject to Item (2) Special Condition 26 to read as follows:



26. The proponent committing to the preparation and implementation of the following management plans, prepared to the satisfaction of the local government, Department of Conservation and Land Management (CALM) and the Western Australian Planning Commission:

- (a) Rehabilitation and Bush Restoration Plan with a value of at least \$600,000 of works provided to CALM as promised in the Public Environmental Review for the revegetation of the degraded land on the southern and western sides of South Lake, in order to provide an effective buffer between the Regional Park and the industrial subdivision. As part of the Plan, the proponent is to:
- Cooperate with CALM to ensure that as many large balgas and zamias as possible are salvaged from the industrial subdivision and translocated to the revegetation area of South Lake.
  - Allow CALM and its subcontractors to collect seed and mulch from the industrial subdivision for use in revegetation projects.
  - Take action throughout the project to prevent sand drift and weed intrusion into the Beeliar Regional Park. If such intrusions occur, the proponent must, at their own expense, remove the sand or weeds to CALM's satisfaction.
- b) Landscape Protection and Management Plan.  
 c) Soil and Groundwater Contamination Management Plan.  
 d) Drainage Management Plan (using Water Sensitive Urban Design Principles) and  
 e) Construction Management Plan.

**CARRIED 10/0**

### **Explanation**

This condition should be made to the satisfaction of Council, CALM and the WAPC to ensure greater certainty as to what is to be included in the Rehabilitation and Bush Restoration works. It gives Council the opportunity to have input into the value and type of work undertaken. The expansion of the requirements of the Rehabilitation and Bush Restoration Plan ensures that the buffer to South Lake is properly revegetated and that the opportunity is taken to relocate important vegetation and collect seed from the land prior to subdivision, so that they can be used in the rehabilitation of areas requiring restoration.



## Background

The site is a large area of bushland zoned for industry in both the Metropolitan Region Scheme and Town Planning Scheme No 3.

Amcors Pty Ltd operates a paper-packaging factory at the corner of Sudlow and Phoenix Roads under and by virtue of the Paper Mill Agreement 1960 with the State Government.

The Amcor paper mill site has been subdivided into 2 separate lots. One contains the paper mill, and the other LandCorp subsequently purchased (Lot 502). Portion of Lot 502 has been used for disposal of dry and liquid waste from the paper plant since 1985.

In 1998 Council refused an application to extract sand from of the site on the following grounds:

- The site is not included in the States 'Basic Raw Materials Policy-Perth Metropolitan Region' Draft Report.
- The site is heavily timbered.
- There is currently an extensive sand quarry immediately south of the subject land with many years of available supply.

An appeal over the Council's refusal of the sand excavation was lodged by LandCorp with the Town Planning Appeal Tribunal, but was later withdrawn.

The City became aware in late 1998 that Amcor was offering the land for sale. In response Council wrote to the Ministry for Planning in January advising of the land's ecological values and that Council would be making submission on Bushplan to include a 33 hectares portion of the site in Bush Plan. Bushplan, released for public comment, had not identified the site as regionally significant and worthy of protection.

Council at its meeting of February 1999 adopted a set of subdivision principles for the land in expectation of potential developers lodging applications. One of the principles was for the retention of the area sought to be included in Bushplan.

In March 1999 Council made a further resolution on the site to advise relevant agencies that the site would be a suitable location for the relocation of the Perth Zoo. At this meeting Council also made resolution for submission on Perth's Bushplan for inclusion of a 33 hectares portion of the site adjacent to the South Lake and North Lake Road.

The main rationale for inclusion in Bushplan was to provide a buffer to South Lake wetland from future industry and because of the bushland's relative good condition.



The outcome of Council's recommendation has since been established with the Cabinet release of the Final Bushplan in December 2000. The vegetated area of the subject land is referred to as "Other Native Vegetation" and therefore does not afford any level of protection by the State Government.

Council has been made aware that the appeals lodged with the Minister for the Environment in respect to Bulletin 999, relating to the proposed subdivision of the industrial land owned by Landcorp, have not yet been determined and therefore, it would be premature and inappropriate for Council to make recommendations to the WAPC at this time.

Council has promoted the idea of relocating the Perth Zoo to Bibra Lake, since the Amcor land was offered for sale in January 1999 on two separate occasions. The previous State Government did not support the proposal.

The original subdivision application to create industrial lots (WAPC Ref 113648) was submitted to the WAPC on 30 March 2000. An amended plan was later lodged on 10 April 2001, which was lodged by the applicant to address changes requested by the City and the DEP.

Council at its Ordinary Meeting on 15 May 2001 resolved in respect of the proposed industrial subdivision to:-

- "(1) defer consideration of the application by Landcorp to subdivide Pt Lot 1, Lot 2472, Lot 11 and Lot 13 Phoenix and North Lake Roads, Bibra Lake, because the appeals lodged with the Minister for the Environment objecting to the proposed subdivision have yet to be determined;*
- (2) advise the Western Australian Planning Commission of its decision accordingly, and recommend that the Commission not proceed with the assessment and determination of the subdivision application until all the outstanding matters relating to this land have been resolved;*
- (3) advise the Office of the Minister for the Environment of the Council's decision;*
- (4) continue to pursue the possible re-location of Perth Zoological Gardens to Bibra Lake by:-*
  - 1. Seeking registration of interest from suitably qualified planning consultants to undertake a brief feasibility study of the concept of establishing the zoo on the Landcorp land at Bibra Lake and the re-use of the vacated Perth Zoo site at South Perth for residential and / or mixed use development, for the purposes of*



*promoting the idea with the relevant Ministers of the State Government.*

2. *The Mayor, Chief Executive Officer and Director of Planning and Development meet with the relevant Ministers to promote the concept of the possible re-location of the zoo to Bibra Lake."*

The State Government subsequently dismissed the idea of relocating the Perth Zoo and there was no support from the Perth Zoo.

On 21 August 2001 Council requested the City's Planning Services to investigate alternative land use options for Lot 502 Phoenix Road, Bibra Lake owned by LandCorp and to contact the Metropolitan Cemetery Board and Fremantle Cemetery Board to ascertain its interest in approaching LandCorp to discuss the possibility of establishing a garden cemetery similar to that at Pinnaroo Valley Memorial Park on Lot 502 Phoenix Road, Bibra Lake.

The Council also sought to:-

- (a) reconfirm its submission in March 1999 to the Western Australian Planning Commission on Bushplan, in respect to Lot 502 Phoenix Road Bibra Lake, which sought to protect the integrity of South Lake and its vegetated setting.
- (b) advise the Department of Environmental Protection of the Council's position and request that this be taken into account when assessing the subdivision proposal for Lot 502 (WAPC Ref: 113648) which is the subject of an environmental assessment; and
- (c) request the Western Australian Planning Commission to defer consideration of the proposed subdivision (WAPC Ref: 113648) for Lot 502, until such time as the Environmental Protection Authority has assessed the appeals and made recommendations in respect to the subdivision and development of the land, together with a formal recommendation being made by the Council on the final proposal.

In March 2002 the City advised the Planning Appeals Office that the City supports the conclusions and recommendations by the investigating Committee Member in respect to the sand mining appeal.

On 19 March 2002 the Council resolved to recommend to the Minister for Planning that proposed Town Planning Scheme No 3 be given final approval. In respect to Lot 502 the subject of the appeal it was proposed to include the land in a Special Use Zone (SU12), which applied, to the adjoining Amcor lot (Lot 501) on the corner of Sudlow and Phoenix Road, Bibra Lake. The Special Use Zone (SU12)





required the use and development of land within the zone to be in accordance with the provisions of the Paper Mill Agreement Act 1960.

This proposal was based on the premise that the effluent disposal of the Paper Mill must be carried out on the mill site. The waste effluent is currently disposed of on Lot 502, the appeal land. The Special Use Zone would have also meant that general industry is not provided for and therefore not permitted. This approach was not supported by the Minister for Planning and following the Commission's advice the Council was directed to retain the General Industrial Zoning of the land and apply an Additional Use for the effluent operations. Town Planning Scheme No 3 was subsequently adjusted and gazetted on this basis on 20 December 2002.

On 14 January 2003 the Minister for Planning and Infrastructure advised the Council that the appeal lodged against the refusal for a sand and limestone extraction on the subject land had been withdrawn by LandCorp.

### **Submission**

The applicant seeks approval from the Western Australian Planning Commission ("WAPC") to subdivide 89.0 hectares of land into 193 industrial lots, to create an industrial estate that includes a range of industry similar to those found in the Canning Vale Industrial Estate. Refer to the attachments.

The primary objective of the subdivision is to create lots that are readily developable for their intended purpose being for a variety of general industrial land uses that are attractive to market and purchase.

*"The amended design of the estate is largely a result of the exhaustive environmental investigations conducted and in particular the Minister for the Environment's investigations conducted and in particular the Minister for the Environment's requirements to allocate an additional 11 ha of land to the Beeliar Regional Park."*

The applicant's submission outlines the environmental assessment process that has involved EPA releasing report and recommendations in Bulletin 999 in November 2000 where it was considered that the proposal didn't warrant a full environmental assessment and could proceed subject to its recommendations. The Minister for the Environment decided in August 2001 to uphold appeals on the EPA level of assessment and determined that the EPA had not adequately recognised native vegetation to be an environmental factor. The decision not to include the site in Bush Forever could not be a substitute for a formal environmental process of the proposed development. In September 2002 a Public Environmental Review (PER) was released by LandCorp examining the environmental effects of the proposed subdivision. The PER involved community



consultation, flora and fauna investigations on a regional and local scale.

Since preparing the PER and after consultation with the EPA and in response to the public concern over the size of the development, LandCorp made further changes to their proposal. The buffer to South Lake was increased in area and would be included as part of the Beeliar Regional Park. LandCorp also committed \$600,000 to rehabilitate degraded areas of Beeliar Regional Park to the south and west of South Lake.

The EPA have provided its recommendations including conditions and procedures for the subdivision to proceed. This was presented to the Minister for the Environment pursuant to section 44 of the EP Act 1986. The EPA concluded the proposal is capable of being managed in an environmentally acceptable manner such that it is unlikely that the EPA's objectives would be compromised provided satisfactory implementation of recommended conditions.

Following the release of Bulletin 1091, the Appeals Convenor for the Minister for the Environment established an Appeals Committee to review the environmental impact assessment of the proposal. Following this review the following changes were made to the proposal:-

1. The area of land to be given over to the Beeliar Regional Park was doubled from 11ha to 22ha, which is 25% of the site. This additional area enhances South Lake and the protection of fauna values.
2. Approximately 0.5ha of land is to be used for Public Open Space
3. The buffer to South Lake is now up to 455m wide in some areas.

#### Amended Design

The applicant has amended the subdivision layout and access arrangements to reflect the following objectives.

