

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 FEBRUARY 2013 AT 7:00 PM

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# CITY OF COCKBURN

## MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 FEBRUARY 2013 AT 7:00 PM

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### PRESENT:

#### ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr S Portelli	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mr S Pratt	-	Councillor
Mrs V Oliver	-	Councillor
Mr B Houwen	-	Councillor

#### IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms L. Boyanich	-	Media Liaison Officer
Ms M. Waerea	-	Executive Assistant

### 1. DECLARATION OF MEETING

Presiding Member declared the meeting open at 7.00pm.

Mayor Howlett made the following announcements:

#### **Presentation of Agenda for those in the public gallery**

Tonight the City will be trialling the use of a screen to display each Agenda item and welcomes your feedback following the meeting. Comments can be addressed to either myself or



## **Citizenship Ceremony and Australia Day Awards**

On Saturday 26 January a citizenship ceremony was conducted that saw over sixty people becoming Australian citizens.

The ceremony was followed by the announcement of the Premier's Australia Day Active Citizenship Awards.

Ms Denise Crosbie, Co-ordinator, Cockburn Wetlands Education Centre was awarded the Premier's Australia Day Active Citizenship Award for a person over the age of 25 years.

Denise's tireless work at the Cockburn Wetlands Education Centre, including many hours work as a volunteer continues to provide an avenue for people of all ages and abilities to learn about our environment and how their input can make a difference.

The Friends of the Community were awarded the Premier's Australia Day Active Citizenship Award for a community organisation or event.

The Friends of the Community continue to maintain a high profile in our community and further afield as they raise funds for a variety of different purposes – helping other less fortunate in the community.

Congratulations to each of the Award recipients.

## **Spearwood Dalmatinac Soccer Club – 50<sup>th</sup> Anniversary Celebrations**

On Saturday 9 February my wife Pat & I attended the 50<sup>th</sup> anniversary celebrations of the Spearwood Dalmatinac Soccer Club.

Congratulations go to the founding board members and other members who worked hard to establish the Club and to those who have followed in their footsteps.

Many of the former players showed that they had not lost their skills during an All Star Match earlier in the day.

The Club's strong volunteer and sponsorship base has ensured a sound basis on which to continue the Club's on-going success.

## **Summer of Fun Events**

The City's Summer of Fun events have commenced and I urge members of our community to take advantage of the significant range of opportunities for families. in particular, to enjoy these free events.



Saturday 9 March will see the Western Australian Symphony Orchestra performing in Manning Park, a first for Cockburn.

### **Local Government Reform**

I remind the community that the Robson Report is available for public comment until Friday 5 April 2013. I recommend that ratepayers and residents read the report and take the opportunity to have a say in the future of local government in the Perth metropolitan area.

A copy of the report is available on the City's website, Administration Building and libraries or online at: [dlg.wa.gov.au](http://dlg.wa.gov.au).

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

N/A

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

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

## **4 (OCM 14/02/2013) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

The Presiding Member advised the meeting that he had received advice from Clr B Houwen that he had a proximity interest in Item 21.1 which would be read out at the appropriate time.

## **5 (OCM 14/02/2013) - APOLOGIES AND LEAVE OF ABSENCE**

Deputy Mayor Kevin Allen	-	Apology
Clr Yaz Mubarakai	-	Apology
Clr Lee-Anne Smith	-	Apology

## **6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil



7 (OCM 14/02/2013) - PUBLIC QUESTION TIME

ITEMS IN WRITING, ON THE AGENDA

**Chris Lewis, South Beach**

*Item 15.3 – Regional Aquatic and Recreation Community Facility*

Questions asked at Cockburn Electors AGM on 05/02/2013.

Q1: Why has a project that started 2012 at \$35M increased to \$120M?

A1: The cost in the PFTD was a replication of SLLC at CCW not the RARCF at CCW. The PFTD envisaged a range of other works totalling \$10M also to occur at Cockburn Central West. The RARCF was derived after a community 'needs analysis' and costing by a QS. This outcome was ratified by Council at the SCM on 20 Sep 12. At that meeting it was advised the full cost of the facility was estimated at \$82M, made up of \$65M in Council contributions and \$17M in grant funding.

Q2: What needs study has the City of Cockburn completed to support the huge cost increase?

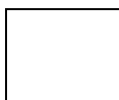
A2: A needs study was undertaken by Australia's Leading Sport and Leisure Centre Consultants the Coffey Group. Details of this and the other community consultation undertaken were reported in the item to the Special Council of 20 Sep 12.

Q3: Given that the project is forecast to lose money -- \$16M in the first 10 years according to the city's consultants -- what loss was planned for the original \$35M project?

A3: The estimates of a subsidy to users of a leisure centre are not unique to the project. All leisure centres receive a subsidy to operate at a rate affordable to end users. A range of scenarios has been presented in the Business Plan, which are dependent on entry fees, patron numbers, operating and capital costs. The plan is ensure that the current subsidy of \$1.30 to \$1.50 per patron is not exceeded and in fact is reduced.

