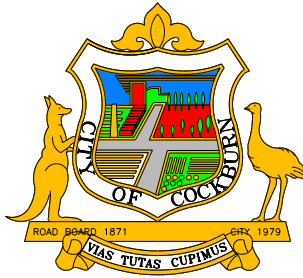


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

FOR

TUESDAY, 21 OCTOBER 2003

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 21 OCTOBER 2003 AT 7:00 PM

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CITY OF COCKBURN**AGENDA TO BE PRESENTED TO THE ORDINARY
COUNCIL MEETING TO BE HELD ON
TUESDAY, 21 OCTOBER 2003 AT 7:00 PM**

1. **DECLARATION OF MEETING**
2. **APPOINTMENT OF PRESIDING MEMBER (If required)**
3. **DISCLAIMER (To be read aloud by Presiding Member)**

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

4. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)**
5. **(OCM 21/10/2003) - APOLOGIES AND LEAVE OF ABSENCE**

Clr A Tilbury - Apology

6. **(OCM 21/10/2003) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Mr Renner queried why was there a large variance in the amounts in the Statement of Cash Flows between the Budget 2002/03 (\$1,193,546) and the Estimated Actual 2002/03 (\$122,441) - GST Refunded by ATO?

By letter dated 13 August 2003, the following information was provided:

The Statement of Cash Flows included in the Adopted Budget for 2003/04 shows a discrepancy between the 2002/03 Budget (\$1,193,564) and the 2002/03 Estimated Actuals (\$122,411) for GST Refunded by the ATO. This discrepancy arises due to the following:

- The 2002/03 Budget was prepared based on GST inclusive amounts (i.e. both payments and receipts were grossed up by the estimated amount of GST). The “GST Refunded by the ATO” amount represents the estimated net total of GST for the year (i.e. GST on payments is greater than GST on receipts, therefore we budgeted for a refund from the ATO).
- The 2002/03 Estimated Actuals are based on GST exclusive amounts (i.e. both payments and receipts are net of GST). The “GST Refunded by the ATO” amount only represents the difference between the GST Debtors balance as at 30 June 2002 and as at 30 June 2003.
- The accounting standards require that the cash flow statement be prepared inclusive of the GST. When council prepares the audited annual financial statements for 2002/03, the cash flow statement will be fully compliant. However, for the purposes of the budget, the 2002/03 actuals are only estimates and are subject to change.

This difference of treatment has no impact on the net cash flows reported as GST is cost neutral to Council (i.e. net total of GST paid and collected is offset by ATO refund).

7. PUBLIC QUESTION TIME

8. CONFIRMATION OF MINUTES

8.1 (OCM 21/10/2003) - ORDINARY COUNCIL MEETING - 16/9/2003

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Tuesday 16 September 2003, be adopted as a true and accurate record.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

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

Nil

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

13. COUNCIL MATTERS

13.1 (OCM 21/10/2003) - CODE OF CONDUCT - ELECTED MEMBERS AND STAFF (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council adopts the Code of Conduct documents for Elected Members and Staff as contained in the attachment to the Agenda.

COUNCIL DECISION

Background

Pursuant to Sec. 5.103 of the Local Government Act, 1995, Council is required to adopt a Code of Conduct to be observed by Elected Members and employees. In addition, Council is required to review the Codes within 12 months of its Ordinary Elections.

Submission

To adopt the Codes which are currently applicable to the City of Cockburn.

Report

The Codes of Conduct applicable to local government in this State are currently the subject of a review by the W.A. Local Government Association (WALGA) and the Department of Local Government and Regional Development.

The main purpose of the review is to endeavour to incorporate into a Model Code, some measures of disciplinary procedures to deal with non compliance and to investigate the potential to regulate the Code through a legislative process.

While the establishment of a Working Group to progress the matter is encouraging, it is considered doubtful that any outcomes will be finalised within the next six(6) months, which corresponds with the timeframe for the Council's requirement to review its current Codes.

As there do not appear to be any particular flaws in the current Codes applicable to the City of Cockburn and given that the review process currently underway is likely to produce something of a significantly different nature, it is considered a reasonable position for Council to adopt its current Codes and review them again, if necessary, following the results of the WALGA and Department joint exercise.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

Legal Implications

Sec. 5.103 of the Local Government Act, 1995, refers.

Community Consultation

N/A

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

Nil.

13.2 (OCM 21/10/2003) - CREATION OF NEW LOCALITY (1050) (LJCD) (ATTACH)

RECOMMENDATION

That Council:-

- (1) propose the suburb name of "Aubin Grove", defined as the area in part bounded by Gibbs Road, Rowley Road, east of the Kwinana Freeway and Lyon Road (as shown on the map attached to the Agenda); and
- (2) a survey of the affected landowners be undertaken and subject to there being no substantive objections, recommend the suburb name to the Geographic Names Committee.

COUNCIL DECISION**Background**

A proposal was presented to Council on 17 June 2003, to name the new suburb 'Gaebler' but Council decided to defer the matter to consider the options available.

Submission

The concept to create a new locality evolved from discussions with the Manager Planning Services, as it was viewed as being inappropriate to have residential properties and rural properties within the same locality. The object of the proposal is to separate residential properties from rural properties. Hence, the properties outside the proposed locality will be in Banjup.

Report

The area shown in the diagram attached to the agenda, is earmarked for residential development and structure plans for part of the area have already been approved. Stockland WA Development Pty Ltd owns Lot 199 Lyon Road, Banjup and earthworks have commenced on the development of the property for residential subdivision.

As the now defunct Jandakot Roads Board forms a part of the City of Cockburn, it was intended to name the new locality 'Nicholson' after William Nicholson, the first Chairman of the Jandakot Roads Board, but the name was rejected by the Geographic Names Committee. The names Lyon and Gaebler were then submitted with the first mentioned being rejected leaving Gaebler as being acceptable.

The area of the proposed new locality corresponds with Development Area 11 within Council's Town Planning Scheme and can be described as the area designated for residential development between Gibbs Road and Rowley Road, immediately east of the Kwinana Freeway and south of the suburb of Atwell.

The names suggested for the new locality are:

1. 'Gaebler' after Waldemar Gaebler who was a pioneer of the district from 1904 until his death. He owned and farmed a land holding (J.A.A Lot 291) which is located within the development area.

2. 'Aubin' after Henry J Aubin who owned Lot 212 Lyon Road and was a pioneer of the district.
3. 'Aubin Grove'. Here Aubin represents the original landowner whilst "Grove" recognises that a considerable amount of bush in the development will be left untouched.

It is recommended that a survey of the landowners be conducted and ask if they agree with the name 'Aubin Grove' for the new suburb. By adopting 'Aubin Grove' acknowledgement is not only given to a pioneer of the district but recognition is being given to the environment.

Strategic Plan/Policy Implications

Key Result Area "Facilitating the Needs of Your Community" refers.

Budget/Financial Implications

N/A

Legal Implications

Council is the recommending authority only, in these circumstances.

Community Consultation

The community affected by the proposal will be surveyed to ascertain their views on the proposed suburb name of 'Aubin Grove.'

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

Nil.

13.3 (OCM 21/10/2003) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE - 23 SEPTEMBER, 2003 (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council receives the Minutes of the Delegated Authorities, Policies and Position Statements Committee dated 23 September 2003, and adopts the recommendations contained therein.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 23 September 2003. The Minutes of the Meeting are required to be presented to Council and its recommendations considered by Council.

Submission

The Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting is attached to the Agenda. Items dealt with at the Committee Meeting form the Minutes of that Meeting.

Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council.

Any Elected Member may withdraw any item from the Committee Meeting for discussion and propose an alternative recommendation for Council's consideration.

Any such items will be dealt with separately, as provided for in Council's Standing Orders.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

Committee Minutes refer.

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

Committee Minutes refer.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM 21/10/2003) - POSSIBLE CLOSURE OF HOPE ROAD, BIBRA LAKE - SURVEY RESPONSES (9701; 450009) (SMH/AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) agree in principle with the closure of that portion of Hope Road between Progress Drive and the Cockburn Wetland Education Centre and the unmade Dixon Road;
- (3) require the preparation of reports on the following for further consideration by Council:
 1. Traffic Study which investigates the local traffic impacts that would result from the closure of Hope Road.
 2. Indicative cost of associated road works and environmental remediation; and
- (4) advise those who made submissions accordingly.

COUNCIL DECISION

Background

Council at its meeting held on 18 March 2003, considered a report which recommended that the closure of Hope Road be initiated. The reason for the report and recommendation arose from a report prepared by the EPA on the possible environmental implications associated with the construction of Roe Highway Stage 8. The EPA Bulletin 1088 was prepared for the Minister for the Environment at the request of the Minister for Planning and Infrastructure in February 2003 under Section 16(j) of the EP Act. The report recommended the downgrading of Hope Road.

Council resolved as follows:-

- “(1) receive the report;*

- (2) *acknowledge that EPA Bulletin 1088 recommends Hope Road be downgraded to strengthen ecological linkages between North Lake and Bibra Lake;*
- (3) *write to the EPA, clarifying the intended meaning of “downgrading” as expressed in para 63 of EPA Bulletin 1088;*
- (4) *survey residents of North Lake and Bibra Lake localities using a letter-box drop survey form, to provide an opportunity for community comment on whether Hope Road should remain open or be closed;*
- (5) *provide an information sheet, along with the survey in (4), outlining benefits and disadvantages of closing Hope Road; and*
- (6) *advise the Minister for Planning and Infrastructure that in the event that the Roe Highway Stage 8 reservation is deleted from the Metropolitan Region Scheme, that the reserve be included in the Parks and Recreation Reserve to protect the regionally important upland vegetation as described in the Environmental values associated with the alignment of Roe Highway (Stage 8) advice on pages 10, 11, 13 and 16 of EPA Bulletin 1088 dated February 2003.”*

In response to the Council decision:-

- A letter was sent to the EPA on 20 March 2003, seeking clarification on the intended meaning of “downgrading” of Hope Road. At the time of writing this report, no response had been received.
- A survey of 2700 households in the Bibra Lake and North Lake localities was conducted with the closing date of 25 April 2003.
- A letter was sent to the Hon. Minister for Planning and Infrastructure on 20 March 2003, advising the Council position on the future of the Roe Highway Stage 8 reservation should the highway not be built, to which an acknowledgement was received on 16 April 2003.
- Due to complaints that some residents in North Lake had not received the survey, an additional 330 surveys were circulated to North Lake households located between Progress Drive and North Lake Road. The closing date for the survey was extended to 16 June 2003.

At its meeting held on 15 July 2003, Council resolved:-

- “(1) *defer consideration of this item to a future meeting of Council; and*
- (2) *write to the Minister for the Environment requesting its letter to the EPA of 20 March 2003 be answered and a strategic*

assessment under Section 11 of the Environmental Protection Act be investigated for Hope Road, Farrington Road and the implications of Progress Drive, addressing both environmental and social impacts.”

The Council decision resulted in two letters being written to the Minister for the Environment as required under recommendation (2) of the resolution, to which a letter was received from the Chairman of the EPA on 18 August 2003. Advice about the assessment was received on 3 September 2003.

Detailed reports on the possible closure of Hope Road were provided to Council on:-

- 18 March 2003 – Item 14.1 – “Closure of Hope Road, Bibra Lake, EPA Bulletin 1088, February 2003”.
- 15 July 2003 – Item 14.1 – “Possible Closure of Hope Road, Bibra Lake – Survey Responses”.

These reports should be referred to as background to this item.

Submission

At the close of the public submission period, 1082 submissions had been received. Of these, 517 or 48% supported the closure of Hope Road and 565 or 52% opposed the closure. Of all the submissions, 818 or 76% were from Bibra Lake and 239 or 22% were from North Lake. Submissions from other areas amounted to 25 or 2%.

Of the Bibra Lake submissions, 356 or 44% supported the closure of Hope Road and 462 or 56% opposed the closure.

Of the North Lake submissions, 143 or 60% supported the closure of Hope Road and 96 or 40% opposed the closure.

Seven(7) late submissions were received to close Hope Road but these were received too late to be included in the final figures.

136 submissions contained the name of more than one person. The survey form stated that a photocopy of the form is to be used where more than one resident from the household wants to participate in the survey. Accordingly, where multiple names were stated, this has been recorded as a single vote.

A submission from the City of Melville strongly opposed the possible closure of Hope Road.

On 18 August 2003, Council received a letter from the Chairman of the EPA, Mr Walter Cox dated 6 August 2003. This letter relates to the EPA's understanding of the "down grading" of Hope Road.

On 3 September 2003, a letter was received from the Minister for the Environment dated 2 September 2003, relating to the strategic assessment of Hope Road, Farrington Road and Progress Drive as requested by the Council.

A copy of the letters are attached to the Agenda.

Report

As noted, some 3030 surveys were sent to residents in the affected localities of Bibra Lake and North Lake inviting comments on the proposal to close that section of Hope Road between Progress Drive and the Cockburn Wetland Education Centre, to enable the reintegration of Bibra Lake and North Lake as a single environmental unit and strengthen the ecological linkages. At the close of the advertising period, 1082 responses representing 35.7% of those surveyed had been received.

Of the responses received, 517 or 48% supported the closure with 565 or 52% against. Generally surveys only attract responses from those opposing a proposal. In this instance, there was strong support from those responding to the survey and it is considered that the majority of those not responding do not have any major objections. On the basis of those surveyed, only 19% objected to the proposed closure. The survey itself does not provide any strong direction as to the decision Council should make.

The City of Melville has expressed strong objection to the proposed closure in numerous letters stating that the EPA Bulletin was very brief and lacking detail, that a future Liberal Government has stated that if they are re-elected they are likely to construct Stage 8 on the Hope Road alignment with the clear implication that the proposed closure action would make this more difficult or unnecessary and that the proposal is premature because the current issues relevant to the regional road network and the Roe Highway are yet to be resolved. In summary, Melville considers the proposal to be deliberately obstructive to the process of sustainable development and triple bottom line assessment in the long term. A copy of the relevant letters are included in the Agenda attachments.

The Director Planning and Development has previously reported to Council on the inadequacies of the EPA Bulletin. Notwithstanding this, Council resolved to oppose Roe Highway Stage 8 on the strength of the EPA Bulletin and the views of some members of the community.

It is agreed with the City of Melville that the closure of Hope Road may make it harder for a future Liberal Government to implement the Roe Highway on the Hope Road alignment. However the construction of the Roe Highway west of the Kwinana Freeway through the Bibra Lake/North Lake area is not consistent with Council's current position of opposition to Roe Stage 8 and accordingly, whether or not the closure makes it more or less difficult for a future Liberal Government to implement, such alternative is not material or a driving factor.

It is also noted that Hope Road is a local issue not a regional road issue and that if the Roe Highway was to have been constructed, then Hope Road would have been closed as a local road as part of the Roe Highway extension and accordingly, the end result at the local level would be exactly the same result as the current proposed closure.

The proposal is not deliberately obstructive as asserted by the City of Melville, but based on environmental principles expressed by the EPA in Bulletin 1088 and the general community view that the wetlands of Bibra Lake and North Lake should form a continuous environmental precinct with strengthened ecological linkages which has been the basis of Council's opposition to Roe Highway Stage 8.

In numerous submissions, concern has been expressed about the intersection of Progress Drive and Farrington Road and the ability to turn right into Farrington Road, what impact the closure of Hope Road may have on this and the current need to upgrade the intersection including the dualling of that section of Farrington Road. Traffic volumes on Progress Drive and Farrington Road may increase as a result of the closure of Hope Road and accordingly, it is considered that a traffic study should be commissioned to determine the local traffic impacts and a future report presented to Council for consideration. The same also applies to the intersection of Bibra Drive and North Lake Road. Rectification of the problems at these intersections will resolve the reasons some people did not support the closure.

It was also suggested that Progress Drive be closed at the Hope Road end. This would significantly restrict access to recreation facilities and the proposed kiosk at Bibra Lake and is not supported.

Having considered the outcomes of the survey and taking into account Council's previous stand on the environmental importance of the Bibra Lake/North Lake conservation reserves and the environmental advantages that would result from the area being integrated, it is recommended that Council support the proposed closure of Hope Road, that a local traffic impact assessment be undertaken and indicative costings of both associated road works and environmental remediation be prepared for further consideration by Council.

The response from the EPA and the Minister for the Environment will be discussed in turn.

1. Letter from the Chairman of the EPA dated 6 August 2003

It took 5 months for the EPA to respond to the Council's letter of 20 March 2003. This is unacceptable.

Never-the-less, the letter contains only one paragraph relevant to the Council enquiry, namely that:-

"In relation to the downgrading of Hope Road, the EPA was not aware that this road is already at the lowest level in the hierarchy and that to downgrade it would imply closure. Whilst the closure of Hope Road would be ideal from an ecological perspective, it is recognised that there may be a requirement for the road to provide thoroughfare for local traffic."

This response is also unacceptable. This is because the EPA admits that it had not researched the background or implications of its recommendation as contained in Bulletin 1088/33 that:-

"Additionally, it is recommended that consideration be given to downgrading the eastern section of Hope Road, which currently runs through the subject area, with rehabilitation to strengthen the ecological linkages within the area."