- maximising vehicular accessibility throughout the estate;
- ensuring the road network is permeable with strong connectivity to the surrounding arterial road system;
- improving opportunities for entry statements and exposure of the estate from the peripheral and internal road system;
- incorporating principles of Sustainable Development into the design, and more specifically, the construction, landscaping, built form, drainage, water and energy use through the preparation of management and implementation plans, as well as, appropriate Design Guidelines;
- flexibility in lot alignment to enable the amalgamation of lots;
- providing larger lots close to estate entries and along main connector roads linking with North Lake Road and Spearwood



Avenue to accommodate landmark developments and assist in promotion and marketing;

- the original traffic assessment report prepared by Sinclair Knight Merz that the North Lake Road – Spearwood Ave link was predicted to carry 24,300vpd requiring a road reserve width of 30m to 40m and with some frontage access limitations to apply.
- The marketing advice for the estate indicates a demand for larger lots with high exposure and the ability to attract anchor tenants. The design also includes a range of lot sizes of 1000sqm to 2000sqm that will attract owner/occupier developers.
- The major road access is proposed from North Lake Road, Sudlow Road and a new connection to Spearwood Avenue.
- Further investigations and negotiations are required to secure a southern connection onto Spearwood Avenue as the new road would traverse a closed road and privately owned land (Elders GM).

## Report

The subject land is zoned General Industry under the City of Cockburn Town Planning Scheme – Town Planning Scheme No 3 and the Amcor Effluent Ponds are identified as an additional use over a central portion of the Lot 502. The subdivision of the land corresponds with this ultimate use. There is no doubt that it is a highly unsuitable site for industrial development because of its location, vegetation and excessive slope.

Surrounding land uses include St Paul's Residential Estate, North Lake Road, the tourist facility of Adventure World and the regional reservations of South Lake and Bibra Lake which form part of Beeliar Regional Park-Eastern Wetland Chain.

The fundamental issue of concern from the Council's deliberations on developing this land is the impact on the loss of 64ha of Jarrah-Banksia in very good condition to degraded condition. According to the Public Environmental Review document the clearing of the Jarrah-Banksia woodland will result in a decrease of 1.1% of the current extent of the Karrakatta Complex in the Central and south of the Perth Metropolitan Region. Approximately 2590ha of this vegetation complex are protected under Bush Forever compared to 64ha being cleared for this proposal. The subject land was not included in Bush Forever.

The EPA have reported that the following environmental factors are relevant to the proposed subdivision:-

- (a) bushland values;
- (b) fauna;
- (c) protection of South Lake and wetland buffer;
- (d) protection of Landscape values;



- (e) site contamination; and
- (f) drainage management.

EPA Bulletin 1091 of March 2003 noted the removal of the bushland from the site is of high concern to the community. While the EPA focus is on the protection of environmental values at the regional level, the EPA encourages the protection of local values.

Following the public review period and in consultation with the EPA, the proponent modified their proposal and commitments to improve environmental outcomes. The increase in the area of mature upland vegetation was included in the buffer to South Lake and the commitments to rehabilitate degraded land in the buffer, staging of subdivision and landscaping of the estate. The EPA determined that their objectives of bushland fauna, wetland protection and landscape protection, can be met.

The following table provides a simple comparison of the previous and amended proposal:-

<b><i>Previous Proposal</i></b>	<b><i>Amended Proposal 2004</i></b>
Lot 502 Area 89.95ha	Lot 502 Area 89.95ha
79.65ha develop for lots and roads	67.35ha developed for lots, roads
193 industrial lots	180 industrial lots
6ha POS buffer to South Lake and 4.3ha other POS	22ha POS Buffer to South Lake
Phoenix Rd connection	Phoenix Rd connection deleted
150m buffer to South Lake	Up to 214m from the boundary of Lot 502 to include some areas of upland remnant bushland
Rehabilitation South Lake buffer	Revegetate South Lake buffer up to \$600,000- works committed by LandCorp

Draft environmental approval and conditions have been sent to Council by the Minister for the Environment following her decision to dismiss appeals earlier this year. The Office of the Minister for the Environment by letter dated 24 May 2004 notified the City of her determination of appeals that have resulted in changes to the proposal and modifications to the conditions and proponent's commitments. The Minister has sought comments from the Council regarding draft conditions, which are consistent with the appeal determinations. Comments were requested from Council by 9 June 2004 (14 days notice).

The objective in assessing the subdivision application should be to create a model industrial estate located in a natural setting with excavation kept to a minimum. It is acknowledged that due to the landform combined with the need to excavate for roads, services, access and development of building sites there will be a considerable



loss of vegetation under any development option. The vegetation that will not be destroyed will occur in areas of open space around South Lake and where possible be retained within road reserves. However, the extensive earthworks will make it extremely difficult to retain any on-site vegetation.

The amended plan was assessed for its conformity with the Council's subdivision principles endorsed in February 1999:-

**1. *Retention of upland vegetation around South Lake to maintain its visual and ecological integrity.***

South Lake is immediately to the east. The lake was mapped as a Conservation (C) category wetland by the Water & Rivers Commission's Wetland Atlas but this rating was downgraded to Resource Enhancement (R) by a review carried out by the WRC by Semeniuk (1997).

South Lake is a part of the System 6 Area M93 (Cockburn Wetlands Eastern Chain). To protect South Lake from adverse effects from industrial development protective measures are required that include a wetland buffer in accordance with EPA requirements. It was agreed with the DEP to provide a modified buffer. The avoidance of direct drainage into the lake from industrial stormwater is also proposed through the establishment of infiltration basins.

The subdivision design has been amended to incorporate an extension of the existing reserve around the western side of South Lake. This land should logically form part of the regional reserve and not be set aside as local open space.

There are some areas within the vegetation buffer that require further rehabilitation that the proponent has committed to carry out as a condition of environmental approval.

The proposed levels of the industrial estate match in reasonably well with the proposed reserve and shouldn't require retaining walls. A natural transition in levels is preferred. The proposed levels provides for drainage to be collected to a central nutrient stripping basin and not directly into South Lake.

**2. *Retention of mature trees in a landscape strip along North Lake Road and Phoenix Road frontages.***

The proposed subdivision doesn't make any attempt to retain vegetation within a 10.0 metre wide strip of land at the main entrance on North Lake Road, which was an element of the earlier plan prior to increasing the open space area around South Lake. It is understood that commercial exposure is sought along North Lake Road and Phoenix Road.



A detailed Visual Resource Assessment is required to determine an appropriate vegetated edge along the North Lake Road and Phoenix Road frontages. The subdivision should be amended to provide a bushland frontage of the estate in a manner that is consistent with Council's Bushland Conservation Policy which strives to minimise bushland clearing through development and subdivision.

**3. Provision of a road system linking North Lake Road with Spearwood Avenue, Sudlow Road and potentially Cocos Drive to the south.**

Logical road linkages to the existing road network are important to ensure convenient and safe vehicular access. The amended subdivision design satisfies this basic requirement. Road connections with North Lake Road could include a new deceleration lane and safe right turn lane onto North Lake Road.

The former road connection sought onto Phoenix Road, which is close to the traffic lights with North Lake Road has been deleted. There is also one other proposed road links to Sudlow Street. A southern connection into Cocos Industrial Park is no longer proposed. This road link into Lot 8001 Cocos Drive has proven problematic and complicated. The WAPC granted subdivision approval to create industrial lots without a future road link into LandCorp land. There is no opportunity to pursue this connection to Cocos Drive.

**4. No direct lot frontage will be permitted to North Lake or Phoenix Roads.**

The subdivision design has been amended to provide a service road access and frontage to lots to avoid direct access onto North Lake Road but provide for building frontages.

**5. The potential for road access to Phoenix Road needs to be carefully examined before any approval is granted.**

The City's earlier comments in this regard are still relevant. The proposal incorporates a main access road from North Lake Road on the outside curve of North Lake Road, which maintains traffic visibility in both directions. There are no immediate concerns with a road connection onto North Lake Road subject to approval of the intersection treatment. A detailed traffic management plan is required to assess traffic volumes and to define appropriate road reserve widths and if any design modifications are required. A safety audit is also required at intersections with North Lake Road, Phoenix Road, Sudlow Road and Spearwood Avenue. The audit will determine the appropriate intersection treatment.



- 6. A service road is to be provided along a portion of the disused railway reserve along the southern boundary of the land.**

The subdivision design does not incorporate a service road along the disused railway reserve. Large industrial size lots would abut the reserve along their rear lot boundary and access being via an internal road link. The existing lots south abut the railway reserve in a similar manner to the subdivision plan. There are no objections to the plan notwithstanding that it does not adhere to this principle given that a road link to Cocos Park Estate is not achievable.

- 7. Lots are not to back onto South Lake reserve or Phoenix/North Lake Road.**

A service road abuts the additional POS to South Lake instead of lots backing onto this land. The design largely complies with this requirement except for "end lots" but this is acceptable. The basis of this principle is to ensure an appropriate building frontage and improved appearance along North Lake Road rather than a view of the rear walls and storage yards.

- 8. An estate development plan and development guidelines are required.**

These details have not been provided and could be resolved following a decision from the WA Planning Commission. LandCorp have committed to preparing these guidelines at the appropriate time.

- 9. The discharge of drainage into South Lake or its buffer area will not be permitted and the development will need to be implemented in a manner, which will not adversely impact on the water quality or hydrology of the lake.**

The application proposes to alter the existing contours in a way that avoids any direct discharge of stormwater into South Lake reserve, which include its buffer area.

- 10. Subdivision requirements will include underground power and high quality estate perimeter fencing.**

The subdivisional requirements that can be expected from Western Power include the provision of underground power.

Estate perimeter fencing details are not included in the subdivision plans and could be explored in development guidelines. This is normally a standard subdivision requirement.



**11. Subdivision of the land into superlots will not be supported except to enable the excision of the lot for the Amcor factory from the balance of the site.**

The subdivision design does not incorporate superlots with the exception of the Amcor factory and office.

**Strategic Plan/Policy Implications**

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

Planning Your City

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

Conserving and Improving Your Environment

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

Facilitating the Needs of Your Community.

- *“To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community”*

Maintaining Your Community Facilities

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

**Budget/Financial Implications**





Following subdivision the land the Council will be responsible for the maintenance of the roads created, post road maintenance bonding of works.

### Legal Implications

N/A

### Community Consultation

N/A

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

Nil.

## 14.20 **(MINUTE NO 2449)** (OCM 15/06/2004) - BIBRA LAKE CAFE/KIOSK - LOT 309 PROGRESS DRIVE, BIBRA LAKE - OWNER: CITY OF COCKBURN (1114553) (CP) (ATTACH)

### RECOMMENDATION

That Council:

- (1) proceed with an application to the Minister pursuant to Section 18 of the WA Aboriginal Heritage Act 1972 for consent to disturb an Aboriginal site for development of the Bibra Lake café/kiosk;
- (2) write to the Combined Metropolitan Working Group thanking them for their response, confirming the Council is willing to attend another on-site meeting as suggested, but noting that budgetary constraints currently prevent a further payment being made for the attendance of group members and indicate that the Council is prepared to consider any specific concerns the group may wish to make about the amended café/kiosk plan that may not have been previously communicated;
- (3) instruct Voran Pty Ltd and Gavin Jackson Pty Ltd to prepare an application on behalf of the City for submission to the Minister under the Act.