Q4: What NEW benefits do the rate payers of Cockburn get for the huge cost increase?

A4: The current leisure centre, built 21 years ago contains one 25m pool, one play pool, 1 small gym, 2 hard court sport areas, 1 sauna, and 1 small "spin" class room. The new RARCF@CCW will contain:





Indoor Courts (6 court playing area) Storage Area Retractable seating Change rooms Public Toilets Officials area Plant Room
Reception and Foyer (& Admin) Community Spaces Allied Health Entrance Canopy
Crèche – Indoor and Outdoor areas
Retail Centre Café Kid's Party & Activity Area
Aquatic Centre and Hall 8 lane 25m Pool 10 lane 52m Pool & Cover & pool deck Leisure pool & Water Slide
Aquatic Sport Recovery Hydrotherapy Pool Spa, Sauna and Steam room
First aid facility School change rooms Club room Aquatic change rooms & toilets Utilities areas/rooms
Gym and Group Fitness Personal Fitness Spin area

All of this information was communicated to residents in the last two issues of Cockburn Soundings.

Q5: How can Cockburn use developer contributions collected across the City for one project?

A5: Under the developer contributions scheme approved by the State Government and supported by UDIA as the most rigorous contribution scheme in WA, developer contributions will be used to co-fund 24 projects, 8 Regional, 11 sub-regional and 5 local projects. Where it is a regional project, the project is for the benefit of the whole of the residents and ratepayers of the City of Cockburn. Sub-regional and Local Projects are for small portions of the municipality.



	<b>Regional</b>
1	Coogee Surf Club
2	Wetlands Ed/Native Arc
3	Cockburn Central Recn and Aquatic Centre
4	Cockburn Central Community Facilities
5	Visko Park Bowling and Recreation club
6	Coogee Golf Complex
7	Bibra Lake Management Plan
8	Atwell Oval
-	
	<b>Sub Regional</b>
9	Cockburn Central Library and Community
10	Cockburn Central Playing Fields
11	Anning Park - Tennis
12	Cockburn Heritage Park
13	Bicycle Network East
14	North Coogee Foreshore Management Plan
15	Seniors & Life Long Learning Centre
16	Beale Park Sports Facilities
17	Western Suburbs Skate Park
18	Bicycle Network West
19	Dixon Reserve/Wally Hagen
	<b>Local</b>
20	Lakelands Reserve
21	Southwell Community Centre
22	Hammond Park Recreation Facility
23	Frankland Park Rcn & Community
24	Munster Recreation Facility

Q6: Does this not mean developer contributions for the next 20 years will go into one location, which is not the purpose for which they were collected?

A6: No. Developer contributions collected over the next twenty years will go to fund the 24 projects noted above.

Q7: Is Council aware no major (\$110M+) sport-leisure projects built on budget in the last 10 years? Currently this project is presented as \$120M (\$107M base + \$13M contingency).

A7: This question was asked at the AGM of the City. I can't comment on



the question as no supporting documentation was provided by Mr Lewis either at the AGM, in-between time nor accompanying these series of public questions. The cost is not \$120M as Mr Lewis asserts, but \$107m with contingencies and escalations already built into the \$107M.

Q8: What will Council do if it runs over budget by say 33% to \$160M, which the construction industry considers light for a project of this scale? This whole exercise has largely been run in the media, and the stories say the main reason the Dockers like the idea of moving to Cockburn is financial advantage, to get free or cheap use of new facilities. But the only way the City of Cockburn can subsidise facilities to one party is to do the same for all users, including all of us here tonight.

A8: This question was asked at the AGM of the City. I can't comment on the question as no supporting documentation was provided by Mr Lewis either at the AGM, in-between time nor accompanying these series of public questions.

The reasons for the FFC coming to the City of Cockburn is a matter Mr Lewis should take up with the FFC other than the City is a great place to live, visit, recreate and invest.

As to the matter of subsidies, I refer to my earlier comments, Council currently subsidises all patrons attending the SLLC as do all Councils in WA.

Q9: Will this happen? As Cockburn residents already put up with some of the worst traffic congestion in Australia, why not ease this serious problem as suggested by transport experts and use some of this land for car parking to service the growing hub at Cockburn Central and the adjacent railway station, and thereby save over \$100M, and eliminate any financial risk to the City and ratepayers?

A9: The City has a strategy to deal with the traffic congestion in Cockburn Central, but as Mr Lewis knows this is problem bigger than just the City of Cockburn. The solution to the traffic congestion is one that both the Council and State Government are working on together as are many of our neighbouring Councils.

Q10: Is it true that Cockburn invited the Dockers in to this project to legitimise this huge spend, and to prop up development of land that has always been considered poor quality?

A10: No.

These motions are not questions, therefore do not get answered.



Endorsed motions from the AGM will be the subject of a report to the March Ordinary Council Meeting

*\*\*\* A second set of questions were submitted in writing by Mr Lewis, however these will be responded to in writing due to time constraints on the evening.*

**Beverley & Leslie Gates, Beeliar**

*Item 19.1 – Street Tree Brosera Loop*

Q1: I am here today to once again request the removal of the street tree at 12 Drosera Loop, Beeliar. As well as already destroying my driveway since I first requested Council to remove the tree in 2005, 4<sup>th</sup> of May, it has now become a danger to life and property as it has now grown to a huge size and stands only 8 metres south west of my carport and will come down in a winter south west storm.

