

## CITY OF COCKBURN

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 20 AUGUST 2002 AT 7:30 P.M.

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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
Mr L Humphreys	-	Councillor
Mrs N Waters	-	Councillor
Mr M Reeve-Fowkes	-	Councillor
Mrs V Oliver	-	Councillor

##### IN ATTENDANCE

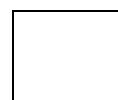
Mr R. Brown	-	Chief Executive Officer
Mr D. Green	-	Director, Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr S. Hiller	-	Director, Planning & Development
Mr B. Greay	-	Director, Engineering & Works
Mrs B. Pinto	-	Secretary, Finance & Corporate Services
Mr C. Ellis	-	Communications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

#### 1693. (AG Item 1) DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.30 pm.

#### 1694. (AG Item 2) APPOINTMENT OF PRESIDING MEMBER (If required)

Nil



**1695. (AG Item 3) DISCLAIMER (Read aloud by Presiding Member)**

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

**1696. (AG Item 4.1) (Ocm1\_8\_2002) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)**

Nil.

**1697. (AG Item 5.1) (Ocm1\_8\_2002) - APOLOGIES & LEAVE OF ABSENCE**

Nil.

**1698. (AG Item 6.1) (Ocm1\_8\_2002) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

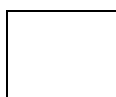
**1699. (AG Item 7.1) (Ocm1\_8\_2002) - PUBLIC QUESTION TIME**

**Mayor Lee** read a response from Director, Planning and Development in reply to Mr Ron Kimber's letter, relating to the State Industrial Buffer Policy, which was tabled at the Ordinary Council Meeting of 16 July 2002.

Further to the above, Mayor Lee tabled a letter he had received from Mr Ron Kimber relative to the same matter, which comprised of the following questions, the answers to which were read by the Mayor:

Q1. Does this mean that the Cockburn Council is still not aware of the review or was this its state prior to its making enquiries of the Department of Planning and Infrastructure?

A1. The City of Cockburn has not been formally advised of the



review, and this continues to be the situation.

On 27 June 2001, the Council's Director, Planning and Development was invited to give a paper to a State Industrial Buffer Policy Review Workshop on a local government perspective on the operation of the buffer experienced since its gazettal in May 1997.

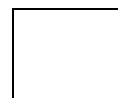
Since this time there has been no further information about the review or its progress.

According to the advice of the Director, Planning and Development, there has been no formal notification to either the public or local government about the commencement of the review.

The Director, Planning and Development has been nominated by the WALGA to be on the Review Steering Committee, but has yet to be formally advised that his nomination has been accepted and because of this has not attended any committee meetings. It is understood that since his nomination there have been no meetings held.

- Q2. Therefore is the Council now in a position to make a formal representation to the review, now that it is aware of the review?
- A2. No. Neither the public nor the Council will be in a position to make formal representations or submissions on the review until a draft policy document has been produced. Advice from the Department for Planning and Infrastructure indicates that this may not be available for some months.
- Q3. Will the Council be making a formal representation to the review of the State Buffer Policy, gazetted May 1997?
- A3. Yes. The City of Cockburn is affected by a large number of buffers and therefore the outcome of the review is important to the future planning and development of the district.
- Q4. Has the Council made enquiries on behalf of the people of Cockburn, as to what is the term of reference for the review of the State's Industrial Buffer Policy?
- A4. According to the advice of the Department for Planning and Infrastructure the terms of reference is contained in the Introduction to the Policy, gazetted in 1997, which states:-

*"It is intended that the WAPC will, after the policy has been in operation for a period of two full years, undertake a review of its*



*effectiveness, and if necessary amend the Policy."*

Therefore, the policy was ready for review in May 1999, more than 3 years ago.

Mayor Lee advised Mr Kimber should contact Ms Kathy Macklin at the Department for Planning and Infrastructure, if more information was required about the Review.

**John Garside**, resident and ratepayer tabled information on the "Follow-up to CCL Audit". He informed Council of the result of the recent meeting held at the South Coogee Agricultural Hall, to discuss outcomes of the CCL Audit and to involve the community in future outcomes of future recommendations.

He requested Council to take an active part in the outcomes of the Audit of CCL and involve itself in bringing about positive outcomes that ensures the continued involvement of industry and commerce within our community that is necessary for the support of the community.

Mr Garside invited Council to comment on the information that was tabled and what its intention would be towards the involvement in the progression of the audit outcomes.

Mayor Lee thanked Mr Garside for his comments.

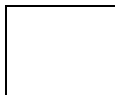
**Ron Kimber**, ratepayer of Beeliar tabled a letter in relation to the area of South Fremantle which has been publicised as the next major development centre for the metropolitan area.

He requested the people of Cockburn to take this opportunity being offered by this development and use it to make Cockburn the best suburb of Perth and in this great State.

Mr Kimber said, that the industry of this State including that in and to the south of Cockburn has been credited with contributing to the development and greatness of this State. He asked, if Council is prepared to show its support for local industry and the people within this City who are employed and earn their livelihood from these industries?

Mayor Lee thanked Mr Kimber for his comments.

**Colin Crook**, ratepayer of Spearwood queried as to the status of the demolition of the building at Pt. Lot 102 Cockburn Road. He also asked, what would be the difference in the cost of moving the dual-use





cycleway eastward as compared to having to clean the sand dunes on a regular basis, at the Robb Road site? His third question was whether Council was going to inform its ratepayers of the potential consequences of the Freight Congress recommendations, in light of the Melville reaction? He felt that this could have an adverse effect on Cockburn.

Mayor Lee replied that the question of the demolition of the building, will be dealt with at tonight's meeting, as the matter has been presented as a late item and been made available to the public with the rest of the Agenda papers.

The other two questions will have to be taken on notice and responded to in writing.

Mayor Lee thanked Mr Crook.

**1700. (AG Item 8.1) (Ocm1\_8\_2002) - ORDINARY COUNCIL MEETING - 16/7/2002**

**RECOMMENDATION**

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

**COUNCIL DECISION**

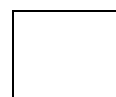
MOVED Clr Humphreys SECONDED Clr Whitfield that the recommendation be adopted.

**CARRIED 10/0**

**1701. (AG Item 8.2) (Ocm1\_8\_2002) - SPECIAL COUNCIL MEETING - 30/7/2002**

**RECOMMENDATION**

That the Minutes of the Special Council Meeting held on 30 July 2002 to adopt the Municipal Budget for the financial year 2002/03 be accepted as a true and accurate record.



**COUNCIL DECISION**

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

**CARRIED 10/0**

**1702. (AG Item 8.3) (Ocm1\_8\_2002) - SPECIAL COUNCIL MEETING - 30/7/2002**

**RECOMMENDATION**

That the Minutes of the Special Council Meeting held on 30 July 2002 to:

- (1) endorse final changes to Scheme 3 so that the Scheme can be forwarded to the West Australian Planning Commission, seeking the final endorsement of the Minister;
- (2) give authority to Mr John West, the newly appointed Principal Building Surveyor, to approve or refuse plans and specifications submitted to the City of Cockburn pursuant to the Local Government (Miscellaneous Provisions) Act 1960; and
- (3) issue to Mr John West, a Certificate of Authorisation as required by Section 9.10(2) of the Local Government Act 1995.

be accepted as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**1703. (AG Item 8.4) (Ocm1\_8\_2002) - SPECIAL COUNCIL MEETING - 30/7/2002**

**RECOMMENDATION**

That the Minutes of the Special Council Meeting held on 30 July 2002 to consider:

- (1) its position for the Western Australian Croatian Association



(Inc.) to borrow from Council, the sum of \$600,000 (six hundred thousand dollars), on a self-supporting loan basis, to enable it to construct a soccer playing pitch and associated facilities, in accordance with a proposed Lease Agreement between Council and the Association, at Lot 22 Progress Drive, Bibra Lake; and

- (2) making two(2) minor clarifying amendments to Annexure 1 (Special Conditions) of the proposed Lease Agreement.

be accepted as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**1704. (AG Item 9.1) (Ocm1\_8\_2002) - WRITTEN REQUESTS FOR LEAVE OF ABSENCE**

Nil.

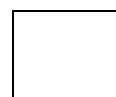
**1705. (AG Item 10.1) (Ocm1\_8\_2002) - DEPUTATIONS & PETITIONS**

Nil.

**1706. (AG Item 11.1) (Ocm1\_8\_2002) - BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (If adjourned)**

Nil.

**1707. (AG Item 12.1) (Ocm1\_8\_2002) - DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING**



Nil.

**1708. (AG Item 13.1) (Ocm1\_8\_2002) - LOCAL GOVERNMENT ELECTIONS - MAY 2003 (1700) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the May 2003 elections; and
- (2) decide, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the elections be as postal elections.

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

**COUNCIL DECISION**

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

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

**Background**

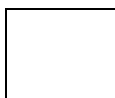
Council is required to conform with legislation procedures prior to each ordinary election day, if it wishes to undertake its elections by postal voting. This relates to declaring the Electoral Commissioner to be responsible for the elections and that the method of voting be by postal vote.

**Submission**

N/A

**Report**

There will be four (4) vacancies on Council for the May, 2003 Elections, one each in West and Central Wards and two in East Ward.



Retiring Councillors are Councillor Humphreys (West), Councillor Waters (Central) and Councillors Whitfield and Tilbury (East).

Council has recently received correspondence from the Western Australian Electoral Commissioner advising of its agreement to be responsible for the conduct of these elections.

The correspondence also contains an implied invitation for Council to utilise the Commissioner's services to undertake the elections on Council's behalf.

To comply with the provisions of the Act, Council is required to adopt the recommendations relative to the decisions to utilise the Commissioner to conduct the elections and to conduct them by postal vote.

Council first used this method at the inaugural elections of a new Council (Mayor and 9 Councillors) in December, 2000, following the dismissal of the previous Council.

The resultant voter turnout of over 43% was a vast improvement on previous "in person" elections held by Council, which typically attract about 10% voter participation.

As Council's budget has accommodated estimated costs of conducting the elections by post, it is recommended that Council continue with this method which should guarantee healthy community input to these elections.

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

Key Result Area "Managing Your City" refers.

### **Budget/Financial Implications**

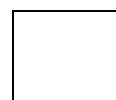
\$100,000 available within the Governance (elections) Account to cover costs associated with the election.

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

The Western Australian Electoral Commission is the only organisation empowered under the Local Government Act, 1995, to conduct Council elections by the postal vote method.

**1709. (AG Item 13.2) (Ocm1\_8\_2002) - PROPOSED AMENDMENT TO STANDING ORDERS LOCAL LAW (1148) (DMG) (ATTACH)**

<b>RECOMMENDATION</b>
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That Council make a Local Law to amend its Local Law relating to Standing Orders, as shown in the attachment to the Agenda.

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

**COUNCIL DECISION**

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

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

**Background**

At the May 2002 Council Meeting, a proposal to amend Council's Standing Orders Local Law was adopted for the purposes of advertising the amendments for public comment.

**Submission**

N/A

**Report**

Following the closure of the period to receive public submissions (July 11, 2002) Council is now required to consider the proposed amendments in response to any submissions received. No comment or submissions have been received.

The primary purport of the amendment is to enable Members to allow a person, having disclosed a conflict of interest at a meeting, to remain and participate in the related decision making process, if considered appropriate to do so. A number of minor amendments are also proposed.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

Nil.

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

Nil.



**1710. (AG Item 13.3) (Ocm1\_8\_2002) - ACTIVE 2002 - SPORT AND RECREATION CONFERENCE - PERTH W.A. (1027) (DMG)**

**RECOMMENDATION**

That Council nominate Councillors Edwards and Oliver as delegates to the Active 2002, Sport and Recreation Conference to be held in Perth on 21 and 22 October, 2002.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

The Annual Active W.A. (Department of Sport and Recreation) Conference will be held in Perth on 21 and 22 October, 2002. Council's Recreation Services Coordinator has been nominated to attend the Conference. Subsequently, Elected Members were advised and requested to register their interest in attending by 6 August, 2002.

**Submission**

N/A

**Report**

At the closing date for receipt of nominations, two Councillors, Clr. Edwards and Clr. Oliver, nominated to attend. Accordingly, pursuant to Council Policy AES6, the matter is referred to Council for its consideration. Both Councillors have identified specific aspects of the programme which are of interest to them.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

Funds are available within the "Governance – Elected Members Conferences" Account.

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



Nil.

**1711. (AG Item 14.1) (Ocm1\_8\_2002) - PROPOSED COMMERCIAL VEHICLE PARKING - LOT 117, NO. 5 CHALLENGER RISE, COOGEE (3316755) (SM) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) refuse the proposed commercial vehicle parking on Lot 117; 5 Challenger Rise, Coogee for the following reasons:
  1. The proposal to park a commercial vehicle will adversely affect the visual amenity of Challenger Rise, due to the vehicle being parked in a highly visible location, within the front building setback and verge area, which detracts from the residential appearance of the street.
  2. The applicant has not satisfactorily demonstrated why the commercial vehicle should be parked on the property and not elsewhere.
- (2) advise the applicant of Council's decision.
- (3) advise those who made a submission of Council's decision.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

ZONING:	MRS:	Urban
	DZS:	Residential R15
LAND USE:	Single House	
LOT SIZE:	858m <sup>2</sup>	
AREA:	N/A	
USE CLASS:	"AA"	





There is no history of complaints relating to the commercial vehicle being parked on the property.

### **Submission**

The applicant has applied to park a Scania prime mover (see attached photos) in the front driveway of 5 Challenger Rise. The applicant states that the vehicle will not be manoeuvred on the property between the hours of 10.00 pm and 6.00 am, nor require to be idled upon starting. Subsequently, there should be no noise issues associated with the proposal.

The application does state that the vehicle will be located on a hardstand area located behind the front of the dwelling, or alternatively within a garage. The application included photographs showing where it is proposed the vehicle will be parked which is in the front setback of the lot.

### **Report**

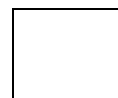
Commercial vehicle parking in a residential area is a use that Council can either approve (with or without conditions) or refuse pursuant to District Zoning Scheme No.2.

The application was advertised for a period of 14 days to 8 adjoining and nearby landowners. A total of 6 submissions were received, of which 3 were in the form of objections while 3 raised no objections. Two separate objections to the proposal were received from one of the nearby landowners. These 2 objections have been treated as one.

The major concerns of those objecting to the proposal and the frequency at which they were raised are summarised below:

- (1) It is inappropriate to park a commercial vehicle in a residential area (x3);
- (2) Allowing the proposal would create a precedent for similar proposals to be approved in the area (x1);
- (3) The vehicle is a safety hazard for children and residents, as it is often parked on the street verge (x1);
- (4) Alternative parking arrangements can be readily found in nearby industrial areas or market gardens (x2).

No objections have been raised relating to noise, which is consistent with the applicant's declaration that the vehicle will only be parked on the property between 9am and 2pm on weekdays.