### COUNCIL DECISION

MOVED Cllr M Reeve-Fowkes SECONDED Cllr S Limbert that Council:

- (1) proceed with an application to the Minister pursuant to Section 18 of the WA Aboriginal Heritage Act 1972 for consent to disturb an Aboriginal site for development of the Bibra Lake café/kiosk;



- (2) write to the Combined Metropolitan Working Group thanking them for their response, confirming the Council is willing to attend another on-site meeting as suggested, but noting that budgetary constraints currently prevent a further payment being made for the attendance of group members and indicate that the Council is prepared to consider any specific concerns the group may wish to make about the amended café/kiosk plan that may not have been previously communicated;
- (3) instruct Voran Pty Ltd and Gavin Jackson Pty Ltd to prepare an application on behalf of the City for submission to the Minister under the Act;
- (4) request Gavin Jackson Pty Ltd, through Voran Pty Ltd, to seek formal direction from the Department of Indigenous Affairs regarding the need for further consultation for the Bibra Lake Café/Kios proposal; and
- (5) based on the outcome of (4) above, instruct Gavin Jackson Pty Ltd, through Voran Pty Ltd, to undertake further consultation for the purpose of reporting back to the Department of Indigenous Affairs on the Section 18 application.

**CARRIED 10/0**

### **Explanation**

Subsequent to the report being prepared, Council was approached by a local Aboriginal Elder, Mr Clarry Collard-Ugle, who requested the City consult with more locally based Aboriginal people. Concern was expressed by Mr Collard-Ugle, that Council had consulted primarily with the Combined Metropolitan Working Group. For the purpose of proceeding with a Section 18 Application to the Minister, it is appropriate to seek formal direction from the Department of Indigenous Affairs in light of the above events. It is possible to undertake further consultation should it be deemed necessary prior to the Minister determining the Section 18 Application which could include Council's Aboriginal Advisory Committee. However, due to budgetary constraints, Council is unable to make payments to the individuals concerned other than contributing to minor expenses such as travel.

### **Background**

Development of a proposed café kiosk at Lot 309 Progress Drive, Bibra Lake has been the subject of reports to Council in March 2002, June 2003, September 2003 and April 2004.



On 10 March 2004 Council staff and its consultants met on-site at Bibra Lake with 21 members of the Combined Metropolitan Working Group (the "CMWG" or "the group"), being a group of Aboriginal representatives recognised by the Department of Indigenous Affairs for the purpose of consultation on development matters within the Perth metropolitan area. At this meeting the proposal was discussed and the group indicated unanimous opposition to the proposed café/kiosk in the location proposed.

Given the response of the CMWG, various courses of action were considered for the project as a whole. The project team favoured a modified proposal that went some way towards responding to the groups concerns and the matter was reported to Council at it's meeting on the 20 April 2004 (Item 14.17). At that meeting Council resolved:

- "(2) to support the recommended repositioning of the proposed café/kiosk within Lot 309 Progress Drive being immediately adjacent to, and east of the existing carpark;*
- (3) through the Chief Executive Officer, negotiate an appropriate package, as detailed in the report with the Aboriginal representatives which recognises their association with the land, with the final negotiated package to be referred to Council for decision."*

On 14 May 2004 in accordance with this resolution, a letter was sent to members of the CMWG. The letter outlined the Council's position regarding the options considered for the siting of the kiosk, in light of the group's suggestion for the kiosk to be sited on the western side of Progress Drive. In particular, the letter invited comments from the group on an amended plan showing the kiosk shifted 6 metres further to the west of the original location (being further away from the edge of Bibra Lake).

Copies of this letter and the response received from the group are contained in the Agenda Attachments.

### **Submission**

The CMWG responded to the amended café/kiosk site plan by:

- indicating it is culturally insensitive of the City to consult with Nyungah Elders by mail; and
- requesting a further site meeting take place at Bibra Lake.

The response does not indicate any change in the group's position on the proposal.

### **Report**



In terms of the project as a whole, the Council has the following options:

1. Abandon the project;
2. Relocate the kiosk to the western side of Progress Drive in accordance with CMWG's suggestion;
3. Undertake a further site meeting with the Aboriginal representatives as requested before deciding on a course of action;
4. Prepare an application to the Minister of Indigenous Affairs under Section 18 of the Act for determination.

The project team has considered Option 2 and discounted it on the basis of traffic safety concerns associated with patrons (in particular, children) crossing Progress Drive to reach the kiosk from Bibra Lake. The kiosk/cafe is proposed with the users of the Bibra Lake foreshore in mind, so siting the facility on the western side of Progress Drive would necessitate people crossing the road, which can be extremely busy at times.

In terms of Option 3, in considering the group's request for another on-site meeting the following factors are considered relevant:

- The likelihood of any new information being presented that has not been discussed in previous consultations;
- The likelihood of any significant shift occurring in the group's current position on the project;
- The timeframe implications for a Section 18 application to the Minister in the event that no agreement is reached at the meeting;
- The additional costs associated with assembling the Aboriginal representatives, Council staff and consultants.

The City's heritage consultant is not confident another meeting will result in any positive benefits for the project, given the extent of consultation undertaken to date, the issues raised and the constraints associated with alternative sites. However, there is nothing preventing the Council from continuing with the consultation process while seeking Section 18 approval from the Minister. This would be in the interests of natural justice and would be considered good practice.

It is appropriate to respond to the group's letter and agree to another on-site meeting as they have requested. However, budget limitations prevent further payments being made for the attendance of group members. Nevertheless, the Council should invite the group to outline any specific concerns they may have that may not have previously been communicated.

Negotiations with the Aboriginal representatives of a package recognising their association with the land as previously resolved by Council should be continued.



Given all of the above, Option 4 is the recommended course of action, whereupon a Section 18 application would need to be prepared and submitted to the Minister by 30 June 2004 in order to be considered by the relevant committee in August 2004.

The Aboriginal Cultural Material Committee (ACMC) will consider the Section 18 application and:

1. recommend to the Minister that consent be denied; or
2. recommend to the Minister that consent be granted (with or without certain conditions; or
3. defer consideration of the application to a future meeting.

It is possible that the ACMC may defer consideration of the application until a future meeting pending further information on the significance of the site to assist them in their decision. This will of course cause some delay to the project.

Should the ACMC recommend to the Minister that consent be granted, the CMWG may exercise their right to apply to the Commonwealth Minister for Indigenous Affairs for an emergency declaration under Section 10 of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984. Should this occur, the Commonwealth minister is obliged to consult with his State counterpart on whether to place an emergency declaration on the land. If the emergency declaration is successful, this effectively places an embargo on the proposed café/kiosk development until such time as the matter is resolved to the satisfaction of the Commonwealth Minister.

It should be noted that this is very much a worst case scenario and may not eventuate. Nevertheless, it is probably wise for the Council to be aware at this early stage that the Section 18 application may not necessarily be a simple or straight forward process.

In conclusion, the amended café/kiosk location is considered to be the preferable option on the basis that:

- it retains the kiosk at an appropriate position in relation to play equipment to ensure that children can be watched over by their parents from the kiosk;
  - the kiosk is located on land that has been significantly altered over the years and will not represent a disturbance to a relatively natural environment;
  - the new location responds as much as practicable to the concerns indicated by the combined Metropolitan Working Group;
  - the kiosk does not impinge on the road reserve associated with Progress Drive and will therefore not interfere with other services;
- the location is the only possible position for the kiosk, which does not require the removal of large established trees or other infrastructure.

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



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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - *"To conserve the character and historic value of the human and built environment."*
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

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

Funds are limited for this project under the current budget, but include provision for a Section 18 application. Based on the previous on-site meeting, further consultation with the Combined Metropolitan Working Group will result in additional expenditure in the order of \$6,300, being \$300 to each representative present, in addition to consultant fees. There are insufficient funds in the budget to cover this.

#### **Legal Implications**

N/A

#### **Community Consultation**

Limited to Aboriginal representatives at this time.



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

Nil.

#### 14.21 **(MINUTE NO 2450)** (OCM 15/06/2004) - LOCAL PLANNING POLICY FOR THE COCKBURN SOUND CATCHMENT (SPD8) (9667) (CP) (ATTACH)

##### **RECOMMENDATION**

That Council:

- (1) receive this report;
- (2) adopt the Local Planning Policy (SPD8), as amended, pursuant to Clause 2.5.2 of Town Planning Scheme No.3;
- (3) publish a notice of the Policy in a local newspaper pursuant to Clause 2.5.3 of Town Planning Scheme No.3;
- (4) refer a copy of the Policy to the Western Australian Planning Commission.
- (5) write to the Cockburn Sound Management Council advising of the outcome of this meeting.

##### **COUNCIL DECISION**

MOVED Cllr M Reeve-Fowkes SECONDED Cllr A Tilbury that the recommendation be adopted.

**CARRIED 10/0**

### **Background**

In coordination with the Cities of Cockburn, Rockingham and the Town of Kwinana, the Cockburn Sound Management Council has developed a draft Local Planning Policy, intended to enable coordinated management of landuse activities to protect and improve water quality and marine habitat in Cockburn Sound from contamination originating within the catchment area.

The Delegated Authority, Policies and Position Statements Committee (the "DAPPS" Committee) of Council considered the draft policy at its meeting on 19 February 2004, whereupon it resolved:



“That Council:

- (1) adopt the Draft Local Planning Policy (SPD8) for the Cockburn Sound Catchment for the purpose of seeking public comment;
- (2) advertise the Draft Local Planning Policy in accordance with the requirements of Clause 2.5 of the City of Cockburn Town Planning Scheme No 3.
- (3) refer the Draft Policy back to Council upon the completion of advertising.”

The DAPPS Committee meeting minutes were adopted in full by Council at its ordinary meeting on 16 March 2004.

### **Submission**

The draft “Local Planning Policy for the Cockburn Sound Catchment” was advertised for public comment in accordance with Town Planning Scheme requirements on 16 and 23 April 2004.

Advertising was coordinated between the Cockburn Sound Management Council (“CSMC”) and the three local governments affected by the policy. The submission period closed on 14 May 2004.

Although the Cities of Cockburn and Rockingham received no submissions, the Town of Kwinana received three submissions, being from:

- The Cockburn Sound Management Council;
- Kwinana Industries Council; and
- BP Refinery Kwinana.

### **Report**

The submissions raised issues of a broad ranging nature to the extent that they have been taken into account across all three local government areas, while the policy has been amended accordingly.

Specifically, the key issues raised related to:

- A perceived duplication of function of the existing regulatory authority jurisdictions;
- Concerns about a lack of a demonstrated relationship between nutrient input and water quality in Cockburn Sound;
- The need for the policy to consider contamination from all potential sources, rather than focusing on nutrient sources.

The summary of submissions (refer Agenda Attachments) addresses the issues in detail and indicates the amendments made to the policy in response.





Fundamentally, it is worthy to note that the policy is intended as a mechanism to coordinate a consistent approach across the various local government areas by providing standardised guidelines and conditions and does not duplicate the regulatory functions of local government.

As this policy has been developed in coordination with the City of Rockingham, Town of Kwinana and the Cockburn Sound Management Council as per the endorsed Memorandum of Understanding between the parties, it is critical that a decision on the policy is made by the Council in a timely manner. In this regard, it is expected that the policy will be reported to the CSMC at its meeting on 4 June 2004 for adoption pending any minor modifications required by local governments.

Should any of the local governments resolve to further modify the policy, it would then be reported to the Executive meeting of the CSMC on 2 July for finalisation. The objective is to have the policy adopted across the board for a public forum to be held by the CSMC in August. In light of these timeframes, it is necessary for this Council to expedite finalisation of the policy, hence the matter being reported to full Council in this instance.

A copy of the amended policy (changes underlined) and the summary of submissions are contained in the Agenda Attachments.