A1: The matter will be considered by council tonight. As part of the preparation of item 19.1, the City's parks staff inspected the tree who found that there had been no deterioration in the trees structural form since the tree was last inspected by an arboriculturalist in October 2011. The tree was assessed to be structurally sound and there is no current evidence to suggest that there is an imminent risk to property.

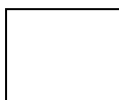
ITEMS IN WRITING, NOT ON THE AGENDA

**Lillian Kirkwood, Yangebup**

*Re: Road Upgrades*

Q1: I notice the road upgrades that are planned for the Beeliar Road next to Gateways Shopping Centre. Given that the plan is to widen the road to 6 lanes, are there any plans to provide safe pedestrian access to the train station? Given that there has already been one pedestrian death in this area, I hope this will be considered. It is an extremely dangerous road and at times almost impossible to cross. I have noticed a lot of school age children trying to cross the road at peak traffic times and am very concerned that there will be another fatality.

A1: As part of the road works associated with the extension of the Gateways Shopping Centre, a new Bus Only road and path linkages will be provided between the Cockburn Central Station and the shopping centre, close to the Kwinana Freeway interchange. These linkages will be provided through the existing underpass of Beeliar Drive and will provide a safe and convenient link for pedestrians and cyclists. Alternatively, pedestrians can and will continue to be able to



use the pedestrian crossing facilities at the Beeliar Drive/North Lake Road traffic signals.

**Kimberly Brain, Aubin Grove**

*Re: Petrol Station – Aubin Grove*

Q1: Are there any plans in place to erect a petrol station in the suburb of Aubin Grove anytime soon?

A1: At this time the City has not received any proposals for the construction of a service station in Aubin Grove.

There are areas in Aubin Grove, which are zoned 'Local Centre', such as the south-western corner of the intersection of Lyon and Gaebler Roads, where a 'Service Station' would be able to be considered if an application for such a use was lodged with the City. It is however up to the private market to consider whether a service station is a commercially viable use and therefore lodge an application with the City.

**ITEMS NOT IN WRITING, NOT ON THE AGENDA**

**Ray Woodcock, Spearwood**

Q1: Has the Council followed up with a request for a public forum on the matter of the Cockburn Police Station? Is there any likely date set for the forum?

A1: Yes, Council has followed up however it hasn't had a response back.

Q2: Is it correct that the Minister for Police, Ms Harvey, has facilitated a meeting between the City of Cockburn and the South Metropolitan District Superintendent, Mr Lynley? If the meeting took place, what was the outcome and is the minutes of that minute available to the general public?

A2: Council is not aware of any meeting that has taken place that has been attended by the City of Cockburn's administration or Elected Members.

Q3: Is the Council aware of the shark fishing activities on the Coogee Jetty on Sunday night, 10 February? Was this activity noticed and reported by a community ranger or a member of Co-Safe?

A4: Yes, the City's staff have been alerted to the activity and are currently following up by seeking any CCTV footage of the incident.



**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 4951) (OCM 14/02/2013) - ORDINARY COUNCIL MEETING - 13 DECEMBER 2012**

**RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 13 December 2012, as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 7/0**

**9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE**

Nil

**10 (OCM 14/02/2013) - DEPUTATIONS AND PETITIONS**

**4 x Deputations** were given:

1. Mr Dominic Carbone, Managing Director of Complete Steel Projects and Mr Murray Casselton, Associate Town Planner at TPS Town Planning, Urban Design and Heritage, regarding Item 14.8 - Application for Retrospective Change of Use Lot 10 Cooper Road, Cockburn Central.
2. Professor Kateryna Longley, Chair and Dr Tony Rose, Co-ordinator of Cockburn Sound Management Council (CSMC), regarding Item 19.4 – Support to Cockburn Sound Management Council.
3. Mr and Mrs Gates, regarding Item 19.1 – Removal of Street Tree, 12 Drosera Loop, Beeliar
4. Ms Jill Whitwam and Ms Eve Kueh, of The Crest, Cockburn Central, regarding Item 14.8 – Application for Retrospective Change of Use Lot 10 Cooper Road, Cockburn Central.

**1 x Petition** was submitted by Mayor Logan Howlett. Petition had been received from Mr Ray Woodcock and contains 145 signatures on the subject relating to “The Closure of Cockburn Police Station”



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

Nil

**12 (OCM 14/02/2013) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER**

Nil.

**NOTE:** AT THIS POINT IN THE MEETING, THE TIME BEING 8:12 PM, THE FOLLOWING ITEMS WERE CARRIED BY AN “EN BLOC” RESOLUTION OF COUNCIL:

14.1	14.6	15.1	16.2	17.1	18.1	19.2
14.2	14.7	15.2		17.2		19.3
14.3	14.9			17.4		
14.4	14.10					

**13. COUNCIL MATTERS**

**13.1 (MINUTE NO 4952) (OCM 14/02/2013) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING - 31/01/2013 (CC/P/001) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council adopt the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on Thursday, 31 January 2013, as attached to the Agenda and adopts the recommendations contained therein.