The major concern with the proposal is that parking the vehicle within the front setback area of the lot will detract from the visual amenity of the street. If the vehicle could be parked to the side of the dwelling behind a screening fence, or alternatively within a garage, the proposal could be more acceptable. However, the layout of the property is such that the only place the vehicle can be parked is in front of the house in full view of residences across the road.

Of note is that those residents whose outlook will not be affected by the proposal raised no objections, while every submission received from the opposite side of Challenger Rise objected to the proposal.

Based on the fact that the proposal would have a detrimental effect on the visual amenity of the area and the objections raised by nearby landowners, it is recommended that the proposal to park a commercial vehicle at Lot 117, 5 Challenger Rise, Coogee be refused.

### **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."*
- *"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."*

### **Budget/Financial Implications**

N/A

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

Nil



**1712. (AG Item 14.2) (Ocm1\_8\_2002) - LEGAL AGREEMENT FOR THE PROVISION OF POS - LOTS 5, 6 & 7 SHALLCROSS STREET, YANGEBUP - OWNER: GOLDTRAIN INVESTMENTS PTY LTD (100883; 118815) (VM) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) enter into a legal agreement with Goldtrain Investments Pty Ltd and the owner of Lot 15 Shallcross Street, Yangebup to the satisfaction of the Chief Executive Officer to ensure the provision of public open space relating to the subdivision of Lots 5, 6 & 7 Shallcross Street, is agreed and committed to, subject to:
  1. All costs associated with the preparation of the legal agreement being paid by Goldtrain Investments Pty Ltd.
  2. A caveat being placed on the Certificate of Title of Lot 15 Shallcross Street to bind the owners to the terms and conditions of the agreement; and
- (3) advise Goldtrain Investments Pty Ltd accordingly.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

ZONING:	MRS:	Urban
	DZS:	Residential R20
LAND USE:	Vacant subject to subdivision approval	
LOT SIZE:	6.1309 ha	
OWNER/APPLICANT	Dalkeith Properties Pty Ltd and Goldtrain Investments Pty Ltd.	

As part of a subdivision and clearance application of house lots within Lots 5, 6 and 7 Shallcross Street, Yangebup (WAPC ref: 100883), the City accepted a letter of undertaking from Dalkeith Properties and Goldtrain Investments Pty Ltd to satisfy the total Public Open space (POS) requirement at the time of subdividing the balance of the land by



vesting a relevant portion of Lot 15 Shallcross Street, which they have under a contract of sale.

The proposal to subdivide Lot 15 Shallcross Street to create the POS was lodged with the WAPC and referred to the City (WAPC Ref: 118815). The City has responded to the subdivision referral.

However, the City and the applicant have been advised that the WAPC is experiencing delays in processing subdivisions and the subdivision of the POS land (Lot 15) may not be approved in time for it to be vested when clearances for the subdivision of Lots 6, 5 & 7 are sought. Therefore, the landowner is prepared to enter into a legal agreement to ensure an expedient clearance of Lots 5, 6 and 7, and to ensure the provision of POS on Lot 15 as soon as possible thereafter.

### **Submission**

A facsimile received from the landowner dated 11 July 2002, requesting a legal agreement and letter of undertaking from the landowners dated 8 April 2002, together with Attachment 'B' – *Proposed Subdivision of Lot 15 Shallcross Street, Yangebup* (refer attachments).

### **Report**

Subdivision of Lots 5, 6 & 7 is well advanced and is anticipated to be completed in approximately six weeks time.

As the landowner wishes to proceed in an expedient manner to ensure the timely clearance of the subdivision of Lots 5, 6 & 7 and in light of the circumstances outlined in the *Background* section above, the applicant has requested Council to enter into a legal agreement for the required POS land on Lot 15 Shallcross Street.

Council has entered into similar arrangements in the past (eg. Bayveiw Heights Stage 1 – Urban Focus) and therefore is supported subject to the execution of a legal agreement and caveat to protect Council's interest. The applicant has agreed to the above at their expense. The agreement would specify a period after the approval is granted (approximately 3 months), and will include a financial penalty for non-performance (eg. interest on the value of the land).

On 12 July 2002 Council officers instructed McLeods to prepare a draft legal agreement. The agreement will ensure that a caveat would be lodged on the Certificate of Title of Lot 15, prior to the City issuing clearances for Lots 5, 6 & 7 Shallcross Street.

A plan showing the location of the lots referred to is included in the Agenda attachments.



It is recommended that Council proceed on the basis outlined.

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

### **Budget/Financial Implications**

N/A

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

Nil

### **1713. (AG Item 14.3) (Ocm1\_8\_2002) - TREE CLEARING INVESTIGATION (9443) (SMH)**

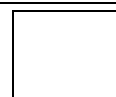
#### **RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) not proceed with a report on developers and businesses that have illegally cleared native vegetation within the district since 1990.

#### **COUNCIL DECISION**

MOVED Cllr Reeve-Fowkes SECONDED Cllr Oliver that Council:



- (1) receive the report;
- (2) not proceed with a report on developers and businesses that have illegally cleared native vegetation within the district since 1990;
- (3) increase the controls to prevent the unlawful removal of heritage places and heritage areas and the unlawful clearing of bushland required to be retained or protected as a condition of subdivision or development approval by:
  1. maintaining a database of applications that have a condition of approval requiring the protection of a heritage place, heritage area or existing vegetation giving details about the lot, the owner, the applicant and the timing of any surveys or management plans to be undertaken relative to the commencement of on-site works.
  2. advising all applicants and owners with such approvals that:
    - (a) it is their responsibility to advise all sub-contractors of the requirements of the relevant conditions.
    - (b) accidental damage or removal of any heritage place, heritage area or vegetation the subject of protection will be deemed to be an unlawful act by the Council and will not be accepted as a defence for such an occurrence.
- (4) require a policy to be prepared which incorporates Council's position in respect to this matter so that it is included in the Standard Conditions for Subdivision (APD16) and Standard Conditions for Development (APD17) as appropriate for consideration and adoption at the next meeting of Council for the purposes of advertising as provided for under Clause 11.1.1 of District Zoning Scheme No.2;
- (5) circulate a copy of its policy to all the major land developers and consultants active within the district for information following its adoption; and
- (6) review the effectiveness of the policy twelve months after its adoption by the Council.

**CARRIED 10/0**



## Explanation

At the June Council Meeting, a report was requested on illegal tree and bushland clearing in the City since 1990. It was considered vital that if Council is to clamp down on 'accidental' or deliberate bushland removal, it must have a central 'database' in which all bushland and heritage sites which are to be retained as part of an approval, are listed. The database should also contain details of applicants or proponents and where possible, the names and details of individuals, so that Council might have a chance of identifying repeat offenders. Council's Policy should also be changed to get bushland and heritage site retention details included in the Standard Conditions for subdivision and development.

With Council re-affirming its commitment to stop illegal bushland removal (whether accidental or otherwise), it is an appropriate time to write to major land developers and consultants and remind them of Council's Policy.

## Background

Clr Reeve-Fowkes requested at the Council meeting held on 18 June 2002 under matters to be noted for investigation, without debate as follows:-

*"Clr Reeves-Fowkes requested for a report to be prepared on developers and businesses that have illegally cleared native vegetation. This report must contain such details as the developers names, the location and size of clearing and the number of occasions in which the individual companies have offended, including any outcomes, prosecutions and warnings. The report to be dated back as far as 1990."*

This issue arose primarily because of recent instances where subdividers had cleared land contrary to subdivision and development conditions.

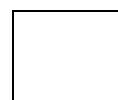
## Submission

N/A

## Report

The requirements of the report have been considered in detail which have lead to the conclusion that even with the 1990 cut off, the task will be difficult and extremely time consuming.

To determine the name of the developer, the location and size of the clearing, the number of occasions the individual companies have offended including any outcomes, prosecutions and warnings would



require a file search of all development and subdivision applications received over the past 12 years.

Over this period more than 4,000 development applications and 1,000 subdivision applications could have been received.

After 1995, development applications were recorded electronically. Prior to this they were recorded in a register by hand. This register cannot be found and may have been discarded. Since 1996, subdivision applications have been electronically recorded, and prior to this recorded in a register.

Each application would need to be searched to determine if any condition of approval related to the retention of native vegetation. Following this it would be necessary to visit the sit to determine the level of compliance, together with a file search to find out whether there had been any warnings, prosecutions or other outcome.

To search 4,000 development applications and 1,000 subdivision referrals/clearances, it could take 250 days or 8 months to complete (allowing 25 minutes to undertake each research), and if 10% had vegetation protection conditions, it could take 63 days or 2 months to undertake the necessary site inspections (allowing 1 hour per inspection).

The Statutory Planning Development does not have the resources to conduct an investigation on this scale, and therefore would need to contract out.

A contract person would need to be employed to undertake the research and write the report and this could cost between \$70,000 to \$80,000.

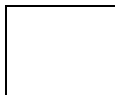
Having completed the report it is not clear what benefit will be derived to the Council or what outcome can be achieved.

For these reasons, it is recommended that the investigation not be undertaken, but the Council continue to apply its vegetation and fauna policies in an endeavour to protect the natural environment.

It is also important to point out that the Council has only employed a Development Control Officer since 2000, in order to better monitor compliance with development conditions.

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

1. 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."*

Policy PD8 - Bushland Conservation Policy  
 Policy PD42 - Native Fauna Protection Policy  
 Policy PD45 - Wetland Conservation Policy

### **Budget/Financial Implications**

The Statutory Planning Development Consultancy Budget – Specialist Technical Advice is \$10,000.

No provision has been made for engaging a contract / consultant to undertake this task.

It is estimated that the cost of undertaking the research, inspecting sites and preparing a report could be in the order of \$70,000 to \$80,000 at a rate of \$30 per hour.

To fund this work, it would be necessary to re-allocate funds within the Statutory Planning Budget or to identify funds from another source.

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

Nil.

### **1714. (AG Item 14.4) (Ocm1\_8\_2002) - NON-COMPLIANCE WITH CONDITIONS OF APPROVAL - VULCAN ENGINEERING - LOC 1843, 2197 CS (3316799) (DB) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) receive the report, and;
- (2) authorise the Director of Planning & Development to suspend legal proceedings against Vulcan Engineering based on the following undertaking from the owner to:
  1. reimburse the Council for all legal expenses and administrative costs incurred in relation to this matter;

2. comply with all the conditions contained in the planning approval issued on the 18<sup>th</sup> of April 1997 by the 31<sup>st</sup> of October 2002.
- (3) subject to the above being complied with to the satisfaction of the Director of Planning and Development, instruct Council's solicitor to cease legal proceedings. Alternatively if the conditions have not been met by the due date, proceed with legal action in accordance with Council's resolution of 15<sup>th</sup> January 2002.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

ZONING:	MRS:	Industrial
	DZS:	General Industry
LAND USE:	Workshop & Heavy fabrication	
LOT SIZE:	0.8743	
USE CLASS:	Industry - General	

Council resolved at its Ordinary Meeting of 15 January 2002 to authorise the Director, Planning and Development to initiate legal proceedings against Katop Pty Ltd for non-compliance with conditions of approval which had not been satisfactorily completed or commenced. The resolution has been implemented, with the execution of complaints and the issuance of summonses for a breach of Section 10.4(a)(i) of the Town Planning & Development Act 1928.

**Submission**

During the course of legal proceedings, Mr Francis Logan MLA, assisted in the matter, by mediating with the City on behalf of Mr Vukusich (Katop Pty Ltd).

Mr Logan proposed that Council cease legal action if Mr Vukusich gave an undertaking to do the required works by the end of October, and to pay for the City's legal expenses and service unit costs. It is understood that this proposal is acceptable to Mr Vukusich. A copy of a letter to Mr



Logan from Mr Vukusich is attached, together with a letter to the Chief Executive Officer.

## Report

The costs incurred by Council to date are:

\$2,022.70	for legal fees
<u>\$ 490.00</u>	for Council Service unit costs
<b>TOTAL</b>	<b>\$2,512.70</b>

Provided the work is completed within the period specified and Council costs are reimbursed the Council could suspend the legal action with a view to withdrawing the proceedings completely when the undertaking by Mr Vukusich has been satisfactorily completed and all outstanding costs have been paid.

## 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 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:-

- |       |  |
|-------|--|
| APD19 | North Coogee, Robb Jetty And Henderson Industrial Area - Development Control |
| APD29 | Development Compliance Process   |



### **Budget/Financial Implications**

Expenses incurred by the City to date in the way of legal fees are in the order of \$2022.70. Similarly all associated Service Unit costs are estimated to be \$490.00. The undertaking given by the defendant to pay for these expenses will offset these costs.

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

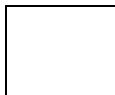
Nil.

**1715. (AG Item 14.5) (Ocm1\_8\_2002) - LEGAL AGREEMENTS FOR DRAINAGE OF LOTS 3, 4, 5, 6 & 7 AND THE PROVISION OF POS FOR LOTS 3 & 4 SHALLCROSS STREET, YANGEBUP - OWNERS: E & G DEVELOPMENTS PTY LTD, GOLDTRAIN INVESTMENTS PTY LTD (100883; 117307) (AJB/VM) (ATTACH))**

#### **RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) enter into a legal agreement together with the WAPC and E and G Developments Pty Ltd to the satisfaction of the Chief Executive Officer to purchase Lot 136 Belladonna Drive from POS cash in lieu funds received from adjoining owners, and vest it as a Reserve for Recreation, subject to;
  1. All associated costs being paid by E & G Developments Pty Ltd.
  2. A caveat being placed on the Certificate of Title of proposed Lot 136 Belladonna Drive to bind the parties to the terms and conditions of the agreement.
  3. The land to be purchased by the City of Cockburn will be at englobo value.
  4. The City of Cockburn will purchase the land following the collection of sufficient cash-in-lieu funds from other landowners in the Structure Plan area.
- (3) enter into a legal agreement with E & G Developments Pty Ltd to the satisfaction of the Chief Executive Officer and Goldtrain Investments Pty Ltd to formalise the drainage requirements as part of the subdivision clearance for Stage 1 of Lots 3 & 4 Shallcross Street, Yangebup, subject to;



1. All costs associated with the preparation of the agreement being paid by E & G Developments Pty Ltd.
  2. A caveat being placed on the Certificate of Title of proposed Lot 108 Partri Lane to bind the owners to the terms and conditions of the agreement; and
- (4) advise E & G Developments Pty Ltd, Goldtrain Investments Pty Ltd and the WAPC accordingly.

**COUNCIL DECISION**

MOVED Clr Humphreys SECONDED Clr Tilbury that the recommendation be adopted

**CARRIED 10/0**

**Note:** The Chief Executive Officer advised the meeting that the last paragraph of Point 1.-2. of the report be amended to refer as Lots 5 - 7 and not Lots 6 -8.