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

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

1. Managing Your City
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

### **Budget/Financial Implications**



N/A

**Legal Implications**

Ensures consistency with the draft “Environmental Protection (Cockburn Sound) Policy 2002” and the “Interim Environmental Management Plan for Cockburn Sound and its Catchment 2002”.

**Community Consultation**

Advertised for public comment.

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

Nil.

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

**15.1 (MINUTE NO 2451) (OCM 15/06/2004) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors for May 2004, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 10/0**

**Background**

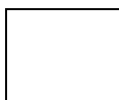
It is a requirement of the Local Government (Financial Management) Regulations 1996, that a List of Creditors be compiled each month and provided to Council.

**Submission**

N/A

**Report**

N/A



**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.

**15.2 (MINUTE NO 2452) (OCM 15/06/2004) - TENDER NO. 02/2004 - AUDITING SERVICES - INTERNAL (5017) (DMG) ATTACH)**

**RECOMMENDATION**

That Council accepts the tender from Barrett and Partners – DKF for Tender No. 02/2004, Auditing Services – Internal, for a four (4) year period (2004-2007), at the sum of \$38,500 (GST inclusive).

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr K Allen that Council accept the tender from KPMG for Tender No.02/2004 - Auditing Services - Internal, for a four(4) year period (2004-2007) at the sum of \$56,892 (GST inclusive).

**CARRIED 10/0**

**Explanation**

It is considered that in the interest of impartiality and transparency, the internal and external audits should be conducted by separate firms.

This is the same reasoning provided by Council, represented by Commissioners, when the Tender was previously awarded in 1999.

**Background**



This matter was deferred from the April, 2004, Council Meeting, on the basis that the recommended tenderer was also Council's appointed External Auditor.

The contract for this function is also due for Council appointment and, accordingly, it was considered appropriate to delay a decision on the Internal Audit function, pending the outcome of that appointment.

The explanation provided for the deferral of this item in April, 2004, was, as follows:-

*"The recommended tenderer for the performance of Council's internal audit function for the timeframe 2004-2007 is Council's current external auditor.*

*An external auditor's independence may be viewed as being jeopardised by having a dual role in the control process, thereby contributing to organisational risk. Independent external auditors attest to management assertions regarding the financial statements. As significant participants in the internal control process, internal auditors provide management with information to formulate their assertions. If external auditors perform the internal auditing function, and attest to management assertions about the internal control system, they essentially are attesting to an activity in which they have directly supported management assertions. This can be seen as an impairment of their independence.*

*In view of recent high-profile corporate collapses, Council values the minimization of organizational risk.*

*Council will consider the appointment of external auditors at its May Ordinary Council meeting. Council believes it should wait until it appoints its external auditors before appointing its internal auditors."*

In 2000, Council appointed KPMG to conduct an annual Audit of the internal financial and non-financial management systems and procedures of Council for a four (4) year period (2000-2003). In September 2003, Council resolved to call Tenders for this service for the period 2004-2007. Deputy Mayor Graham has requested this tender be placed before Council for determination.

### **Submission**

Submissions were received by the closing date of tenders, details of which are attached.

### **Report**

Five (5) compliant tenders were received following the closure of the advertising period on 16 March, 2004.



The following criteria and weighting values were used to assess each Tender.

<b>CRITERIA DESCRIPTION</b>	<b>WEIGHTING</b>
Experience in providing similar services	25%
Skills/experience of key personnel	15%
Tenderers Resources	10%
Understanding of task	10%
Tendered price / evaluated cost	40%
<b>TOTAL</b>	<b>100%</b>

The scope of the Audit requires the successful Tenderer to carry out such work as necessary to form an opinion as to the adequacy and effectiveness of:

- System compliance;
- Internal controls;
- Identification of possible risks;
- Operational efficiencies and effectiveness, with an emphasis on those areas with greater risk exposure; and
- Compliance with approved policies and procedures, regulations and relevant legislation.

The work should include, but is not limited to:

#### **Financial**

- Revenue
- Payroll
- Fixed Assets
- Procurement
- Payments
- Annual Report/Principal Activities Plan

#### **Non Financial**

- Local Laws
- Commercial Activities
- Elections
- Council Meetings and Administration
- Delegations of Authority
- Disclosure of Financial Interests

Tenders were assessed by the Director – Community Services and Manager – Community Services.



<b>Tendered Prices</b>	<b>\$</b>
Barrett & Partners	38,500
Haines Norton	67,320
KPMG	56,892
PKF	58,465
Stamfords	105,006

Scores were assessed as follows:-

<b>Tenderer's Name</b>	<b>Non-cost criteria</b>	<b>+ Cost Criteria</b>	<b>= Assessment Score</b>
Barrett & Partners	51.75	40	91.75
Haines Norton	45.5	29	74.5
KPMG	51.5	33	84.5
PKF	37.25	32.4	69.65
Stamfords	37.25	14.7	52.45

While it is understood that Council has concerns surrounding the potential appointment of the same Audit firm undertaking both the internal and external functions, there is no legal obligation on Council to appoint separate auditors for each function. This opinion has been verbally confirmed by an officer from the Department of Local Government and Regional Development.

Indeed, there are examples of metropolitan local governments having appointed the same firm to undertake both functions on their behalf.

On balance, Barrett and Partners represents the best value tender on the basis that it is able to demonstrate a clear understanding of the required outcomes and undertake the task in a timely, cost efficient manner.

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

Key Result Area "Managing Your City" refers.

### **Budget/Financial Implications**

Funds available in Council's Municipal Budget for this purpose.

### **Legal Implications**

Sec. 3.57 of the Local Government Act, 1995, Part 4 of the Local Government (Functions and General) Regulations and Reg. 5(2)(c) of the Local Government (Financial Management) Regs refer.

### **Community Consultation**

Advertisement placed in "West Australian" Newspaper closed 16 March, 2004.



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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES****16.1 (MINUTE NO 2453) (OCM 15/06/2004) - REQUEST TO REMOVE TREE GROWING ON VERGE - 3 PAUSIN CRESCENT, BIBRA LAKE (1108143) (AC)****RECOMMENDATION**

That Council authorise:

- (1) removal of the Eucalyptus grandis tree growing on the street verge adjacent to number 3 Pausin Crescent, Bibra Lake, at full cost to the Council;
- (2) the tree being removed by a suitable contractor engaged by the City for the purpose;
- (3) the tree being dismantled to the ground, removed from the site and the stump ground out; and
- (4) the City planting a replacement tree suitable for the location, within six months of removing the original tree, at the Council's cost.

**COUNCIL DECISION**

MOVED Cllr L Goncalves SECONDED Cllr I Whitfield that Council authorise removal of the Eucalyptus Grandis tree growing on the street verge adjacent to No.3 Pausin Crescent, Bibra Lake, subject to:

- (1) removal being at full cost to the property owners of Nos.3 and 4 Pausin Crescent, Bibra Lake, who have made the request for removal;
- (2) the tree not being removed until the City has received payment for the full cost of removal;
- (3) the tree being removed by a suitable contractor engaged or approved by the City for the purpose;
- (4) the tree being dismantled to the ground, removed from the site and the stump ground out; and



- (5) the City planting a replacement tree suitable for the location, within six months of removing the original tree, at the Council's cost.

**CARRIED 10/0**

### **Explanation**

Council is generally not supportive of the removal of trees as they create a beautiful aesthetic environment for residents. It is on this basis that Council is not prepared to pay for the removal however, if the owners of Nos.3 and 4 Pausin Crescent, Bibra Lake, are strongly of the view the tree be removed, then the cost of same should be met by them.

### **Background**

At its meeting held on Tuesday 19<sup>th</sup> August 2003, the Council considered a written request from Ms Julie Regan of 3 Pausin Crescent, Bibra Lake, for the removal of a tree growing on the street verge adjacent to her residence.

With a 9/1 majority the Council decision was:

*"That Council authorise removal of the Eucalyptus grandis tree growing on the street verge adjacent to number 3 Pausin Crescent, Bibra Lake, subject to:*

- (1) Removal being at full cost to the property owner who made the request for removal;*
- (2) The tree not being removed until the City has received payment for the full cost of removal;*
- (3) The tree being removed by a suitable contractor engaged by the City for the purpose;*
- (4) The tree being dismantled to the ground, removed from the site and the stump ground out; and*
- (5) The City planting a replacement tree suitable for the location, within six months of removing the original tree, at the Council's cost."*

On the 20<sup>th</sup> August 2003 Ms Julie Regan was advised in writing of the Council's decision.

### **Submission**





N/A

## Report

On 12<sup>th</sup> April 2004, the City received a written application from Mr and Mrs T Dean of number 4 Pausin Crescent, Bibra Lake, requesting removal of the tree growing on the street verge adjacent number 3 Pausin Crescent, which is directly opposite their residence. Mr and Mrs Dean have requested removal of the tree on the basis that it is adversely affecting their health. In support of their claim, they have provided a letter from their doctor asserting that pollen from the tree is seriously aggravating their respective medical conditions.

Mr and Mrs Dean have also submitted a 19 signature petition from the residents of numbers 1,2,3,4,5,6,7,8,9 and 10 Pausin Crescent, requesting removal of the tree.

On 4<sup>th</sup> May 2004, the City received a second written application from Mr and Mrs Dean requesting that their proposal be listed for discussion at the next Council meeting and that the Council reconsiders its decision and has the tree removed.

### Officers Comments

As the Council resolved at its meeting held on Tuesday 19<sup>th</sup> August 2003, to authorise removal of this tree, subject to removal being at full cost to the property owner who made the request, the issue to be reconsidered is at cost to whom. That is, at full cost to the Council or at full cost to the requestor(s).

Position Statement PSEW15 – Removal and Pruning of Trees states, in part, that:

“Where the Council has resolved to authorise removal of a tree at the request of an adjacent property owner, removal shall be at full cost to the property owner who made the request for removal”.

In this instance, the request for removal has not been received from the adjacent property owner, but from the owners across the street.

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

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

3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*



### **Budget/Financial Implications**

The estimated cost for removal of the tree is \$1,000.

Planting of a replacement tree is accounted for within parks maintenance account number 7601-*Street Trees*, established for the maintenance and replacement of street trees. Cost for removal of the tree can be accounted for within this account number.

### **Legal Implications**

N/A

### **Community Consultation**

Consultation has not been undertaken with the community.

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

Nil

## **16.2 (MINUTE NO 2454) (OCM 15/06/2004) - PROPOSED TRAFFIC TREATMENT AT PROGRESS DRIVE, NORTH LAKE (450691) (SL) (ATTACH)**

### **RECOMMENDATION**

That Council adopt design Option 5 – Median Island / Slow Point Treatment as the proposed traffic treatment at Progress Drive, North Lake, between Hope Road and Farrington Road.

### **COUNCIL DECISION**

MOVED Clr A Tilbury SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

### **Background**

At the Ordinary Meeting of Council held on Tuesday 20 April 2004, it was resolved that Council:-

“(1) *proceed with traffic treatment at Progress Drive between Hope Road and Farrington Road, North Lake;*



- (2) *require a report outlining design options being presented within two months to a future Council meeting; and*
- (3) *consider the allocation of additional funds to the new Roundabout Safety Improvement Program during its budget deliberations for 2004/05."*

Following the Council Meeting, Mr Logan Howlett, President North Lake Residents Association Inc, emailed to Council's Chief Executive Officer on 30 April 2004 expressing interest in discussions with Council Officers in regard to the detailed design options.