**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Cllr C Reeve-Fowkes that

- (1) adopt the Minutes of Delegated Authorities, Policies & Position Statements Committee Meeting held on Thursday 31 January 2013, as attached to the Agenda and adopts the recommendations contained therein with the exception of the following policies:

PSEW15 – Removal and Pruning of Street Trees  
SC50 – Annual Civic Dinner

and

- (2) Policy "PSEW15 – Removal and Pruning of Street Trees" and Policy "SC50 – Annual Civic Dinner" be referred back to the next Delegated Authorities, Policies & Position Statements Committee Meeting for review.

**CARRIED 7/0**

**Reason for Decision**

The current Policy PSEW15 has, and continues to, create problems for ratepayers and residents in terms of damage to their properties and subsequent actions/non action by the City. A review of the matter by the Delegated Authorities, Policies & Position Statements Committee is the most effective way to address the concerns raised by ratepayers and residents.

Review of Policy SC50 would give Elected Members further opportunity to discuss the adoption of this new policy. It is not time critical, so a delay until after the next DAPPS meeting would not cause problems.

**Background**

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 31 January 2013. The Minutes of the meeting are required to be presented.

**Submission**

N/A





## **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.

The primary focus of this meeting was to review the Policies and Position Statements of the Engineering and Works Division and Executive Support Services, in accordance with Council's decision. In addition to the above, there are a number of Planning and Development DAPPS that are being presented to final adoption on the completion of public consultation.

## **Strategic Plan/Policy Implications**

### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.
- A responsive, accountable and sustainable organisation.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

## **Budget/Financial Implications**

As contained in the Minutes.

## **Legal Implications**

N/A

## **Community Consultation**

As contained in the Minutes.

## **Attachment(s)**

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting – 31 January 2013.



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

N/A

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

Nil.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (MINUTE NO 4953) (OCM 14/02/2013) - DRAFT MURDOCH SPECIALISED ACTIVITY CENTRE STRUCTURE PLAN - LOCATION: MURDOCH ACTIVITY CENTRE FRAME - APPLICANT: WESTERN AUSTRALIAN PLANNING COMMISSION (SM/M/070) (R COLALILLO) (ATTACH)**

**RECOMMENDATION**

That Council endorse this report as the basis to making a submission to the Western Australian Planning Commission ("WAPC") on the Draft Murdoch Specialised Activity Centre ("Draft MSACSP"), emphasising the following issues:

1. That the Roe Highway extension is an uncommitted aspect of the future road hierarchy, and accordingly cannot be relied on as a component of the Draft MSACSP.
2. That the issues of traffic need to be comprehensively investigated and addressed.
3. That detailed environmental studies need to be undertaken and completed.
4. That the existing Parks and Recreation reserved land within the City of Cockburn, accommodating important regional sports facilities, be retained and protected into the future.
5. That the Draft MSACSP indicate more logical urban frame areas, which have the capacity for accommodating higher urban densities, rather than seeking to prescribe exact area at this broader stage.



**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**

**Background****State Planning Policy 4.2 - Activity Centres for Perth and Peel**

The Western Australian Planning Commission's State Planning Policy 4.2 - Activity Centres for Perth and Peel ("SPP4.2") identifies Murdoch as a 'Specialised Centre'. Specialised Centres have a focus on regionally significant economic or institutional activities that generate many work and visitor trips, which therefore require a high level of transport accessibility. The primary functions of Murdoch are identified as Health, Education and Research.

SPP4.2 specifies that Specialised Centres provide opportunities for the development of complementary activities, particularly knowledge-based businesses. A range of land uses that complement the primary function of these centres will be encouraged on a scale that will not detract from other centres in the hierarchy. The policy requires 'Activity Centre Structure Plans' to be prepared for Specialised Centres, with the WAPC being the responsible approval authority.

**Murdoch Activity Centre Structure Plan - Part A**

In June 2007, the WAPC approved the Murdoch Activity Centre Structure Plan – Part A ("MACSP-A"). The MACSP-A relates to land located to the south west of the Murdoch train station and bound by the Kwinana Freeway to the east, Farrington Road to the south, Murdoch Drive and South Street to the north. The approved MACSP-A is shown in Attachment 1 to this report.

In its 2007 approval, the WAPC noted the consideration of the broader Murdoch activity centre area, including long term planning for Murdoch University and other associated areas was required to be investigated as a separate study and structure plan. This broader plan has now been formulated and is known as the Draft Murdoch Specialised Activity Centre Structure Plan ("Draft MSACSP") which is the subject of this report.

The Draft MSACSP is currently being advertised for comment. The purpose of this report is to examine the key implications for the City of



Cockburn (“City”) and for Council to formulate a position with respect to the Draft MSACSP and provide the WAPC with a submission.