The EPA response puts at risk the credibility of Bulletin 1088, by its own admission it was not aware of the status of Hope Road, the only local road about which a recommendation was made. Of greater concern is that this recommendation was one of only 3 recommendations contained in the Conclusion to the report.

This recommendation was based on an observation contained in Bulletin 1088/33 (pp13) namely that:-

"The area also maintains a high degree of ecological integrity despite some historical and current degradation, with the only major barrier to terrestrial fauna movement being Hope Road."

The EPA's response is an each way bet, in that on one hand it would like to see Hope Road closed for ecological reasons, but on the other hand the road could be retained because it provides a local thoroughfare.

This is difficult to reconcile against the report, however, which says that Hope Road is the only major barrier to terrestrial fauna movement, presumably between the Bibra Lake and North Lake Reserves.

As the State's expert environmental agency, the EPA is required to provide advice in respect to environmental matters, therefore its comments on the ecological benefit of the closure of Hope Road can be considered, but it has no expertise or charter to comment on the need for a road and therefore its opinion in this regard is of little value. This view is confirmed in the letter from the Minister for the Environment, dated 2 September 2003.

Given this, it appears that there are environmental and ecological benefits in closing Hope Road.

As far as the need to retain Hope Road for local traffic usage, it is pointed out that according to the Council's records only 4400 vehicles per day use Hope Road at an average speed of 72 kph. If Hope Road was closed, the number of vehicles redirected into the local road network is minimal. The vehicles would mainly use Farrington Road and Bibra Drive instead.

The initiation of a road closure under the Land Act involves:-

- a Council decision to proceed.
- public notices and signs (optional)
- referral to relevant agencies and affected property owners.
- consideration of all submissions.
- Council to decide to proceed or not proceed.
- to proceed to request DOLA to close
- recommend to DOLA approach to land disposal
- DOLA approval
- public notices and signs of decision and date of effect
- undertake works to remove existing pavement and rehabilitate accordingly to Council decision as to the future of the land

A decision to initiate is not a final decision to close the road.

2. Letter from the Minister for the Environment dated 2 September 2003

The Minister provided a prompt response to the Council's letter dated 18 July 2003, which enquired about the possibility of a strategic assessment of Hope Road, Farrington Road and Progress Drive under Section 11 of the EP Act.

The Minister assumed that the Council was referring to Section 16 of the EP Act, but advises that:-

"I recognise the difficulty in closing Hope Road due to the implications that it may have for transport planning within the general area, and concur with your view that a strategic assessment should be

undertaken to investigate transport planning issues and constraints for the area.

It is not, however, a matter which can be addressed under the Environmental Protection Act 1986. Strategic transport planning matters are co-ordinated by the Department for Planning and Infrastructure (DPI) under direction from my colleague the Hon Allannah MacTiernan MLA.

I am confident the Environmental Planning Branch of DPI can address the broad environmental issues, and the EPA can assist in this process.”

The Minister has confirmed her comments to the issue of the strategic assessment. Because the EPA does not have the expertise to undertake a strategic transport study, she has referred the matter to the Minister for Planning and Infrastructure, and advised that the Council may wish to contact the transport section of DPI for further guidance on this matter.

However, the Minister’s interpretation of the Council resolution of 15 July 2003 may not reflect the intention of the Council, namely:-

“(2) write to the Minister for the Environment requesting its letter to the EPA of 20 March 2003 be answered and a strategic assessment under Section 11 of the Environmental Protection Act be investigated for Hope Road, Farrington Road and the implications of Progress Drive, addressing both environmental and social impacts.”

Clearly the Council’s intent was for an assessment to be made under the EP Act of the “environmental” and “social” impacts of Hope Road, Farrington Road and Progress Drive. Presumably, the impacts relative to maintaining these roads, otherwise the resolution of Council is not understood.

The EPA has the ability under Section 16(j) of the Act to “publish reports on environmental matters generally”. Section 11 of the EP Act is not relevant as it relates to the conduct of meetings of the EPA.

Given this it is not clear as to why the Minister has chosen to interpret the Council’s request as being a “strategic transport planning” matter, to be undertaken by the DPI.

Council may wish to seek clarification of the Minister’s position.

Strategic Plan/Policy Implications

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

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

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."*

Budget/Financial Implications

Should the Council decide to proceed with the closure of the western portion of Hope Road, the length of road proposed to be closed is approximately 600m. To remove the road pavement will cost in the order of \$12,000 and the aggregate retrieved can be re-used as a base for paths and parking areas. Other associated road works that may be required have not been determined at this time.

The soil that has been under the road for many years is suitable for direct seeding which will cost around \$6,000 to apply and about \$3,000 to maintain over subsequent years. The revegetation of the verge could cost \$50,000 to install and about \$34,000 to maintain for the first 3 years. The total cost of the rehabilitation could be in the order of say \$105,000 for capital works and maintenance.

This estimate assumes that the existing utility services, such as electricity and water will remain within the reserve area.

Should the closure proceed, the Council would need to consider providing the funds in future budgets.

Funds for the Study will be drawn from the Chief Executive Officer's Consultancy Account.

Legal Implications

A road is closed under the provisions of the Land Administration Act. This requires the local government to contact the servicing agencies, to advertise the proposal in the local newspaper and if necessary to erect signs on that section of the road proposed to be closed. A public submission period of 35 days applies. This process will not be commenced until the Council has considered the results of this survey.

The local government makes recommendations to the Department of Land Administration which makes the final decision.

Community Consultation

A survey of 3030 households was conducted. The closing date, was the 25 April 2003, but was extended to 16 June 2003 for residents in North Lake between Progress Drive and North Lake Road. There were 1082 responses. Should the Council initiate the closure of Hope Road it will be required to re-advertise the proposal in accordance with the Act.

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

Nil.

14.2 (OCM 21/10/2003) - ACQUISITION AND SALE OF LOT 50 ROCKINGHAM ROAD, SPEARWOOD - SUMP SITE (3200395; 3209292) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) purchase Lot 50 Rockingham Road Spearwood for a consideration of \$20,000 from Main Roads WA; and
- (2) following (1) above, sell Lot 50 Rockingham Road Spearwood, for \$20,000 to the owners of Lot 14 Rockingham Road being V, A & G Palermo, subject to:
 1. Lot 50 being encumbered with a drainage easement in favour of the City.
 2. No water from private land is to enter the sump unless by Council's agreement.
 3. The area to remain the same size and it be reconfigured as part of a development plan.
 4. Any works associated with the reconfiguration of the sump is to be borne by the owner.
- (3) requires all costs associated with the sale and purchase of Lot 50 to be borne by V, A & G Palermo; and
- (4) transfer funds for the purchase from the Land Development Reserve Fund with the income from the sale of land being transferred back to the Land Development Reserve Fund.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Lot 50 Rockingham Road Spearwood is a land locked drainage sump owned in fee simple by Main Roads WA. Many years ago, Rockingham Road came under the control of Main Roads WA. It is assumed that Lot 50 was acquired by Main Roads WA to receive stormwater from Rockingham Road.

The City of Cockburn now controls Rockingham Road and is therefore responsible for the drainage of this and sections of adjoining roads within the catchment area of the sump.

Submission

Main Roads WA have forwarded a valuation report prepared by a licensed valuer from McGees.

Report

The owners of Lot 14 Rockingham Road propose to redevelop Lot 14 and Lot 6 Rockingham Road. The ownership and location of Lot 50 is detrimental to the orderly planning of the development. The owners of the land have agreed to purchase Lot 50 from the City and understand that the drainage easement will allow the City to continue to store stormwater in the sump.

The owners propose to reconfigure the sump so that it is orientated east-west rather than the current north-south orientation.

To do this will require subdivisional approval. The City will be in a position to recommend to the Western Australian Planning Commission that any approval be conditional on the drainage rights enjoyed by the City being maintained.

The owners have agreed to prepare engineering designs of the proposed sump and piped system, to demonstrate that the capacity of the proposed sump is adequate for the needs of the City and the owner's proposed development.

The City is also protected by the easement that will have been endorsed on Lot 50. The contract of purchase and sale will be a three-way agreement entered into by each of the parties.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

Budget/Financial Implications

The purchase of the land from Main Roads WA for the sum of \$20,000 by the Council and for the Council to then sell the land to V, A & G Palermo for \$20,000 means the transaction is revenue neutral for Council.

Funds for the purchase and sale should be transferred to and from the Land Development Reserve Fund.

Legal Implications

Endorsement of a Purchase and Sale Agreement to protect the interests of all parties.

Community Consultation

N/A.

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

Nil.

14.3 (OCM 21/10/2003) - ROAD CLOSURE - PORTION OF FRASER ROAD, JANDAKOT, PURSUANT TO SECTION 3.58 OF THE LAND ADMINISTRATION ACT (450057) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) not proceed with the road closure so that future road planning options are maintained; and
- (2) advise the applicant accordingly.

COUNCIL DECISION

Background

The owner of Lot 316 Jandakot Road Jandakot, has requested the road closure and inclusion of the Crown Land portion into his land parcel.

Submission

N/A

Report

Pursuant to the Land Administration Act, the proposal has been advertised. At the conclusion of the 35 day submission period, there have been no objections received. The servicing authorities have all sent responses with no objections.

Despite this, it would be premature to close the road reserve before the final planning of the locality has been completed.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

A 35 day advertising period was carried out, and no objections to the proposal were received.

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

Nil.

14.4 (OCM 21/10/2003) - PROPOSED CHILD DAY CARE CENTRE (ABC) - LOT PT 113;157 ROCKINGHAM ROAD (PAULIK WAY), HAMILTON HILL (2203812) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the proposal for a Child Day Care Centre at Lot Pt 113 Rockingham Road, Jandakot, subject to the following conditions:-

Standard Conditions:

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. No building construction activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7:00am Monday to Saturday and not at all on Sunday or Public Holidays.
5. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to Council prior to the erection of any signage on the site/building.
6. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
7. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of Council.
8. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved by Council.

9. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing and appropriate measures shall be implemented within the time and in the manner directed by Council, in the event that sand or dust is blown from the site.
10. All stormwater being contained and disposed of on-site.
11. Works depicted on the approved parking plan shall be maintained to the satisfaction of Council.
12. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of Council.
13. The site car parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of Council.
14. A minimum of 1 disabled carbay designed in accordance with Australian Standard 2890.1 – 1993 is to be provided, in a location convenient to and connected to a continuous accessible path to the main entrance of the building or facility. Design and signage of the bay(s) and path(s) is to be in accordance with Australian Standard 1428.1 – 1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in conjunction with the building licence application.
15. Car bay grades are not to exceed 6% and disabled car bays are to have a maximum grade 2.5%.
16. Landscaping is to be undertaken in the street verge adjacent to the Lot(s) in accordance with the approved plans and be established prior to the occupation of the building; and thereafter maintained to the Council's satisfaction.
17. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use, or to such alternative system of effluent disposal as may be approved by the

Department of Health prior to commencement of any use.

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

18. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia and the design is to be certified by a suitably qualified practicing Engineer and designed on the basis of a 1:100 year storm event.
19. A landscape plan must be submitted to the Council and approved, prior to applying for building licence and shall include the following:-
 - (1) the location, number and type of existing and proposed trees and shrubs including calculations for the landscaping area being in conformity with the City of Cockburn Greening Plan;
 - (2) any lawns to be established;
 - (3) any natural landscape areas to be retained those areas to be reticulated or irrigated; and
 - (4) verge treatments.

Special Conditions

20. The development being redesigned so that vehicular access is only obtained from Rockingham Road and not at all from Paulik Way.
21. No more than 99 children are permitted at the centre at any time.
22. Provision of a minimum of 26 on-site car parking bays.
23. Provision of visual and acoustic screen walls to adjoining residential properties.
24. Submission of a dust management plan to the satisfaction of the Council prior to the commencement of works.
25. The applicant engaging a qualified engineer (with experience) to certify that the land does not contain any unsuitable landfill associated with or prior to development works and that the land is physically capable of development to the satisfaction of Council.
26. The applicant engaging a qualified environmental consultant to certify that the land does not contain any

contaminated material and if any contamination is found it must be remediated in accordance with EPA requirements and to the satisfaction of the Council prior to development.

27. All access and egress of earthworks and construction vehicles must be via Rockingham Road and not at all from Paulik Way.

Footnotes

1. The development is to comply with the requirements of the Building Code of Australia. The proposal for the purpose of the BCA and must comply with:-
 - All boundary setbacks to be in accordance with the BCA;
 - Access & facilities for persons with disabilities are to be provided in accordance with the BCA to the site and within the building; and
 - All ablution facilities are to be in accordance with the BCA.

2. Detailed plans and specifications of the kitchen, dry storerooms, coolrooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, are to be submitted to and approved by the Council's Health Services prior to the occupation of the premises. The plans to include details of:
 - (a) the structural finishes of all floors, walls and ceilings;
 - (b) the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.); and
 - (c) all kitchen exhaust hoods and mechanical ventilation systems over cooking ranges, sanitary conveniences, exhaust ventilation systems , mechanical services, hydraulic services, drains, grease traps and provision for waste disposal.

These plans are to be submitted separately to those submitted to obtain a building licence.

The application must be in accordance with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only) and also include any information about the existing facilities to be retained and used. (refer to the attached form)

3. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, should be submitted in conjunction with the Building Licence application. Written approval from the Council's Health Service for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
 4. The development is to comply with the *Environmental Protection Act 1986* which contains penalties where noise limits exceed that prescribed by the *Environmental Protection (Noise) Regulations 1997*.
 5. The proposal be referred by the applicant to the EPA in relation to the works required to ensure the site is suitable for the intended use, given the previous use of the land for cement products which may have caused on-site contamination.
- (2) issue a Schedule 9 Notice of approval accordingly; and
- (3) advise those who lodged a submission of Council's decision.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3	Mixed Business
LAND USE:	Vacant	
APPLICANT:	Koltasz Smith	
OWNER:	G & M & F & D Passalacqua	
LOT SIZE:	3037sqm	
USE CLASS:	Child Care Premises "A"	

The subject site was previously used for the manufacturing of cement slabs under the former light industrial zone of District Zoning Scheme No. 2.

Submission

The applicant on behalf of ABC seeks approval to develop a child care centre on the land.

Information about the proposal includes:-

- The centre would cater for a maximum of 99 children up to five years of age;
- The hours of operation would be between 6:30am to 6:30pm Monday to Friday;
- Up to 16 qualified staff will care for the children;
- The target catchment for the centre includes Hamilton Hill and Spearwood residing within 2 kilometres;
- Access into the site is proposed from Paulik Way. Traffic consultant Transcore have reviewed the access/egress requirements for the site and this has been documented in a Traffic Impact Statement;
- The building area 720sqm is to be designed with an applied finish over rendered masonry and includes a typical gable roof, finished with colourbond-corrugated sheets. The design also includes verandah on the northern and eastern elevations and to reflect the residential character of the surrounding area;
- Car parking is provided at a rate of 1 car bay per 10 children. In this case 99 children require 10 bays and an additional 16 bays are provided for staff. A total of 26 bays are provided in accordance with TPS3.

Transcore have responded to the City's traffic related issues which included:-

1. Establishment of the traffic generation from the development in context of the existing traffic volumes on Paulik Way;
2. Establishment of the impact of the development traffic upon the operation of the intersection of Rockingham Road and Paulik Way;
3. Provide additional information on the peak operating conditions of the development.

“As stated in Transcore’s Traffic Impact Statement, it was estimated that during the critical PM peak hour there would be 27 vehicle trips on Paulik Way west of the Child Minding Centre and 55 trips east of the Centre, entailing both in and out movements....”

“This distribution assumption leads to an additional 50 vehicle trips on Paulik Way, south of Rockingham Road, during the critical PM peak hour. Although this represents a sizable percentage increase to the existing 58 vehicle trips observed during the City of Cockburn’s traffic counts, the expected total level of traffic is still significantly low enough to be accommodated within the standard and nature of Paulik Way....”

The results of the traffic analysis for the intersection of Rockingham Road/Paulik Way indicate that with the addition of the Child Minding Centre traffic during the critical PM peak hour, the intersection would continue to operate with an overall level of Service of A which is the best level of service achievable. The analysis also indicated that the intersection would continue to have significant spare capacity to accommodate the additional traffic during the critical PM peak hour.

Transcore have stated subsequently that access from Paulik Way onto Rockingham Road is less desirable on safety grounds. A crossover for the Child Care Centre on Rockingham Road would need to entail both left and right turn movements and considering traffic volumes and mix of heavy vehicles, this would according to Transcore, result in undesirable hazardous situations.

According to Main Roads criteria Paulik Way is an access road that can carry up to 3,000 vehicles per day and traffic volumes on Paulik Way after the Child Care Centre development would be less than 1,000 vehicles per day.

“Due to the reasonably low traffic volumes on Paulik Way, access and egress to the Child Care Centre can be provided in a much safer and more convenient way as against a crossover on Rockingham Road.”

Report

The proposed development was advertised in accordance with Clause 9.4 of TPS3 by way of letters of notification of surrounding landowners and erection of an advertising sign. At the close of the advertising period 25 submissions were received of which 15 submissions opposed the proposal (60%) and 10 submissions did not object to the proposal (40%). In addition a petition was also signed objecting to the proposal by 42 residents.