A meeting between Council staff and community members was held on Tuesday 4<sup>th</sup> May 2004. Community members recommended the following alternatives for consideration.

1. Closing off Progress Drive, between Rossetti Court and Hope Road (Should Council adopt this option, the entire residents in North Lake, fire and other emergency services will need to be consulted as there will be only one access (at Farrington Road) to the residential area of North Lake.); or
2. Raised Median Island treatment similar to the existing treatment on Progress Drive, between Hope Road and Gwilliam Drive; or
3. Single-Lane Angled Slow Point treatment (See attached. The device allows only one vehicle to negotiate at a time; approaching traffic needs to stop and wait for its turn.); or
4. Installation of edge line and Centre line (subject to Main Roads approval. Council staff will undertake traffic surveys to identify the latest traffic volumes and speeds that may support the linemarking proposal).
5. Irrespective of any one of the above options, remove the existing chicane treatments from Progress Drive, make good the road surface after the removal (no rutting road surface) and get rid of stormwater puddles.

Other associated suggestions are:-

1. Install footpath on the eastern side of Progress Drive;
2. Should Progress Drive be made into cul-de-sac near Rossetti Court / Hope Road,
  - Create an additional access to the suburb of North Lake by opening Du Maurier Road onto North Lake Road (Proposed by Mr Pound; some community members have reservations – uncertain of any traffic safety concerns this proposal may



bring, for the proposed access being at a close proximity to the traffic light controlled intersection of North Lake Road and Farrington Road.); or

- Look at other alternative for emergency access to North Lake;
3. Install large “Local Traffic Only “ signs; and
  4. Put Council’s Speed Check trailer on Progress Drive to alert motorists to drive within the speed limit.

### **Submission**

Plans detailing five design options for Progress Drive traffic treatments were developed based on community feedback and are included in the Agenda attachments.

### **Report**

Design Options 1 to 4 were undertaken in accordance with Community recommendations. Option 5 is the combined treatments of Options 2 and 3.

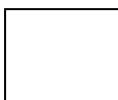
The highlights of each option are as follows.

#### ***Option 1 – Closure Treatment***

- Closing off Progress Drive between Rossetti Court and Hope Road (referred hereon as section A);
- Removal of existing chicanes from Progress Drive;
- Provision of dual bicycle lanes on the western side of Section A by making use of the existing road pavement surface; and
- Provision of a footpath on the eastern side of Section A by making use of the existing road pavement surface.

#### **Comments:**

- Should Council adopt this option, the entire residents in North Lake, fire and other emergency services will need to be consulted. Their support is essential, as this option will reduce the number of access roads to the residential area of North Lake from two to one.
- Recent traffic surveys reveal that the traffic volume in Progress Drive near Farrington Road is 3136 vehicles per day, while near Hope Road 2014 vpd. Should Option 1 be adopted, it will have an impact on the traffic flow in Progress Drive and its



neighbouring road network. Residents in the southern part of North Lake will be disadvantaged by the road closure. The existing southbound traffic (local + through traffic) will be distributed onto the northern part of Progress Drive, Farrington Road, North Lake Road, Bibra Drive and Hope Road.

- This option only addresses the through traffic situation. It does not address any speeding traffic issue in Progress Drive between Rossetti Court and Farrington Road.
- Progress Drive is a scenic route. It should be kept open for public and tourist enjoyment.

### ***Option 2 - Median Island Treatment***

- Raised Median Island treatment similar to the existing treatment on Progress Drive, between Hope Road and Gwilliam Drive. That is: painted median islands, plus raised concrete islands at intermittent interval, plus landscaping at the raised islands;
- Removal of the existing chicanes from Progress Drive; and
- Road widening to accommodate the above traffic treatments and the sharing movement of bicycles and motor vehicles.

#### Comments:

- This is an aesthetic treatment and has a moderate effect in traffic calming.

### ***Option 3 – Slow Point Treatment***

- Single-Lane Angled Slow Point treatment;
- Road widening at the above treatment locations to accommodate bicycle movement and stormwater runoff; and
- Removal of the existing chicanes from Progress Drive.

#### Comments:

- This is an effective traffic calming treatment. It allows only one vehicle to negotiate at a time; approaching traffic needs to stop and wait for its turn.

### ***Option 4 – Line Marking Treatment***

- Installation of edge line and Centre line; and
- Removal of the existing chicanes from Progress Drive;



Comments:

- This proposal requires the approval of Main Roads Western Australia, who is the authority in linemarking. This treatment has little effect on calming traffic.

**Option 5- Median Island / Slow Point Treatment**

- Combined treatments of "Single-Lane Angled Slow Point" (Option 3) and "Raised Median Island" (Option 2);
- Removal of the existing chicanes from Progress Drive.

Comments:

- This is an aesthetically pleasing and effective traffic calming treatment.

Option 5 which has been developed from the other four options is considered by staff as the most appropriate to satisfy the community's requirements.

**Strategic Plan/Policy Implications**

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

1. Facilitating the needs of Your Community
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
2. Maintaining Your Community Facilities
  - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and convenient and safe for use by vehicles, cyclists and pedestrians."*

**Budget/Financial Implications**

There is \$47,648 in the current Budget for the capital work (CW2037).

**Legal Implications**

N/A

**Community Consultation**

Previously, residents in Progress Drive, North Lake were consulted on the proposal. Plans were also displayed at the Spearwood and Coolbellup Libraries and on Council's website and information signs



were erected on Progress Drive and the adjoining roads to alert motorists of the proposed modifications.

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

Nil.

**16.3 (MINUTE NO 2455) (OCM 15/06/2004) - TENDER NO. RFT 11/2004 - SUPPLY AND DELIVERY OF PRE-MIXED CONCRETE (4437) (IS) (ATTACH)**

**RECOMMENDATION**

That Council accept the tender submitted by Readymix Concrete for Tender No. 11/2004 – Supply and Delivery of Pre-mixed Concrete at a fixed rate including GST of \$124.85 per m<sup>3</sup> plus a surcharge of \$33 for each cubic metre less than 3.4m<sup>2</sup> for the period 1<sup>st</sup> July 2004 to 30<sup>th</sup> June 2006.

**COUNCIL DECISION**

MOVED Clr A Tilbury SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**Background**

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

**Submission**

Tenders were called for the supply and delivery of pre-mixed concrete for the next two (2) financial years. Four (4) tender submissions were received, the details of which are attached to the Agenda.

**Report**

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

	<u>Weighting</u>
1. Price	35%
2. Technical conformance	10%
3. Demonstrated safety management	15%



4.	Delivery response performance	20%
5.	Quality endorsement	5%
6.	References	10%
7.	Insurances	<u>5%</u>
		100%

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

Premixed concrete is used for the construction of and repair of footpaths and for other miscellaneous construction works carried out by Council staff.

The assessments under the above criteria were carried out by the Works Manager and supervisor from the Roads Department.

The tendered prices were:

Contract Estimate (2 Years)

BGC Concrete	\$883,000
Boral Concrete	\$899,000
Readymix Concrete	\$912,000
Pioneer Concrete	\$926,000

Scores were assessed as follows:

Tenderer's name	Non cost Criteria	+	Cost Criteria	= Assessment Score
1. Readymix Concrete	62.46		33.94	96.40%
2. Pioneer Concrete	47.52		33.38	80.90%
3. Boral Concrete	34.41		34.39	68.80%
4. BGC Concrete	24.40		35.00	59.40%

While Readymix Concrete were not the lowest tenderer on price, through the tender evaluation criteria, they came out on top. This is mainly due to the reports received from the references provided on their work quality and timeliness.

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

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

### **Budget/Financial Implications**





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

**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (MINUTE NO 2456) (OCM 15/06/2004) - HAMMOND ROAD, SUCCESS RECREATION FACILITIES (4621) (RA) (ATTACH)**

**RECOMMENDATION**

That Council supports the development of Reserve 7756 on Hammond Road to incorporate 24 hard courts, clubrooms, community facilities and active grassed areas as detailed in the consultant's report as the preferred option and require the development of a concept plan for the site and buildings with cost estimates for future consideration by Council.

**COUNCIL DECISION**

MOVED Cllr A Tilbury SECONDED Cllr M Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**Background**

Reserve 5500062 has an area of 27.8748ha which is set aside for drainage and recreation purposes. The Reserve includes a portion of the power line easement which runs on the western side of the freeway north/south through Success. Of the total area of the reserve there is 8.2ha which is suitable and available for the construction of recreation and community facilities. This area abutts Hammond Road and is immediately south of the Success Fire Station (see attached plan).



Council included in its 2003/04 Municipal Budget \$20,000 for the employment of a consultant to undertake a needs analysis and the preparation of a preliminary concept plan for a recreational and community facility to be located on the Reserve.

### **Submission**

The Y.M.C.A. Perth as the appointed consultants have provided in accordance with the requirements of the brief the results of the needs assessment for recreation facilities for the Eastern portion of the City suitable for the Hammond Road site with recommendations on recreation and community facilities provision.

### **Report**

#### Hammond Road Recreation Area

A survey of 2000 resident households for the suburbs of Success, Atwell, Hammond Park, Banjup and South Lake were distributed with 400 usable responses received, which translated to 1239 individuals. The survey addressed a range of issues including the type of recreational/leisure activity they would like to participate in, price sensitivity for participation, transport needs and management model.

As detailed in the report the responses for the outdoor facility's priorities in order of importance are as follows:-

- Tennis 46.7%
- Netball 21.9%
- Football 21.4%
- Cricket 19.3%
- Lawn Bowls 17.7%
- Soccer 13.00%

Tennis was clearly the most popular sport followed by Netball and Football.

In respect to indoor sport facilities the responses in order of importance were as follows:-

- Basketball 35.7%
- Netball 35.1%
- Football 17.9%
- Cricket 17.3%
- Lawn Bowls 10.1%

As a result of this element of the survey it is evident that the hard court sports of tennis and netball are of high demand. In discussions with the respective associations, the Y.M.C.A. have proposed that 12



specific tennis courts be constructed, 8 specific netball courts and 4 marked for a number of sports. Tennis West the State Association is also keen to see some clay courts established as there is a great need for this type of playing surface.

The next two sports with the highest response rates were Australian Rules Football and Soccer. This result concurs with the demands being expressed by local clubs in the area for grounds for these sports. The construction of a grassed area to accommodate Australian Rules Football and/or Soccer is viable on the site available.

The survey also indicated a strong demand for a Health and Fitness club to be included within the area. Health and Fitness clubs have the capacity to generate substantial incomes but they are very expensive to establish and require high levels of staffing and management. The establishment of such a facility would be in direct competition to the facilities at the South Lake Leisure Centre and the privately run Zest on North Lake Road. Similarly there was a high level of support for indoor sports courts to be located on the site. Once again such a facility would be in competition with the South Lake Leisure Centre, Lakeside Recreation Centre, Wally Hagan Stadium and Leeming Recreation Centre. The future use of the Cockburn Central Regional Recreation Reserve has yet to be determined and may well in the future be a better site for significant indoor sports facilities. Indoor sport courts to be viable need to provide for 3 indoor courts and supporting infrastructure which are expensive to construct.