The Draft MSACSP was commissioned by the WAPC to guide the strategic development of the wider Murdoch Activity Centre. The WAPC through the DoP is responsible for ensuring that integrated land use and infrastructure planning is in place for Murdoch which is identified as a significant ‘Specialised Centre’ and Transit Oriented Development (“TOD”) opportunity in the WAPC’s spatial planning framework ‘Directions 2031 and Beyond’.

The primary objective of the Draft MSACSP is to align the current strategic and development plans of all Murdoch institutions and landholders to ensure the most efficient and compatible use of land. Additionally, the WAPC has directed that the structure plan *“considers a long term vision for the development of Murdoch Activity Centre, promoting not just greater collaboration between parties but ‘innovation’ in the master planning of this activity centre as a major knowledge based export hub in conjunction with the existing regionally significant institutional activities”*.

The Draft MSACSP is different to conventional structure plans as it provides for more than physical design or land use planning within the study area. Its aim is therefore to develop a new type of strategic document, which is adequately informed by the economic realities and opportunities at Murdoch and shaped by the environmental character and sensitivities of the place.

The Structure Plan has implications for the Metropolitan Region Scheme and the Local Planning Schemes of both the City of Melville and City of Cockburn. The current Draft MSACSP has been prepared by the DoP (and its lead consultant Hames Sharley) for formal consultation and public feedback purposes. When finalised, the Structure Plan will be endorsed by the WAPC and will effectively supersede the existing MACSP-A which has been in operation since 2007.

The Draft MSACSP is a 150 page document and is therefore too large to include as a full attachment to this report. Therefore only key text and diagrams of the full Draft MSACSP have been included as attachments in this case. A copy of the document is available via the DoP’s website - [www.planning.wa.gov.au](http://www.planning.wa.gov.au).

### **Submission**

N/A



## Report

The Draft MSACSP primarily covers land within the City of Melville however it also includes approximately 52 hectares of land which is within the City of Cockburn. Additionally, the range of land uses proposed and intensity of future development within the Draft MSACSP will have wider ranging impacts for the City's transport network, recreation opportunities and natural environment. The potential implications for the City and proposed modifications or recommendations for the Draft MSACSP are discussed in detail as follows:

### Movement Network

The 'Movement' section of the Draft MSACSP notes that there are reports and concerns regarding traffic congestion that need to be explored further and fundamental changes to the traffic network may need to be employed. It is disappointing that detailed investigations and analysis were not undertaken during the preparation of the Draft MSACSP to inform the design and future requirements of the plan itself. This is considered to represent a significant issue for the plan, and is of a magnitude that requires full resolution prior to final consideration of the Draft MSACSP.

The Draft MSCASP provides minimal information in respect to public transport and private vehicle access/egress from the south including via Murdoch Drive, Farrington Road and Bibra Drive. It is therefore recommended that detailed traffic modelling be undertaken and plans developed for prior to any decision to consider the Draft MSACSP for final approval. This detailed traffic modelling needs to cater for the projected vehicular (light and heavy), cyclist and pedestrian movement into and out of the precinct from this direction. The modelling is to be based on at least three scenarios including:

- No Roe Highway Extension ("RHE")
- RHE only to Murdoch Drive
- Full RHE past North Lake Road to Stock Road.

Particularly from the perspective of the City of Cockburn, Council's formal position is not supportive of Roe Highway being developed. Accordingly it needs to be understood whether the Draft MSACSP is capable of full implementation if Roe Highway doesn't proceed, or whether there is a maximum threshold that can't be exceeded.

Traffic modelling would also need to include detailed implications of the Draft MSCASP on the south road network (Farrington Rd, Bibra Dr, Progress Dr, North Lake Rd) within the City. .



As noted above, the extension of Roe Highway in the short to medium term, or at all, is not a “given”, and could be described as uncertain. Alternative plans need to be developed and incorporated into the Draft MSCASP to address the significant traffic flows expected to impact on the City’s road network south and south west of the subject area (including Farrington Road and Bibra Drive) arising from the Fiona Stanley hospital opening and the other developments in the area. It further questions whether there is a maximum threshold that development can't exceed given the prevailing traffic issues for the area.

Similarly attention to public transport and cyclist and pedestrian movements to/from the south needs much more coverage in the Draft MSCASP.

Any development alongside or connecting with Farrington Road must be designed in line with “controlled access” main road principles. This would entail no direct driveway access, all connections to be via controlled intersections, and the number of connections being limited accordingly.

Measures need to be identified and secured in terms of access and egress to the ‘Murdoch Chase’ residential estate currently via Farrington Road, not being adversely impacted by future development of the Draft MSCASP core area.

The Draft MSACSP identifies that the role and function of Farrington Road may require review in light of the outcomes of Roe Highway extension. The City does not support any duplication or widening of Farrington Road due to the potential environmental impacts on the adjacent Beeliar Regional Park. Upgrades within the existing road reservation may be supported subject to relevant mechanisms and actions to protect the adjacent environment.