**Background**

Zoning	MRS	Urban
	DZS	Residential R20
Land Use	Vacant subject to a subdivision approval	
Lot Size:	3.9744 ha	
Owner/Applicant:	E & G Developments Pty Ltd	

On 22 June 2000 the Western Australian Planning Commission approved the subdivision of various lots, including the subject land in the Shallcross Street area Yangebup as shown on the plan in the Agenda attachments. The plan showed an overall allocation of the required 10% POS rather than 10% being provided on each land owners property, given at that time the landowners had agreed to jointly subdivide their land.

Subsequently some of the owners decided not to proceed jointly as originally proposed. Within the application area Lots 5, 6 and 7 were sold to Goldtrain Investments Pty Ltd and are being subdivided separately and only Lots 3 and 4 are being subdivided at this time as originally proposed. This has necessitated the preparation of cost sharing arrangements between the various parties as required by Condition 35 of the subdivision approval (WAPC Ref. 100883).



Condition 35 of the WAPC approval requires that:

35. *The subdivider shall prepare to the satisfaction of the Western Australian Planning Commission a schedule which clearly identifies and equitably apportions on a staged basis the contributions to be made by all landowners, towards the cost of the common service and community infrastructure pertaining to the relevant conditions of this approval, including roads (land purchase, earthworks, upgrading and construction), drainage, public open space, school site, pedestrian facilities and water/sewerage prior to the commencement of the respective stage of subdivision (WAPC) (LG).*

The footnote on the approval relating to Condition 35 advises:

2. *(viii) the preparation of a schedule of landowner's contributions (to be expressed as a pro-rata cost contribution for each of the landowner's) and a schedule of all development costs to be contributed to by each landowner. In addition thereto, in respect of Condition 35, the proponent should liaise with the relevant agencies to ensure that the cost-sharing schedule is to their satisfaction. The schedule can be prepared on a stage by stage basis to reflect the overall agreed pro-rata cost -sharing arrangements.*

### **Submission**

E & G Developments Pty Ltd, on behalf of the owners of Lots 3 and 4 Shallcross Street, have requested Council to formalise cost sharing arrangements in respect to the provision of Public Open Space and drainage as provided for by Condition 35 of the subdivision approval.

### **Report**

The subdivision of Lots 3 and 4 (E & G Developments Pty Ltd) and 6, 7 and 8 (Goldtrain Investments Pty Ltd) is proceeding in accordance with the subdivision approval issued by the Western Australian Planning Commission on 22 June 2000 (Ref 100883).

Cost sharing arrangements required to comply with Condition 35 of the approval to the Council's satisfaction at this time would be:-

#### **1. Public Open Space**

Due to the approved subdivision being prepared for an overall area, the subdivision of Lots 3 and 4 showed an excess of 667m<sup>2</sup> above that required for those lots.

Following discussions between E & G Developments, the City and the Western Australian Planning Commission it was agreed that the 667m<sup>2</sup> should be created as a lot for acquisition by Council from cash-in-lieu



funds collected from other owners within the application area who will not be providing their full 10% open space area. The Western Australian Planning Commission has agreed to the arrangements.

The basis of the arrangements is as follows;

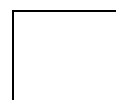
1. The 667m<sup>2</sup> area is to be created as a lot and the obligations of E & G Developments Pty Ltd to sell the land to Council and for Council to purchase the land are to be set out in a legal agreement. The 667m<sup>2</sup> is located adjacent to the 10% POS being provided within Lots 3 and 4.
2. The legal agreement is to be prepared at the landowners expense and the satisfaction of Council's solicitors to cover aspects including the following:
  - The 667m<sup>2</sup> lot is to be purchased by the City from cash in lieu funds received from other landowners within the application area.
  - The City will purchase the lot as and when sufficient funds have been collected from other owners within the structure plan area.
  - The 667m<sup>2</sup> lot cannot be otherwise sold or developed (ie. no disposal clause).
  - The basis for calculating the value of the 667m<sup>2</sup> lot. In this regard it should be noted that the value of the land should reflect the broad acre 'englobo' value of the original holding.
3. The 667m<sup>2</sup> will be created with a caveat in favour of the City to bind the legal agreement.
4. The City will purchase the lot and vest it in the crown as a Reserve for Recreation.

Goldtrain Investments Pty Ltd have satisfied the POS requirement for Lots 6 – 8 by purchasing portion of Lot 15 Shallcross Street which was shown as Public Open Space.

## 2. **Drainage**

Landowners are required to satisfy the drainage requirements for their subdivision within their own land holding or in an alternative location by way of agreement with other land owners.

In the case of the Shallcross Street subdivision this would have resulted in two separate drainage sumps in close proximity. Council officers have been working with E & G Developments and Goldtrain Investments to secure a larger single drainage site on Lots 3 and 4 which could also be rationalised with the drainage of adjoining Lot 34 Thorne Place at a



future date. This would result in reduced maintenance costs to Council and a land saving to the developers.

In principle agreement has been reached with E & G Development on the provision of a combined drainage area. This is now to be formalised through a legal agreement between the City and E & G Developments. The area to which the agreement applies is shown on the plan included in the Agenda attachments. The agreement has been prepared by McLeod & Co for Council at the owners expense.

### **Conclusions**

Condition 35 of the subdivision approval requires the preparation of cost sharing arrangements for the area.

Through discussion with Council officers, E & G Developments, and the Western Australian Planning Commission suitable arrangements have been agreed and are proposed to be formalised through legal agreements.

It is recommended that Council proceed on the basis outlined.

Given that this is a special arrangement under a condition of subdivision imposed by the WAPC, the WAPC should also be a signatory to the legal agreement.

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

### **Budget/Financial Implications**

Nil. Acquisition is to be funded from cash-in-lieu funds collected.

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

Nil.





**1716. (AG Item 14.6) (Ocm1\_8\_2002) - PROPOSED STRUCTURE PLAN - LOT 203 BARFIELD ROAD, HAMMOND PARK - OWNER: PEET & CO (9643B) (SOS) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) inform Masterplan Consultants that;
  - 1. Council is prepared to allow the proposed Structure Plan for Pt Lot 203 Barfield Road, Hammond Park to be advertised for public comment;
  - 2. Comments from the Department of Environmental Protection and the Water and Rivers Commission are required before Council considers the proposal again; and
  - 3. This decision should not be construed as support for the proposal or that approval will ultimately be granted; and
- (2) commence advertising procedures in accordance with the provisions of District Zoning Scheme No.2 upon receiving a revised Structure Plan document, amended in accordance with Masterplan Consultants letter dated 10 July 2002.

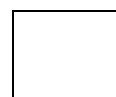
**COUNCIL DECISION**

MOVED Cllr Waters SECONDED Cllr Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**Background**

ZONING:	MRS:	Urban
	DZS:	Development zone and falls within Development Area 9 and Development Contribution Area 3
LAND USE:	Vacant	
LOT SIZE:	4.59ha	
AREA:	-	
USE CLASS:	N/A	



The strategic planning framework for this area was primarily established by the Southern Suburbs District Structure Plan (SSDSP), prepared and adopted in 1999. The Structure Plan and Development Area provisions of District Zoning Scheme No.2 provide the statutory basis for the consideration of the subject proposal. Under the provisions of the Scheme, a structure plan must be prepared and adopted before Council can support proposals for development or subdivision.

In May 2002, Masterplan Consultants, on behalf of Peet and Company, submitted a proposed Structure Plan for Pt Lot 203. The Plan is quite simplistic in that it only designates the Residential-R40 code over all of the 5.49 hectare site, which if endorsed would allow for the construction of medium density housing. This could occur as either a single development site with numerous grouped dwellings or as several individual grouped dwelling sites.

The City, acting under the delegated authority of Council (APD 42), considered the proposal and determined that it was not suitable to be advertised for public comment. The main concerns with the proposal related to its failure to:

- provide for the protection of a wetland existing over part of the land;
- set aside land for public open space; and
- indicate the constraints posed by the buffers associated with nearby ongoing rural land uses (ie a piggery and dog kennels).

It was suggested to the proponent that the City would be prepared to advertise a Structure Plan proposal that retained the wetland and an appropriate buffer within an area of public open space and indicated the existence and implications of relevant buffers.

Details of the proposal and the City's response forms part of the Agenda Attachments.

### **Submission**

Masterplan Consultants has requested that the Pt Lot 203 Structure Plan proposal be advertised for public comment, notwithstanding the City's concerns with it, whereby the concerns are ultimately debated in the knowledge and context of public and referral agency comments.

The proponent has argued that:

- The wetland does not contain regionally significant species, not adequately represented elsewhere and in arguably larger and better preserved areas; and



- The wetland core is significantly degraded, has had peat and paperbarks removed and is essentially a mono-culture of one species;

and therefore is not worthy of retention.

This matter is referred to Council for consideration, given the nature of the proposal and the City's technical response.

## **Report**

The main issue with the subject proposal concerns the wetland existing on part of the site.

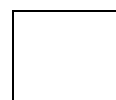
The wetland is categorised by the Water and Rivers Commission as a Resource Enhancement dampland and its extent, as mapped by the City's Environmental Services Department, is shown on a plan included the Agenda attachments.

A secondary concern with the proposal is the lack of public open space to be provided within the development. The requirement to provide public open space is generally a condition of subdivision approval, but if the site is simply developed as a unit development, there is not necessarily a requirement to provide public open space.

In an attempt to respond to the City's rejection of its proposal, Masterplan Consultants propose that Peet & Company would be prepared to either:

- Provide a cash contribution in lieu of the wetland's retention, which would be utilised for a specific purpose for wetland rehabilitation of another site. The proponent considers this would have merit given the limited size of the wetland on Lot 203 compared to larger wetland areas in the locality and suggests the Department of Environmental Protection has confirmed it would support this approach. This would allow funds to be used for wetland rehabilitation or ongoing wetland management; or
- Retain the core of the wetland within an area of private open space, internalised within the development. This is on the basis that the area comprises 10% of Lot 203 and is shown on the Structure Plan as an R40 site but overlaid with a notation for private open space, and as such would be retained in private ownership.

It should be noted that neither of these suggestions comply with Council's Policies on wetland conservation or public open space provision, as these Policies generally require wetlands to be protected



and ceded for public reserve purposes and for open space liabilities to be satisfied through the provision of land rather than cash-in-lieu.

Whilst these Policy positions remain as the preferred approach from a technical point of view and that the basis to the City's previous response is still considered to be sound, in the circumstances however, it would be reasonable to at least consider the suggested alternatives.

Notwithstanding the relevant Policies, the plan should be advertised for public comment and allow the debate on and consideration of the alternative suggestions to be pursued in the knowledge of public and referral agency comments. The views of the Department of Environmental Protection and Water and Rivers Commission would be especially useful in assisting the Council's determination of the proposal and determining their attitudes to wetland protection in what are considered to be unique and constrained circumstances.

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

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

#### 2. Planning Your City

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

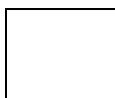
#### 3. Conserving and Improving Your Environment

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

#### 4. Facilitating the needs of Your Community

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

#### 5. Maintaining Your Community Facilities



- *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

SPD1	Bushland Conservation Policy
SPD3	Native Fauna Protection Policy
SPD5	Wetland Conservation Policy
APD4	Public Open Space
APD20	Design Principles For Incorporating Natural Management Areas Including Wetlands And Bushlands In Open Space And / Or Drainage Areas
APD26	Control Measures For Protecting Water Resources In Receiving Environments
APD28	Public Open Space Credit Calculations

### **Budget/Financial Implications**

N/A

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

Nil

### **1717. (AG Item 14.7) (Ocm1\_8\_2002) - REVISED MULTI STOREY ACCOMMODATION UNITS (9) - LOT 4, NO. 3 ROCKINGHAM ROAD, HAMILTON HILL (2212275) (MR) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) approve the proposed Multi Storey Accommodation Units (9) on Lot 4 (No 3) Rockingham Road Hamilton Hill, in accordance with the plans received on 17 June 2002, subject to the following conditions:-

Standard conditions

1. This approval relates to the revised attached plan dated June 2002.
2. Retaining wall(s) being constructed in accordance with



a qualified Structural Engineer's design and a building licence being obtained prior to construction.

3. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 Control of the Obtrusive Effects of Outdoor Lighting
4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
5. Landscaping and tree planting to be undertaken in accordance with the approved plan.
6. A landscape plan must be submitted to the Council and approved, prior to applying for building licence and shall show the following:
  - (1) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area
  - (2) any lawns to be established
  - (3) any natural landscape areas to be retained; and
  - (4) those areas to be reticulated or irrigated
  - (5) verge treatments
7. The landscaping, in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
8. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, without the written consent of the Council.
9. 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.
10. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Council



prior to the development first being occupied.

11. At least 3 bays must be marked and maintained for visitor parking at all times.
12. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" (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.
13. All stormwater must be contained and disposed of on-site.

Special Conditions.

1. All units except for the ground floor units must include the installation of a clothes drier within the laundry. No clothing can be dried on the open balconies at any time.
2. The bin store area being relocated to the front yard area along Rockingham Road.
3. Balconies on the west side incorporating visual deflectors to avoid overlooking of the adjoining property.
4. Measures being undertaken to the satisfaction of the Council to further break up the facade bulk through the use of colours and building detailing.
5. Warning signs being placed on the 'elbow' of the laneway warning of vehicles reversing.
6. Prospective purchasers being advised of the limitations of car parking being limited to 1 bay per unit with the exception of the penthouse suite which has 2 car bays available.
7. No parking in the laneway being permitted at any time.
8. A caveat being placed on Lot 5 Rockingham Road to enable the Council to require the provision of 4 car parking spaces in the event that they are deemed to be required by the Council.
9. The caveat to be prepared by Council's Solicitor at the expense of the applicant and apply to Lot 5 Rockingham Road for a period of 2 years after the units on Lot 4 have been fully occupied.



## Footnotes

1. Under the provisions of the Metropolitan Region Scheme, **approval to commence development must be obtained from the Western Australian Planning Commission** and therefore your application has been forwarded to the Ministry for Planning for its determination under delegated authority of the Commission. Development must not be commenced until approval under the Metropolitan Region Scheme has been given.
2. 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.
3. This approval is issued by the Council under Town Planning Scheme No. 2, and approvals or advice by other agencies may be required, and it is the responsibility of the applicant to ensure that all other approvals/advice are issued prior to commencing development or use of the land, and a copy of the approval/advice is provided to the Council.
4. The development is to comply with the requirements of the Building Code of Australia.
5. The applicant/landowner is to comply with the Environmental Protection Act 1986 which contains penalties where the noise limits prescribed by the Environmental Protection (Noise) Regulations 1997 are exceeded.
6. The development site being connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
7. Uncovered parking bays shall be a minimum of 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway.
8. Covered car parking bays shall be a minimum of 5.5 x 3.0 metres, served by a 6 metre wide paved accessway.