It is recommended that a Health Fitness Club and indoor sports courts not be provided on this site at this time but the design of proposed facilities allow for their future provision should they be required.

The survey addressed the issue of travel time and travel mode to utilise facilities provided. 83% of the potential users of the facility said they would spend no longer than 15 minutes travelling and 96% of respondents said they would travel by car. With these two factors combined the current catchment population of a facility on the Hammond Road site is 31,000 and by 2006 - 33,870; 2011 – 39,416 and ultimately 66,700.

It is evident from the survey that respondents were highly price sensitive i.e. increases in prices for participation would severely reduce usage rates. There was from the survey questionnaire an expectation that the current pricing structure applied by the City would apply. 51% of potential users preferred a user pays system, that is on a casual basis and 30% would prefer a club or membership arrangement. A related question in the survey was the preferred management structure which showed that 43% preferred Council management, 23% not for profit group and 18% community association. To address the matter of casual usage and Council management the survey appeared to demonstrate the need for a Council employee to be in place to facilitate



the management of the facility. Should Council proceed with the development of hard courts for tennis, there is some potential to come to an arrangement for the use and management of the facility with Tennis West.

Should Council proceed to develop 24 hard courts on the site or a large active open space there will be a requirement to also provide club / change rooms to serve the facilities. There are no community halls, meeting rooms or children's activity facilities currently provided on the eastern side of the freeway to serve the suburbs of Success and Hammond Park nor is there any provision for such facilities within the next few years. The suburbs of Success and Hammond Park have rapidly growing residential populations and the needs for such facilities is becoming pressing.

The opportunity exists to create a range of recreation and community facilities on the one site which will create opportunities for cost savings in construction, synergy between the various users and for a coordinated management arrangement.

Included within the consultants brief was the requirement to canvass the views of the Department of Sport and Recreation and the respective State Association on the identified community needs. The Department was supportive of the proposal as recommended, as were the tennis, netball and football associations. This support is of importance as State Government funding toward the cost of construction of the facilities will be imperative to maximise the opportunities of the site and meet demand.

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

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

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

### **Budget/Financial Implications**

Council has placed on its Principal Activity Plan \$600,000 for ovals and \$100,000 for preliminary design work for Club/Community Facilities for 2005/06. Of this amount \$570,000 is a Council contribution and \$130,000 is from cash in lieu.

The plan shows \$1,350,000 toward the buildings on the site of which \$800,000 was to come from Council sources and \$550,000 from other sources. The ten-year forward plan shows \$1,000,000 for hard courts in 2010/2011. The research clearly demonstrates that these are required earlier. Broadly speaking it is expected that the preferred option will fit the budget allocated for 2005/06 and 2006/07.



**Legal Implications**

N/A

**Community Consultation**

The consultants have surveyed 2,000 resident households of suburbs in the East Ward with 20% of these being returned and used in the resultant findings.

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

Nil.

**17.2 (MINUTE NO 2457) (OCM 15/06/2004) - MEMORIAL HALL AND PRECINCT UPGRADE (4605; 8406) (RA)****RECOMMENDATION**

That Council:

- (1) adopt the refurbishment of Memorial Hall and the landscaping of the precinct in accordance with Alternative 1 and these works proceed subject to the adoption of the Structure Plan for the Memorial Hall Precinct and requisite funding; and
- (2) commit to the refurbishment of the Memorial Hall and the landscaping of the precinct in accordance with Alternative 1 with works to proceed on the option of the Structure Plan for the Memorial Hall Precinct.

**COUNCIL DECISION**

MOVED Mayor S Lee SECONDED Clr S Limbert that:

- (1) Council commit to the refurbishment and additions to the Memorial Hall and the landscaping of the property for the total project as identified by the consulting architect for 2006/07; and
- (2) the plans prepared for these works form the basis of the Structure Plan for the Memorial Hall Precinct.

**CARRIED 9/1****Explanation**

The Principal Activities Plan shows the planned alterations and refurbishments being completed in 2006/07 and this resolution reflects that. There has been extensive public consultation on the Memorial Hall renovations with strong public support being evident as an outcome of the consultation. The hall sits on one of the major intersections in the City and Council needs to be definite about lifting the appearance of the area.

### **Background**

Council at its meetings of the 15 October 2002 and 19 November 2002 resolved to investigate a number of options for the Cockburn Civic Centre and concurrently had resolved also at its meeting of the 19 November 2002, to appoint a suitable qualified consultant to develop concept plans for the refurbishment of Memorial Hall. There was also consideration being given for the need for additional space to accommodate increases in staff numbers and the expansion and upgrade of the Elected Members area.

Council at its meeting of the 15 July 2003 considered all these matters together and resolved to upgrade the Memorial Hall, the use of the Civic Centre and the administration building needs. The decision of Council at this meeting is as follows:

- “(1) require the Architect contracted for the Memorial Hall project to develop concept plans and usage options that:*
- 1. Are cognizant of and in accordance with the Conservation Plan for the Memorial Hall, as attached to the Agenda.*
  - 2. Allow for a facility that is suitable for cultural/arts activities and/or for functions for at least 100 people.*
- (2) on the completion of the concept plans and usage options, instigate a public consultation process to include a consultative workshop with stakeholders prior to the matter being submitted to Council for its consideration;”*

The architect gave a briefing to Elected Members and senior staff on the concept plans on the 14 October, 2003. A similar briefing was provided to interested community members on the 20 October, 2003.

### **Submission**

N/A

### **Report**

The appointed Architect, Palassis Architects have prepared a concept plan for the area around the building, the building itself and possible



expansion of the building to provide for a range of additional specific activities.

There have been three possible stages identified by the Architect for the project. The first stage is a relatively minor upgrade of the building façade and some tree planting in the surrounds. This work has been estimated at \$110,000. The second stage is more significant involving the removal of the two 'wings' constructed on the original building to bring it back to its original form and the restoration of the old building. This stage, by necessity, provides for construction of a new kitchen and toilet area to serve the hall. The third and final stage proposed by the Architect involves the construction of a lesser hall / gallery and green rooms to serve the stage. This stage could be further divided into a lesser hall / gallery space and green room component.

The stages and indicative costs prepared by the Architect is as follows:-

### **HAMILTON HILL MEMORIAL HALL**

#### **Stage 1**

South West Façade	\$80,000.00	
Tree Planting	<u>\$30,000.00</u>	
<b><u>Sub Total Stage 1 exc GST</u></b>		<b><u>\$110,000.00</u></b>

#### **Stage 2**

Construct new kitchen/toilets 100m <sup>2</sup> x 2000/m <sup>2</sup>	\$200,000.00	
Board of south east wing & build new wall	\$30,000.00	
Connect kitchen/main hall	\$26,000.00	
Demolish north west wing	\$6,000.00	
Carry out conservation/adoption main hall:		
Interior	\$225,000.00	
Exterior	\$62,000.00	
Landscape works 4800m <sup>2</sup> x \$40/m <sup>2</sup>	<u>\$192,000.00</u>	
<b><u>Sub Total Stage 2 exc GST</u></b>		<b><u>\$741,000.00</u></b>
<b><u>Total 1 and 2</u></b>		<b><u>\$851,000.00</u></b>

#### **Stage 3**

Construct gallery/lesser hall 120m <sup>2</sup> x \$2000/m <sup>2</sup>	\$240,000.00	
Construct new green rooms 65m <sup>2</sup> x	\$130,000.00	



\$2000/m <sup>2</sup>	
Link to kitchen/toilet to gallery	\$26,000.00
Complete landscaping	<u>\$20,000.00</u>
<b><u>Sub Total Stage 3 exc GST</u></b>	<b><u>\$416,000.00</u></b>
	<b>\$1,267,000.00</b>
Plus Fees 10%	<b><u>\$126,700.00</u></b>
<b><u>Grand Total</u></b>	<b><u>\$1,393,700.00</u></b>

All figures exclude GST, contingency, and escalation and will vary according to detailed design, materials selection and market conditions at time of tender. Figures are a budget indication only prepared October 2003, and require confirmation as design proceeds. The total cost of the project at present values inclusive of fees is in the vicinity of \$1,400,000 (excluding GST).

### **The Site:**

The intersection of Rockingham Road and Carrington Street in Hamilton Hill is a major entry point into the City of Cockburn. The site gives a very poor presentation in part due to the rundown state of the shopping centre buildings to the north of the intersection. The War Memorial and its immediate surrounds also appear as unkempt and located within an unattractive bitumen area.

For a number of years the parking area around Memorial Hall has served as a bus terminus and transfer point for the metropolitan bus service. Proposed alterations and improvements made to the Memorial Hall precinct requires that bus movements through the site need to be modified.

Discussions have been held with the Department of Planning and Infrastructure (DPI), owners of the adjoining land and traffic authorities on the best means to address bus movements in the area. The plan proposed by the architect takes into consideration this element although more detailed discussion is required to finalise the plan particularly in respect to the location of public parking. The funding of the road works associated with the bus transfer and parking will need further discussion with the Department of Planning and Infrastructure and Transperth. It is expected that these authorities would be required to substantially cover the cost of these works.

### **Alternative 1 - Hall and Landscaping Upgrade:**

Whilst the architect has proposed 3 stages to the project it is strongly recommended, should Council decide to proceed with the project that stages 1 and 2 be amalgamated on the basis that there are benefits accruing from the upgrade of the Memorial Hall, re-establishing the





Memorial, creating an effective and attractive bus transfer point and landscaping the area occurring simultaneously. The anticipated cost of this alternative is \$851,000 say \$950,000 with fees and contingency.

Bringing the building back to its original core and replacing the kitchen and toilets will contribute to the increased usage level of the building. It is this area of improvement that may attract funds from the Lotteries Commission.

The landscaping of the outside of the Hall will enhance the appearance of the area and the appearance of the key intersection.

It is expected that the removal of the old wings from the existing hall will improve the acoustics of the hall and this will make it more attractive to hire for functions and regular users. There are currently 4 regular hirers using the hall and there is hence a lot of time available for additional regular hirers. Further, functions at present only occur one to two times a month, hence, there is also scope to greatly increase function usage.

The envisaged alterations to the hall with the removal of the two wings to bring the building back to its original condition will result in a hall with a capacity of 200m<sup>2</sup>.

Functions that could be attracted to use the hall could include:

- Weddings – the opportunity for ceremony to be held in the landscaped grounds and the reception in the hall.
- School Graduations and Awards Nights
- Fundraisers
- Sporting group functions
- Community Group activities such as “Meet the Neighbours evenings”
- Birthday Parties
- Old fashion dances

It ought to be noted that this is the only hall in the City with a purpose built stage which lends itself to use for some specific functions.

### Memorial Hall Income and Expenditure

Year	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004
Income	\$6,210.15	\$7,003.69	\$12,528.93	\$9,776.70	\$6,218.00
Expenditure (exc Depreciation)	\$8,334	\$16,483	\$22,101	\$20,045	\$10,675

### Comparison with other halls

Halls	Income for 2002/2003	Expenditure
Yangebup Hall	\$22,445.83	\$52,511
Atwell Hall	\$49,894.91	\$57,294

**Memorial Hall (from completion of Stage 1) Anticipated Income / Expenditure**

Year	Year 1	Year 2	Year 3
Income	\$15,000	\$16,000	\$17,000
Expenditure (less depreciation)	\$20,000	\$21,000	\$21,600

There would be an additional \$20,000 **required** annually for the maintenance of the gardens and lawns around the hall and memorial.