The ‘Movement’ section of the report also provides only a brief analysis and proposal of a dual path network within the Draft MSCASP area but lacks details in respect of pedestrian connectivity between the subject area and the area south of Farrington Rd. This is important as the southern adjacent area is an environmentally sensitive conservation and recreation area and will be an attractor for future residents within the Murdoch Activity Centre core. It is also unclear as to the views of the university in respect of securing important elements of the campus for the public realm such as pedestrian and cycling connections.

### Environment

The Draft MSACSP acknowledges that further studies are necessary in respect to environmental issues across the site as a whole. It is the



City's view that in line with standard structure plan preparation guidelines that these studies should have been undertaken to inform the preparation and design of the Draft MSACSP.

For example, the Draft MSACSP recommends that a number of flora and fauna studies should be undertaken for areas outside existing reserves to avoid further habitat fragmentation. It suggests that these studies be undertaken before subdivision or development. The most relevant time for these studies to be undertaken is during the structure planning phase in order to inform the overall layout and design of cells within the structure plan area.

Similarly, the Draft MSACSP recommends further studies are required to determine appropriate buffers distances around existing wetland areas. The City reiterates that these studies should have already been undertaken to inform the preparation and design of the structure plan.

The City strongly supports the introduction of a minimum green building rating into building design criteria and it is suggested that the ratings be such that they meet best practice sustainable building design as a minimum. Addressing the 'heat island effect' of future development will be of particularly importance given the highly dense nature of development proposed.

Consideration should also be given alternative forms of energy generation for larger facilities and precincts including Tri and Co-generation and Geothermal. It is understood that Fiona Stanley Hospital will utilise a Co-generation system and has set the standard for the remainder of the activity centre.

The Draft MSACSP states that *"Due to the often unsightly aesthetic of utilities infrastructure, expansion should be restricted to the training and technology precinct where possible. Where development is required it must be screened from view from the public realm."*

The above is considered to be a flawed assumption as utility infrastructure should be installed where it can provide the best advantage and be designed in a manner that blends in and even compliments the architectural themes of the sites. Tri gen / district energy plants can be installed in the ground floor of buildings, wind generators can provide a key backdrop demonstrating sustainability, PV panels can be integrated into roof structures and power and hot and cold water conduits can be installed underground along transit corridors. Rather it is conventional electricity substations and overhead power lines that can be aesthetically displeasing and it is these traditional forms of development that should be discouraged through alternative renewable energy provisions.



Existing MRS Parks and Recreation reserved land

The Draft MSACSP identifies existing MRS Parks and Recreation reserved land within the City of Cockburn as forming part of the 'Murdoch South' precinct.

The land parcels are currently owned in freehold by WAPC and were leased to the City of Cockburn on the 1 July 1986 for a period of 25 years, expiring 30 June 2011, with an option to renew for a further twenty five years. The City subsequently subleased the land parcels to:

- Lakeside Recreation Centre – lease commencement date 1 September 1990 expiring 29 June 2011.
- North Lake Spanish Club – lease commencement date 1 July 1991 expiring 30 June 2011.
- Murdoch Pines Golf and Recreation Club – lease commencement date 1 July 1995 expiring 29 June 2011.

The subleases offered options to renew the leases for further terms and all parties have indicated their desire to take up the option on their leases which are:

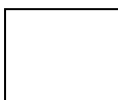
- Lakeside Recreation Centre – 25 Years
- North Lake Spanish Club – 25 Years
- Murdoch Pines Golf and Recreation Club – 10 Years

The land is identified within the Beeliar Regional Park Management Plan 2006 for recreational uses and the City's intention is that these uses will continue into the future.

Given that the Draft MSACSP is a long term strategic document which aims to provide for the needs of future communities, redevelopment of the existing recreation sites is only a consideration that could be contemplated with careful consideration. This would be about understanding the sporting needs of the region for the future. This has not occurred to the extent required to contemplate a change in planning direction.

There appears to be an absence of rigour to underpin any assumptions which suggest a different strategic approach to regional open space for this land precinct. The City considers that there is a need to protect this regional open space in perpetuity, as an important component of a broader activity centre which is planned to be of central city scale proportions.

In addition to the concerns held about the potential loss of important regional open space, there are further issues including traffic noise and





access. Particularly given the potential isolation of the subject area from the rest of the MSACSP, it is felt that attempts to connect residential/urban living in this area with the MSACSP will be tenuous at best.

Given the above the City does not support the changes in land use for these areas as indicated in the Draft MSACSP.

The Draft MSACSP suggests that *“this area could accommodate a government led initiative to provide, for example, exemplar high-density housing, designed to assist builders to lead the market into more sustainable forms of housing”*.

The above appears to be contradictory to the notion of higher density housing and development be within highly activated areas, particularly as the southern area is proposed not to be developed until well into the future. This is on the basis that it is not evident that it will be served by good public transport connections or be walkable distance to other services. Therefore the proposed high density examples led by government initiative should be occurring in the first development stages of the Draft MSACSP adjacent to the high frequency transit spine and ‘Murdoch Square’.