The submissions objecting to the proposal raised the following concerns in order of most frequent concerns raised:

1. Increased impact of additional traffic in terms of noise etc. (10)
2. Noise from the large number of children and staff would disturb the quiet enjoyment of the area. (7)
3. Entry and exit should be from Rockingham Rd. (4)
4. Inadequate car parking that could result in on-street parking. (2)
5. Potential impact on business. (2)
6. Loss of property value. (1)
7. History of problems caused by Council approval of development on 153 Rockingham Rd (ie parking etc.) (1)
8. Potential impact on Street Trees that were not allowed to be removed except for entrance for cars. (1)
9. Potential reduced safety of more drivers speeding on local street.(1)

The main concern from the submissions is the increase in traffic from a large scale child care centre involving 99 children and 16 staff. Paulik Way is situated at the rear of businesses fronting onto Rockingham Road and residents are keen to retain the quiet character of the street. There was a clear preference for access and egress to be obtained from Rockingham Road and not at all from Paulik Way. Notwithstanding that Paulik Way has the capacity to cater for the increased traffic and the supporting traffic impact statement the social impact of the increased traffic is a valid planning consideration in terms of the impact of the residential amenity of the street.

The use is compatible in terms of the Mixed Business zone and is significantly more appropriate than the previous concrete slab production activity that had previously created off-site impacts. Children would be kept occupied inside the building and would only be allowed to play outside during supervision periods. The proposal also complies with the car parking requirements of TPS3.

While the recommendations of Transcore are for access and egress to the Child Care Centre to be from Paulik Way, there are several businesses already along Rockingham Road in the vicinity of the development site that have their principal access and egress from Rockingham Road. Although Paulik Way would be a safer route, the resulting increase in traffic remains a major point of concern from the submissions received.

It is recommended that the proposal be approved subject to the design being amended to require access and parking along Rockingham Road with the play area in the middle of the lot and the building fronting directly onto Paulik Way with a front garden. No access should be permitted from Paulik Way.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

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

Legal Implications

Nil.

Community Consultation

Consultation was carried out in accordance with Clause 9.4 of Town Planning Scheme No. 3.

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

Nil.

14.5 (OCM 21/10/2003) - OVERSIZED OUTBUILDINGS (218SQM) - LOT 5 TRANDRA COURT, BANJUP - OWNER/APPLICANT: WJ & KE SIMPSON (5519746) (ACB) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant approval for the proposed outbuildings on Lot 5 Trandra Court, Banjup subject to the following conditions:-

Standard Conditions

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
5. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.

Special Conditions

6. The sheds are to be located within the designated building envelope, approved by Council on 21 August 2003.
7. The shed shall be used for domestic and/or rural

purposes only associated with the property, and not for human habitation.

Footnotes

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

COUNCIL DECISION

Background

ZONING:	MRS:	Rural – Water Protection
	TPS3:	Resource
LAND USE:	Residential	
LOT SIZE:	2.1338ha	
AREA:	218 sqm	
USE CLASS:	Permitted	

Submission

The applicant proposes to erect two 9 metre by 12 metre (108m²) colorbond sheds on the subject site. All structures are proposed to be located within the approved building envelope. The sheds are to be used for domestic purposes and will not be used for human habitation.

A locality map, a copy of the site plan and elevations are included in the agenda attachments.

Report

A shed is defined as an outbuilding under Town Planning Scheme No. 3. An outbuilding means a roofed structure that is enclosed on more than half of its perimeter used for domestic or rural purposes consistent with the Town Planning Scheme.

The subject land is zoned 'Resource' under Town Planning Scheme No. 3. The intent of the Resource Zone is to provide for the protection of the Perth Metropolitan underground water resource in accordance

with the requirements of Statement of Planning Policy No. 6 published by the Western Australian Planning Commission on 12 June 1998.

The proposed outbuildings fail to comply with Council Policy APD18, which specifies that the combined floor area of existing and proposed outbuildings and the wall height of proposed outbuildings in the Resource Zone are not to exceed 200m² and 4.5 metres height, respectively. Notwithstanding that the proposed sheds with an area of 216m² exceed the maximum size requirements, it is considered that an additional 16m² will not have an adverse effect on the visual amenity of the street and adjoining properties and is consistent with the intent of the zone.

For the reasons detailed above, it is recommended that Council approve the sheds subject to the conditions 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."*

The Planning Policies, which apply to this item are:-

APD18 Outbuildings

Budget/Financial Implications

Nil

Legal Implications

Nil

Community Consultation

The City did not refer the proposal to adjoining landowners for comment as it was considered the proposal would not adversely affect the amenity of adjoining landholdings.

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

Nil.

14.6 (OCM 21/10/2003) - FINAL ADOPTION - AMENDMENT NO. 8 - RECODING FROM RESIDENTIAL R20 TO R40 - LOTS 85 & 86 WINTERFOLD ROAD, HAMILTON HILL - OWNER: CHURCHES OF CHRIST IN WA (INC) - APPLICANT: THOMPSON MCROBERT EDGELOE (93008) (ACB) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the recommendations made in the Schedule of Submissions attached to the Agenda;
- (2) adopt the amendment without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (3) advise the applicant and those who made submissions, of Council's decision accordingly.

COUNCIL DECISION

Background

The background to this matter is outlined in Item 14.8 OCM20/05/03.

Submission

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

The EPA advised that under Section 48A of the *Environmental Protection Act* the overall environmental impact of the amendment would not be severe enough to warrant assessment under Part IV of the *Environmental Protection Act*, the preparation of an Environmental Review and the subsequent setting of formal conditions by the Minister for the Environment and Heritage. The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days.

A copy of the proposed amendment map is included in the Agenda attachments.

Report

The 42 day public consultation period for Amendment 8 concluded on 10 September 2003. At the close of the advertising period 1 submission was received. The owner of Lot 102 (No. 16) Dodd Street, Hamilton Hill (refer to site plan in Agenda attachments) objected to the rezoning on the basis that two storey houses or flats constructed on the subject site may result in an invasion of privacy by overlooking the rear boundary into Lot 102.

It is possible for two storey dwellings to be constructed on the subject site regardless of whether the land is rezoned to a higher density. Lot 85 currently has potential for 2 grouped dwellings and in fact a second dwelling can be constructed at the rear of the property at the present time without rezoning.

The new Residential Design Codes gazetted on 4 October 2002 *"provides a comprehensive basis for the control, through local government, of residential development throughout Western Australia."* Element 8 deals with the protection of privacy, primarily the prevention of windows and outdoor living areas being overlooked by neighbours.

The applicant has not indicated whether the subject site will be developed with single or double storey dwellings. Any future second storey dwelling, however must comply with the Codes and therefore privacy can be dealt with as part of the development application process.

The objection is therefore dismissed, as privacy can be assessed at the detailed application stage.

It is recommended that the Council proceed to adopt the scheme amendment.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

Community consultation is required pursuant to the Town Planning Regulations

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

Nil.

- 14.7 (OCM 21/10/2003) - PROPOSED AMENDMENT TO TOWN PLANNING SCHEME NO. 3 - LOT 501 TROODE STREET, MUNSTER - OWNER: HOTLAND PTY LTD (UNDER CONTRACT TO AUSTRALAND) - APPLICANT: ROBERTS DAY GROUP (9658; 3315202) (JW) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt the following amendment:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME NO.3 (TPS3)

AMENDMENT NO. 9

Resolved that Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 amend the above Town Planning Scheme by:-

1. rezoning lot 501 Troode Street, Munster from 'SU 10 – Special Use' to 'DA 12 - Development Zone and Parks & Recreation Reserve' as depicted on the amendment map;
2. adding to the Eleventh Schedule – 'Development Areas' in the Scheme Text, 'Development Area (DA 12), Troode Street, Development Zone' and appropriate provisions as follows:-

- (i) An approved Structure Plan together with all

approved amendments shall apply to the land in order to guide subdivision and development.

(ii) To provide for Residential development.

(iii) The provision of the Scheme shall apply to the zones and land uses classified under the Structure Plan in accordance with Clause 4.3 and 6.2.6.3

3. amending the Scheme Map accordingly.

Dated thisday of2003

Chief Executive Officer

- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed document together with the Structure Plan and report to the Environmental Protection Authority in accordance with Section 7 (A) (1) of the Town Planning and Development Act;
- (4) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission for consent to advertise;
- (5) advise the proponent that the buffer to the wetland at the entry off Troode Street is to be increased by reducing the width of the road to 13m and realigning the northern portion in line with the Southern portion.
- (6) advertise the proposed Structure Plan for Lot 501 Troode Street, Munster, subject to the Structure Plan being amended to the satisfaction of the Director, Planning and Development, in accordance with the provision of Clause 6.2 of Town Planning Scheme No.3; at the same time as the advertising of Amendment No.9 to TPS3, with the closing date for public submissions being the same;
- (7) notwithstanding (4) above, the Director of Planning and Development may refer the Scheme Amendment to the Council for its reconsideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, to determine whether the Council should proceed or not proceed with the Amendment; and

- (8) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48A of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
- (9) advise the applicant of the Council's decision.

COUNCIL DECISION

Background

The owner of the Cable Water Ski Park is proposing to redevelop the land for residential development.

Council at its meeting held on 16 September 2003, resolved to:

- “(1) receive the report;*
- (2) defer consideration of the proposal to amend Town Planning Scheme No.3, in relation to Lot 501 Troode Street, Munster, to provide for the preparation of a Structure Plan to facilitate residential development until issues raised by the applicant in a facsimile dated 16 September 2003 have been considered by Council's Planning Department; and*
- (3) request the Council's Planning Department to comment on the concerns raised by the applicant and these be included in a report to the next meeting of Council.”*

A meeting was held on 25 September 2003 with the applicant and their consultants to discuss their letter of 16 September 2003. Where appropriate the report has been modified according to the outcome of the meeting. The recommendation remains unchanged.

Submission

A submission has been received from Roberts Day on behalf of Australand to amend TPS3 for Lot 501 Troode Street, Munster. The Amendment proposes to rezone the land from 'Special Use' to 'Development Zone and Parks & Recreation Reserve'.

A draft Structure Plan outlining the future subdivision and development of the land has also been submitted to Council, together with engineering and environmental details to supporting the rezoning.

Extensive discussions have been undertaken between the City officers, representatives from environmental authorities, the proponents and Bowman Bishaw Gorham (BBG) environmental consultants in regard to some outstanding issues presented in the Amendment documents and Structure Plan, relating to the wetland and Bush Forever sites located on the western and southern portions of the land. The Structure Plan and Amendment map were amended accordingly.

Report

Lot 501 Troode Street, Munster is zoned "Urban" under the Metropolitan Region Scheme and 'Special Use 10 – Private Recreation' in Schedule 4 of Town Planning Scheme No. 3. TPS3 restricts the use of the subject land to 'Water Ski Park'.

The subject land is approximately 14.4 hectares and contains the 'Cable Water Ski Park' consisting of two ski lakes and associated facilities. Wetland and Bush Forever Site No. 435 (approximately 33% of the land) are located on the western and southern portions of the site.

The applicant initially sought approval to amend TPS3 by rezoning the subject land from 'Special Use' to 'Development Zone' to facilitate future residential development as depicted in the Structure Plan and report received in May. As indicated in the Environmental Assessment Report prepared by BBG Environmental Consultants, the wetland to the south is protected by the Swan Coastal Plain Lakes Environmental Protection Policy and the wetland near the western boundary is a Resource Enhancement category sumpland (see agenda attachments).

The proposed Scheme Amendment and development proposal impacted on the Bush Forever site and wetlands. A meeting was held on 18 July 2003 between representatives from the Bush Forever Office, the Water and Rivers Commission and the City in order to achieve a consistent and considered response to the proposal. At the meeting, general agreement was made between Bush Forever Office and WRC that the Resource Enhanced Wetland (REW) boundary is taken as the current Bush Site boundary given that the original wetland boundary as indicated on the Water and Rivers Commission maps is no longer relevant because of the extensive clearing and earthworks undertaken on the site altering the topography.

The City has conveyed this consideration to the proponent after the meeting and requested the proponent further explore the opportunity to

achieve the required buffer and minimize the potential impact on the wetland from the development, in consultation with the Council and relevant environmental agencies.

Further discussions have been undertaken between the City officers, the proponent and environmental consultants from BBG in regard to various issues, with particular concerns on the above mentioned wetland and buffer issues. A site inspection was also undertaken to gain a better understanding on these issues. The proponent subsequently amended the TPS Amendment map and document as well as the Structure Plan, and submitted them on 29 August 2003 to seek Council's support.

The revised TPS3 amendment map indicates rezoning of the subject land from 'Special Use' to 'Parks & Recreation Reserve' for the Bush Forever site and 'Development Zone' for the balance. City officers support the inclusion of the Bush Forever site and wetland area as "Parks and Recreation", which will give statutory force to protect the environmental values present on site.

The originally submitted Structure Plan provided minimal wetland buffers, but following discussions with the City the lot layout and road network were amended to provide increased setbacks. The proposal also intends to utilise a portion of the cleared Bush Forever site at the southwest corner of the lot for grouped housing development (see Agenda attachments). The proponent has argued that the proposal was considered reasonable given that approximately 33% of the land (Bush Forever site) is to be set aside for conservation and rehabilitation of approximately 1.5ha of the site as part of the development. This trade off is considered acceptable.

An Environmental assessment was undertaken by Council's Environmental Officer providing comments on the manner in which the proponents delineate the wetland boundary and the development layout. The assessment shows that a Drainage and Nutrient Management Plan needs to be prepared to reduce the risk of the development adversely impacting on the wetland and to reduce the long term maintenance liability on the Council. It is fair to say that this area of open space will form an integral part of the Packham wetland chain, for which Council is already responsible. The identified values are as follows:

- part of a regionally significant wetland system in regard to the saline influenced vegetation associations;
- part of a Nationally and Internationally significant wetland system in regard to the calcite and dolomite muds and the mineralisation processes occurring within the wetlands;
- the wetlands are likely to be visited by birds protected.

- The heteroform vegetation complexes within the wetland contain *Melaleuca raphiophylla*, *M.cuticularis*, *Suaeda australis*, *Juncus kraussii* and *Gahnia grifeca*;
- The wetland also provides a visual amenity of remnant vegetation and seasonal open water.

In light of the assessment it is considered that a 50m buffer to minimise the risk of weed invasion and protection of bird habitat be provided in accordance with the submitted plan, and where a lesser distance is proposed that this setback be used to improve aesthetics and as a barrier against the degradation of the wetland values.

It is recommended that the alignment of the entry road off Troode Street be modified because the current plan provides an insufficient buffer. The minimum acceptable separation would be for this section of the road to be moved in an easterly direction so as to be in line with the southern portion of the road. The road reserve width could also be reduced to 13m marginally increasing the width of the buffer.

It is recommended the environmental assessment be made available to the proponents, and the Structure Plan and report be amended subject to further consideration by the proponent to demonstrate that the development will achieve the desired environmental merits. The Structure Plan and report will also need to be reviewed and amended accordingly to address other planning issues such as road network, laneway development, POS provision and drainage issues etc. in consultation, and to the satisfaction of the Director, Planning and Development before the proposal be advertised for public comments.

It is recommended that TPS3 amendment for Lot 501 Troode Street, Munster be initiated by Council and referred to the EPA together with the Structure Plan and report to ensure that sufficient information be provided to enable the EPA to set the appropriate level of assessment. The advertising of the Structure Plan is to be undertaken at the same time as the advertising of the Amendment No. 9 to TPS3, with the closing date for public submissions being the same. During the advertising period, the Structure Plan and reports will be assessed in detail and form the basis of a report to Council.

At the conclusion of the public comment period for both Amendment No.9 and the Structure Plan, Council Planning officers will provide a combined set of comments and recommendations to Council based on the internal assessment from Council officers and submissions received from the public and agencies.

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."
 - "To ensure that the development will enhance the levels of amenity currently enjoyed by the community."
3. Conserving and Improving Your Environment
 - "To conserve the quality, extent and uniqueness of the natural environment that exists within the district."
 - "To 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."

The Planning Policies which apply to this item are:-

SPD1	Bushland conservation Policy
SPD3	Native Fauna Protection
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

Budget/Financial Implications

N/A

Legal Implications

The provisions of TPS No.3
Metropolitan Region Scheme

Community Consultation

To be undertaken as part of the Amendment process.

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

Nil.

14.8 (OCM 21/10/2003) - BUSINESS PLAN - DEVELOPMENT COSTS, DEVELOPMENT AND SALE OF 9 RESIDENTIAL LOTS - LOT 9050 BARTRAM ROAD, SUCCESS (6000473) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) proceed with the major land transaction being the development and sale of nine (9) residential lots on portion of Lot 9050 Bartram Road, Success, subject to no objections to the proposal being received by the close of business on 15 October 2003;
- (2) accept the fee proposal to undertake the civil works provided by Gold Estates of Australia (1903) Ltd for the amount of \$249,405; and
- (3) transfer \$249,405 from the Land Development Reserve Fund to meet the costs of the civil works and a further \$40,000 for the future upgrade of Bartram Road paid as a bond to the Council's Engineering and Works Department to enable the clearance of the subdivision to be given by the local government.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council at its meeting held on 19 August 2003 resolved to prepare a Business Plan to enter into a major land transaction, being the development and sale of nine (9) residential lots on portion of Lot 9050 Bartram Road, Success, pursuant to section 3.59 of the Local Government Act 1995.