The first alternative is essentially to improve the aesthetics of this prime site and the building appearance. These improvements are likely to increase patronage of the refurbished hall.

**Alternative 2 - Addition of Green Room & Dressing Rooms:**

The architect has estimated the construction of green and dressing rooms to serve the stage, is estimated to be \$150,000 inclusive of fees. There would be a further amount of approximately \$70,000 required for basic seating, lighting and a sound system to allow for the utilisation of the performance area.

With the inclusion of the proposed dressing rooms and green room facility the Memorial Hall is opened up to wider usage opportunities.

In addition to the uses stated above the following groups and activities could also be accommodated which would allow for a greater scope in the hire of the facility.

- Professional & Amateur Theatre groups
- Theatre work shops
- School plays/productions
- Film Nights
- Band Practice
- Choirs
- Seniors gatherings for performances

On the assumption that this portion of the development cost in the vicinity of \$220,000 the operating and maintenance cost would be in the vicinity of \$5,500 pa based on these costs being 2½% of the capital cost of construction.

The income generated is difficult to estimate, as there are no similar facilities in the City. Other comparable facilities in metropolitan Perth have a range of management models, which makes estimations of income and expenditure problematic particularly when there are no readily identifiable users for the Memorial Hall facility. The market for these facilities is very much dependant upon the level of volunteer



involvement in theatre groups and the like and frequently require financial contributions from State and local Government.

### **Alternative 3 - Addition of Lesser Hall / Gallery Space:**

The architect anticipates the construction cost of this area to be in the vicinity of \$300,000 inclusive of fees. The provision of the lesser hall / gallery space would allow for more activities to be included within the main hall as there could be concurrent events or larger events occurring that require separated areas.

The lesser hall would hold approx 110 people and would be available for the following activities.

- Community associations meeting space
- Project space
- Art exhibitions
- Workshop space
- Language classes
- Playgroups
- Crèche – (for activities happening in Main Hall)
- Yoga
- Craft groups
- Spill out space for seminars etc happening in Main Hall

The Lesser Hall is also intended to double as a gallery space where small exhibitions can be mounted and with the number of professional artists that reside in Cockburn and the lack of a local exhibition space this space has the potential to be utilised for this purpose.

The income generated from the provision of a lesser hall / gallery area is difficult to estimate. It is unlikely that the provision of an art gallery would provide a significant level of income. Furthermore, it is unlikely that there could be other activities taking place in the gallery area while an exhibition is taking place. The more exhibitions held would result in less income from other sources. Overall an income level of say \$4,000 pa would not cover an anticipated operating cost of this area of say \$6,000.

### **Alternative 4**

An alternative available to Council not canvassed by the Architect is for the restoration of the façade of the building to bring it back to its original condition, landscaping around the building including moving the War Memorial and a rationalisation of parking and bus traffic across the site. Indicative costs for this work are as follows:-

*	Restoration of the	\$80,000
	South West Façade	



*	Landscaping and move of War Memorial	\$120,000
*	Roadworks and Parking for hall and bus transfer	\$150,000
*	Upgrade of toilet and kitchens within the Hall	\$50,000
		\$400,000

It would be expected that there would be a contribution from Transperth of say \$70,000 toward the bus transfer station and association parking.

**Conclusion:**

It is proposed that Council proceed with the development of Alternative 1 of the project subject to the Council receiving a clear commitment from the State Government on the concept plan for the overall precinct and a commitment to fund the infrastructure associated with the bus transfer station.

The development of alternatives 2 and 3 ought to be considered by Council at a later date and be on the basis of a more detailed report on the likely users of facilities that will serve primarily as a cultural arts facility for the City. Such a report would investigate matters such as the levels and nature of usage of these facilities, operating costs and income generation.

**Strategic Plan/Policy Implications**

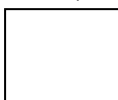
“To facilitate and provide an optimum range of community services” refers.

“To conserve the character and historical values of the human and built environment” refers.

**Budget/Financial Implications**

The redevelopment of the Memorial Hall and the precinct will involve a significant capital cost to the City of approximately \$1,400,000. A significant contribution from the State Government through the Department of Planning and Infrastructure for modification to the bus terminus and adjoining roads would be expected. The shops to the north of the hall site are in need of redevelopment and have been identified by DPI as the site of possible urban renewal with some income generating potential for the State Government.

The Principal Activities Plan has identified \$900,000 for Alternative 1 and \$450,000 for Alternative 2 giving a total of \$1,350,000 of which \$600,000 is to come from other sources.



**Legal Implications**

N/A

**Community Consultation**

Palassis Architects carried out significant and well-publicised consultation with all stakeholders and other interested parties on the proposed redevelopment. The findings of their study are included in the Hamilton Hill Memorial Hall Conservation Plan January 2004.

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

Nil.

**17.3 (MINUTE NO 2458) (OCM 15/06/2004) - STRATEGIC BUSINESS PLAN FOR COCKBURN WETLANDS EDUCATION CENTRE AND HARVEST LAKES RESOURCE CENTRE (4617) (RA) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receives the Cockburn Environmental Centre's Strategic Business Plan and related information;
- (2) increases its total contribution in its 2004/05 Municipal Budget from \$25,000 to \$40,000 for the Cockburn Wetlands Education Centre (CWEC) as a contribution towards the operation of services from the Centre; and
- (3) allocates \$10,000 within the Municipal Budget for 2004/05 for the development of a concept plan and cost estimates for the Hope Road precinct.

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

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr L Goncalves that Council:

- (1) receive the Cockburn Environmental Centre's Strategic Business Plan and related information;
- (2) make a contribution of \$120,000 over three(3) years, payable yearly, to the Cockburn Wetlands Education Centre as a



contribution towards the operation of services from the Centre;  
and

- (3) allocate \$10,000 within the Municipal Budget for 2004/05 for the development of a concept plan and cost estimates for the Hope Road precinct.

**CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 10/0**

### **Explanation**

By providing for a funding amount over three years, Council enables the Cockburn Wetlands Education Centre to have increased certainty in relation to its revenue sources and this is considered valuable for the Centre's forward planning processes.

### **Background**

The CWEC has come under significant financial constraint in recent years with the Commonwealth restructure of Natural Heritage Trust grants. This has resulted in reduced service delivery and some one-off supplementary fund allocations from Council, above the existing \$25,000 (which has remained at this level for 5 years).

At the Ordinary Council Meeting of 29 July 2003, the City resolved to allocate the sum of \$10,000 for the engagement of a Consultant/Specialist to prepare a Strategic Business Plan for the Cockburn Wetlands Education Centre and the proposed Atwell Resource Centre. Subsequent to this resolution David Winter from Business Horizons was contracted to undertake the work. The outcomes from this work and correspondence with the Board of the CWEC are presented here.

Elected Members were briefed on the status of the project on 13 April 2004.

### **Submission**

N/A

### **Report**

Six options have been identified and reported on by Business Horizons and are presented in the attached executive summary and recommendation. The discussion paper has been considered by the Board of the CWEC and a response from the Board is also attached.



A modified version of Option 6 is the recommended strategy as it builds on the existing strengths of the CWEC, is consistent with current Scouts plans to replace existing storage facilities, upgrading to accommodate indoor activities has been considered, will become a 'show case' environmental education facility for the City, retains expertise and management within Cockburn and involves minimal capital injection from the City.

In a 2004/2005 budget submission, the CWEC has requested an increase in salary component of funding to \$40 000 per annum to replace a staff member lost last year. Given that the City has not increased the Centre's Building Management payment of \$25 000 since it was introduced and the Centre estimates a multiplier effect of 10 for the community on the City's contribution, it is recommended that the increase in funding be approved.

Option one proposed by the consultant is for Council to maintain the current level of funding at \$25,000. This option is not supported by the consultant, the CWEC nor the City as the CWEC is not a viable entity able to provide a level of service commensurate with the funding, as significant resources are required to perform basic administrative tasks.

Option two identified by the consultant is to increase the level of grant to the CWEC by \$45,000, from \$25,000 to \$70,000. In the view of the Consultant this level of funding would ensure that the CWEC would be able to provide a high level of environmental education and high quality environmental works around the nearby lakes. The CWEC, however, believe that the level of funding they require is \$40,000 or an increase of \$15,000 pa.

Option three is for the co-location of the CWEC and the Harvest Lakes programs at the Hope Road premises. There are several advantages with this proposal including the sharing of resources and joint promotion. The success of this option is based on the continuation of funding from Sustainable Energy Development Office (SEDO), which accounts for 70% of the funds required for the employment of the officer. To be assured of long-term viability the City would be required to contribute at least \$40,000 for the CWEC portion of the activities and potentially a further \$50,000 to cover the cost of the employment of the sustainability officer should the State Government funds not be continued. There is potentially a large financial commitment required by Council, acknowledging that the result would be a comprehensive wetlands and energy conservation and sustainability education service offered by Council.

Option four canvassed by the consultant is for the City to contract on a fee for service basis the CWEC to carry out specific environmental works and educational services. Whilst this provides the CWEC with some opportunities it would require the group to be competitive in the market place with bigger private providers of environmental works



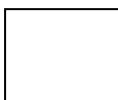
services. The CWEC does not currently have the physical and human resources to carry out such projects. The City would be in possible breach of competition policy guidelines should it give some advantage to the CWEC.

Option five is a partnership with the City of Melville to facilitate the delivery of environmental/ sustainable living education programs for the region from their Piney Lakes premises. There are a number of significant advantages with this option including: reduction of duplication of services across the region; opportunities to develop an integrated range of coordinated services: economies of scale with centrally coordinated financial and general administration: enabling an organisation structure that allows for Piney Lakes to become a premier delivery point for sustainability complemented with the Wetlands Education Centre services and the South Atwell facility. In the view of the consultant this option would require a commitment from the City of Cockburn to match that of the City of Melville, which is proposed to be \$97,000. In Council funds the City's contribution would be \$65,000 with the balance coming from SEDO and current corporate sponsors. The City would also need to fund the major maintenance of the Hope Road facility, which is likely to be in the vicinity of say \$4,000 pa. On the negative side it is possible that over time the Wetlands Education Centre and Atwell South facility would become minor satellite offices of the larger better resourced Piney Lakes facility and the epicentre of activity would be in Melville. It is evident that this option is not preferred by the Board of the CWEC. Council, should it proceed down this path, could be 'forcing' the CWEC to join into a new structure.

An option that has not been proposed in the report is for the Council to cease funding altogether for the CWEC and come to some arrangement with the Scouts for the managerial use of the hall. Besides the impact of the services currently provided by the CWEC ceasing another impact of this line of action is that a number of other affiliated groups that currently use the facilities that have an environmental mandate would have their use of the facilities compromised. These groups include the Friends of Bibra Lake, Wildflower Society of WA, Australian Wetlands Alliance, Centre for Groundwater Studies, Conservation Volunteers Australia and Perth Biodiversity Project.

On balance the most viable option is to provide an additional \$15,000 to the CWEC group for 2004/05 and 2005/06 to consolidate their activities and employ a person specialised in finances and administration. This will give the group some certainty until such time as the concept plan for the overall site is determined and funding for possible redevelopment to meet the needs of the various parties is identified.