#### Implementation

The Draft MSACSP states that the coordination of a number of activities at a state, regional and local level as well as the preparation of a number of key documents will be required in order to implement the vision of the document. The DoP’s current preferred approach to implementation is through the provisions of the respective Local Schemes, which will require the introduction of provisions to the City of Melville and City of Cockburn Town Planning Schemes as well as the Metropolitan Region Scheme.

However, as stated in the document, the possibility exists for the WAPC to deliver the project through the introduction of an ‘Improvement Plan’ and associated ‘Improvement Scheme’ under the provisions of the *Planning and Development Act 2005*. This method could potentially lead the creation of a redevelopment authority to oversee the project’s implementation.

Given the uncertainty in terms of delivery, it is considered appropriate that a determination be made on how the Draft MSACSP be implemented prior to the plan being considered for adoption.

The statutory planning implementation table within the Draft MSACSP requires that a review of the City’s local planning framework be undertaken to ensure consistency with the Draft MSACSP. In terms of



timing it recommends that amendments to TPS3 be drafted during consideration of the Draft MSACSP and prior to its finalisation. This approach is considered very premature and is not supported on the basis that the City has concerns with the Draft MSACSP in its current form. This section should therefore be modified to allow for any future amendments to be undertaken after the Draft MSACSP has been finalised.

#### Residential densities and 'frame area'

The Draft Plan depicts an arbitrary line in terms of areas of the surrounding suburbs which may be able to accommodate higher urban densities in order to help deliver a broader mix and concentration of people and activities to the area. The depicted line goes does to the scale of following local roads, which is considered to distract from the broader merits of considering strategically the capacity for higher urban densities in proximity of specialised centres and associated infrastructure.

In terms of the Draft MSACSP, it is considered that more indicative and logical extents be considered to help inform future planning at the local level within the Cities of Melville and Cockburn which will likely include review of urban densities. Such extents could logically be:

1. Sommerville Boulevard and Parry Avenue to the north
2. Karel Avenue to the east
3. Farrington Road to the south
4. North Lake Road to the west.

This should be changed as part of the Draft MSACSP.

#### Conclusion

It is positive to see the invigorated level of strategic planning being undertaken by the WAPC for the Murdoch Activity Centre. However noting the importance of the centre, it is vital that a number of critical aspects be investigated and concluded prior to the Draft MSACSP being considered for final adoption.

The City has previously outlined the bulk of the concerns to the WAPC during the preparation of the final draft version of the MSACSP and it is unclear why these haven't been considered prior to advertising of the Draft MSACSP.

Notwithstanding, it is appropriate that the City make a comprehensive new submission on the Draft MSACSP, specifically emphasising the following points:



1. That the Roe Highway extension is an uncommitted aspect of the future road hierarchy, and accordingly cannot be relied on as a component of the Draft MSACSP.
2. That the issues of traffic need to be comprehensively investigated and addressed.
3. That detailed environmental studies need to be undertaken and completed.
4. That the existing Parks and Recreation reserved land within the City of Cockburn, accommodating important regional sports facilities, be retained and protected into the future.
5. That the Draft MSACSP indicate more logical urban frame areas, which have the capacity for accommodating higher urban densities, rather than seeking to prescribe exact area at this broader

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

#### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.

#### **Infrastructure**

- Community facilities that meet the diverse needs of the community now and into the future.

#### **Community & Lifestyle**

- Promotion of active and healthy communities.

### **Budget/Financial Implications**

The Draft MSCASP is a strategic and long term document and it is unlikely changes to the City's Scheme and Scheme Map will be required within the short to medium term. However, in the long term, changes may be required and any Scheme Amendments and LSP's will require staff resources and time in terms of preparation and implementation. Although these cannot be quantified at this stage, the Draft MSACSP recommends the City contribute to items as a District Water Management Strategy and prepare amendments to TPS3 in line with the Draft MSACSP.

### **Legal Implications**

N/A



### **Community Consultation**

The Draft MSACSP was advertised by the WAPC from 5 December 2012 to 8 February 2013. The WAPC have undertaken an extensive public consultation process including advertising within newspapers, internet and copies of documents being available from various publicly accessible locations including within the City of Cockburn. The City also advertised the Draft MSACSP the on its website. Landowners within the suburbs of North Lake, Bibra Lake and Coolbellup were also sent letters from the WAPC to make them aware of the proposal.

Officers from the DoP have confirmed that they will accept a 'late' submission from the City given the timing of the first available Council meeting in 2013 being after the official close of advertising.

### **Attachment(s)**

1. Draft MSACSP Executive Summary
2. Draft Structure Plan Key Diagram
3. Site Plan
4. Activity Centre Precinct Areas
5. Range of Dwelling Zones
6. Proposed Major Road Network
7. Precinct Character Guidelines
8. Staging Plan
9. Mid and Long Term Transport Infrastructure
10. Key Interventions and Actions

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

The DoP has been advised that this matter is to be considered at the 14 February 2013 Council Meeting.

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

Nil.