Submission

GHD engineering consultants for Gold Estates have submitted a Costs Schedule for the civil works associated with the development.

Report

The Business Plan was prepared in accordance with the Local Government Act. An advertisement was placed in the West Australian

on 3 September 2003 stating that the Business Plan had been prepared and was available to the public to comment on. At the conclusion of the 6 week period there have been no submissions received.

Gold Estates will be awarding a contract for the civil works for Stage 5 of the development known as Magnolia Gardens. This development consists of 53 lots, 9 of which will transfer to the City pursuant to a previous land exchange agreement.

GHD consulting engineers prepared a schedule of rates and quantities to undertake the civil works associated with the City's 9 lots. GHD are the project consulting engineers and the unit rates are those used by the successful contractor for the overall project. The rates and quantities were then independently checked on behalf of the City by a second consultant.

The civil works amount to \$249,405 with the possibility of some slight variation in regard to a contribution to Success Lakes Development Area 2. An amount of \$40,000 is required to be paid to the Council Engineering and Works Department as a Road Bond, so that the clearances can be issued by the Council for the subdivision relating to the future upgrade of Bartram Road which adjoins the 9 lots. This upgrade is a condition of the WAPC subdivision approval. This money represents 50% of the estimated cost of the upgrade. Once the land on the north side of Bartram Road is subdivided, the balance can be sought as a condition of subdivision.

A report has been prepared by Property Resources Consulting on how best to market the 9 lots, given the requirements of the Local Government Act. Section 3.58 states that a local government can only dispose of property to the highest bidder at a public auction or the most acceptable tender in a public tender process.

If the local government wants to dispose of property outside the previous two options, then it must give state-wide public notice of the proposed disposition, describe the property, give details of the disposition and invite submissions within a date at least 2 weeks after the date of the notice. The advertisement also requires the name of the purchaser, the purchase price and the value as determined by a licensed valuer. The City has received approaches by Richard Noble, L J Hooker Atwell, and Re-Max Realty to market the lots.

The PRC report recommends that the lots be sold by public auction in 2 tranches of 4 and 5 lots.

The agents who have registered an interest should be asked for competitive submissions which should be considered in the light of the total fee payable by the City. PRC recommend that the auction be held in early 2004.

The City, unlike large property developers, has no need to pre-sell lots as it is not borrowing money to develop further stages of the development. Council purchasing policy requires at least 3 fee proposals in these instances.

Given that titles to the nine (9) lots will not be available until early 2004, the selling agent can be appointed at a future Council meeting.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

\$289,405 to be transferred from the Land Development Reserve Fund to meet the costs of the civil works and future upgrade of Bartram Road.

Legal Implications

Nil.

Community Consultation

Business Plan advertised for 6 weeks. No submissions received.

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

Nil.

14.9 (OCM 21/10/2003) - PROPOSED CONCRETE BATCHING PLANT - LOT 28; 57 HOWSON WAY, BIBRA LAKE - OWNER: CEPTRE NOMINEES PTY LTD & CAREW NOMINEES PTY LTD - APPLICANT: W LUKIC (4109349) (VM) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant approval for the proposed Concrete Batching Plant on Lot 28; 57 Howson Way, Bibra Lake, subject to the following conditions:

Standard Conditions

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. 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. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the Council prior to the erection of any signage on the site/building.
6. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
7. The gradient of cut and fill batters within a development which is set aside for drainage to be retained in a natural state are not to exceed 1 in 3, comprise clean fill and be stabilised, and areas which are proposed to be grassed and maintained abutting a natural area are to be separated by a physical barrier to the specification and satisfaction of the Council.
8. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
9. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
10. An approved effluent disposal system to the satisfaction of Council's Health Service and/or the Department of Health must be installed prior to the occupation of any habitable

building to be erected on the land. (Council's Health Service)

11. A minimum of one disabled carbays designed in accordance with Australian Standard 2890.1 - 1993 is to be provided in a location convenient to, and connected to a continuous accessible path to, the main entrance of the building or facility. Design and signage of the bay(s) and path(s) is to be in accordance with Australian Standard 1428.1 - 1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in conjunction with the Building Licence application.
12. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
13. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Council.
14. Access onto the site shall be restricted to that shown on the plan approved by the Council.

Conditions to be Complied with Prior to Applying for a Building Licence

15. A landscape plan must be submitted to the Council and approved, prior to applying for building licence and shall include the following:-
 - (1) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area being in conformity with the City of Cockburn Greening Plan
 - (2) any lawns to be established
 - (3) any natural landscape areas to be retained;
 - (4) those areas to be reticulated or irrigated; and
 - (5) verge treatments

Conditions to be Complied with Prior to Occupation

16. The carrying on of the development must not cause a dust and smoke nuisance to neighbours. The developer is required to submit a Dust Management Plan in accordance with the Council's Guidelines for the Preparation of Dust Management Plans for development sites within the City of Cockburn. The Plan is to be approved by the Council's Health Services prior to the

commencement of earthworks and complied with during the life of the development. The burning of vegetation is prohibited.

17. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer, to the satisfaction of the Council.
18. The landscaping must be completed in accordance with an approved detailed landscape plan, prior to the occupation of any building.
19. Landscaping is to be undertaken in the street verge adjacent to the Lot(s) in accordance with the approved plans and be established prior to the occupation of the building; and thereafter maintained to the Council's satisfaction.

Special Conditions

20. The internal roadways to be sealed to Council's satisfaction to ensure dust emissions from trucks are not a nuisance.

Footnotes

1. This approval is issued by the Council under its Town Planning Scheme, and approvals or advice by other agencies may be required, and it is the responsibility of the applicant to ensure that all other approvals/advice are issued prior to commencing development or use of the land, and a copy of the approval/advice should be provided to the Council.
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. The development is to comply with the requirements of the Building Code of Australia.
4. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.

5. The operations should comply with all environmental standards as specified in any works approvals, licence, conditions of approval applied under the *Environmental Protection Act 1986*.
 6. The Council takes no responsibility or liability in respect to maintenance and reinstatement of any verge area landscaped as a condition of approval.
 7. The development is to comply with the *Environmental Protection Act 1986* which contains penalties where noise limits exceed the prescribed by the *Environmental Protection (Noise) Regulations 1997*.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant accordingly; and
- (3) advise those who lodged submissions of Council's decision.

COUNCIL DECISION

Background

At the Council meeting held on 16 September 2003, it was resolved to defer this item to allow Elected Members more time to consider the submissions lodged in relation to the application.

ZONING:	MRS:	Industrial
	TPS3:	Industry
EXISTING LAND USE:	Vacant	
LOT SIZE:	2.4281ha	
AREA:	Approx. 1970m ² of site works	
USE CLASS:	Industry General (licensed) 'D'	

Submission

Council has received an application dated 7 July 2003, from the landowner(s) of the subject property, Ceptre Nominees Pty Ltd & Carew Nominees Pty Ltd, for planning approval to develop a concrete batching plant on the site.

The proposed development includes the following site works:

- Entrance to the site being gained from Howson Way. Provision of a wide driveway (approximately 11m wide) and bitumen crossover.
- Minor site works to create the necessary falls for process water and stormwater management.
- Significant retaining wall structures may be required along the Western boundary.
- Excavation for mass concrete footings for silo, hoppers and below ground sumps and compensating basins.
- The development of the eastern portion of the site with a concrete batching plant incorporating cement storage silos (up to 19m in height), weigh hoppers (with dust covers), water tank, conveyors for the mixing of cement, sand and aggregate.
- Ancillary structures including a slump stand, sumps, water tanks etc.
- Construction of product storage bins (tilt up concrete panels) with dust covers to 6m in height.
- A site office building incorporating a despatch office, lunchroom and toilet.
- Appropriate landscaping to Council requirements.
- Concrete seal portions of the site for vehicle and truck parking, loading and movements.

As part of the Development Application the applicant provided the following documents:

- Copy of Environmental Protection Authority Code of Practice 1991 – Concrete Batching Plants.
- Description of Concrete Batching Plant and elevation drawings.

Report

The application complies with the car parking, building setbacks, building height/scale, landscaping and amenity provisions of Town Planning Scheme No. 3.

Concrete batching or cement products manufacturing land use require a license under the Environmental Protection Regulations 1987. As a license is required by the Department of Environmental Protection, the proposed use is a prescribed premises (No. 77) under Schedule 1 of the Regulations.

The subject site is zoned “Industry” under the City of Cockburn Town Planning Scheme No.3. An “Industry General (licensed)” use is a “D” use within an Industry Zone under the Zoning Table of the Scheme. The Scheme specifies that a “D” use means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. The application has been referred to Council for

determination following receipt of submissions in objection from landowners of neighbouring properties.

Submission objections relate primarily to the potential for dust pollution from a concrete batching plant and the inappropriate location of the concrete batching plant in relation to existing neighbouring land uses, especially a grain storage premises and wool storage premises.

It is noted that the applicant has lodged a Works Approval Application "Notice of Intent" to the Department of Environment (DOE) for approval as required by the legislation.

In addressing the concerns of dust pollution, the applicant has provided Council with a copy of the Department of Environmental Protection (DOE) Works Approval Application, which provides details on concrete batching dust management on-site. Verbal discussions between Council Health Services and staff of DOE indicate that the proposed concrete batching plant and dust management measures are acceptable in terms of the Environmental Code of Practice for Concrete Batching Plants. DOE has advised that the proposed noise emissions from the Concrete Plant have been thoroughly addressed and that the proposed dust emissions should be no greater than the current use of the lot. DOE officers also advised on 29 August 2003 that the Works Approval Application submitted is awaiting final approval. The DOE on 15 September 2003, issued the Works Approval for the Concrete Batching Plant (copy attached to the Agenda).

To further explain the operations of the proposal with regards to the emission of dust from the operation, the applicant submitted a letter dated 2 September 2003 and this forms an attachment to this Agenda report.

Conclusion

As the application complies with the provisions of the City of Cockburn Town Planning Scheme No.3 and staff at the Department of Environment have verbally indicated that the proposal is acceptable, it is recommended that the application be conditionally approved. Conditions can be imposed to address the concerns of submissioners such as the implementation of a Dust Management Plan and the sealing of internal roads to address the impacts of dust and noise nuisance from the premises to adjoining properties.

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 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."*
 - *"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 Council Policies which apply to this item are:-

APD17 Standard Development Conditions And Footnotes

Budget/Financial Implications

N/A

Legal Implications

N/A

Public Consultation

In accordance with the requirements of the Scheme, the proposal was advertised for comment in accordance with Clause 9.4.3. At the conclusion of the advertising period on 4 August 2003, five submissions were received, all objecting to the proposal. In relation to the Council Meeting held on 16 September 2003, the adjoining landowner submitted a further letter of objection to the proposal. A copy of the submissions is included in the Agenda attachments.

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

Nil.

14.10 (OCM 21/10/2003) - RETROSPECTIVE APPROVAL - SHED PARAPET WALL HEIGHT - LOT 612 (51) FORILLION AVENUE, BIBRA LAKE - OWNER: M & A ASCIC - APPLICANT: M ASCIC (1118029) (CP) (ATTACH)

RECOMMENDATION

That Council:-

- (1) refuse the application to permit the construction of a parapet wall for the shed on Lot 612 (51) Forillion Avenue, Bibra Lake, as outlined in the application for the following reasons:
 1. Given the ground level of the subject land, there is ample scope to design a shed to meet the needs of the owner without it impacting on the amenity of the adjoining property. As such, there is insufficient justification to warrant approval of the application in the circumstances;
 2. The adjoining property owners have objected to the proposal and have requested that the wall be reduced in height to that shown on the approved building licence.
- (2) require the applicant to reduce the parapet wall height to the level shown on the approved building licence plans (RL50.04) within 28 days of the date of this decision.
- (3) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal.
- (4) advise the submitter of this decision.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3:	Residential (R-20)
LAND USE:	Residential dwelling	
LOT SIZE:	600m ²	
USE CLASS:	Residential Building = Use Class "D"	

On 15 April 2003 a building licence was issued by the City for the construction of a dwelling and shed on Lot 612 Forillion Avenue, Bibra Lake.

The rear wall of the shed was proposed to be constructed abutting the common boundary with Lot 613 (53) Forillion Avenue, which is land up to 1.9m higher than the subject site. The shed is proposed to be constructed of two levels, with the lower level being excavated below natural ground level abutting the boundary. The top of the parapet wall was proposed to extend up to 1.67m above the height of the top of the boundary retaining wall. An existing colourbond fence on top of the retaining wall would have then screened the parapet wall from view from 53 Forillion Avenue.

Construction of the dwelling and shed proceeded, but is yet to be completed.

Upon the City receiving a complaint from an owner of the adjoining property at 53 Forillion Avenue, Council staff inspected the subject land and verified the height of the parapet wall for the shed exceeded that permitted in the building licence. It appears the parapet wall has been constructed approximately 38cm above the maximum height permitted in the building licence.

The current application has been submitted by the applicant to remedy the situation and legitimise the wall height to that which exists at present.

Photographs of the wall are contained in the agenda attachments, taken from both sides of the common boundary.

Submission

An application has been received to vary the requirements of the Residential Design Codes (the "R-Codes") to the extent of permitting the parapet wall of the shed to be erected to a height of 2.05m above the level of the existing retaining wall on the boundary, for a length of 5m along the common boundary. The common boundary is 28.6m in length.

The applicant submits the original design of the two storey shed did not take account of his height and as such was designed too low to be functional.

The application documents and building plans are contained in the agenda attachments.

Report

The application was advertised for comment and attracted one submission objecting to the proposal. The submission was received from the owners of Lot 613 (53) Forillion Avenue, being the adjoining, more elevated land to the south. The submitters wish to have the wall reduced in height to that on the approved building plans. A copy of the submission is contained in the agenda attachments.

In assessing the application, the Council is to have regard to the following (particularly relevant) R-Code performance objectives to ensure that the development will:

- *Not have significant adverse effect on the amenity of the adjoining property; and*
- *Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.*

The photographs in the agenda attachment illustrate the extent of the parapet wall extending above the height of the colourbond boundary fence.

The wall protrudes above the fence by approximately 25cm (or 2 courses of brick), for a length of 5m along a boundary that is 28m in length. The extent of wall visible above the fence will not have any measurable adverse impact on the adjacent outdoor living area on Lot 613 as it is located on the northern side of that lot. The visual impact is not considered significant given the relatively minor extent of wall visible above the fence, continuing for only 5m along the boundary which is 28m in length.

The visual impact of the wall viewed from the adjoining property is a matter of concern to the submitters, as evidenced by the objection received. Notwithstanding the submitters view only the top 25cm of wall, they could maintain a legitimate expectation that any shed constructed on the lower land on Lot 612 would have walls not visible above the height of the boundary fence. Such an expectation and the objection received need to be considered on balance against the justification for, and adverse effects of the proposal in deciding the application, particularly given that the approval was issued in accordance with the plans submitted by the applicant.

It is considered that given the difference in ground level between the two properties, there is ample scope for a shed of a reasonable size to be erected on the subject land without the need to be visible from Lot 613. The applicant is entitled to excavate the site, as he has done, to achieve a two level shed design, but in doing so has caused the shed to be built higher than the building licence approval because of an alleged drafting error in the plans. Given the objection of the neighbours to this, it is considered reasonable in this instance to refuse

the current application and require the wall to be reduced in height accordingly.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Nil

Legal Implications

Possibility of an appeal and the cost of defending the Council decision.

Community Consultation

Advertised for comment to the potentially affected party.

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

Nil.

14.11 (OCM 21/10/2003) - COOLBELLUP NEW LIVING PROGRAM RECODING SELECTED MULTIPLE UNIT SITES - PROPOSED TOWN PLANNING SCHEME AMENDMENT (93014) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the following modifications to Amendment 14:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3.

AMENDMENT NO. 13

Resolved that Council, in pursuance of section 7 of the Town Planning and Development Act 1928 (as amended) to amend the above Town Planning Scheme as follows:-

Amending the Scheme Maps as depicted on the Amendment Map by:-

1. Recoding 15 Rosalind Way, Coolbellup (known as Gunya Apartments) from R40 to R60.
2. Recoding 32 Malvolio Road, Coolbellup (known as Orara Apartments) from R40 to R60.
3. Recoding 68 Cordelia Avenue, Coolbellup (known as Wirrana Apartments) from R50 to R60.
4. Recoding 1 (Lot 204) Curan Street and 71 (Lot 135) Coolbellup Avenue from R20 to R30 inclusive of the adjoining Pedestrian Accessway.

Dated this Tuesday 19th day of August 2003

Chief Executive Officer

- (2) sign the modified documents, and advise the WAPC of Council's decision;
- (3) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (4) notwithstanding (3) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not with the Amendment;
- (5) following formal advice from the Environmental Protection

Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed with the Amendment.

COUNCIL DECISION

Background

The three sites are currently occupied by three apartment blocks built by the Department of Housing and Works more than 30 years ago.