The consultant's brief was to investigate the viability of the CWEC and the South Atwell facility and making recommendations on the best





means to provide environmental and sustainability services to and for local residents.

Since the development of the brief and the instigation of the report there has been some discussions with the WA Scout Association on their future plans within the City of Cockburn. The scouts are keen to continue their presence and consolidate their activities in Hope Road. They also advise that there is an environmental unit within the scout organisation that could be located in Hope Road should there be suitable accommodation. Several other buildings on the site are in a poor state of repair, namely the old asbestos house and the sheds used for storage by the scouts. The CWEC have previously sought support from the City for additions to the current building to allow for the establishment of permanent wetlands displays which would give them the opportunity to provide quality wetlands education facilities rather than the current arrangement where displays can only be temporary. The cost of the extensions to the current facilities to meet the needs of the CWEC has been estimated to be \$250,000.

The old asbestos house currently used by the Native Arc as its headquarters is in a very poor state of repair and totally unsuitable for their needs as a native animal rehabilitation facility. There has been a budget allocation in 2003/04 of \$5,000 made for the removal of this building; this has not been progressed, as there have been no funds identified to provide a substitute facility.

Bringing these issues together there appears to be an option for the development of new facilities to accommodate all the scouts needs and for the existing centre to be provided to the CWEC as is to meet their requirements. Such an arrangement, which satisfies the needs of both the scouts and the CWEC would be an attractive funding option to Lotteries West, the main source of funds for the Scout Association and for the CWEC. Built into the funding application to Lotteries West would be funds to provide appropriate facilities for Native Arc.

In conclusion it is proposed that Council allocate in its 2004/05 budget the sum of \$10,000 for the development of a concept plan for the possible coordinated development of the site that includes the CWEC, scouts storage sheds, parking areas, native arc facilities including the asbestos house and the house use by the Waalitj Aboriginal Corporation for consideration by Council.

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

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

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



- *"To conserve the character and historic value of the human and built environment."*
4. Facilitating the needs of Your Community
- *"To facilitate and provide an optimum range of community services."*

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

Requested increase in payment to CWEC of \$15 000 to \$40 000. An allocation of \$10,000 for the development of a concept plan and costings for the upgrade of the Hope Road Precinct.

Council's current budget for the CWEC is comprised of \$15,000 as an operational subsidy and \$10,000 toward the cost of an education officer. It is proposed that all donations to the CWEC be consolidated into one donation.

#### **Legal Implications**

N/A

#### **Community Consultation**

N/A

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

Nil.

THE PRESIDING MEMBER PRESENTED THE MINUTES OF THE COCKBURN SECURITY SERVICES COMMITTEE – 3 JUNE 2004 FOR CONSIDERATION BY COUNCIL

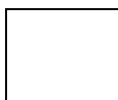
**17.4 (MINUTE NO 2459) (OCM 15/06/2004) - MINUTES - COCKBURN SECURITY SERVICES COMMITTEE 3 JUNE, 2004 (8957) (DMG) (ATTACH)**

#### **RECOMMENDATION**

That Council receives the Minutes of the Cockburn Security Services Committee, as attached to the Agenda, dated 3 June, 2004, and adopts the recommendations therein.

#### **COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr L Goncalves that the recommendation be adopted.



**CARRIED 10/0****Background**

A meeting of the Cockburn Security Services Committee was conducted on 3 June, 2004. The meeting made a number of recommendations which require Council consideration.

**Submission**

To adopt the Committee recommendations.

**Report**

Refer to Committee Minutes. In summary, it is recommended that the Business Case required by Council to be prepared, and the associated Due Diligence Review be received as information and that Council conditionally supports a Joint Venture security patrol service being established, in conjunction with the City of Melville, to cover the Cockburn District.

**Strategic Plan/Policy Implications**

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

**Budget/Financial Implications**

Refer to Committee Minutes

**Legal Implications**

Refer to Committee Minutes

**Community Consultation**

Refer to Committee Minutes

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

Refer to Committee Minutes

**18. EXECUTIVE DIVISION ISSUES**

Nil



**19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**21 (OCM 15/06/2004) - NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS**

Mayor Lee agreed that the following items be added to the Agenda.

21.1 Appointment of a New Chief Executive Officer (2612) (ATC)

21.2 Claim for Reimbursement of Vehicle Damage – Cathy Hatte (5511) (Mayor Lee)

21.3 Car Park Security – Council Offices and Elected Members Parking Area (8959) (Clr Limbert)

**(MINUTE NO 2460) (OCM 15/06/2004) – MEETING BEHIND CLOSED DOORS**

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Clr A Tilbury that pursuant to s5.23(2) (a) and (c) of the Local Government Act, 1995 (WA) Council move behind closed doors, the time being 8.14 pm, to discuss Items 21.1 and 21.2.

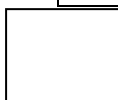
**CARRIED 9/1**

DIRECTOR - COMMUNITY SERVICES, DIRECTOR - PLANNING AND DEVELOPMENT, DIRECTOR - ENGINEERING AND WORKS, COMMUNICATIONS MANAGER AND SECRETARY – FINANCE AND CORPORATE SERVICES LEFT THE MEETING AT THIS STAGE THE TIME BEING 8.15 PM

**21.1 (MINUTE NO 2461) (OCM 15/06/2004) - APPOINTMENT OF A NEW CHIEF EXECUTIVE OFFICER (2612) (ATC) (ATTACH)**

**RECOMMENDATION**

That Council consider the Confidential Report prepared by Director,



Finance and Corporate Services, as attached to the Agenda, in relation to the appointment of the new Chief Executive Officer.

### **COUNCIL DECISION**

MOVED Cllr M Reeve-Fowkes SECONDED Cllr S Limbert that Council:

- (1) adopt the Position Description for the Chief Executive Officer, as attached;
- (2) give approval for the advertised remuneration package for a new Chief Executive Officer to be set in the vicinity of \$180,000 per year; and
- (3) amend the annual remuneration package to exclude the reference to a 'laptop computer' and replace the words 'mobile telephone and home phone connection' with 'communication allowance' at an assessed value equivalent to the annual communication allowance payable to Elected Members.

**CARRIED 10/0**

### **Background**

At its meeting on 18 May 2004 Council established the "Co-ordination of the Appointment of a New Chief Executive Officer Committee" to co-ordinate all necessary documentation, advertising and short-listing of candidates for the position of Chief Executive Officer. Council will then appoint an interview panel that will make a recommendation to council as to the preferred candidate(s) for final decision.

### **Submission**

N/A

### **Report**

A confidential report has been forwarded under separate cover to all Elected Members.

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

Key Result Area "Managing Your City" refers.

### **Budget/Financial Implications**



Funds for the employment of a Chief Executive Officer are contained within the Budget.

### **Legal Implications**

Legal advice will be obtained prior to finalising the Contract of Employment for the new Chief Executive Officer.

### **Community Consultation**

N/A

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

Nil.

### **DECLARATION OF CONFLICT OF INTEREST**

Clr Tilbury declared a conflict of interest in the following item. The nature of the interest being that Cathy Hatte used to live next door to her.

CLR TILBURY LEFT THE MEETING AT THIS STAGE THE TIME BEING 8.43 PM

## **21.2 (MINUTE NO 2462) (OCM 15/06/2004) - CLAIM FOR REIMBURSEMENT OF VEHICLE DAMAGE - CATHY HATTE (5511) (MAYOR LEE)**

### **COUNCIL DECISION**

MOVED Mayor S Lee SECONDED Clr K Allen that:

- (1) Council in response to a claim received via email from Mrs Cathy Hatte dated 24 May 2004, and as a gesture of good faith, make a 'without prejudice' payment of up to a maximum of \$633.10 for repairs to her vehicle allegedly damaged at Council's Wellard Street Works Depot on 13 May 2004, in accordance with a quote provided by Mrs Hatte from Melville Mitsubishi; and
- (2) payment to be forwarded upon receipt of the works being carried out.

**CARRIED 7/2**

CLRS WHITFIELD AND OLIVER WISHED THEIR VOTE AGAINST



THE MOTION TO BE RECORDED

### Explanation

Council believes that it is in the best interest of all concerned to provide this matter with closure through an ex-gratia payment to Mrs Hatte for repairs to the damage to her vehicle which allegedly occurred at the picket line at Wellard Street.

CLR TILBURY RETURNED TO THE MEETING THE TIME BEING 8.47 PM

### **(MINUTE NO 2463) (OCM 15/06/2004) - MEETING OPEN TO THE PUBLIC**

#### **COUNCIL DECISION**

MOVED Clr K Allen SECONDED Clr S LIMBERT that the meeting be opened to the public the time being 8.51 pm.

**CARRIED 10/0**

SECRETARY, FINANCE AND CORPORATE SERVICES RETURNED TO THE MEETING THE TIME BEING 8.49 PM.

THE PRESIDING MEMBER READ THE DECISION OF COUNCIL WHILST BEHIND CLOSED DOORS.

### **DECLARATION OF CONFLICT OF INTEREST**

Clr Reeve-Fowkes declared a conflict of interest in the following item as Item (3) is subject to a claim he is requesting in relation to his personal car insurance.

CLR REEVE-FOWKES LEFT THE MEETING AT THIS POINT THE TIME BEING 8.51 PM

### **21.3 (MINUTE NO 2464) (OCM 15/06/2004) - CAR PARK SECURITY - COUNCIL OFFICES AND ELECTED MEMBERS (8959) (CLR LIMBERT)**

#### **COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr A Tilbury that Council:



- (1) act immediately on the request that a report be prepared on car park security in the Coleville Crescent Council car parks, with full cost implications of any upgrade being ready for this year's budget deliberations;
- (2) adjust the security camera in the northern (Elected Members) car park to a position where it will view the Mayor and Councillors vehicles; and
- (3) reimburse Cllr Reeve-Fowkes the sum of \$250 being the excess on his personal car insurance claim resulting from an incident where his vehicle was damaged in the Council car park whilst on Council business.

**CARRIED 8/1**

### **Explanation**

Cllr Reeve-Fowkes' car has been broken into and incurred damage on two separate occasions in 2004, one of them resulting in an insurance claim where Cllr Reeve-Fowkes had to pay an excess of \$250. Given the large amount of afterhours meetings attended by the Mayor and Councillors and the history of damage and theft occurring to vehicles in the Councillor's car park, it is considered appropriate that the camera on the northern end of the Council building be realigned to view the Mayor's car parking bay and the area where Councillors park of an evening. Should any upgrades be required to Council's camera security system, they be addressed in the report previously requested by Cllr Reeve-Fowkes in April and mentioned in part (1) above.

CLR REEVE-FOWKES RETURNED TO THE MEETING THE TIME BEING 8.54 PM

## **22 (OCM 15/06/2004) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Deputy Mayor Graham requested that in the interests of best practice management and as a transparency and accountability mechanism, a report be provided to a future Council meeting confirming compliance with Section 6 of the Local Government (Financial Management) Regulations 1996 (WA).





**23. CONFIDENTIAL BUSINESS**

Nil

**24. (MINUTE NO 2465) (OCM 15/06/2004) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 10/0**

**25 (OCM 15/06/2004) - CLOSURE OF MEETING**

MEETING CLOSED 8.57 PM

**CONFIRMATION OF MINUTES**

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

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