9. The applicant shall provide drainage plans certified by a suitably qualified engineer at the building licence stage, to demonstrate compliance with conditions 12 and 13 above.
  10. The Council takes no responsibility or liability in respect to maintenance and reinstatement of any verge area landscaped as a condition of approval.
- (2) vary the car parking requirement under the Residential Planning Code from 17 bays to 13 bays in accordance with the submitted plans subject to Condition (1) 8 and 9; and
  - (3) issue a form 2 Notice of Approval to the applicant.

**COUNCIL DECISION**

MOVED Clr Waters SECONDED Clr Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

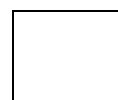
**Background**

ZONING:	MRS:	Urban
	DZS2:	Commercial
LAND USE:	Vacant	
APPLICANT:	Amedeo DeSantis	
OWNER:	Yupko Pty Ltd	
LOT SIZE:	930m <sup>2</sup>	
USE CLASS:	Multiple Dwelling "AA"	

On 17 July 2000, an application was lodged with the City for 26 Multi-Storey Units on Lot 4 (No 3) Rockingham Road, Hamilton Hill.

The Western Australian Planning Commission granted approval to the proposal for 26 Multi Storey Units (original plans) in its determination letter dated 11 December 2000, pursuant to the Metropolitan Region Scheme ("MRS").

The Council, at its Ordinary Meeting on 18 September 2001, refused the same proposal for Multi Storey Accommodation Units (26) (revised plans received on 18 July 2001), due to the height and scale of the proposal (ie 9 levels).



Council at its Ordinary Meeting on 18 December 2001 approved a revised proposal for 9 multiple units (5 levels).

### **Submission**

The applicant seeks approval for a similar proposal approved by the Council for a 5 storey multiple unit development. The revised proposal includes the following components:-

- 9 apartments including level 4 and top level penthouse apartment (same as 2001 approval);
- Unlike the 2001 approval the building footprint is smaller as two units occupy each floor except for the level 5 penthouse;
- 8 of the units are 2 bedroom while the penthouse has 3 bedrooms and takes up the entire top floor;
- Ground level carpark – 13 bays of which 3 bays will be reserved for visitors;
- Vehicle access is via a rear laneway, while pedestrian access is via Rockingham Road and the laneway.

### **Report**

The proposed development has been redesigned to take advantage of the coastal aspect. The revised plan is consistent with the principles applied to the previous proposal in respect to residential density,

The subject land is zoned “Commercial” under Town Planning Scheme - District Zoning Scheme No. 2 (“DZS2”) where multiple dwellings are a discretionary use. The Council can either approve the proposal (with or without conditions) or refuse the proposal.

The revised proposal has not been advertised since it is still a 5 level development and the orientation of the building is away from the adjoining residential development. There are no adverse impacts anticipated by the revised proposal and levels of privacy have been improved to adjoining residents.

### Height and Scale of the Proposal

The revised proposal is 16.0 metres tall which is the same height as the previous proposal. The revised proposal includes 5 levels, which is the same as the 2001 approval.

The height and scale of the proposed development is not significantly out of context with the 3 level townhouses to the rear and 2 level Newmarket Hotel nearby.



The building footprint is also smaller in area, which allows a courtyard for each ground floor unit. This will improve the “greening” around the building, which could eventually soften its visual impact.

#### Plot Ratio and Density

The plot ratio of the development is 1:1.0, which is the same as the 2001 approval. Plot ratio is the gross total of the areas of all floors to the area of land within the site boundaries excluding non-habitable areas (ie-parking area, lobbies, lifts etc.).

DZS2 does not contain any specific Residential Density Coding (“Code”) over the land. The proposal is based on a Code of R100. This is similar with the surrounding medium to high density coding of R60 and R80 (proposed development).

#### Streetscape

The proposed building form is relatively simple in design, which uses tilt up wall construction. The Rockingham Road elevation and western elevation incorporates the use of balconies, which help to break up the building bulk. The elevations should include more detailed fenestration.

#### Newmarket Hotel

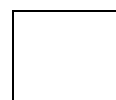
The proposal is also within immediate proximity of the Newmarket Hotel, which is a two-storey building at the junction of Cockburn Road and Rockingham Road. The Newmarket Hotel is a significant building that has been included on the Council’s Municipal Inventory of Heritage Places. The scale of the revised proposal would not detract from the landmark proportions of the Newmarket Hotel. It is also inappropriate for new development to copy the 19<sup>th</sup> century federation design of the Newmarket Hotel. The apartments are setback from the frontage to Rockingham Road which will maintain the views of the Newmarket Hotel when travelling west on Rockingham Road.

#### Surrounding Land Use

The surrounding land use comprises a complex of 3 storey townhouses, an adjoining vacant lot and offices on Rockingham Road, nearby Bottleshop/Newmarket Hotel and light industrial premises on Boyd Crescent. The amenity of the area is strongly influenced by the mix of land use and the amenity associated ocean views.

#### Building Setbacks, Landscaping

The Scheme requires a minimum front setback of 11.5 metres from the front boundary to Rockingham Road as opposed to the 4.0m front average setback provided (3.6m to the balcony). This reduced setback, if approved, would require the Council to exercise discretion to vary Scheme requirements. The design allows for street surveillance from



the extensive use of balconies overlooking the pedestrian level on Rockingham Road.

### Vehicle Access

Vehicle access is still proposed via a shared laneway that links with Rockingham Road to the rear townhouses and the Newmarket Hotel development. The parking configuration requires vehicles to reverse into the shared laneway. The orientation of parking would not adversely impact on the function of the laneway, as this is a common situation with ROW's throughout Perth's older suburbs. Warning signs should be erected on the elbow of the laneway to warn motorists and pedestrians of vehicles reversing. The garages have been adjusted to provide for improved sight lines for vehicles on the bend in the laneway but this has reduced the provision of car parking by 2 bays.

### Easement

The Water Corporation has an easement at ground level along the western side boundary. The submitted plans show a 1.5 metre wide distance which is acceptable.

### Car Parking

The applicant has provided 13 car-parking bays which is two bays less than the previous proposal. The Residential Planning Codes require car parking at the rate of 0.35 spaces per dwelling unit plus 0.015 spaces per square metre of plot ratio floor area to a maximum requirement of 3 car spaces per dwelling unit. A total of 17 bays are required as opposed to 13 bays provided. Three parking bays will be permanently set aside for visitors.

Each of the 9 units will have at least 1 car bay each, which satisfies the minimum requirements of the Codes. The shortfall of 4 bays requires the exercise of discretion by the Council in any approval of the revised proposal. The small size of the 2-bedroom unit's (94m<sup>2</sup> in area) will predetermine tenancy mix, being single people and DINK's (double income no kids). This matter can be addressed as a special condition of approval.

The owner is prepared to consider providing additional car parking on the adjoining property he owns if required. This offer should be accepted and the provision of additional car parking spaces on Lot 5 Rockingham Road be protected by way of a caveat.

### Overshadowing

The R-Codes require that no development shall cause more than 50% of an adjoining lot to be in shadow at noon on 21 June unless with the approval of the Council. The proposal complies with this requirement.



WA Planning Commission

The Commission's approval is required pursuant to the Metropolitan Region Scheme as the subject land is within a Clause 32 area the subject of further detailed planning for North Coogee.

Town Planning Scheme No 3 (proposed)

The subject land is within a proposed "Mixed Business Zone" under Town Planning Scheme No 3 ("TPS3"). The purpose of the zone is to provide for a range of commercial activities including showrooms where multiple dwelling development would become a use that requires the exercise of discretion by granting a planning approval.

Conclusion

The application is similar to the 2001 approval. The new proposal is justified on planning grounds and is recommended for approval.

**Strategic Plan/Policy Implications**

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

## 2. Planning Your City

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

**Budget/Financial Implications**

N/A

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

Nil

**1718. (AG Item 14.8) (Ocm1\_8\_2002) - REVISED STRUCTURE PLAN - BRIGGS STREET, SOUTH LAKE (9628) (SM) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the revised Briggs Street Structure Plan dated July 2002 subject to the following;
  1. The Council will not support any subdivision proposed within the area unless it complies with the requirements



contained in Council Policy APD15 – “Subdivision Requirements for the Thomas Street Residential Area, South Lake”;

2. The Public Open Space arrangements for the provision of 10% and use of cash-in-lieu funds collected in the area being used to acquire portion of the balance POS areas shown on the Structure Plan being agreed to by the Western Australian Planning Commission;
3. In the event that the Commission does not endorse the methodology in (1) 2 above, then the land owners on whose land the Public Open Space is shown on the Structure Plan will be required to provide all the land as a Reserve for Recreation free of cost as a condition of subdivision.

(2) as outlined in (1) 2 above refer the proposal to the WAPC for its consideration and endorsement, and its agreement to be a signatory to a legal agreement between the Council and the landowners where:

1. The land to be purchased by the City of Cockburn will be at englobo value.
2. The City of Cockburn will purchase the land following the collection of sufficient cash-in-lieu funds for other landowners in the Structure Plan area.
3. The legal agreement being prepared at the cost of the landowner to the satisfaction of the Chief Executive Officer.
4. The legal agreement being recorded on the Certificate of Title as a caveat to bind the parties to the terms and conditions of the agreement.

(3) adopt the Schedule of Submissions as contained in the Agenda attachments;

(4) submit the Structure Plan to the Western Australian Planning Commission for endorsement in accordance with Part 8 of the Scheme; and

(5) advise those persons who made a submission of Council’s decision.



**COUNCIL DECISION**

MOVED Cllr Waters SECONDED Cllr Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**Background**

In July 1995 Council adopted the Thomas Street/Briggs Street Outline Development Plan (attached) to guide subdivision and development in the area of land bound by Thomas Street, Semple Court, Berrigan Drive and the high voltage transmission line corridor, South Lake.

Proposed Town Planning Scheme No.3 depicts the Thomas Street/Briggs Street Outline Development Plan (ODP) area as "Development Zone". The objective of this zoning is to provide for future residential, industrial or commercial development in accordance with a comprehensive Structure Plan prepared under the Scheme. The adopted ODP is inadequate as a guide to subdivision and development, as it does not show land use classifications, including residential densities.

Further to this, in the 7 years since the adoption of this plan much of the land has been developed on a lot by lot basis. This development, while in general accordance with the adopted plan, has altered the street network to the extent that the City now wishes to amend the plan so as to accurately reflect these changes and comply with the requirements for Structure Plans in proposed Town Planning Scheme No.3.

In November 1998, Council adopted Policy APD15 "Subdivision Requirements for the Thomas Street Residential Area, South Lake" to ensure that adequate planning and design requirements are applied to subdivisions proposed within this poorly drained area.

**Submission**

The City's Strategic Planning Services have prepared an updated plan of the Thomas Street/Briggs Street ODP area that reflects the subdivision that has taken place and prescribes land use classifications for the area. The updated Briggs Street Structure Plan (attached) shows the entirety of the area as being developed for residential purposes, with associated parklands, at a density of Residential R20.

The Structure Plan was advertised for public comment for a period of 21 days, with the comment period concluding on 29 July 2002. Owners of property within the Structure Plan area that had yet to develop their land were provided with a copy of the proposal and invited to make comment. An advertisement with details of the proposal was placed in the



Cockburn Herald and various government agencies and servicing authorities were invited to make comment. A total of 4 submissions have been received. A schedule of submissions containing submission summaries and the recommended responses is included in the Agenda attachments.

## Report

The greater part of the Briggs Street area has already been developed or had subdivision approval granted, with only 5 of the original 15 super lots are yet to have subdivision applications lodged with the Western Australian Planning Commission. The consequence of this is that the development pattern, comprising of the street network, lot layout and areas of public open space, is to a large extent already 'locked in'.

*Public Open Space (POS) Provision* - The revised Structure Plan shows three areas of POS. The only change to the adopted Briggs Street ODP is the inclusion of a POS/Drainage area in the north west corner of the Structure Plan on Lot 27 Briggs Street. Application to subdivide this lot has been made to the Western Australian Planning Commission and in its response to the subdivision application, the City recommended the inclusion of the above mentioned area of POS to protect a mature stand of eucalypts located in the north west corner of the lot. The Western Australian Planning Commission has yet to make a determination on the subdivision application.

Lots yet to be subdivided that have no POS shown over them will be required to give up cash-in-lieu of POS equivalent to 10% of the gross subdividable area.

It should be noted that on two of the remaining lots the area of open space shown is in the order of 25% which is well in excess of the 10% required. The ODP provides for an overall provision of 10% with cash-in-lieu funds collected from various properties being used to purchase land from those where the area shown exceeded 10%. It is proposed that the POS area for these lots be handled in the following way;

- The plan of subdivision is to clearly show the 10% POS land as an area of POS with the balance 15% being created as a lot which is to be acquired by Council from cash-in-lieu funds collected from other properties within the Structure Plan area. (It is anticipated that the cash-in-lieu collected will cover the acquisition costs).
- The subdivision approval will require the 10% POS land to be vested free of cost and satisfactory arrangements being made with Council regarding the purchase of the balance 15%. These arrangements will include the basis of valuation (broad acres "en-globo" as opposed to retail cost of lots), timing and if required a legal agreement giving effect to the arrangements.





The area to be acquired from cash-in-lieu funds should be clearly identified on the Structure Plan.

Before the Council proceeds with this arrangement the endorsement of the WAPC is required. In addition the WAPC should also be a signatory to any legal agreement between the Council and the property owner.

*Drainage* – The subject land is poorly drained as a result of the area having high groundwater levels and being relatively flat. The Structure Plan area is divided into two drainage catchments – the southern catchment that drains towards Yangebup Lake and a northern catchment that drains towards a compensating basin located north of Berrigan Drive. Landowners subdividing within the northern drainage catchment are required to contain all drainage in detention basins on-site.

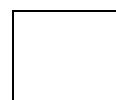
Various environmental and drainage studies have been undertaken in order to determine the most appropriate method to effectively drain the land. In March 2000, a report commissioned by the City and undertaken by Gutteridge, Haskins and Davey concluded the area could be drained providing:

- Filling was undertaken in the low areas;
- Drainage detention basins were constructed on the downstream side; and
- The out flow drain on Forrest Road was remediated to improve its hydraulic efficiency.

A subsequent report prepared by David Porter Consulting Engineer prepared in August 2000 reinforced the above conclusions and proposed a cost sharing arrangement for drainage headworks for landowners subdividing in the area.

The recommendations contained in the David Porter report on the southern catchment have subsequently been acted on as follows;

- Two detention basins have been constructed in the high voltage transmission line corridor, which have been sized to accommodate a 1 in 10 year storm event. Both basins will overflow through the general dampland area of the high voltage transmission line corridor and discharge via a pipe to the existing open drain on the south side of North Lake Road.
- A development contribution scheme, for drainage headworks costs has been put in place, which landowners who subdivide their properties are required to contribute to; and
- All subdividers within the area are required to fill their land to the satisfaction of the Western Australian Planning Commission.