Submission

The Planning Group acting on behalf of the Department of Housing and Works and project partners Mirvac Fini, have three apartment sites for refurbishment identified on the Master Plan for Coolbellup. The following sites are proposed to be recoded to higher residential density code and re-subdivided to enable further development.

15 Rosalind Way, Coolbellup (Gunya Apartments)

The site currently contains 2 x 3 storey brick and tile apartment buildings set within large landscaped surrounds. The buildings house 30 three bedroom apartments that will be refurbished.

Subdivision of the site is proposed to create three new lots over an existing car park that would be relocated behind the existing apartments. One lot will contain the existing apartment buildings which will be refurbished for sale to the general public. The other two lots will be vacant lots to accommodate future grouped housing. An amendment is required to the residential density code to recode the site from R40 to R60 to facilitate site subdivision and redevelopment. This will yield an additional two green title lots with an additional four (3 bed) grouped houses.

32 Malvolio Road, Coolbellup (Orara Apartments)

The site currently contains a large 3 storey brick and tile apartment building set on landscaped surrounds housing 18 (2 bed) apartments that will be refurbished.

Subdivision of the site is proposed to create three new lots over an existing car park and clothes line area that would be relocated behind

the existing apartments. One lot will contain the existing apartment buildings, which will be refurbished for retention by the Department of Housing and Works. The other two lots will be vacant lots to accommodate future grouped housing developments. An amendment to the residential density code for the site is required from R40 to R60 to facilitate resubdivision and development. This will yield an additional two green title lots with an additional three (2 bed) grouped houses.

68 Cordelia Avenue, Coolbellup (Wirrana Apartments)

The site currently contains two 3 storey brick and tile buildings and one 2 storey brick and tile building. The 2 storey building houses 8 single bed apartments while the 3 storey buildings have a total of 36 (3 bed) apartments.

Subdivision of the site is proposed to create two new lots over an existing car park that would be relocated behind the existing apartments. One lot will contain the existing apartment building. One of the buildings will be demolished while the other two buildings will be refurbished for retention by the Department of Housing and Works. The other will be a vacant lot to accommodate a future grouped housing development.

An amendment to the residential density code designated for the site on the scheme maps from R50 to R60 to facilitate site resubdivision and redevelopment. This will yield an additional nine (2 bed) grouped houses.

The applicant has provided the following justification for the change in residential density for the three sites which has been summarised as follows:-

- The current density controls recognise the three sites as a higher density than the majority of the surrounding residential area, which is predominantly coded R20.
- The proposed density increase will bring the existing development into compliance with the site area requirements of the Residential Design Codes and enable some further infill development.
- The increased density is consistent with the goals of Liveable Neighbourhoods and State Sustainability Strategy and the New Living Program and Coolbellup Master Plan. The goals are urban consolidation within older residential areas, revitalisation of older areas, greater lot sizes and housing type for improved choice and affordability, higher density development closer to commercial centres and public transport, reduced public housing in Coolbellup, physical improvements that will enhance the amenity of the area.
- The proposed subdivision and development will be compatible with existing development on adjoining land.
- There are no physical or servicing constraints.

- The scheme amendment and subdivision application are being progressed concurrently to streamline the planning approval process.
- The Western Australian Planning Commission has been requested to consider the subdivision applications submitted for the three sites and approved the applications on completion of the scheme amendment process.

Report

An amendment to Town Planning Scheme No. 3 (TPS) is required to facilitate the redevelopment plans for these three apartment sites. There are several sound planning reasons presented by the applicant in support of the proposed increase in residential density for these sites. The demolition of sections of the apartments and retention of other apartments enables a greater mix of residential density that has the following benefits:-

- Improved transition of residential density from multiple dwellings to grouped housing to single housing form.
- More efficient use of large areas of otherwise vacant land that has not been put to optimum use.
- Improved management and maintenance of land.
- The existing development complies with the Residential Design Code requirements.

The additional residential development on the Wirrana Apartment site and adjoining residential lots (privately owned) could facilitate the closure of a pedestrian accessway that links Curan Street with Coolbellup Avenue. This matter was not outlined in the applicant's submission but was discussed with Council staff. The City held preliminary discussions with the private owners of the two adjoining lots. This has opened the possibility of reclassifying the PAW as a Right of Way to enable vehicular access to the rear of lots.

For this to occur, an increase in residential density from R20 to R30 is needed to facilitate increased residential development on 1 Curan Street and 71 Coolbellup Avenue. A ROW will retain a pedestrian access link to the Coolbellup Shops from Curan Street while improving surveillance and security for pedestrians and reduce the potential of crime and vandalism.

If the Council agrees to proceed with the scheme amendment (as modified), the proposal will be referred to the EPA in accordance with legislative requirements. Upon receipt of comments, the scheme amendment will be advertised for public comment before being considered for final adoption by Council.

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

Costs incurred relate to the administration, advertising of the scheme amendment documents and reporting to the Council. Application fees are \$4,400 in accordance with the Planning Regulations.

Legal Implications

City of Cockburn Town Planning Scheme No 3.
Town Planning & Development Act 1928 (as amended)
Metropolitan Region Scheme
Planning Regulations

Community Consultation

The proposed Scheme Amendment would be subject to community consultation requirements as set out in the Planning Regulations.

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

Nil.

14.12 (OCM 21/10/2003) - GROUPED DWELLING (3 STOREY DWELLING) - 5 AIRLIE PLACE, COOGEE - OWNER: D & G NORMAN - APPLICANT: ARKITEKTURA ARCHITECTS (3300331) (ACB) (ATTACH)

RECOMMENDATION

That Council:

- (1) defer the application for a 3 storey residential dwelling on Lot 719 (5) Airlie Place Coogee, pending the receipt of revised plans;
- (2) approve any revised plans received which show the proposed boundary wall located on the southern boundary being redesigned to comply with the Acceptable Development Standard 3.3.2 (A2) of the Residential Design Codes, subject to the following conditions:

Standard Conditions

1. Development can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless such wall or fence is constructed with a 2 metre truncation.
4. All stormwater being contained and disposed of on-site.
5. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
6. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.

Footnotes

1. The development is to comply with the requirements of the Building Code of Australia.
- (3) reconsider any revised plans received which show the proposed boundary wall located on the southern boundary complying with the performance criteria set out under clause 3.3.2 (A2) of the Residential Design Codes, to the satisfaction of the Principal Planner.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Existing 2 storey dwelling	
LOT SIZE:	944m ²	
AREA:	441.94m ²	
USE CLASS:	Permitted	

In 1994 the City approved a two storey residential dwelling on the land. This dwelling has been constructed and is sited within the northeast portion of the site.

Submission

The applicant proposes to construct a second dwelling on the 944m² site. The new dwelling will be sited on a 444m² parcel of land and retain the existing dwelling on a 500m² parcel of land.

The proposed dwelling does not comply with the Acceptable Development requirements of the Residential Design Codes and the applicant seeks assessment under the Performance Criteria which has been summarised as follows:

1. No windows of the dwelling from a habitable room have a view of the street and the approach to the dwelling. The applicant provides the following justification:
 - This is due to the constraints of the site and the shape of the new lot.
 - The only habitable room with a view to the street is the study and this is not set back sufficiently from the boundary therefore is to be of translucent glazing.
2. The garage door occupies more than 50% of the frontage at the setback line as viewed from the street. The applicant provides the following justification:
 - This is due to the constraints of the site and the shape of the new lot.
3. The eaves overhang to the dining room is projecting within the 0.75m setback. The applicant provides the following justification:
 - An eaves overhang of 0.8m was incorporated into the design in order to provide sun protection.
4. The northwest wall of the study is 0.7m from the common boundary to the existing residence rather than the required 1.1m

as per Table 2 of the Residential Design Codes. The applicant provides the following justification:

- This is due to the constraints of the site and the shape of the new lot.
5. The boundary wall to the south exceeds the allowable height of 3.0m and exceeds the allowable length of 9m. The applicant provides the following justification:
- This is due to the constraints of the site and the shape of the new lot.
 - Design tries to maximise panoramic ocean views to the west as well as the desire to position external living areas to the north.
 - The only windows of the adjoining residence that will be affected are a glass block ensuite window and a WC window on the first floor. The bedroom window on the first floor will not be affected by the shadow.
 - Design minimises stairs for elderly applicants.
6. The boundary wall to the study and WC on the first floor exceeds the 3m height limit. The applicant provides the following justification:
- The shape of the new lot as well as the steep gradient to the site has forced that particular section of wall to exceed the required height limit.
7. The driveway occupies more than 40% of the frontage of the property. The applicant provides the following justification:
- The nature of the site and subsequent shape of the new lot does not allow enough flexibility to be able to comply with the required criteria.
8. Filling within 1m of a common boundary on the northwest corner, and along the southern boundary exceeds the 0.5m limit above natural ground level. The applicant provides the following justification:
- There is a fall of 5m from the east to the west of the new lot.
9. The first floor terrace is 5m from the rear boundary instead of the required 7.5m. The applicant provides the following justification:
- The metal horizontal louvres adjacent to the terrace wall and 1m above finished floor level provide adequate screening

thus eliminating any overlooking into the rear outdoor area of the adjoining properties at No. 6 & No. 8 Howick Court.

10. The windows to the living room & bedroom 1 are within the 6m direct line of site within the cone of vision. The applicant provides the following justification:

- The horizontal metal louvres adjacent to the windows of the living room and bedroom 1 provide screening to the rear yard of No, 3 Airlie Place. This maintains the visual privacy to the adjacent properties. The vertical screen adjacent to the window at bedroom 1 prevents any overlooking downwards into the rear yard of No, 3 Airlie Place.

A copy of the submission made by the applicant is attached in the Agenda attachments. This provides an expanded justification to the variations under the performance criteria. In addition, a copy of the site plans, floor plans, elevations and cross sections of the proposal are included in the Agenda attachments.

Report

The subject lot is situated on the west side of Airlie Place and has views overlooking Cockburn Sound. The existing two-storey dwelling would be retained on a separate lot, alongside the proposed second dwelling. The locality itself is characterised by large houses of single and two-storey construction, with an increasing number of three storey houses.

The subject lot has a steep slope to the rear, with a crossfall from RL 20 on the left front corner to RL 15 in the left rear corner. The lower level cellar and storeroom is proposed at RL 15.7 while the first floor garage and bedrooms (3) are proposed at RL 18.2 and 18.3. The second floor comprises of living area, kitchen, dining and outdoor terrace at RL 21.04 which is lower than the first floor level of the existing residence.

The proposal seems to take advantage of the awkward lot configuration and slope by building into it at different levels, but this only serves to raise the height of the building and pose problems with adherence to setbacks.

The most notable aspect of the design is extra long wall proposed along the southern boundary giving a three-storey appearance from the rear of the lot.

Subject to Council approval the land with an area of 944m² can facilitate 2 grouped dwellings pursuant to Town Planning Scheme No. 3. The proposal does not comply with the Acceptable Development requirements of the Residential Design Codes and therefore the

applicant has requested this proposal be assessed against the Performance Criteria.

As part of the assessment process, three adjoining neighbours were notified and given the opportunity to comment on the development. Letters were sent to the owners of No. 3 Airlie Place, No. 6 Howick Court and No. 8 Howick Court, Coogee. All owners objected to the proposal.

The owners of No. 3 Airlie Place initially did not raise any objections but on closer inspection of the plans lodged a late objection. They were surprised that a second dwelling could be approved on the subject site and had the following concerns:

- The parapet wall along the southern boundary of the subject site will create shade for the morning over the whole north section of their home, reducing the daylight considerable to at least 3 rooms and balcony,
- The height of the parapet wall, positioned along the boundary with a height of 8 metres, almost as high as the apex of their roof will create strong wind turbulence during the west and south westerly winds, which occur most days,
- The view to the north will be considerably reduced and a wall will be the focus,
- Devalue property.

The owners of No. 6 and No. 8 Howick Court also objected to the proposal. These allotments are located to the west and significantly below the natural ground level of the subject site. The following summarises the grounds of objection:

- Invasion of privacy,
- Devalue property,
- Feeling of being 'boxed in' by the proximity of a 3 storey dwelling above, so near to the back fence,
- Reason for purchase was that it was not directly overlooked from the rear,
- The proposed dwelling will be too close to the rear boundary and entertaining areas,
- The proposed dwelling will minimise the sunlight coming into the garden and windows throughout the day.

Although the City did not directly notify the owners of Lot 721 (6) Airlie Place, Coogee, an objection was received for the following reasons:

- "Ugly" aesthetics of a high parapet wall,
- Already subject to immense wind pressure from the ocean during winter months and any further channelling by such structures may cause damage to the property and fences,

- Would prefer the parapet be located on the northern boundary where wind deflection would most likely be absorbed by the existing house on the property.
- Increase in vehicular movements on a small cul-de-sac.

The main concerns associated with the proposal are the potential loss of privacy for the neighbouring properties, the bulk of the wall and the overshadowing caused by the 6.5 to 8 metre parapet wall.

The surveillance off the street, garage door width and vehicular access width are minor issues, which have been addressed adequately by the applicant.

Privacy

The proposal includes a series of vertical and horizontal louvres to eliminate overlooking into the rear outdoor area of the adjoining properties at No. 6 and No. 8 Howick Court and the rear yard of No. 3 Airlie Place (refer sections A-A, B-B & E-E).

The applicant has not provided detailed specifications of the louvres. The applicant has advised that the louvres will be angled away from the dwelling and fixed to ensure privacy is achieved.

The City has previously consented to similar mechanisms for ensuring privacy only to encounter that once constructed, the louvres did not provide adequate screening. The owner is prepared to provide a written undertaking that should the louvres (once constructed) provide inadequate screening, the louvres be replaced with adequate screening to the City's satisfaction, whether it be by obscuring windows, replacing louvres, etc.

It is considered that the applicant has satisfactorily addressed this design aspect.

Height and Bulk

The proposed dwelling exceeds the maximum building height specified under Element 7 of the Residential Design Codes. The Codes stipulate a height of 6m to the top of the external wall (roof above), 7m to the top of the external wall (concealed roof) and 9m to the top of a pitched roof.

The parapet wall has a maximum height of 8m and the apex of the pitched roof at the west elevation has a height of 9.5m. By comparison the Codes permit a boundary wall not higher than 3.0m with an average of 2.7m up to 9m in length up to one side boundary. It is considered that the height and location of the wall will have an adverse impact on No. 3 Airlie Place. The impact of the wall height is emphasised as a result of its location on the boundary line. The impact will be less if the wall is either reduced in height and length in accordance with the Codes or is setback from the side boundary.

Setbacks

Bedrooms must have a set back, in direct line of sight within the cone of vision from the boundary, a minimum of 4.5m. Similarly, terraces are required to be set back a minimum of 7.5m from the boundary. The bedrooms comply with the rear setback but not the side setback. The terrace does not comply with the rear setback. It is considered that the applicant has addressed privacy by providing vertical and horizontal screening along the rear and side of the dwelling to restrict views within the cone of vision from all major openings.

Overshadowing

In relation to the 6.5 to 8 metre high parapet wall between No. 3 and No. 5 Airlie Place, the adjoining landowner has objected to this wall. The Residential Design Codes specify the sites most vulnerable to overshadowing are sites on the south side of a development site, especially if they are lower or on a south-facing slope. The applicant has demonstrated that the proposal will result in overshadowing of the adjoining property (refer site plan and section D-D). It is considered that overshadowing will have a greater impact on the adjoining property than that depicted on the site plan given the location of the property being lower and on a south-facing slope.

Conclusion

Coogee is an area of large houses on steep topography and the area is predominantly single residential in nature. Although the applicant has generally addressed the design elements, which do not comply with the Acceptable Development requirements of the Residential Design Codes, it is considered that the design of the dwelling will have an adverse impact on the amenity of the adjoining property (No. 3 Airlie Place). In addition, it is considered that the building bulk and scale of the proposal at the southern boundary will have an adverse impact.

While the site is capable of siting a second dwelling, the design should be amended to provide an equitable solution to the adjoining property. It is considered that the southern boundary wall and the height of the dwelling is inappropriate and it is recommended that the design be modified for compliance with either the acceptable development criteria or the performance criteria of the Residential Design Codes. Either way the onus is on the applicant to ensure compliance with the Codes by way of revised plans.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

The Planning Policies, which apply to this item are:-

APD8	Strata Titles
APD9	Retaining Walls
APD10	Discretion to Modify Development Standards
APD17	Standard Development Conditions and Footnotes
APD32	Residential Design Codes
APD33	Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

The City notified the affected owners of the proposal under cover of letter dated 9 July 2003.

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

Nil.

14.13 (OCM 21/10/2003) - CITIES FOR CLIMATE PROTECTION (9132; 4911) (PS) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the Regional Community Greenhouse Strategic Plan for the purpose of enabling the Coordinator to progress key strategies contained within the Plan;
- (2) receive the 2001 Greenhouse Emissions Inventory;
- (3) support the future abatement actions outlined within the 2001 Greenhouse Emissions Inventory; and

- (4) join the Cities for Climate Protection Plus program.

COUNCIL DECISION

Background

The City of Cockburn has been progressing towards the implementation of the Cities for Climate Protection program. This program is being managed by the International Council for Local Environmental Initiatives and aims to assist Local Government Authorities with establishing Local Action Plans to provide long term reductions in greenhouse emissions within Council operations and across the community.