*Street Network* – The adopted Briggs Street ODP has a street network that consists mainly of cul-de-sacs and loop roads. It would be desirable to have a street network with greater connectivity, however, with the majority of the subject area already subdivided and therefore, there is little scope for this to occur. That said, the revised Structure Plan does provide an improved road layout than the Outline Development Plan adopted in 1995.

*Residential Density* – The Briggs Street area is currently zoned Residential R15 under District Zoning Scheme No 2. Town Planning Scheme No 3 proposes that land zoned Residential R15 be ‘up-coded’ to Residential R20 throughout the District. Accordingly, an R-Coding of R20 has been prescribed over the entire Structure Plan area.

*Submissions* – Despite the fact that all affected landowners were advised in writing about the Plan, only four submissions were received during the advertising period being letters of advice from Western Power, Water and Rivers Commission and DPI Integrated Transport Planning Unit and from Council's Strategic Planning Service regarding Public Open Space.

The matters raised in the letters of advice are reflected in the Structure Plan and current subdivision approvals and are accordingly noted. The submission on Public Open Space notes the need for the Planning Commission to determine the process in respect to the provision of Public Open Space in the Structure Plan area.

The submissions have no material effect on the advertised Structure Plan.

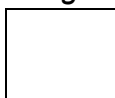
*Concluding Comments* - It is recommended that the revised Briggs Street Structure Plan be adopted subject to the advice note contained in the recommendation.

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

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

#### 1. Planning Your City

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



The Planning Policies which apply to this item are:-

- APD4            Public Open Space
- APD15          Subdivision Requirements for the Thomas Street Residential Area South Lake
- APD30          Road Reserve and Pavement Standards

**Budget/Financial Implications**

N/A

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

Nil

**1719. (AG Item 14.9) (Ocm1\_8\_2002) - OVERSIZED ANCILLARY ACCOMMODATION - LOT 9 (NO. 77) HYBRID COURT, JANDAKOT - APPLICANT: T, C & R HOWE AND K WINN (5514349) (CP) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) approve the application to construct ancillary accommodation at Lot 9 (No.77) Hybrid Court, Jandakot subject to the following conditions:

Standard Conditions

1. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
2. 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.
3. An approved effluent disposal system to the satisfaction of the Council and/or the Health Department of Western Australia must be installed prior to the occupation of any building the subject of this approval.



4. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" (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.
5. All stormwater must be contained and disposed of on-site.

#### Special Conditions

1. The net floor area of the proposed building shall not exceed 60m<sup>2</sup>.
2. The clearing of native vegetation being limited to the minimum required to accommodate the shed.
3. A notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the City and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to commencement of development works. This notification is to be sufficient to alert prospective purchasers of the use and restrictions of the ancillary accommodation as stipulated under Special Condition 4 of this approval. The notification should (at the full cost of the applicant) be prepared by the Council's Solicitor, McLeods, and be executed by both the landowner and the City.
4. The use of the proposed ancillary accommodation unit shall be in accordance with Clause 2.3.1 of the Residential Planning Codes with particular regard to sub clause (a).
5. The proposed building shall be finished in the same materials, colour and design as the existing building.

#### Footnotes

1. The development is to comply with the requirements of the Building Code of Australia.
2. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
3. The applicant/landowner is to comply with the Environmental Protection Act 1986 which contains penalties where the noise



limits prescribed by the Environmental Protection (Noise) Regulations 1997 are exceeded.

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

### **COUNCIL DECISION**

MOVED Cllr Waters SECONDED Cllr Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

### **Background**

ZONING:	MRS:	Rural - Water Protection Zone
	DZS:	Resource Zone
LAND USE:		Rural-Residential
LOT SIZE:		2.0077 ha
AREA:		Jandakot
USE CLASS:		"P" Single Dwelling

### **Submission**

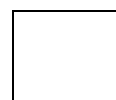
The applicants seek Council's approval to construct "ancillary accommodation" of approximately 100m<sup>2</sup> net floor area to the specifications outlined on the plans submitted (refer to agenda attachments).

It is proposed to accommodate a wheelchair bound member of the family who will reside in the primary dwelling on the land. As such, the proposed building has been designed with disabled access in mind. The building contains a single bedroom, bathroom, kitchen, lounge, dining room and laundry, as well as a garage.

### **Report**

The proposal does not comply with the existing Council Policy APD11 as the floor area of the proposed ancillary accommodation exceeds 60m<sup>2</sup> on a lot being less than 4 hectares area located in the Resource Zone.

Under proposed Town Planning Scheme No.3, which has been adopted by Council the maximum net floor area for ancillary accommodation is 60m<sup>2</sup> and the lot must exceed 2ha.



The application was advertised for public comment whereupon one submission was received in support of the proposal. In addition, the applicant obtained the written approval of the adjoining property owners.

The Council currently has the discretion to vary the provisions of its policy if it deems it appropriate under the circumstances.

In this instance the circumstances are not sufficiently unique to warrant a variation to the policy and approval of the application may create an undesirable precedent. Approval of the application is recommended, subject to conditions but with the net floor area limited to 60m<sup>2</sup>.

### **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."*

#### Conserving and Improving Your Environment

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

The Planning Policy which applies to this item is:-

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

### **Budget/Financial Implications**

N/A

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

Nil

**1720. (AG Item 14.10) (Ocm1\_8\_2002) - THE KEEPING OF HORSES AND OTHER ANIMALS IN THE RESOURCE ZONE, BANJUP AND JANDAKOT (8124, 9001) (CP) (ATTACH)**

<b>RECOMMENDATION</b>
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That Council:

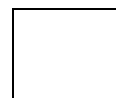
- (1) adopt the proposed Position Statement PSPD13 - "Keeping of Horses and Other Animals in the Resource Zone" as outlined in the Agenda attachments;
- (2) adopt the proposed Policy APD41 - "Keeping of Horses and Other Animals in the Resource Zone" for the purposes of advertising in accordance with Clause 11.1.1 of District Zoning Scheme No. 2, together with the delegation schedule for the implementation of the Policy.

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

**COUNCIL DECISION**

MOVED Deputy Mayor Graham SECONDED Cllr Tilbury that Council:

- (1) adopt the proposed Position Statement PSPD13 - "Keeping of Horses and Other Animals in the Resource Zone" as outlined in the Agenda attachments, with the following amendments:
  1. delete Section 1, and insert, "Conditional approval may be granted by the Council where retrospective development applications for the keeping of horses and other animals have been considered by the WRC to comply with the Draft Environmental Guidelines for Horse Activities (October 2001) or other relevant guidelines and advice to that effect is received."
  2. substitute "Council" for "City" in Section 4.
  3. substitute "Council " for "City" in Section 6.
- (2) amend recommended Policy APD41 - "Keeping of Horses and Other Animals in the Resource Zone" by deleting Section 1 and inserting "Conditional approval may be granted by the Council where development applications for the proposed keeping of horses and other animals have been considered by the WRC to comply with the Draft Environmental Guidelines for Horse Activities (October 2001) or other relevant guidelines and advice to that effect is received."; and
- (3) adopt the proposed amended Policy APD41 - "Keeping of Horses and Other Animals in the Resource Zone" for the purposes of advertising in accordance with Clause 11.1.1 of District Zoning Scheme No.2, together with the delegation schedule for implementation of the Policy.



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

Council makes decisions on applications, either through the meeting process or by delegation. The phraseology of the Position Statement and Policy needs to accurately reflect the decision-making processes applying to applications.

**Background**

The protection of the underground water resource for the Perth metropolitan area is an important State planning objective that is implemented by way of the Resource Zone in the District Zoning Scheme (DZS) as well as application of the Statement of Planning Policy No.6 (SSP6), required by the Western Australian Planning Commission (WAPC). The DZS and SSP6 regulate land use activities in the Resource Zone, including the keeping of horses and other animals.

As a result of the Ordinary Meeting of Council on 20 November 2001, a survey of landowners was initiated to ascertain the extent of horse ownership in the Resource Zone. The survey has revealed that there is a significant number of landowners keeping horses and other animals on properties within Banjup and Jandakot areas of the district without development approval.

As there is ongoing research required with this survey, exact numbers of such properties are not yet known. To date however, approximately 30 development applications have been received by the City for the keeping of horses and other animals as a result of this survey.

In the course of considering such applications, the City is required under the SSP6 to refer applications to the Water and Rivers Commission (WRC) for comment/ recommendation. Furthermore, the City is compelled to follow the WRC recommendation or refer the application to the WAPC for determination along with the WRC recommendation where the Council does not agree with the WRC advice. On environmental grounds, it is likely the WRC recommendation will be followed in most instances.

In assessing applications, the WRC applies a set of environmental guidelines to determine stocking rates for individual applications, which take into account soil characteristics, proximity to wetlands and wellhead protection zones. Given the nature of the soils, extent of wetlands and the small size of a significant number of properties in the Resource Zone, it is becoming apparent that most applications will not receive WRC support.





## Submission

A draft Council Position Statement and Administrative Policy has been prepared which are contained in the agenda attachments.

The purpose of the proposed Position Statement is to provide guidance to the City on deciding retrospective applications, while the Policy Statement will provide guidance in relation to applications received in the future to keep horses in the Resource Zone.

## Report

The purpose of this report is to seek the adoption of the Policy and PSPD13 – “The Keeping of Horses and Other Animals in the Resource Zone”.

It is apparent from the survey results that a number of properties have kept horses for years but without approval. Lawfully established horse keeping is acknowledged. However, for environmental reasons, taking into account the potential adverse cumulative effects of horses on the water mound, it is likely WRC recommendations will be complied with and applications declined (where recommended) in most cases where unapproved horse keeping has been applied for. The Council implications of this action could be significant.

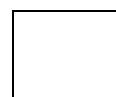
In the event of refusing development applications, it is proposed to allow proponents a grace period of up to 12 months to have the horses removed from the relevant properties.

It is also expected that any appeals received on Council decisions will be supported by WRC which are lodged before the Planning Tribunal, or the Minister for Planning and Infrastructure.

## Strategic Plan / Policy Implications

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

1. Planning Your City
  - " To ensure that the development will enhance the levels of amenity currently enjoyed by the community".
2. Conserving and Improving Your Environment
  - "To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."



**Budget/Financial Implications**

Potential legal costs associated with defending appeals on Council decisions to the Planning Tribunal.

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

Nil

**1721. (AG Item 14.11) (Ocm1\_8\_2002) - SOUTHERN SUBURBS DISTRICT STRUCTURE PLAN STAGE 2 - BANJUP (9645) (AJB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt the Southern Suburbs District Structure Plan Stage 2 – Banjup for the purpose of public consultation in accordance with Part 8 of TPS No 2;
- (3) advise the owner of lot 5 Lyon Road that the proposed additional use of Lock Up Storage has been included in the structure plan for the purpose of public consultation and to permit time for the preparation of a detailed proposal showing examples of similar facilities that are integrated with residential development and accordingly the inclusion of this use should not be construed as support for the proposal or that approval will ultimately be granted;
- (4) note the recommendation for cash in lieu of Public Open Space in Section 6 of the report; and
- (5) request the Western Australian Planning Commission to transfer the structure plan area from Urban Deferred to Urban in the Metropolitan Region Scheme.

**COUNCIL DECISION**

MOVED Clr Humphreys SECONDED Clr Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**



## Background

In October 1999 the Council and the Western Australian Planning Commission adopted Southern Suburbs District Structure Plan for that part of the newly developing urban area north of Gaebler Road Hammond Park and Gibbs Road Success. This plan has been the basis of coordinating local structure plans and subdivision proposals for Frankland Springs (Australand), Success Lakes (Gold Estates), Atwell South (LandCorp) and Atwell Waters (Peet & Co).

## Submission

N/A

## Report

The future urban area south of Gibbs Road and east of the Kwinana Freeway in the locality of Banjup is zoned Urban Deferred in the Metropolitan Region Scheme and proposed to be zoned Development in Town Planning Scheme No 3.

Development of the Atwell South project by LandCorp immediately north of this area has been recently approved and Stage 1 is now under construction.

Given current development occurring in the adjoining localities of Success, Atwell and Hammond Park and the long lead times to get all planning approvals in place, it is timely to progress planning of the Banjup urban area south of Gibbs Road. On 11<sup>th</sup> June 2002 the Manager of Planning Services convened a meeting of landowners in the area and outlined the proposal to prepare a district structure plan for the area, the requirements for the plan and the process to be followed including public consultation as outlined in Part 8 of TPS No 2. The owners and their representatives supported the initiative.

As noted in the Background section above, a district structure plan (Southern Suburbs) prepared by Council in conjunction with the Western Australian Planning Commission has been the basis of more detailed planning in the Hammond Park, Success and Atwell localities and also the basis of lifting the deferment in the MRS and zoning in District Planning Scheme No 2. This plan has successfully coordinated the preparation of local structure plans and detailed plans of subdivision and accordingly the same approach is considered appropriate for the Banjup urban area.

Councils Strategic Planning Services has prepared a Draft district structure plan for the Banjup urban area which is bounded by Gibbs Road to the north, Kwinana Freeway to the west, Rowley Road to the



south with Lyon Road and property boundaries forming the eastern boundary (see locality plan in the Agenda attachments). The detailed area includes all the land in the locality that is zoned Urban Deferred in the MRS. The adjoining land to the east is zoned Resource and there is no potential to include any of this land in the Urban area. To provide an overall context for the Banjup urban area, the structure plan shows in outline form the major land use elements for the Atwell South area north of Gibbs Road and land west of the Freeway.

Elements of the structure plan are as follow;

#### 1. Major Road and pedestrian network

Gibbs and Rowley Roads provide direct access to the Kwinana Freeway. Due to the location of a Bush Forever site in the northern portion of the area and the limit of urban development to the south, Lyon Road is the only road that will connect to Gibbs and Rowley Roads. It is anticipated that the majority of traffic emanating from this area will utilise Lyon Road. Volumes on the northern portion of Lyon Road may be relatively high and some form of access control may be required. This will need to be determined by a traffic study undertaken as part of the local structure plan process.

Gaebler Road provides a connection to Banjup Road to the east. It is not anticipated that this will be a highly trafficked link since the primary direction of traffic will be north to the Freeway.

An interconnecting network of dual use paths will be provided within the structure plan area. These will be determined at the local structure planning phase. Key external linkages to the proposed future Success railway station, across the northern portion of the Bush Forever site and to Kinley Road to the south are shown on the structure plan.

#### 2. Public Transport

Future railway stations are proposed in Atwell/Success and Banjup as shown on the structure plan. The plan ensures good vehicular, pedestrian and cycle access to the stations and shows medium density residential within their walkable catchments to maximise the potential patronage.

A bus route originating from the transit interchange at Cockburn Central is proposed to follow much of Lyon Road and a more easterly alignment in the central portion of the structure plan area. The proposed local road network has been designed to accommodate the bus route.

The proposed bus and train services will provide a comprehensive public transport system for the area linking all major land use activities



including primary schools, shopping centres, the future Atwell high school, active sporting facilities and Cockburn Central.

### 3. Neighbourhood structure

The proposed neighbourhood structure is based on Liveable Neighbourhood principles and in particular 400 metre walkable catchments. Given the shape and extent of the urban area there are significant gaps between each of the 3 neighbourhoods shown. Non residential uses including the Bush Forever site, schools and major active open space are generally located in between the walkable catchments.

Given the limited extent of the urban area and the range of facilities to be provided within the area, there is no justification for the delineation of additional neighbourhoods to reduce the extent of land outside the walkable catchments, particularly as it would most likely result in considerable overlap and no functions to act as the core or focus.

The structure plan designates areas for residential and medium density residential. The medium density residential areas are within the walkable catchments of the proposed future railway stations and the neighbourhood/local commercial centres. In the first instance development in these areas may occur at a density of R 40 with the possibility of intensification over time. It is important in these areas that subsequent local structure plans ensure the provision of a robust structure which accommodates future intensification. It is envisaged that the balance area would be developed in accordance with the R 20 code with smaller areas of higher density around POS areas. Larger lots with increased depth are being encouraged on the eastern and southern boundaries adjacent to the resource zone as part of a strategy to provide a soft transitional interface.

### 4. Commercial facilities

A neighbourhood shopping centre comprising some 2700 m<sup>2</sup> of retail floorspace has been approved within LandCorp's Atwell south project immediately north of Gibbs Road. This will provide the main shopping facilities for the structure plan area.

A local shopping centre with some 1400 m<sup>2</sup> of retail floor space is proposed in the north east corner of the intersection of Lyon and Gaebler Roads. The provision of complimentary uses on the south side of Gaebler Road will provide the opportunity to develop the centre on Main Street principles. This has the potential to provide a high quality built environment that will be the central focus of the area.

A small service centre possibly comprising a service station, fast food outlets, deli, medical centre and several support shops has been



provided at the intersection of Lyon and Rowley Roads. This will support the proposed high density area around the proposed future Banjup railway station and the eastern rural community.

The potential to include home based business and mixed use activities has been provided for around the retail cores.

The owner of land immediately south of Gibbs Road between the Freeway and Lyon Road which is currently developed as a piggery has indicated an interest in developing the land for tourism purposes including activities such as a museum and restaurant. The location is suited to these uses and accordingly the structure plan shows this area as medium density residential with an additional use being tourism.

The owner of lot 5 Lyon Road has requested that the western portion of the land be developed for lockup storage units on the basis that it requires Freeway exposure, the use will be benign and hence compatible with the surrounding residential uses, will provide a buffer between the Freeway and residential uses and can be designed at a residential scale with the possibly for future conversion to residential units. There are a number of concerns including what alternative use the site could be put to in the future if it ceases to be used for lock up storage units. To ensure that any alternative use would be compatible with the surrounding residential uses and to give Council sufficient control in that regard, it is proposed to zone the land residential with an additional use of lock up storage units.

Whilst not totally convinced as to the appropriateness or need for lockup storage units in the area, it has been agreed to include the proposal in the structure plan to enable public consultation and time for the owner to provide examples of similar facilities that are integrated with residential areas and are of a residential scale.

## 5. Education facilities

Earlier structure planning provided for a 10 ha high school site on the north side of Bartram Road Atwell. Based on the potential number of primary schools in the urban area south of Beeliar Drive and Armadale Road an additional high school site will be required. This is shown notionally on the west side of the Freeway and will be the subject of more detailed assessment in stage 3 of the Southern Suburbs District Structure Plan.

Lot estimates for the stage 2 area confirm the need for a primary school site within the structure plan area. This has been located in the southern portion of the area which is reasonably central to its catchment. The site has access to Lyon Road and an internal road which is the proposed bus route. The school site also provides a buffer to the adjoining Resource zone (2 ha lots).



## 6. Parks and Recreation

The central and southern portion of lot 204 Gibbs Road is the subject of Bush Forever recommendations (site 492). Whilst not subject to Bush Forever recommendations, it has been established that adjoining lot 199 to the south is included on the supplementary list of nominated sites. The Bush Forever office has negotiated with the owner of lot 199 that 12 ha representing 24% of that site will be set aside for conservation purposes. The Bush Forever area generally agreed to by the Bush Forever office is shown on the structure plan. Its easterly extension linking to the adjoining wetlands is also shown.

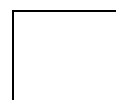
An active sports area of approximately 4 ha is required in the structure plan area to compliment the Atwell facilities. This has been provided adjacent to the proposed primary school site which could allow for the joint development of sporting facilities subject to acceptable agreement being reached between the City and the Education Department.

A series of neighbourhood parks have been shown throughout the residential area. These have been selected on the following basis;

- Predominantly bushland sites in recognition of the potential difficulty in securing an adequate water allocation for irrigation purposes.
- Along ownership boundaries to enable most owners to be able to satisfy their 10% POS requirements within their own land holding.
- In reasonably close proximity to the planned future Banjup and Success railway stations to provide a high level of amenity within the surrounding proposed medium density area.
- Take advantage of an attractive parkland cleared area on lot 5 Lyon Road which is well suited for this purpose.

There are 6 lots between the Freeway and Lyon Road where no POS is shown. On an individual basis the provision of POS from these lots would result in small areas that would be in reasonably close to others to be provide and hence not contribute to the amenity of the area. Additionally they would represent an additional maintenance burden. Accordingly it is recommended that Council accept cash in lieu in respect to these lots with the funds being used to establish fencing, walk trails, bird hides and enhancement works within the Bush Forever area and development of facilities on the active POS area.

In the event that these lots are ultimately acquired and integrated as part of a larger development then the required 10% could be provide as part of the larger development.



## 7. Community facilities

It is proposed to develop a small community facility in Atwell south in conjunction with the proposed primary school. Within the Banjup area provision has been made for the integration of community facilities with the clubrooms/ change rooms to be developed on the active POS. Subject to the primary school being developed and agreement being reached with the Education Department, these facilities could be developed on a shared basis.

## 8. Servicing Considerations

A servicing report prepared for the City by Sinclair Knight Merz confirms that the land can be serviced for residential purposes and that developers will need to make appropriate arrangements with the servicing authorities for the extension of infrastructure into the area.

## Conclusions

The draft Southern Suburbs District Structure Plan Stage 2 – Banjup, has been prepared by Councils Strategic Planning Services as the basis for an application to the Western Australian Planning Commission to transfer the area from Urban Deferred to Urban in the MRS, and to coordinate local structure plans for land within the structure plan area.

The plan shows approved proposals for the surrounding land which provides a context for the subject land and is based on Liveable Neighbourhood principles which have been adopted by Council as a policy and the application of sound planning principles.

It is proposed that the structure plan be formally adopted by Council and the Western Australian Planning Commission in accordance with the procedures set out in Part 8 of TPS No 2 (Part 6 of TPS 3). On completion of the procedures set out in Part 8, the plan will be formally recognised as the structure plan adopted as the basis of subdivision and development within the Lyon Road Development Zone ( DA 11).

It is recommended that Council adopt the draft structure plan for the purpose of public consultation which will include referral to servicing authorities and Government agencies, advertising in the local paper, letters to landowners within the structure plan area and a meeting with landowners. It is anticipated that submissions will be presented to the October meeting of Council.

## **Strategic Plan/Policy Implications**

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

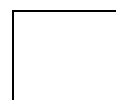




1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
  
2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
  
3. 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."*
  - *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*
  
5. Maintaining Your Community Facilities
  - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*
  - *"To construct and maintain community buildings which are owned or managed by the Council."*

The Planning Policies which apply to this item are:-

SPD1	Bushland Conservation Policy
SPD2	Community Facilities Infrastructure - 10 Year Forward Plan
SPD4	'Liveable Neighbourhoods'
SPD5	Wetland Conservation Policy



APD4 Public Open Space  
APD28 Public Open Space Credit Calculations

**Budget/Financial Implications**

N/A

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

Nil

**1722. (AG Item 14.12) (Ocm1\_8\_2002) - LOCAL STRUCTURE PLAN FOR LOT 199 GAEBLER ROAD AND PTN LOT 204 GIBBS ROAD, BANJUP - OWNER: STOCKLAND TRUST GROUP AND LANDCORP - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (9645) (AJB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) advertise the Local Structure Plan for Lot 199 Gaebler Road and Ptn of Lot 204 Gibbs Road Banjup prepared by Development Planning Strategies simultaneously with the draft Southern Suburbs District Structure Plan Stage 2 – Banjup;
- (2) advise Development Planning Strategies that in recognition of the environmental significance of the site and in particular Bush Forever, that the Local Structure Plan will not be progressed to finalisation until comments have been received from the Department of Environmental Protection, Waters and Rivers Commission and the Bush Forever office; and
- (3) provide the applicants with a copy of the Agenda report for their information.

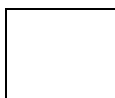
**COUNCIL DECISION**

MOVED Clr Humphreys SECONDED Clr Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**Background**

ZONING:	MRS:	Urban Deferred
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	DZS:	Rural (TPS 2) and Development (TPS 3)
LAND USE:	Vacant	
LOT SIZE:	42.252 ha and 2.438 ha respectively	
AREA:		
USE CLASS:	N/A	

This report concerns Lot 199 Gaebler Road and portion of Lot 204 Gibbs Road Banjup and a recent structure plan proposal for the site.

This land forms part of the Southern Suburbs District Structure Plan Stage 2 – Banjup area which is the subject of Item 14.11 of the same Agenda.

#### Submission

Development Planning Strategies have submitted a Local Structure Plan for the subject land and requested that this be advertised simultaneously with Southern Suburbs District Structure Plan Stage 2 – Banjup.

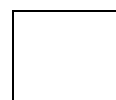
#### Report

Development Planning Strategies have prepared a Local Structure Plan and supporting report for a parcel of land that is the subject of the draft Southern Suburbs District Structure Plan Stage 2 – Banjup. A copy of the Local Structure Plan is included in the Agenda attachments.

The submitted plan is totally consistent with the draft Southern Suburbs District Structure Plan Stage 2 – Banjup as a result of close liaison between Councils Strategic Planning Services and the consultants during the preparation of the plans.

The structure plan and report describe in more detail the specific proposals for Lot 199 Gaebler Road and portion of Lot 204 Gibbs Road. It is considered that the level of detail is adequate for the purpose of advertising although it is noted that further detailed consideration will need to be given to the following:

- requirements and treatment of Lyon Road prior to the finalisation of the local structure plan.
- the dual use path network requires further consideration prior to the finalisation of the local structure plan.
- a vegetation and flora study to identify any significant flora ( ie priority or declared rare flora) prior to the finalisation of the local structure plan.



- a fauna survey to determine the presence of species contained in the Wildlife Conservation Act and a relocation program at the detailed subdivision design phase.
- road reserve widths are to be determined in accordance with Council Policy APD 30 as a matter of detail at the subdivision design stage (the report suggests a blanket minimum of 15 metres where as the policy requires 15.5 metres).
- a drainage and nutrient management plan will be required at the subdivision design phase.

It is recommended that the Local Structure Plan for Lot 199 Gaebler Road and portion of Lot 204 Gibbs Road be advertised for public comment simultaneously with the Southern Suburbs District Structure Plan Stage 2 – Banjup and any relevant submissions on the district structure plan relating to this land be reviewed and considered as part of the local structure plan process.

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

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

#### 2. Planning Your City

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

#### 3. Conserving and Improving Your Environment

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

#### 5. Maintaining Your Community Facilities

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



The Planning Policies which apply to this item are:-

SPD1 Bushland Conservation Policy  
SPD4 'Liveable Neighbourhoods'  
SPD5 Wetland Conservation Policy  
APD4 Public Open Space  
APD20 Design Principles For Incorporating Natural Management Areas Including Wetlands And Bushlands In Open Space And / Or Drainage Areas  
APD28 Public Open Space Credit Calculations  
APD30 Road Reserve And Pavement Standards

**Budget/Financial Implications**

N/A

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

Nil

**1723. (AG Item 15.1) (Ocm1\_8\_2002) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

MOVED Clr Humphreys SECONDED Clr Reeve-Fowkes 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

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

Nil.

**1724. (AG Item 15.2) (Ocm1\_8\_2002) - TOURISM DEVELOPMENT -  
FREMANTLE CHAMBER OF COMMERCE (5402) (ATC)**

**RECOMMENDATION**

That Council receive the report provided by the Fremantle Chamber of Commerce.

**COUNCIL DECISION**

MOVED Deputy Mayor Graham SECONDED Clr Oliver that Council:

- (1) receive the report provided by the Fremantle Chamber of Commerce; and
- (2) reconsider making a contribution if and when a request is made at a future date.

**CARRIED 10/0**

**Explanation**

It needs to be clear that Council would consider any future request for funding from the Fremantle Chamber of Commerce.

**Background**

At the Special Council Meeting held on 30 July 2002 it was decided that a report be presented to a future Council meeting providing details on the intended use of the budgeted funds of \$7,000 (A/c. No.720463) with



such report to confirm contributions to be made from other sources including local governments and associations, prior to any contribution being committed.

### **Submission**

N/A

### **Report**

Following the Budget meeting the Fremantle Chamber of Commerce were requested to provide the information requested by Council.

The Chamber has responded as follows:

*"...Unfortunately we have had little support from other Councils except, of course, Fremantle and the future of this publication is now in doubt unless we are able to find additional sources of funding. This is very disappointing as it means that the Fremantle region has no holiday planner in the market.*

*We will keep you informed as to the progress of our search for additional funding and if successful, will make a further approach to the City of Cockburn..."*

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

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

### **Budget/Financial Implications**

The amount of \$7,000 budgeted in A/c. No.720463 "Tourism Development Contribution" is not required for now. A contribution to the project can be reconsidered if and when a request is made at a future date.

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

Nil.

**1725. (AG Item 16.1) (Ocm1\_8\_2002) - DRAFT STRATEGIC PLAN 2002-2007 - SOUTHERN METROPOLITAN REGIONAL COUNCIL (4904) (BKG) (ATTACH)**

### **RECOMMENDATION**

That Council endorse the strategic plan of the Southern Metropolitan



Regional Council.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

It is necessary for any organisation to review their strategic plan on a regular basis. The Southern Metropolitan Regional Council held a workshop at Mandurah on the weekend of 10 and 11 May 2002 to carry this out. Mayor Stephen Lee and Bevis Greay attended the workshop.

**Submission**

A draft copy of the strategic plan is attached to the agenda.

**Report**

The draft strategic plan confirms the original intention of the Regional Council that its main objective is managing the waste stream for the region. The purpose outlined in the plan states:-

- "(a) To plan, coordinate and implement the removal, processing, treatment and disposal of waste for the benefit of the communities of the Participants; (local government members in the regional council)*
- (b) To influence Local, State and Federal Governments in the development of Regional waste management policies and legislation;*
- (c) To provide administrative services to the South West Group;*
- (d) To prepare, facilitate and implement programmes, measures and strategies for the reduction of greenhouse gasses."*

Seven goals were also defined and outlined in the plan, and strategies were developed for each goal.