The program is based on the implementation of 5 stages, or milestones, as follows:

Milestone 1 - conduct an emissions inventory of current Council and community activity and a forecast of greenhouse emissions growth in the future.

Milestone 2 - establish an Emissions Reduction Goal for both the corporation and the community.

Milestone 3 - develop a Local Action Plan.

Milestone 4 - implement the Local Action Plan.

Milestone 5 - monitor and report on the implementation of the Local Action Plan.

Milestone 1 was completed in 1999, followed by the completion of Milestone 2 in December 1999. With the completion of Milestone 2, Council accepted a recommendation for a 20% reduction on 1996 levels by 2010, on both corporation and community targets. This was followed by the completion of Milestones 3 and 4 on the 7 December, 2001.

Milestone 3 was completed with the adoption of the Corporate Local Action Plan and the Draft Regional Community Greenhouse Strategic Plan. The Corporate Local Action Plan deals with reducing greenhouse emissions from Council activities and facilities. This encompasses buildings, vehicles, streetlights and waste. The Draft Regional Community Greenhouse Strategic Plan is a co-operative regional approach through the Southern Metropolitan Regional Council, with

Canning, East Fremantle, Fremantle, Kwinana, Melville and Rockingham. This plan deals with reducing greenhouse emissions within the community through the residential, commercial, industrial and transport sectors. The Draft Regional Community Greenhouse Strategic Plan was adopted by Council on the 31st October, 2000.

There has been some notable achievements implementing Milestones 4, such as:

- The appointment of the Greenhouse Gases Project Co-ordinator, Dr Stephanie Jennings, to implement Regional Community Greenhouse Strategic Plan.
- Retrofitting the Administration Building which resulted in a reduction of 83 tonnes of CO₂e per year.
- Establishment of a Greenhouse Emission Reduction Reserve Fund (GERRF) to fund further auditing and retrofitting of Council facilities
- A number of Greenhouse Gas Reduction achievements

Submission

N/A

Report

1. Regional Community Greenhouse Strategic Plan

The implementation of the Draft Regional Community Greenhouse Strategic Plan has been co-ordinated by Dr Stephanie Jennings. One of the first duties for Dr Stephanie Jennings was to finalise the Draft Regional Community Greenhouse Strategic Plan. The final version was completed and is now presented to Council for endorsement (see attached). The content and actions are similar to the adopted draft version, with the notable difference of the inclusion of an Annual Regional Action Plan for 2003 (Appendix 1) that outlines the programs for this calendar year.

Part of Dr Jennings work is to apply for external funding to assist with the implementation of the Regional Community Greenhouse Strategic Plan. Already she has been successful in obtaining \$30,000 joint funding from the Sustainable Energy Development Office, to undertake the Regional residential pilot project -Green Houses. The main objective of the pilot project is to develop, implement and evaluate a community program that achieves sustained reductions in household energy consumption in a manner that can be replicated in a larger program in the future. The project aims to test the success of goal setting techniques together with different communication paths to achieve behaviour change associated with home energy use.

The adoption of the Strategic Plan carries no financial implications as the implementation of the plan is currently funded until at least the end of this financial year.

2. Greenhouse Emission Inventory

The completion of Milestone 5 required undertaking an inventory of the corporation's greenhouse emissions, similar to what was undertaken to complete Milestone 1. The completion of the 2001 Greenhouse Emissions Inventory report (see attached), verified by the Cites for Climate Protection Office, resulted in the City receiving Milestone 5.

The report revealed that the corporation's greenhouse emissions had increased by 35% since 1996. In 1996 the corporation emitted 7543.7 tonnes CO₂e, by 2001 this increased to 10202.6 tonnes CO₂e. There were increases in greenhouse emissions in all sectors, building, vehicle fleet, streetlights, water and waste. As a growing City this outcome was not entirely unexpected. The City's population has grown by 15% since 1996 and consequently the City's staff and infrastructure has grown to support the needs of the community.

The report outlines a number of abatement activities undertaken to date, as well as a number of future abatement activities to be undertaken in the next two years. Proposals in regard to activities in future years requiring funding will be submitted to Council for consideration as part of the normal budget process.

3. Cities for Climatic Protection Plus

With the completion of Milestone 5 the City of Cockburn has the opportunity to join CCP Plus. The aim of CCP™ Plus is to provide an avenue for Councils, that have completed the five milestones, to continue to engage with Cities for Climate Program™ (CCP) and maintain the benefits of being an active participant in the program. CCP™ Plus will continue to develop sustainable strategies for continued abatement activities within Councils and their communities, as well as create opportunities for knowledge exchange regionally, nationally and internationally.

The benefits of the program are similar to the CCP program,

- Access funding opportunities provided to CCP™ Program Councils by the Federal government
- Access to modules provided to CCP™ Program Councils by the Federal government
- Resource material produced, such as case studies highlighting the economic, environmental and social benefits of greenhouse action, newsletters, e-mail bulletins, CCP™ Snapshot etc.
- Continued access to the CCP™ software
- Technical services support, including support for the CCP™ software and electronic tools
- Access to expertise and networks of Councils to exchange information and ideas.
- Invitations to CCP™ forums

CCP™ Plus is only available to Councils in Australia that have completed the five milestones of the CCP™ Program. There are no costs to join, but there are a number of commitments required when joining the program,

1. To allocate appropriate staff time to undertake commitments 2 and 3 as a minimum
2. To participate in the annual measures report, aimed to capture information on greenhouse abatement actions taken by CCP™ Program Councils, including greenhouse emissions, financial savings and investments.
3. To play an appropriate advocacy role for CCP™ as a leading Council committed to greenhouse abatement

Environmental Management Service is already undertaking commitments 1 and 2 within current budget allocations as part of the CCP program. The third commitment, which can be accommodated within current funding, requires the support of the Council. To date the relationship with CCP has been beneficial to the Council, and to the City staff with assistance in the undertaking, and planning for, greenhouse emission reductions. It would be appropriate as a leader in reducing greenhouse emissions, to support the CCP endeavours to encourage and support other Councils to join and complete the program.

Strategic Plan/Policy Implications

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

3. Conserving and Improving Your Environment
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
 - *"To manage the City's waste stream in an environmentally acceptable manner."*

Budget/Financial Implications

Funds for the actions required under the Plan for 2003/04 have been provided for in the Budget. Proposals in regard to activities in future years requiring funding will be submitted to Council for consideration as part of the normal budget process.

Legal Implications

Nil.

Community Consultation

N/A

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

Nil.

14.14 (OCM 21/10/2003) - CITY OF COCKBURN LANDOWNER BIODIVERSITY GRANT SCHEME (6134) (CB) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) approve and endorse the Landowner Biodiversity Conservation Grant Scheme for Landowners in the Rural, Rural Living and Resource zones and;
- (3) authorise the approval of grants to a maximum of \$1,500 per individual or \$3,000 per group, having regard to the criteria set out in the Report.

COUNCIL DECISION

Background

At the Council meeting on 17 June 2003, Council agreed to:

1. *support the concept of providing incentives for the owners of privately owned land within the Rural, Rural Living and Resource zones within the district to retain bushland as part of a strategy to protect and maintain biodiversity;*
2. *include \$10,000 on the Budget for the 2003/04 Financial Year for a Biodiversity Incentive Strategy.*
3. *support the trialling of the Cockburn Biodiversity Incentive Strategy for privately owned properties within the district, in relation to grants;"*

A condition of this decision to allow the trial of a grant scheme was that a report be submitted to Council, detailing the final strategy with regard to the grant scheme.

Submission

Councils Environmental Services Department is proposing to commence and trial a grant system to determine landowner interest in biodiversity management and to promote Council's progress towards adopting an incentives strategy. It is intended that a total of \$15,000 be distributed via the grant scheme to landowners in the rural, rural living and resource zones within the district. The total pool is to be made up of \$10,000, which was allocated in the 2003/04 Budget, plus a further \$5,000 from Cockburn's share of the successful grant application from Round 2 of the Perth Biodiversity Project Grants.

With Council approval, the grants are to be advertised in early November 2003 with applications being received up to the end of November 2003.

This is the first year that these grants are to be funded. This initial round of funding is seen as a trial to gauge the support for the scheme. If they are well received, the proposal may be put to Council to extend the grant scheme in future years.

Report

The Landowner Biodiversity Conservation Grants are intended to give financial support to landowners living in the rural, rural living and resource zones who wish to conserve and enhance the natural bushland and wetland areas on their property. Only landowners in these areas will be eligible for grant funding.

Below is a brief overview of how the grant scheme will operate. A full copy of the grant brochure and application form is included in the Agenda attachments. The package gives further details on how the scheme is to be administered. It is intended that the final package to be sent to landowners will be as per the Agenda attachment but double sided and folded in booklet form.

- The grants will be advertised in the local newspapers and in Councils own newsletter, Cockburn Soundings, in early November 2003.
- Grant applications will be made by completing an application form, which is to include a brief overview of the works to be undertaken and the reasons for doing so.
- Projects must be of benefit to the natural environment on the property and must promote the conservation of the

bushland/wetland. Eg, fencing to protect bushland, revegetation with endemic species, wetland water quality improvement.

- Landowners must contribute equally to the project either financially or in-kind. Eg, If landowners are applying for a grant to fence a piece of bushland to exclude stock, the grant may be for the materials with the In-kind portion being the labour component.
- It will be a requirement that any funds that are allocated must be spent and reported on by the end of the same financial year, this being the 30th June the following year.
- Grants are to be limited to \$1,500 for individual landowners or \$3,000 if groups of landowners are making a joint application.
- Examples of projects that may be funded could include, funds to carryout weed control work, erection of fencing to keep out stock, revegetation to link bushland areas, erosion control and dieback control.
- Grants will be allocated on order of merit until the funding pool is exhausted. Inspection and assessment of the bushland/wetland on the property may be required to determine eligibility. A staff member from Councils Environmental Services Section will assess applications and undertake inspections should they be required. The decisions made regarding the allocation of funds by Council staff are final and no further correspondence will be entered into.
- As a condition of the funding successful applicants will be asked to abide by the funding conditions and complete a simple management agreement.
- Preference will be given to properties with large remnant bushland or wetland areas that are of good biodiversity value. Smaller areas of bushland will be considered if linked to adjoining properties or green corridors or if the conservation value of the area in question is extremely high.
- Projects must feature physical on-ground works such as weed control, fencing or revegetation.
- All revegetation work must utilise local plant species.
- Projects/Works must be technically sound, i.e., the project must be technically achievable with the funds requested with the prospect of excellent outcomes.
- Priority will be given to landowners with no existing protection. If for example a conservation covenant has been taken out over the

property one would expect that the bushland is in good hands. By allocating the funds to properties with no existing protection additional bushland or wetland areas can be conserved by the grant funding.

- Once a landowner has received funding for a successful application they will be ineligible to apply for another grant for a period of two years. No new applications will be accepted until a landowner has successfully acquitted a previously funded project.
- A final report on the outcomes is to be completed by the landowner on finalisation of project.

This is the first year that these grants are to be funded. This initial round of funding is seen as a trial to gauge the support for the scheme. If the grants are well received Council approval will be sought to offer grants to landowners on an annual basis.

It is recommended that Council adopt the Biodiversity Grant documentation and that the scheme be advertised during the month of November 2003.

The Manager Planning Services will provide a list of successful grant applicants to Councillors in the Elected Members Newsletter.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

Budget/Financial Implications

Funding of \$10,000 was included in the 2003/04 budget for this purpose. Grant money of \$5,000 has also been received from the Perth Biodiversity Project.

Legal Implications

None foreseen

Community Consultation

Undertaken as part of the preparation of the landowners incentive strategy.

In excess of 97 survey questionnaires were returned out of 338 circulated, a response rate of 28%. Refer to 17 June 2003, Agenda attachment.

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

Not applicable. However, the WA Local Government Association is currently preparing a comprehensive document for local government "Perth Biodiversity Project", to which the Council will need to have due regard.

14.15 (OCM 21/10/2003) - RE-CONSIDERATION OF SPECIAL CONDITION 9 - DEMOLITION OF JANDAKOT WOOL SCOURING BUILDINGS AND SITE REMEDIATION APPROVAL - LOT 1 & 5 PARKES STREET & (NO 1) PARKES STREET, JANDAKOT (4412998, 4313401) (MR)

RECOMMENDATION

That Council:

- (1) not require the applicant to retain the 1937 wool scouring plant (machinery) approx 2 x 8m with a plaque which was proposed to be relocated into a small building following the completion of earthworks;
- (2) grant a revised approval to the demolition of buildings and remediation of the site known as Jandakot Wool Scourers at 29 Parkes Street, Jandakot subject to the following conditions:-

Standard Conditions:

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7:00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. The carrying on of the demolition and earthworks must not

cause a dust nuisance to neighbours. The developer is required to submit a Dust Management Plan in accordance with the Council's Guidelines for the Preparation of Dust Management Plans for development sites within the City of Cockburn. The plan is to be approved by the Council's Principal Health Officer prior to the commencement of earthworks and complied with during the life of the development. The burning of vegetation is prohibited.

5. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by Council in the event that sand or dust is blown from the site.
6. All stormwater being contained and disposed of on-site.
7. The applicant engaging a suitably qualified practicing Engineer to certify that the whole of the lot subject to earthworks is suitable for development to the satisfaction of the Council prior to applying for subsequent development approval and a Building Licence.

Special Conditions

8. The removal of any soil or material deposited onto Hammond Road and Parkes Street being to the satisfaction of the City's Engineering Services.
9. The applicant engaging an artist to develop artworks near Yangebup Lake, to recognise the former Jandakot Wool Scourers site, upon the completion of earthworks. A plaque must also be mounted on the artwork to recognise the significance of the place. These works are to be carried out at the cost of the applicant in consultation with the Council and with community input.
10. No clearing of vegetation or earthworks is to occur within 50 metres of Lake Yangebup as depicted "in red" on the approved plans.
11. A maximum batter or slope of 1:6 being provided along the 50-metre perimeter described in special condition 10.
12. All contaminated soil and material must be removed from the site and disposed off in accordance with the specifications of the Department of Environmental Protection, to the satisfaction of the Council.

13. A final report prepared by a suitably qualified Environmental Consultant must be undertaken to outline the suitability of the site for mixed business development following the completion of site remediation and earthworks.

Footnote

1. In relation to Special Condition 9, the artworks must be made from durable materials to withstand the elements. The work should be safe for the public and be vandal proof as practicable.
- (3) issue a Schedule 9 notice of approval accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS2:	Mixed Business
LAND USE:	Existing Industrial Buildings and Settlement Ponds	
APPLICANT:	David Barnao & Co	
OWNER:	Jandakot Wool Scouring Co. Pty Ltd	
LOT SIZE:	27ha	
USE CLASS:	Demolition – Use not Listed	

Council at its Ordinary Meeting on 18 March 2003, resolved to approve the redevelopment and site remediation of the Jandakot Wool Scourers site subject to various conditions which included Special Condition 9 as follows:-

- “9. *The 1937 wool scouring plant (machinery) approx 2 x 8m being retained together with a plaque and relocated into a small building approved by Council, following the completion of earthworks. Explanatory text relating to history of the area must also be displayed.*”

The Jandakot Wool Scourers is a place that has been entered onto the City’s Municipal Heritage Inventory as having historic, scientific and social significance. The wool scouring started on the site in 1927 and more recently was decommissioned and relocated to the Kwinana

Industrial Heavy Industrial strip. The Management Category of the Site is "C" which simply stated:-

Council's Heritage Architect has reconsidered his earlier recommendations which were incorporated into the planning approval for the site remediation and no longer believes that the retention of the equipment is desirable.

Submission

The applicant seeks the Council's consent to delete Special Condition 9 on the basis of further advice from Council's Heritage Architect as follows:-

"The original proposal in the heritage assessment was to move the old wool scouring item of equipment to a different location on the Jandakot site and have it located under a simple roof.

The wool scrubber plant equipment was re-assessed and it is considered that it would be a hazard if used in its present form. It would be an attraction for vandalism and there are too many areas that would be unsafe for children or the general public.

As a result of re-assessing the old scouring equipment plant, it is recommended that:-

1. *An area near the lake be reserved for the information centre regarding the Wool Scourers site*
2. *A simple roof on 4 columns be erected to cover the information*
3. *Plaques giving information regarding the Wool Scourers site be erected under the roof*
4. *The plaques should be mounted on an artwork prepared by a Local community group using parts from the original scrubber*

Telling the history of the site is important. The plaques to explain what happened have been done in many other places throughout the State.

The location of the site identification proposed to be by the lake could be used by the new occupants of the site and local residents.

The reduction of vandalism on sites such as this becomes a major headache for Council and therefore it is proposed that this a) is kept as simple as possible; and b) has community involvement.

It is expected that the cost of the artist's fee for the sculpture would be in the total budget for the erection of the shelter and seating on part of the site development."