The most important strategy and the one where nearly all resources will be used over the next 12 months is:-

*"... commission and prove the Canning Vale Regional Resource Recovery Centre (RRRC)."*





Other strategies that are to be pursued over the next 4 years are:-

*1.3 Develop a second waste processing facility in the region.*

Rockingham Council has indicated it wishes to move to secondary waste processing in the future. For this to occur a second plant will be required.

*1.4 Establish a regional domestic waste collection programme (recycling, verge and MSW collections).*

At present all participating Councils collect waste with their own staff or contractors. This strategy is to investigate the feasibility of the collections being done on a regional basis.

*1.5 Develop a regional strategy for the collection and processing of commercial waste.*

The Regional Council on behalf of its member has facilitated the processing of domestic waste. The commercial waste is still taken to landfill.

*1.6 Investigate and implement ways to reduce the residual (15%) of waste component from the RRRC to a maximum of 5%.*

There will still be a residual of approximately 15% which will go to landfill after the processing of domestic waste at Canning Vale. A large proportion of this will be plastics. It is intended to investigate ways these materials may be able to be used.

*4.1 Investigate and develop a regional business plan for the use of alternative fuels for the region's waste collection fleet.*

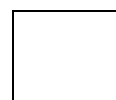
The remaining strategies are outlined in the draft strategic plan.

Upon adoption of the plan, action plans and times for all identified strategies will be completed.

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

One of the strategies in the Council's strategic plan is to have an environmentally sound management strategy of the Council controlled waste stream.

### **Budget/Financial Implications**



There are no immediate budget considerations as all the proposed projects in the 2002/03 financial year are allowed for in the annual budget adopted at the July meeting of the Regional Council.

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

Nil.

**1726. (AG Item 17.1) (Ocm1\_8\_2002) - REVIEW OF SISTER CITY ARRANGEMENTS (1021) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) pursuant to section 5.11 of the Local Government Act, 1995, disband the Cockburn/Split (Croatia) Sister City Committee and the Cockburn/Yue Yang (China) Sister City Committee;
- (2) not allocate specific funding in future budgets for the Sister city arrangements;
- (3) continue to support the principles of the Sister City Agreements entered into between the City of Cockburn and the Cities of Split and Yue Yang; and
- (4) advise the community members appointed to both Committees of Council's decision and that it would be prepared to consider any worthwhile advances from the community to promote any activities between Cockburn and Split and/or Yue Yang in the future.

**COUNCIL DECISION**

MOVED Deputy Mayor Graham SECONDED Clr Humphreys that Council:

- (1) pursuant to section 5.11 of the Local Government Act, 1995, disband the Cockburn/Split (Croatia) Sister City Committee and the Cockburn/Yueyang (China) Sister City Committee;
- (2) continue to support the principles of the Sister City Agreements entered into between the City of Cockburn and the Cities of Split and Yueyang; and
- (3) advise the community members appointed to both Committees of Council's decision, thanking them for their contribution and



that it would be prepared to consider any worthwhile suggestions from the community to promote activities between Cockburn and Split and/or Yueyang in the future.

**CARRIED 10/0**

### **Explanation**

Council adopts an annual budget. It makes budget decisions within the context of its annual budget-setting process. Committee Members should be thanked for their contribution.

### **Background**

At the January, 2002, Council Meeting, it was resolved that Council:

- (1) not appoint any further members to the Cockburn/Split Sister City Committee at this stage;
- (2) undertake a comprehensive review of the role, objectives and perceived community benefit of both its Sister City arrangements, such review to include activities undertaken and outcomes achieved by both Committees since their establishment; and
- (3) review its commitment to both Sister City arrangements following completion of the review and as part of the 2002103 Budget process.

The review referred to in (2) has now been completed and is attached.

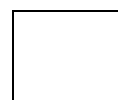
### **Submission**

To disband the Sister City Committees previously established by Council and retain the arrangements entered into between Cockburn and Split and Cockburn and Yue Yang on an informal basis.

### **Report**

The review has identified the history of Council's original investigation and reasons justifying its involvement in its Sister City Agreements.

There can be no doubt that there are benefits to be gained by fostering good will between communities, on an international basis, which have a common link.



However, the history of Cockburn's two liaisons have identified only some minor, primarily intangible accomplishments by the Committees established by Council to act as its advisor in these matters.

It would appear that the issues dealt with by the Committee are largely inconsequential in furthering the overall aims and objectives of the Sister City arrangements. Mostly, they appear to be "one off" issues which would not normally require the input of a Committee system to be approached.

Clearly, the expectation of Council when establishing these Committees, was for them to actively pursue the ideals of the Agreements by engendering community interest and support of their activities.

It was anticipated that the Committees would pursue the potential to forge links between relative sectors of the Cockburn community and their counterparts in Split and Yue Yang.

Educational, cultural, artistic and business/commercial opportunities were expected to be explored by endeavouring to gauge a level of support and involvement through representative and interest groups within Cockburn

There is no evidence to suggest that either Committee was actively pursuing these matters, although it is noted that the Cockburn/Split Committee was pursuing the possible establishment of sub-committees to look into such issues.

However, it is difficult to imagine how this would have successfully proceeded, given the relative inactivity of the Committee in its first four years of operating, until the suspension and ultimate dismissal of Council in 1999/00.

This is not to say that the Committees do not have a role and could not be an effective support to Council in the future.

However, the impetus for activity in these issues requires extensive community initiative and involvement, otherwise alternative, worthwhile community programmes could be overlooked.

It is further submitted that the issues dealt with by both Committees during their existence could have been effectively dealt with through the normal administrative process of the Council. Similarly, the expenses incurred by the Committees, the great majority of which was used in arranging visits to and from Croatia and China, were predominantly dealt with utilising Council's in-house staff resources.

In summary, it is suggested that, despite the good intentions of those members of the community who have participated in the Committees



until now, it would appear that there are few reasons to support the continuation of the current Sister City Committees.

It is suggested that those members appointed by Council be advised of Council's decision and encouraged to continue their support of the Agreements, which will remain in place, and raise any matters of interest with Council through available channels already in place, for example, community grants schemes for lone off" programmes or events or utilisation of Council's promotion channels if they have items of general community interest.

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

Key Result Area "Managing Your City" refers.

### **Budget/Financial Implications**

\$5,000 currently allocated for incidental expenses.

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

Such Committees can continue to operate in the community without formal Council involvement. If there is sufficient interest within the community to continue to promote these arrangements, Council can still support any worthwhile initiatives put forward.

## **1727. (AG Item 17.2) (Ocm1\_8\_2002) - ANNING PARK CLUB / CHANGEROOMS (550025) (RA)**

### **RECOMMENDATION**

That Council allocate the sum of \$19,000 to carry out improvement works at Tempest Park, as specified in this Report, subject to the Phoenix Cricket Club becoming an affiliated member of the Coolbellup Sportsman's Club (Inc.) and the Club agreeing to sign a Lease Agreement with the City with the funds to be drawn from the Community Facilities Reserve Fund.

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

### **COUNCIL DECISION**

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

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



## Background

The Cockburn Amateur Football Club (Inc) has for many years occupied the Anning Park Club / Changerooms. The Club has had responsibility for the day to day maintenance of the facility and paid all service costs. Alterations and additions to the building have been essentially initiated and carried out by the Football Club.

Approximately 5 years ago the Phoenix Cricket Club moved from the Goodchild Reserve facilities to Anning Park and entered an arrangement with the Football Club to use the clubrooms during the summer season. The Cricket Club has paid for the cost of services during their period of occupancy and the sum of \$1,500 to the Football Club as a consideration for the costs of operating and equipping the centre. There is some dispute between the two clubs as to what these funds were for and whether all monies owed were paid to the Football Club. It should be noted that none of these arrangements involved Council and were entirely of a private nature between the clubs. Council's only role is to allocate the grounds to clubs for winter and summer use.

The Cricket Club has used Anning Park as the main senior ground and also use Goodchild Reserve and Tempest Park for other teams in the club. There is a junior cricket club also using the facility, which is the Jandakot Lakes Junior Cricket Club and is not formally associated with the Phoenix Cricket Club.

In response to concerns expressed by the Football Club on the condition that the Cricket Club left the clubrooms the Recreation Services Coordinator met with the two clubs at the start of the 2001/02 cricket season to resolve differences between the clubs. Of particular concern was cleanliness of the building and damage. The Recreation Services Coordinator inspected the building to confirm that it was clean and in good condition for handover from the Football Club to the Cricket Club.

### Health Department Report:

*The City's Health Department has inspected the building on a number of occasions and provides the following report.*

*The Anning Park Clubroom is classified as a Public Building under the Health (Public Building) Regulations 1992. This Clubroom is 1 of 26 public buildings in Area A (East) which is required to be inspected on a regular basis by the area Environmental Health Officer.*

*The Anning Park Clubroom was inspected on the 1/2/02 as part of a routine Public Building inspection. At the time of the*



*inspection it was observed that the clubroom had poor housekeeping and was in an unclean and unhygienic state.*

*From an Environmental Health Officers perspective, 3 main issues needed to be addressed.*

- 1) The premises were very unclean, and most of the dirt and filth appeared to be built up over a period of time. The main hygiene issues included:-*
  - A) Very dirty floor in the kitchen/bar area*
  - B) Male and Female toilets were filthy and did not appear to have been cleaned for some time.*
  - C) Smokers ashtray (running the length of the bar) was full of butts and also did not appear to have been cleaned for some time.*
- 2) The equipment in the bar/kitchen area was disorganised with a lot of unnecessary items cluttering up the area. It was believed that this would hinder attempts to properly clean the kitchen.*
- 3) There was a significant quantity of alcohol on the premises, which was suspicious as the premises were not subject to a current liquor licence.*

*Due to the neglected condition of the clubroom it was considered necessary to take some digital photographs for the record.*

*Apart from the unclean condition of the clubroom, the quantity of liquor on the premises was of particular concern especially when the Liquor licensing department of the Office of Racing and Gaming advised that neither the Phoenix Cricket Club nor the Cockburn Football Club had been granted a licence to sell alcohol. The president of the Cricket Club was advised verbally on the 8/2/02, by the Recreation Services Coordinator that they must remove the stocks of alcohol and cease trade, as they did not have a licence to sell alcohol.*

*A letter was sent on the 20/2/02 to the Phoenix Cricket Club (cc Football club) with an attached schedule of works. The schedule of works summarised the clean up required to bring the premises up to an acceptable standard.*

*The letter also confirmed the requirement for the Club(s) to cease selling alcohol and explained the breaches of the Liquor Licensing Act if they continued to do so.*



*The letter also advised the Club that an Environmental Health Officer had an obligation to report any breaches of the Liquor Licensing Act, within his jurisdiction, to the Liquor Licensing Division. It was believed appropriate to allow the club the opportunity to rectify the situation.*

*A follow up inspection was conducted on the 1/3/02. It was noted that the quantities of alcohol had been reduced but there was still sufficient stock to indicate that the previous instruction to "cease trade and remove all alcohol from the premises" had not been complied with. The empty bottles and cans in the rubbish bins indicated that alcohol was still being consumed on the premises.*

*The premises was in the same unclean condition as it was before and on this inspection, access was gained into the "home" change rooms, which also revealed a facility which was being neglected. Empty bottles (alcohol and soft drinks) were lying around, broken glass was on the floor and equipment strewn around the room.*

*As a result of the lack of cooperation from the Cricket club in respect to the selling of liquor, the Liquor Licensing enforcement division were advised that alcohol was being sold and consumed on the premises without a liquor licence. Whether the enforcement division followed up on this notification is unknown.*

*At this point it was decided not to put any more time and effort into inspecting the premises as other work within the Health section had become more urgent.*

*It was concluded that although the premises was in an unclean and neglected condition, the health risk was low and it was only the members of the cricket club who were exposed to their own mess. Bearing in mind that the City also has an obligation to ensure the wellbeing of these members as well the matter was handed to the Recreation Services Coordinator to manage as it was acknowledged that the cricket season closure was imminent and action to clean the premises would be coordinated after the Cricket Club had vacated.*

In accordance with Council's Position Statement **PSCS16 - CRITERIA FOR AGREEMENTS FOR MANAGEMENT OF COUNCIL CLUB / CHANGE ROOMS**, which requires sporting clubs with liquor licences to enter lease agreements for the use of Council's club / change rooms, discussions were initiated with the Cockburn Amateur Football Club as the long standing tenants of the facility.

On the 18<sup>th</sup> of June 2002 a 5-year lease was signed between the City and the Cockburn Lakes Amateur Football Club (Inc).





## Submission

A number of office holders and members of the Phoenix Cricket Club have contacted the City and Elected Members advising that the Football Club has refused to allow the cricket club to use the clubrooms. It is acknowledged that the Phoenix Cricket Club has access to the toilets, change rooms and the oval but not the clubrooms in which the bar is established.

## Report

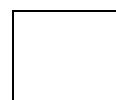
On receipt of advice from the Cricket Club that the Football Club has denied them access to the Clubrooms during the cricket season City officers have met with the two clubs seeking to broker an arrangement between the two parties that would provide for access to the clubrooms. A range of options have been proposed that would protect the interests of the clubs but none of these are acceptable to the Football Club. The Football Club refuses to allow the Cricket Club to use the Clubrooms as they believe that the cricket club do not look after the clubrooms and have previously been given notice by the Football Club and officers of the City to improve.

The Football Club also maintains that it requires the clubrooms and the associated liquor license to raise funds to operate the club and maintain the facilities for a substantial portion of the year. There is a clash between the football clubs training period and the cricket club's playing season. The Cricket Club will have priority usage at this time.

In an attempt to find alternative club room accommodation for the Cricket club the Coolbellup Sportsman's Club (Inc) has been approached to share their facilities on Tempest Park (Tom Greengrass Pavilion) as the Club does not have a summer club based there. The Coolbellup Sportsman's Club are willing to share the facilities and for the Cricket club to become formal members of the association. In discussions between the Cricket Club and the Sportsman's Club it was agreed that should the amalgamation proceed a profit share arrangement for profits from the bar would be instigated. This arrangement would assist the association become a financially more viable entity with the resources to maintain the building and pay operational expenses.

The Phoenix Cricket Club have a strong preference to remain at Anning Park but in their written advice to the City they are prepared to consider becoming active members of the Coolbellup Sportsman's Club if it is the only option for them to have a club facility.

Tempest Park is primarily used as a football ground and there are a number of improvements that need to be put in place to create facilities that meet the requirements of a cricket club based at the Park.



The Phoenix Cricket Club has reiterated their strong objection to having to move their social activities away from Anning Park and have stated that their minimum requirements for the upgrade to Tempest Park are:

- Cricket Pitch to be a minimum of 65metre boundaries.
- A minimum of 3 training nets, preferably near the clubrooms.
- The ground itself requires repairs to bring it up to scratch.

Both Anning Park and Tempest Park have a ground size suitable to meet the requirements for Western Australian Pennant Cricket, which is 60 metres in diameter. Neither ground is capable of accommodating the International standard of 65 metres as requested by the Cricket Club. Anning Park currently accommodates a 60 metre boundary but due to the recent inclusion of drainage swails the boundary of Tempest Park has been reduced to 54 metres. The moving of the old pitch will readily accommodate the 60 metre requirement.

There are three existing practise nets at Tempest Park which are run down and in need of repair. The estimated cost to carry out this work is \$13,000. There is insufficient space to put in new nets near the clubrooms at Tempest Park as requested by the cricket club. Anning Park has two near new practise nets.

There are funds on the budget already (\$49,000) to upgrade the reticulation system on Tempest Park, which will allow for a quality grassed playing field.

A source of funds is the \$20,000 in the 2002/03 Budget allocated to extend the Anning Park Reserve. Another possible source of funds is recommended from the Community Facilities Reserve Fund. The estimated funds required to meet the needs of the Phoenix Cricket Club are, repair of practise nets \$13,000 and new relocated pitch \$6,000.

Phoenix Cricket Club has 66 senior players according to Council ground allocation records. Ground allocations to the Club within Cockburn for the past season (2001/02) were as follows:

Anning Park

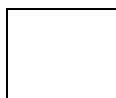
Match Fixtures - Saturday and Sunday from 12 noon to 7.00 pm.

Training - Tuesday and Thursday from 5.00 pm to 8.00 pm.

Tempest Park and Goodchild Reserve

Match Fixtures only - Saturday and Sunday from 12 noon to 7.00 pm.

It is understood that the junior cricket club and the football club based at Anning Park have reached an amicable agreement for the use of the club rooms for presentations and the like and for the use of the toilets and change rooms both during practise and on match days.



**Strategic Plan/Policy Implications**

Facilitating a range of services responsive to the community needs.

**Budget/Financial Implications**

Should Council proceed to upgrade the infrastructure to meet the needs of cricket at Tempest Park it could allocate the sum of \$19,000 from the Community Facilities Reserve Fund to instigate the necessary works.

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

Nil.

**1728. (AG Item 17.3) (Ocm1\_8\_2002) - PROPOSED LEASE OF FORMER LOT 485 HOPE ROAD, BIBRA LAKE TO WAALITJ ABORIGINAL CORPORATION (1114661) (GMB)**

**RECOMMENDATION**

That Council:

- (1) pursuant to the provisions of section 3.58 of the Local Government Act 1995, give notice of Council's intention to enter into a lease agreement with Waalitj Aboriginal Corporation for the use of the property situated at former Lot 485 Hope Road, Bibra Lake (now being part of Lot 309) for a period of one year, at a rental of one peppercorn per year plus all outgoing costs, with the City having the option to extend the lease for up to three years; and
- (2) delegate approval to negotiate the terms and conditions of the lease to the Chief Executive Officer.

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

**COUNCIL DECISION**

MOVED Deputy Mayor Graham SECONDED Clr Oliver that Council:

- (1) pursuant to the provisions of section 3.58 of the Local Government Act 1995, give notice of Council's intention to enter into a lease agreement with Waalitj Aboriginal Corporation for the use of the property situated at former Lot 485 Hope Road, Bibra Lake (now being part of Lot 309) for a period of one year, at a rental of one peppercorn per year plus all outgoing costs,

with the City having the option to extend the lease for up to three years; and

- (2) delegate approval to the Chief Executive Officer, to negotiate the terms and conditions of the lease, including considering options for any extension to the term.

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

### **Explanation**

Whilst it is appropriate to offer the lease on a peppercorn basis for the initial period, it is considered that Council should act responsibly in investigating the potential to apply a Lease Fee to any option to extend the initial arrangement. For example, the Corporation may be able to access Government Grants to cover such costs in the future.

### **Background**

The previous lessee of the property was the Department of Education. The Department utilised the facility for an indigenous education program called Yonga. The program also included Aboriginal Cultural Trails for school students within the region. The trails included bush walking, bush food, traditional medicines, Nyoongar language, traditional tools and styles of accommodation. The trails were highly successful with approximately 4500 students experiencing the trail in 2001. However, a reduction in Commonwealth Government funding caused the closure of the program. When the closure was inevitable representatives from the Department of Education met with a number of elected members and staff to discuss the future of the cultural trails. The Department expressed their strong support for the trails and agreed to commit to the provision of a part-time staff member to assist in the hand over process to local aboriginal people who had been involved in the trail over the past 3 years. This core group of Aboriginal people who had been involved in the program formed the Waalitj Aboriginal Corporation on the 29<sup>th</sup> of April 2002.

### **Submission**

The Waalitj Aboriginal Corporation have requested that Council consider a peppercorn lease for the property at former Lot 485 Hope Road in Bibra Lake, with the Corporation being responsible for all outgoing costs. Members of the Corporation are from a range of Aboriginal families within the district ensuring broad community ownership and participation. The Corporation operates under the constitution of the Commonwealth Registrar of Aboriginal Corporations. Operating within the constitution will ensure the good management of the Corporation. The committee



members have also developed a strategic business plan that will clearly guide them into the future.

The Department of Education have also requested that Council consider the Waalitj Corporation having usage of the property so that the cultural trails can continue to be provided to students in the Cockburn district. The Department has also demonstrated their commitment to the continuation of the trails by allowing the free usage of their transportable Building located on the site.

## **Report**

The Nyoongar name for the Bibra lake area where the property is located is Walliabup. The area was used as a camp site for the Beeliar group of the Nyoongar people, and so is considered a site of importance and significance to the local Aboriginal people. The provision of a peppercorn rental to a local Aboriginal Group would therefore be highly appropriate. It would be considered an act of Reconciliation and would encourage community ownership and usage of the site. Through discussions regarding the property there has already been the development of an Aboriginal Reference Group that can act as a liaison and consultation point for the City regarding Aboriginal Culture.

The peppercorn rental will allow for the establishment of the Aboriginal Community group and for the continuation of the cultural trails. The trails have been identified as a community need with requests from schools and the general community escalating over time. Through the cultural trails there will also be the potential to encourage broader community usage and tourism in the Bibra Lake area.

The trails also generate employment for local Aboriginal people. For example the previous tour guides undertook training through TAFE and are now qualified to conduct the tours. TAFE would also like to utilise the cultural tours to conduct further onsite training for TAFE students studying the Cultural Tourism Course.

The Waalitj Corporation has developed a strategic business plan that also demonstrates their financial viability. The strategic plan also envisages that the property will be used as a central community meeting place where the City of Cockburn Aboriginal Cultural Days could be held, therefore ensuring that all community members have access to the site.

The Corporation has arranged to co-supervise a work for the dole program with Bridging The Gap to make improvements to the property. This work for the dole program has already completed landscaping work that has improved the aesthetics of the site. These building renovations and landscaping will improve the value of the property.



The term for the lease should be adequate to ensure establishment and provide a secure base to apply for State and Commonwealth funding grants.

The option is for the City to renew the lease for a further two years after a 12-month period will provide a safe guard if the Corporation does not remain viable.

Due to the historical significance of the site to the Nyoongar community, the highly successful cultural trails, the employment opportunities, and the potential tourism for the district it is therefore recommended that Council enter into a peppercorn lease arrangement with the Waalitj Aboriginal Corporation.

The terms and conditions of the lease will be subject to the approval of the Chief Executive Officer.

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

Strategic Plan Item 5.2 "Human and Community Services" refers. Maintenance of this facility meets identified community need.

### **Budget/Financial Implications**

The Department of Education terminated their lease arrangement with the City in April 2002. The Department previously paid \$8500 per annum. There will therefore be a loss of income of up to \$8500, however this will be offset by a reduction in the building maintenance budget of \$1350. The Waalitj Corporation will be responsible for all outgoing costs including maintenance and repairs. Thus leaving a balance of \$7150.

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

Nil.

### **1729. (AG Item 18.1) (Ocm1\_8\_2002) - EXECUTIVE DIVISION ISSUES**

Nil.

### **1730. (AG Item 19.1) (Ocm1\_8\_2002) - MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.



**1731. (AG Item 20.1) (Ocm1\_8\_2002) - NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**

Nil.

**Note:** The Chief Executive Officer advised that Mayor Lee had agreed to the addition of the next item. Whilst the report had been distributed the officer's recommendation was read aloud by the Mayor.

**1732. (AG Item ) (Ocm1\_8\_2002) - NORTH LAKE ROAD / OSPREY DRIVE TRAFFIC SIGNALS - STATE BLACK SPOT PROGRAM (450010) (450583) (5911) (JR)**

**RECOMMENDATION**

That Council:

- (1) advise Main Roads WA that Council will jointly fund the installation of traffic signals at the North Lake Road/Osprey Drive intersection as a State Black Spot project at a total cost of \$150,000, to be completed this financial year;
- (2) include Council's contribution towards this project by drawing \$50,000 from Account No. 692705 – North Lake Road (Osprey/Berrigan) Duplication and the scope of works be altered accordingly; and
- (3) amend the Budget accordingly.

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

**COUNCIL DECISION**

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

**CARRIED 10/0**



## **Background**

The State Government, through Main Roads WA, allocates funds to treat motor vehicle accident black spots. Funding is on a basis of 1/3 contribution by the local authority. On this basis, an unsuccessful application was lodged earlier this year to fund the installation of traffic signals at the North Lake Road/Osprey Drive intersection.

The cost benefit ratio for the works was too low and the project was placed on a reserve list.

## **Submission**

Main Roads WA have now advised that funding has become available for re-distribution to reserve projects on the 2002/03 State Black Spot Program on Local Roads. In this regard, three reserve projects in the metropolitan area have been identified as qualifying, one of them being North Lake Road/Osprey Drive traffic signals.

Main Roads have now requested whether Council will adopt the project on a joint funding basis to be completed this financial year. They require an answer by 30 August 2002.

## **Report**

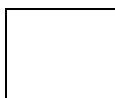
The estimated cost of installing traffic lights at this intersection is \$150,000 and, under the Black Spot proposal, the State would fund \$100,000 and Council \$50,000. As the intersection has now been recognised as an accident black spot qualifying for a traffic signal treatment, Council should support the project.

Council has currently allocated funds of \$340,931 under the Roads to Recovery Grant Program to duplicate North Lake Road between Osprey Drive and Berrigan Drive. The scope of these works could be modified to incorporate the above traffic signals and thus accommodate Council's contribution towards the Black Spot works. This would result in the dual carriageway not extending all the way to Berrigan Drive, but consideration could be given to completing the works when additional funds become available or in the next Budget.

It should be noted that, in Budget deliberations, Council directed that any proposal for traffic signals as part of the North Lake Road works is to be brought to Council for decision.

## **Strategic Plan/Policy Implications**

A Council strategic objective is to construct and maintain roads, which are the responsibility of Council, in accordance with recognised





standards, and are convenient and safe for use by vehicles, cyclists and pedestrians.

### **Budget/Financial Implications**

The Black Spot project can be accommodated under existing Budget allocations. However, funds will be required in the future to fully complete the currently approved project North Lake Road (Osprey/Berrigan) Duplication.

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

Nil.

**Note:** The Chief Executive Officer advised that Mayor Lee had agreed to the addition of the next item. Whilst the report had been distributed the officer's recommendation was read aloud by the Mayor.

### **1733. (AG Item ) (Ocm1\_8\_2002) - DILAPIDATED BUILDING - LOT 102 COCKBURN ROAD, SPEARWOOD - CONSOLIDATED MARINE DEVELOPMENTS (AUST) PTY LTD (3211923) (MW) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) allow an extension of time until 25 September 2002 to commence demolition work as requested by the owner;
- (2) advise its owner that no further extensions will be granted; and
- (3) if the demolition is not substantially commenced by 25 September 2002, make a complaint to a Court of Petty Sessions that the owner of Lot 102 Cockburn Road, Spearwood, has not taken the building down as required by the Notice served on him by Council on the 19<sup>th</sup> day of March 2002.

#### **COUNCIL DECISION**

MOVED Cllr Allen SECONDED Cllr Edwards that Council:

- (1) receive the report;
- (2) not grant an extension of time to commence the demolition of the neglected building;



- (3) authorise the Chief Executive Officer to commence legal action against the owner (Consolidated Marine Developments (Australia) Pty Ltd) for non-compliance with Council's Notice issued under Section 408(2) of the Local government (Miscellaneous Provisions) Act 1960, seeking an Order from the Court of Petty Sessions for compliance with the Notice, as well as a penalty and costs order; and
- (4) delegate to the Chief Executive Officer the conduct and carriage of those proceedings on behalf of the Council and full authority to settle and negotiate in respect to the proceedings in (3) above.

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

### **Explanation**

This issue has been going on since February/March of this year and it is not the first time extensions have been sought and granted. There is no guarantee that come September, Council will not be in a similar position as it is now. Five months have passed since the original resolution of Council, for the building to be demolished.

Council needs to take a strong stance as it is not only the local Coogee community, but the wider community who continually ask why this eye-sore is allowed to remain.

### **Background**

After the Notice to take down the dilapidated building was issued by Council on 19 March 2002, the owner wrote to Council requesting an extension of time to carry out the requisition of the Notice. Council, at its meeting in May 2002 (Minute No. 1558), granted the extension to 18 August 2002.

### **Submission**

A copy of the applicant's letter of request to extend the demolition for another six (6) weeks is included in the attachments to this Agenda.

### **Report**

If the building has not been taken down by 25 September 2002 or the Notice is not subject to an appeal by the owner, then Council may complain to the Court and the Court may order the owner to carry out the requisitions of the Notice and to pay such costs as the Court thinks fit in relation to the proceedings.



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

The recommendation is self explanatory and appears an appropriate response to the request by Consolidated Marine Developments.

If Council elects not to grant the extension as requested, then:-

1. Council may make a Complaint to the Court of Petty Sessions that the previously issued 408 Notice has not been complied with and the Court may order the building demolished within a fixed time.
2. If not demolished within the fixed time, then Council can enter the land and execute the Order and claim costs within 14 days of the building removal.

### **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**

Costs of court appearances with legal representation would apply.

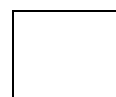
### **Implications of Section 3.18(3) Local Government Act, 1995**

Nil.

### **1734. (AG Item 22.1) (Ocm1\_8\_2002) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBTATE**

Nil.

### **1735. (AG Item 23.1) (Ocm1\_8\_2002) - CONFIDENTIAL BUSINESS**



Nil.

**1736. (AG Item 24.1) (Ocm1\_8\_2002) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

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

**CARRIED 10/0**

MEETING CLOSED 8.17 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: ...../...../.....