Report

The alternative suggestions from Council's Heritage Architect are considered reasonable under the circumstances with the exception of erecting a roof structure which isn't considered necessary. For example there are existing examples of weatherproof sculptures along a heritage trail around Yangebup Lake that are not covered by roof structures. The artworks must be made from durable materials to withstand the elements. The work should be safe for the public and be as vandal proof as practicable. The existing trail around part of Yangebup Lake could form a completed loop to link with the proposed artworks following the Western Australian Planning Commission acquiring reserved land on the site of the former Jandakot Wool Scourers.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

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

Legal Implications

Nil

Community Consultation

The proposed demolition of the wool scouring buildings was previously advertised for public comment earlier this year by a display advertisement in the local newspapers circulating in the district. No submissions of objection were received.

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

Nil.

**14.16 (OCM 21/10/2003) - PROPOSED SUBDIVISION - LOT 10 (222)
HAMILTON ROAD, SPEARWOOD - OWNER: M & K
DONJERKOVICH - APPLICANT: D DONJERKOVICH (123032) (ACB)
(ATTACH)**

RECOMMENDATION

That Council:

- (1) advise the Western Australian Planning Commission it does not support subdivision of Lot 10 Hamilton Road Spearwood (WAPC Ref: 123032) for the following reasons:
 1. The land is within a Department of Environmental Protection odour buffer to the Watsons Abattoir in Spearwood where further subdivision is not encouraged.
 2. The proposed subdivision would create a residential size lot (759m²) in a locality which is zoned Rural in Council's Town Planning Scheme that would conflict with the intent and purpose of that zone.
 3. The proposal is ad hoc and if approved, could set a precedent for further subdivision of a similar kind, which collectively would jeopardise present planning objectives.
 4. The subject land forms part of a large area, which requires comprehensive planning (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision for essential infrastructure and equitable arrangements for developer contributions), and approval to the subdivision would be premature and prejudice the overall planning for the area.
 5. The proposal creates unsewered lots. This is contrary to the Government Sewerage Policy for the Perth Metropolitan Region.
- (2) advise the applicant that it would be prepared to reconsider its position following the completion of Odour Modelling of Watsons Plant and the preparation of a Structure Plan for the area.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3:	Rural
LAND USE:	3 houses (1 x house and duplex)	
LOT SIZE:	8827m ²	
AREA:	Proposed Lot 1 – 8068m ² and proposed Lot 2 - 759m ²	
USE CLASS:	N/A	

The landowner previously applied for subdivision of Lot 10 in March 1998 (WAPC Ref: 106661). This application facilitated a similar lot configuration to that currently proposed with lot areas of 1015m² and 7812m² lot. At the time this application was made, the land contained a single residence on the proposed 7812m² lot and a duplex on the 1015m² site.

On 16 March 1998, Council recommended refusal of the application.

On 19 May 1998, the Commission refused this subdivision application (WAPC Ref: 106661) for the following reasons:

1. *“The Commission is not prepared to approve a subdivision in an area which requires comprehensive planning including agreement in relation to the appropriate land uses, acceptable road pattern and the equitable provision of infrastructure services and the allocation of land for recreation and other possible uses.*
2. *The proposal creates unsewered lots. This is contrary to the Government Sewerage Policy for the Perth Metropolitan Region.*
3. *Approval to the subdivision would create an undesirable precedent for the further subdivision of other lots of a similar size in the Rural Zone of this locality.”*

Submission

The applicant has resubmitted the subdivision application to excise the duplex from Lot 10 and requests this application be referred to Council for special consideration.

The current application is similar to that previously refused by the Commission on 19 May 1998 (WAPC Ref: 106661), the only difference being the proposed lot areas of 759m² and 8068m².

The applicant requests Council be mindful of the following when considering the application:

- The existing duplex dwelling is a modern and well maintained building on Hamilton Road which is not likely to be subject to any proposed roads or any order for demolition,
- A number of subdivisions in the subject area have been approved by the Western Australian Planning Commission (“WAPC”)(Lot 303 in 1989), Lot 97 in 1996, Lot 8 in 1999 and Lot 7 in 2000),
- The subject land is a vacant market garden that has no value other than for redevelopment.
- The application is made on compassionate grounds.
- Subdivision will allow the sale of the duplex to pay for medical and legal expenses resulting from an accident that the landowner had in January 2000 at the Hamilton Hill Shopping Centre. The owners had no plans to subdivide until this accident occurred.
- Subdivision will prevent the need to sell the family home and property, which has been the home of the landowner for over 37 years.

A locality map and a copy of the subdivision plan associated with the subdivision application are included in the Agenda attachments.

Report

The land contains a single residential dwelling on the southwest corner and a duplex on the northwest corner of the property. The remainder of the land is a vacant market garden. The land is relatively flat.

The land is zoned “Rural” under Town Planning Scheme No. 3 and is affected by an odour buffer around the Watsons Abattoir in Spearwood which has been the subject of modelling by Watsons in recent years. The odour buffer constrains a large pocket of rural land in Spearwood.

The subdivision of this rural market garden property into separate ownerships has the potential to adversely affect the planning of the area by compromising or limiting future design and land use options by the fragmentation of land ownership, where assembling land for development becomes more complicated by the multiplicity of land owners.

The following addresses the points raised above by the applicant:

Existing Duplex

Notwithstanding the existing duplex is well maintained and unlikely to have proposed roads designed through the property or orders for demolition, support of the subdivision is premature in lieu of an adopted structure plan.

It is noted that the subdivision will not cause a change in land use or intensity of existing residential development on the subject site given the existence of two dwellings, however it will result in a lot currently in single ownership being converted into multiple ownership. Multiple ownership

causes potential complications in future planning, development and cost sharing arrangements.

Other permitted subdivisions

There have been other subdivisions permitted within the immediate vicinity.

Lot 303 – No information found

Lot 97 – WAPC Ref: 99838
Approved by WAPC 8/5/1996

Lot 8 – WAPC Ref: 108682
Supported by Council 12/11/1998, Refused by WAPC 7/1/1999,
upheld by Hon. Minister 16/6/1999

Pt Lot 7 – WAPC Ref: 113287 to create Lot 304
Not supported by Council, Refused by WAPC 7/8/2000, upheld by
Hon. Minister 23/3/2002

In general, these subdivisions were refused by the WAPC and upheld on Appeal.

Redevelopment Potential

Redevelopment of the land is premature. Subdivision is not supported until such time as:

- The Watsons Foods close down its abattoir and rendering plant in Hamilton Road, Spearwood.
- The odour buffer is subsequently reviewed following the above works and / or reduced,
- The Packham Urban Development Structure Plan is reviewed and adopted, and
- Some or all of the land (inclusive of 222 Hamilton Road) to the south and east of Watsons is rezoned from Rural to Residential.

Compassionate Grounds

Council includes a specific reference to compassionate considerations within Policy APD7 as follows:-

“That Council will not make recommendations in support of an application referred to it by the WAPC, on compassionate or hardship grounds as these are irrelevant matters that are not taken into account by the Western Australian Planning Commission.”

The reference to compassionate and hardship grounds in this Policy has been included because of the recognition of past ad hoc decisions made by the Council in respect to subdivision proposals that were not based on planning grounds. The determination of such application on compassionate grounds is therefore not a planning consideration.

Strategic Plan/Policy Implications

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

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

The Planning Policies, which apply to this item are:-

APD3	Packham Urban Development Area
APD6	Residential Rezoning and Subdivision Adjoining Midge Infested Lakes
APD7	Rural Subdivision Policy
APD16A	Standard Subdivision Conditions and Reasons for Refusal
APD22	Watsons Buffer

Budget/Financial Implications

N/A

Legal Implications

Nil.

Community Consultation

Council Policy APD22 required Council to advise Watsons Food of the proposal for information only.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

**15.1 (OCM 21/10/2003) - LIST OF CREDITORS PAID (5605) (KL)
(ATTACH)**

RECOMMENDATION

That Council receive the List of Creditors Paid for September 2003, as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES**16.1 (OCM 21/10/2003) - OFFICE ACCOMMODATION FOR THE SOUTHERN METROPOLITAN REGION COUNCIL (4904) (BKG) (ATTACH)****RECOMMENDATION**

That Council advises the Southern Metropolitan Regional Council that:

- (1) it does not support the business plan recommendation to consider the option of buying a property at this stage;
- (2) it supports the Southern Metropolitan Regional Council leasing office space for a period of up to 4 years to accommodate the staff numbers anticipated in that time frame subject to:
 - (a) the lease payments being competitive to allow the SMRC to carry out its functions;
 - (b) the building having adequate on-site parking and being readily accessible from a main road;
 - (c) the building being located within the boundaries of the regional Council.

COUNCIL DECISION**Background**

The Southern Metropolitan Regional Council currently rents office space from the City of Melville at their offices in Melville. The Chief Executive Officer, Manager of Finance, Manager Engineering, Media/Publicity Officer and 2 clerical staff are located there.

There is also staff located at Canning Vale where the Regional Resource Recovery Centre operates.

The lease of the office space from the City of Melville expires in June 2004.

The Regional Council resolved at its meeting held in May 2003, to adopt a business plan addressing the methodology for obtaining a permanent office accommodation building for the SMRC and seek comment and support from Member Councils.

Submission

The business plan prepared by the Chief Executive Officer of the SMRC is attached to the Agenda.

Report

In the covering letter from the Chief Executive Officer of the SMRC, he states:

“The business plan financial assumptions allow for commercial rent of \$140 per square metre (not including out goings). Based on this estimate the SMRC could purchase a building valued at \$1.5M resulting in member councils investing in a valuable asset rather than lost rental payments over a 30 year period.

The business plan summary and recommendations are as follows.

1. *That the SMRC consider the option to buy a property that meets its selection criteria.*
2. *that member councils be invited to comment on the proposal and indicate their decision to enter into a Project Participants Agreement.*
3. *that the Selection Criteria in the business plan be endorsed.*
4. *that the SMRC secure loan borrowings for the capital purchase and that the annual net cost to the SMRC should not exceed \$114,000.*
5. *that a committee of the Regional Council comprising of Project Participants Regional Councillors and officers be established with delegated authority to call, select, offer to purchase, negotiate and accept proposals relating to the project.*

The future role outlined in the SMRC strategic plan is the catalyst for this important milestone of the SMRC. With the RRRC project now almost completed the SMRC is regarded as a permanent entity within the region that will continue to grow and embrace its regional purpose as outlined in the Establishment Agreements.”

In the business plan the requirement for a 500 square metre building is based on accommodating 21 staff. This is an increase of 14 staff over the next 5 years. This assumes another secondary waste processing

plant will be built to cater for Kwinana and Rockingham and that the Regional Council will take over the collection of the green and yellow top bins from individual councils.

It is only a proposal at this stage that this occur so it is considered premature to lease or purchase office space to accommodate this number of staff.

Consideration should be given to providing for say an additional 5 staff at this stage.

The area required would then be:

12 staff @ 13 square metres	=	156 square metres
Common area toilets etc	=	80 “ “
Councillor Meeting Room	=	60 “ “
		296 “ “

or say 300 square metres.

With not knowing the anticipated expansion of the organisation, it is recommended that the Regional Council lease office space for the next 4 years.

The location of the building should be based on best value, ie acceptable standard of building at the most affordable price.

It should be readily accessible by main roads and have adequate on-site parking.

Negotiations are proceeding with the City of Melville to lease space within the Council owned buildings, however the rent may be greater than the \$140 per square metre used as a guide and other options may need to be explored.

Strategic Plan/Policy Implications

One of the objectives of the Corporate Plan is to deliver services and to manage resources in a way that is cost effective without compromising quality.

Budget/Financial Implications

The current rental payments at the City of Melville is:

155 square metres @ \$125	=	\$19,375
outgoings is		\$19,500
		\$38,875

The proposal is to lease or buy for	\$114,000 per annum
plus outgoings	\$ 30,000 “ “
say	<u>\$144,000</u> “ “

If it is assumed Cockburn is responsible for 20% of the cost, its additional contribution will be an additional \$21,000 per annum. This will equate to the rubbish rate increasing by \$1.00.

It is hoped that a building of up to 300 square metres in area can be leased for around \$150 per square metre.

Legal Implications

N/A

Community Consultation

N/A.

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

The private sector does own buildings and make them available for lease.

16.2 (OCM 21/10/2003) - TENDER NO. 26/2003 - ARCHITECTURAL SERVICES - CONSTRUCTION AND/OR EXTENSION OF COUNCIL ADMINISTRATION OFFICES AND ELECTED MEMBERS' AREA (4602) (JR) (ATTACH)

RECOMMENDATION
That Council accept the tender from T & Z Pty Ltd for Tender No. 26/2003 – Architectural Services – Construction and/or Extension of Council Administration Offices and Elected Members’ Area for the sum of \$210,500.

COUNCIL DECISION

Background

Council has resolved to budget for funds in the 2003/04 and 2004/05 financial years to facilitate additions to the Administration Centre to cater for a more functional civic (Elected Member) area and for future

administrative requirements. In this regard, an amount of \$1million has been allocated on the 2003/04 Budget for the first stage. \$178,708 has also been carried forward from the 2002/03 Budget for a number of projects related to the proposed work, viz – disability access, Council Chamber refurbishment, carpet replacement and cashier security screens.

Council has also resolved to engage an architectural firm, by tender, to develop initial preliminary schematic design options and costings and to provide a full suite of architectural services in respect of the selected option.

Submission

In accordance with Council's decision, tender documentation was prepared and tenders called for the provision of architectural services to facilitate extensions/additions to the existing Administration Centre to:-

- Provide a modern Elected Members' area; and
- Provide for increased staff accommodation.

At close of tenders, ten (10) submissions were received as summarised in the Agenda attachment.

Report

All tenderers are well-established architectural firms, each of which is very capable of delivering the contract. They all satisfactorily meet the Compliance Criteria as required by the tender documentation. All tenderers supplied information to allow for an assessment under the following criteria:-

	<u>Weighting</u>
• Interpretation, Methodology, Implementation	35%
• Experience and Qualifications of Management and Staff	25%
• Demonstrated Experience and Performance of Tenderer in this Type of Work	20%
• Cost Criteria based on Price Submission	20%

The intent of the contract is for the successful tenderer to be the lead consultant and employ specialist sub-consultants for the structural/civil engineering, mechanical engineering, electrical engineering, etc. The tendered prices generally reflected this, although to varying extents with regard to the smaller sub-consultancies such as acoustics, environmental, interior design and landscaping, some of which weren't identified. Some of these are undertaken in-house by the lead consultant. One tenderer (Design Inc.) did not include all the sub-consultants in their pricing but attached details of their sub-consultants. They also based their pricing on a \$2.5m total budget, whilst the other

tenderers based their pricing on a budget of around \$3m. It is difficult to determine final sub-consultant requirements without an identified concept plan, however most submissions provided a full allowance for these.

The tenders were assessed by the Director Community Services and the Manager Engineering in accordance with the above criteria and weightings. As the tender documentation did not clearly spell out what sub-consultancies were to be allowed for, what the total budget for the works is and to specifically include sub-consultant fees in the tender price, the tendered prices were adjusted for equitable comparison purposes for a \$3m. total budget and submitted prices included for sub-consultants where these were not included in the tender price. These adjusted prices were then used for the Cost Criteria Assessment.

The weighted criteria assessment provided the following results, the figure in brackets being the results where the tender price was not adjusted:-

T & Z Pty Ltd	93.2%	(90.6%)
James Christou & Partners	91.0%	(88.5%)
Holton Connor Architects & Planners	91.0%	(88.1%)
Bollig Design Group Pty Ltd	90.9%	(88.0%)
Peter Hunt Architects	90.7%	(87.9%)
GHDA Pty Ltd	87.8%	(85.0%)
Bernard Seeber Pty Ltd	81.8%	(78.9%)
Design Inc Perth Pty Ltd	81.1%	(82.3%)
Bateman Grundmann Wilson	75.8%	(72.9%)
Jones Coulter Young Pty Ltd	75.5%	(72.5%)

Based on the information made available and the assessment, the tender providing the best value to Council is from T & Z Pty Ltd and is therefore recommended.

Following a request from Deputy Mayor Richard Graham pursuant to Council Delegation SES3, acceptance of the tender is referred to Council for a decision.

Strategic Plan/Policy Implications

A Corporate Strategic Plan commitment is to construct and maintain community buildings, which are owned or managed by the Council, to meet community needs.

Budget/Financial Implications

There are adequate funds on the current Budget to cover the cost of the contract.

Legal Implications

Nil.

Community Consultation

N/A

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM 21/10/2003) - PORTUGUESE CULTURAL AND RECREATIONAL CENTRE W.A. INC. (1961) (RA)

RECOMMENDATION

That Council approve an application for a restricted club liquor licence by the Portuguese Cultural and Recreational Centre W.A. Inc. for use at the Old Jandakot Primary School for the following trading hours:

6pm to 10pm Thursday;
6pm to 12 midnight Friday;
10am to 12 midnight Saturday; and
10am to 10pm Sunday,

subject to all requirements of the City's Health Department and the Department of Racing, Gaming and Liquor and any associated costs being met by the Association.

COUNCIL DECISION

Background

The Old Jandakot Primary School operates under the control of a Management Committee of the same name. A long term user of the facility is the Portuguese Cultural and Recreational Centre W.A. Inc. which run a number of services from the site including radio station 91.3 CC FM from a separate building on the site.

Submission

The Association has written to the City seeking approval for a restricted club liquor licence to operate from a portion of the Old Jandakot Primary School site.

Report

Council has a policy that requires sporting clubs and associations seeking a club liquor licence to enter a lease with the City prior to approval for a liquor licence being given. The case of the Old Jandakot Primary School is somewhat different to the intent of the policy in that the Portuguese Association is not a sporting club seeking a liquor licence for club change rooms over which it can be reasonably expected to have control. The existing Management Committee has agreed to the proposal for the use of the premises by the Association with a restricted liquor licence. They do however, wish to remain as managers of the facility.

Funds raised by the Association through a liquor licence are to be used for the radio station and aged services offered by the Association.

The club has requested a restricted liquor licence for the following trading hours:

6pm to 10pm Monday to Thursday inclusive;
6pm to 12 midnight on Friday nights;
10am to 1am on Saturdays; and
10am to 10pm on Sundays.

These periods seem excessive for an Association that intends to provide a service that is socially and club orientated. A more appropriate range of trading hours is suggested to be Thursday 6pm to 10pm; Friday 6pm to 12 midnight; Saturday 10am to 12 midnight; Sunday 10am to 10pm. Written confirmation from the association has been received agreeing to these times.

It is recommended that Council advise the Liquor Licensing Authority that it agrees to the issuing of a club-restricted licence to the Portuguese Cultural and Recreational Centre W.A. Inc for these hours.

There is also a requirement for the Association to have exclusive use of the premises for the periods that the liquor licence applies. While the request is for the licence to apply to the building used for the radio station which is under the control of the Association, it is considered preferable for the liquor licence period to be outside the usual building usage times.

For the Association to operate a club restricted licence, there are a number of Health Department requirements to be met. The Club has

met with officers of the City's Health Department and been made aware of these requirements.

Strategic Plan/Policy Implications

Key Result Area "facilitating a range of services response to the community needs" refers.

Budget/Financial Implications

N/A

Legal Implications

The Portuguese Cultural and Recreational Centre W.A. Inc. will be the holders of the liquor licence and hence carry the associated legal responsibility.

Community Consultation

Not deemed appropriate or necessary given that the request is coming from a community association and that the Old Jandakot Primary School is located in an isolated industrial area.

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

Nil.

17.2 (OCM 21/10/2003) - APPOINTMENT OF COMMITTEE MEMBERS - ABORIGINAL ADVISORY COMMITTEE (8978) (CC)

RECOMMENDATION

That Council appoints the following individuals to the Aboriginal Advisory Committee:

- Community Representatives - Lorna Corbett, Brad Collard, Susan Pickett, Roma Pickett, Janine Riley & Kirk Garlett
- Youth Representatives - Tenika Calgaret & Eric Michael
- Community Service/Aboriginal Organisation Representatives – Dean Wynne (Burdiya), Alana Loo (Waalitj), Fiona Hill (Community Policing) & Gail Beck (ATSIC Councillor)
- Gail Bowman (Social Services Manager) as advisor with Cassandra Cooper (Cultural Development Coordinator) as deputy.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Currently the City has no Aboriginal people represented on any of the Council appointed Advisory Committees. The City has attempted to gain Aboriginal representation on a number of occasions and has not succeeded in gaining more than short-term representation.

The Aboriginal Advisory Committee has been set up to provide a structure to assist the City of Cockburn develop a strong and proactive partnership with the local Aboriginal community.

Informal Working Party Meetings held regularly in the last twelve months have seen the development of a Terms of Reference for this committee and the committee structure has also been determined.

Prior to the AGM being held on 2 October, there was a series of advertisements in local papers calling for nominations as well as five community information sessions held in different areas of the district to make the community aware of the committee and its functions. Different community groups were also targeted and involved in discussion regarding the formation of the committee.

This Council appointed committee will support and generate awareness of the Nyungar culture within the Cockburn district and promote understanding and recognition within the wider community.

As with other Council appointed committees, the Aboriginal Advisory Committee will have the ability to make recommendations to Council within the scope of the terms of reference.

The membership of this committee shall comprise of:

- Councillor or deputy
- City Cockburn Social Services Manager (or deputy)
- ATSIC Councillor
- Two Youth Members
- Six community members
- Three Aboriginal Representatives from community service providers and aboriginal organisations.
- Other representatives as *invited* to attend.

Council appointed Councillor Val Oliver with Ian Whitfield as deputy to this committee at the April 2003 meeting.

Submission

N/A

Report

The Aboriginal Advisory Committee will be a council appointed committee under section 5.9 (2) (c) of the Local Government Act 1995.

The Terms of Reference for this committee were ratified at the April 2003 meeting of Council.

The main objectives of the committee are:

- To provide an advisory role in the development of relevant policy and programs through consultation with the wider Aboriginal Community.
- To develop strong links with other Aboriginal and Torres Strait Islander people within the City of Cockburn and surrounding areas.
- To inform the community of Aboriginal achievements and issues through regular community gatherings, newsletters and other media.
- To provide an advisory role regarding strategies to build a stronger local community by recognising the importance of family kinship networks.
- To advise and assist in the development of suitable programmes and employment opportunities for Aboriginal people.
- To advise and assist regarding cultural projects and work collaboratively in seeking access to additional funding.
- To provide and maintain a forum for the flow of information between the Aboriginal community and Council.
- To advise the City of Cockburn regarding the development of strategies that will promote respect and recognition of the Nyungar culture.
- To provide an advisory role regarding the development and implementation of policy and programmes that respect and recognise Nyungar culture and issues, using the appropriate protocols.

- To advise the City of Cockburn regarding the development of strategies that promote a broader understanding, awareness and participation by Council through promoting and valuing Nyungar culture.

Strategic Plan/Policy Implications

Key Result Areas “Facilitating the needs of your community” refer.

Budget/Financial Implications

Nil

Legal Implications

Sec. 5.10(1)(a) of the Local Government Act, 1995, refers.

Community Consultation

N/A.

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

Nil.

17.3 (OCM 21/10/2003) - APPOINTMENT OF COMMITTEE MEMBERS - COCKBURN SPORTS WALK OF FAME SELECTION COMMITTEE (8153) (RA) (ATTACH)

RECOMMENDATION

That Council:

- (1) appoint the following as members of the Cockburn Sports Walk of Fame Selection Committee:

two(2) Elected Members, namely _____, and _____, Bill Wallington, the nominee of the Cockburn Recreation Advisory Committee, and Adrian Jarvis, Recreation Services Coordinator as advisor; and

- (2) adopts the Terms of Reference for the Sports Walk of Fame Selection Committee as attached to the Agenda.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION**Background**

At the Council meeting of December 2002, a group was formed to determine the Cockburn Sporting Walk of Fame criteria and parameters. The committee has determined a number of Eligibility and Selection Criteria for inclusion into the Walk of Fame. Recommendations were also made as to the makeup of the Cockburn Walk of Fame Selection Committee.

Submission

N/A

Report

Subsequent to the December 2002 Council meeting, the Steering committee for the Cockburn Sports Walk of Fame has discussed and recommended a number of issues for consideration by Council for the Walk of Fame, including the Terms of Reference, a copy of which is attached to the agenda.

It was agreed that the initial induction would include no more than twenty (20) successful inductees. Thereafter, inductions would be held every two (2) years.

Strategic Plan/Policy Implications

“Facilitating the Needs of Your Community” refers.

Budget/Financial Implications

An amount of \$25,500 has been placed on the 2003/04 annual budget for this project.

Legal Implications

Sec. 5.10(1)(a) of the Local Government Act, 1995 refers.

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

Nil.

**17.4 (OCM 21/10/2003) - COCKBURN COMMUNITY NEEDS STUDY (RA)
(9621)**

RECOMMENDATION

That Council accept the tender submitted by Research Solutions (Options A) for Tender No. 38/2003 to undertake the City of Cockburn Community Needs Study at a total cost of \$54,978 including GST.

COUNCIL DECISION

Background

Elected Members were advised of the calling of tenders for the Cockburn Community Needs Study 2003. Pursuant to Council Delegation SES3, the Deputy Mayor has requested this tender be referred to Council for determination.

The request for tender was advertised on Saturday 13 September 2003 and closed on 2 October 2003.

Submission

Tenders were received from nine applicants, two of whom also submitted an alternative proposal.

Report

The tenders received were firstly assessed against the compliance criteria and all were found to comply and hence were then assessed against the following qualitative criteria:-

Description of Qualitative Criteria	Weighting
1. Demonstrated experience in completing similar projects.	10%
2. Skills and experience of key personnel.	15%
3. A demonstrated understanding of the required tasks.	10%
4. An outline of the Study approach, proposed methodology and statistical techniques to be used,	25%

Description of Qualitative Criteria	Weighting
including the expected integrity of the data produced	
5. Tendered price	40%

The assessment made under these criteria as determined by the Director Community Services, Manager Community Services and the Customer Services Manager are averaged as follows:-

	Assessment	Contract Sum Including G.S.T.
Australian Market Intelligence	60%	\$99,550
Research Solutions (B)	60.6%	\$90,739
Creative Links	49.6%	\$81,070
South Metro Growth Link	44.6%	\$71,500
Market Equity (A)	69.3%	\$62,315
C.S.S. Strategic Management	56.3%	\$61,600
Research Solutions (A)	75%	\$54,978
Market Equity (B)	71.3%	\$52,767
Human Science	59%	\$48,400
Estill	55%	\$46,893
Patterson Market Research	74.6%	\$34,023

A closer assessment of the two highest ranked submissions from Research Solutions (Option A) and Patterson Market Research, identifies a more thorough approach to the exercise from the recommended tenderer, which in turn is considered will provide Council with an overall better outcome.

Strategic Plan/Policy Implications

- Key Result Area “Meeting the Needs of Your Community” refers.
- Policy SES3 “Evaluation of Tenders” refers.

Budget/Financial Implications

Funds provided for in the 2003/04 Budget for Community Consultation.

Legal Implications

Sec. 3.57 of the Local Government Act, 1995 and Part 4 of the Local Government (Functions and General) Regulations, 1996 refer.

Community Consultation

This is in itself, a community consultation process.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

19.1 (OCM 21/10/2003) - DONATION TO AUSTRALIAN MEDICAL PROCEDURES RESEARCH FOUNDATION (PERTH NALTREXONE CLINIC) (5300; 8954) (GB) (ATTACH)

RECOMMENDATION

That Council:-

- (1) does not provide a \$10,000 donation to the Australian Medical Procedures Research Foundation at this stage;
- (2) requests the South West Group and the South Metropolitan Zone of the Local Government Association to receive a presentation from Dr O'Neill on the programme, with a view to expediting the scientific research currently being undertaken regarding the safety and effectiveness of the programme; and
- (3) review its position upon the release of results of further scientific research currently being undertaken into the Naltrexone Implant Programme.

COUNCIL DECISION

Background

By Notice received on 7 October 2003, Deputy Mayor Graham submitted the following Notice of Motion for consideration:-

"That Council donate \$10,000 to the Australian Medical Procedures Research Foundation (AMPRF) with funds to be identified as part of the December 2003 Budget Review."

Submission

Dr George O'Neill made a presentation to some Elected Members and staff on behalf of the Australian Medical Procedures Research Foundation (AMPRF) on Tuesday 23 September 2003.

This presentation was precipitated by correspondence from Dr O'Neill seeking proportionate (10%) costs of the clinic servicing clients from the Cockburn District, which Dr O'Neill stated has been in the vicinity of \$600,000.

At the presentation, Dr O'Neill also stated he was keen to solicit support for his programme and any lobby avenues available for Council to promote it would be of great assistance.

The Perth Naltrexone Programme is part of the AMPRF and offers Naltrexone in both oral tablet form and 3.5g implants for the treatment of opiate dependency. The clinic has a number of education programs including computer, employment and self-concept training. There is a chaplain who provides group bible studies, one to one counselling and a Christian Based 12 step program. There is also general counselling available. Where possible, the clinic provides residential care primarily for clients who agree to have Naltrexone implants. The clients are required to pay a fee for the service but payment options are available. The Perth Naltrexone Programme run by Dr O'Neill states that the use of 3.5g Naltrexone implants has become the preferred option for controlling opiate dependence.

The AMPRF state that greater than 95% of the patients who continue with their implants, are free from opiate dependence for at least six months. There has been no information provided regarding long-term outcomes.

As Naltrexone implants are not registered with the Therapeutic Goods Administration for human use, the AMPRF state that most patients who have Naltrexone implants are treated under the Special Access Scheme. The AMPRF state that this scheme involves the patient and the doctor confirming that they understand the treatment is not yet registered by the Therapeutic Goods Administration and that the condition being treated might lead to premature death.

Report

Naltrexone in the oral form is used by many alcohol and drug rehabilitation services as one method to assist clients to stop their use of narcotic drugs including heroin. There is however, general agreement from drug professionals that the effectiveness of Naltrexone treatment is very much dependent upon:

- The persons particular situation, including their level of commitment to staying off heroin and the level of support available to them; and
- It being one part of a comprehensive treatment program, which includes regular counselling.

Alcohol and Drug Services have suggested that many clients do not remain on Naltrexone treatment and will often return to heroin use. More studies are currently being conducted that may provide a clearer picture of Naltrexone's short and long term effectiveness. It is important to recognise that Naltrexone treatment may be effective for some people but will not suit everyone.

Clients accessing the relevant City of Cockburn's Social Services programmes are assessed and if they are found to be in need of drug and alcohol services, then a range of options are given to the client to tailor a program which will best meet their needs. The range of options includes remaining with the initial service for drug and alcohol counselling or being referred on to an alcohol and drug specific counselling agency.

In general, clients from Social Services are not referred directly to Dr O'Neill's Perth Naltrexone Clinic in Subiaco. The two main reasons are that the clinic is only for a very specific target group of clients and the second reason is the location of the service, as it is difficult to access from Cockburn by public transport. Agencies that are closer and offer more comprehensive and generalised service such as the South Metropolitan Community Drug Service Team, Next Step and the Alcohol and Drug Information Services, are preferred referral sources. These agencies and GPs in the Greater Fremantle area also offer the Naltrexone programme to clients in oral tablet form.

Treatment involves taking a prescribed amount of Naltrexone for as long as it is perceived to be required: the length of the program depends on the individual's situation. The tablets are taken orally, once a day, the usual dose being 50mg, or every couple of days at a higher dose (e.g. 100mg on alternate days or 150mg every three days). Daily doses are often recommended in order for the person to develop a routine and to keep a stable level of Naltrexone in the blood. Often a carer, family member, doctor or pharmacist supervises the administration of the dose.

The Perth Naltrexone Clinic utilises Naltrexone implants as well as oral administration of Naltrexone. There are mixed views from experts regarding the effectiveness and safety of Naltrexone implants. The Australian Drug Foundation has verbally stated that to date, no clinical trials have been conducted as to the effectiveness of the Naltrexone implants and as such, they are not recommended for human use and are not registered with Therapeutic Goods Administration. However, Naltrexone implants can be accessed under the Special Access

Scheme and permission to gain access varies according to the health status of the individual. Category A under the Special Access Scheme is defined in the Regulations as *“persons who are seriously ill with a condition from which death is reasonably likely to occur within a matter of months, or from which premature death is reasonably likely to occur in the absence of early treatment.”* The medical practitioner decides whether the individual falls under the Category A criteria and the patient must provide informed consent after having the risks and benefits explained to them. The Special Access Scheme is how Dr O’Neill and the Perth Naltrexone Clinic are able to insert Naltrexone implants.

The Department of Health is now considering a recommendation for a national trial of Naltrexone implants following a Parliamentary Inquiry into substance abuse.

The Director of Clients Services, Resources and Development of the State Drug and Alcohol Office, provided the following information:

- The State Government, through the Drug and Alcohol Office, provides \$500,000 directly to Dr O’Neill and up to \$500,000 on a dollar for dollar matching basis. This contract lasts for the life of the current state government.
- The Therapeutic Goods Administration has set up an Expert Advisory Committee to investigate Naltrexone implants and other slow release therapies.
- The status of professional indemnity cover for the Naltrexone Implant Therapy is unclear, due to the apparent safety concern with the use of Naltrexone implants and the lack of conclusive scientific research regarding the long-term effectiveness of the Naltrexone program.

It is therefore recommended that the Council does not donate \$10,000 to the Australian Medical Procedures Research Foundation until further scientific research has been undertaken regarding the safety and the long-term effectiveness of the Naltrexone implant program however, lends support to the process by seeking the level of interest which can be generated through local government on a more widespread basis (ie. South West Group and the WA Local Government Association).

Strategic Plan/Policy Implications

Key Result Area “Facilitating the Needs of Your Community” refers.

Budget/Financial Implications

A budget allocation of \$10,000 will be required for the 2003/04 financial year.

Legal Implications

The legal implications of providing funding to a program that promotes the use of an unapproved therapy with the Therapeutic Goods Administration is unknown.

Similarly, the extent of professional indemnity insurance held by AMPRF (if any) in administering its programme is unclear.

Community Consultation

No community consultation has taken place regarding this matter.

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

The program is currently dependant upon State Government funding and personal donations for its operations.

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

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

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

23. CONFIDENTIAL BUSINESS

Nil

24. (OCM 21/10/2003) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

- (a) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;

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

COUNCIL DECISION

25. CLOSURE OF MEETING