**14.2 (MINUTE NO 4954) (OCM 14/02/2013) - COOLBELLUP TOWN CENTRE STRUCTURE PLAN - LOCATION: N/A - OWNER: VARIOUS - APPLICANT: DPS (SM/M/071) (R SERVENTY) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) adopts the Coolbellup Town Centre Structure Plan subject to the following modifications:
1. The addition of a new annotation to the Structure Plan and part one requiring the north-south pedestrian link, Main Street and Town Square to be subject to an easement in gross on any future Strata Plan to ensure the general public has legal access to these spaces at all times.
  2. Include a requirement in part two for the north-south pedestrian link to be provided with adequate lighting.
  3. Include a requirement in part two that the design of the main street and town square prioritises pedestrian movement.
  4. The Structure Plan to identify Sugar Gums on Lot 3 as being retained as per the Vegetation Assessment in Appendix 2.
  5. Section 1.4 of part one amended to read that the Structure Plan comes into effect after the City issues final approval and the WAPC endorses the Structure Plan.
  6. Section 3.2 of Table A amended to require development to conform to designated R80 density.
  7. Section 4.1 of Table A amended so that development proposed by a third party is not a criteria for requiring a Detailed Area Plan.
  8. Section 4.3 of Table A amended so that significant departure(s) from the endorsed Structure Plan cannot be undertaken via the preparation of a Detailed Area Plan.
  9. Table 1 and Table 2 of the Structure Plan be removed and included in part one.
  10. Removal of non critical annotations from the Structure Plan to the satisfaction of the City and where appropriate include it in part one.



11. Removal of recommended land uses from the Structure Plan and part two section 4.4.
  12. Include in Part Two Section 4.8.3 a requirement that only parallel parking is to be developed directly adjacent to Waverley Road and Coolbellup Avenue.
- (2) once the Proposed Structure Plan has been modified in accordance with Recommendation 1, forward the proposed Structure Plan to the Western Australian Planning Commission for endorsement, pursuant of Clause 6.2.10.1 of the Scheme;
  - (3) adopts the attached Schedule of Submissions; and
  - (4) advise in writing the proponent and all submissioners of the outcome of this decision.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**

**Background**

A proposed Coolbellup Town Centre Local Structure Plan (LSP) was submitted to City in November 2012 (refer Attachment 1). The intent of the LSP is to guide the redevelopment of the Town Centre for a mix of uses, including Residential R80, Mixed Use and Retail. The LSP has been prepared on behalf of the proprietors of the Coolbellup Hotel, but covers the whole of the Town Centre.

The proposed LSP outlines structural elements to guide the future development of the Town Centre in a way which produces and attractive and vibrant activity centre. The LSP also provides a framework for preparing and assessing more detailed development applications. It enables landowners to progress their respective developments without reliance on other landowners within the Town Centre. This is particularly important considered the incremental nature of development which occurs in areas of fragmented land ownership.

The purpose of this report is to consider the LSP for final adoption, following the advertising period taking place.



## Submission

The proposed Structure Plan has been submitted by DPS planning consultants on behalf of Coolbellup Hotel Pty Ltd.

## Report

In 2001 the City, recognising that Coolbellup Town Centre was underperforming, requested the Department of Housing ("DoH") and the Department of Planning ("DoP") undertake a joint planning study of the Coolbellup Town Centre. A subsequent Enquiry by Design community consultation workshop investigated options for the redevelopment of the Centre. One of the options investigated, Scenario 3, involved the relocation and redevelopment of the Coolbellup Town Centre to the former Koorilla Primary School site and development of the existing site for residential purposes. In 2007 commercial consultant, Syme Marmion & Co, were engaged by the Council to assess the redevelopment options for the Coolbellup Town Centre. Syme Marmion concluded that Scenario 3 was not feasible and recommended that other options be investigated. Other options included:

- Redevelopment and refurbishment of the existing centre with surplus land developed for residential uses,
- Relocation of the shopping centre to the corner of Coolbellup Avenue and Waverley Road (hotel site) and redevelopment of the current shopping centre site for residential uses; or
- Do nothing leaving owners to undertake repairs, upgrades and refurbishment on an as needs basis.

This conclusion and options were presented to Council in December 2007, where a resolution was passed to seek community, land owner and tenant feedback on the options and proposals prepared by Syme Marmion. This consultation was undertaken from November 2008 to January 2009. Analysis of the submissions received and the issues relevant to the project were presented to Council in July 2009. At this meeting the Council concluded that due to financial risks, the City should not resume the land or proceed any further with the project, but rather encourage the owners to self fund further studies of redevelopment options. The City also committed (as part of its normal strategic planning role) to assist the proponents where possible so that a structure plan could be formulated and presented for formal consideration.



### The Proposal

The intent of the proposed Coolbellup Town Centre LSP is to guide the redevelopment of the Town Centre for a mix of uses, including Residential R80, Mixed Use and Retail.

The proposed LSP outlines structural elements to guide the future development of the Town Centre in a way which produces and attractive and vibrant activity centre. The LSP also provides a framework for preparing and assessing more detailed development applications. It enables landowners to progress their respective developments without reliance on other landowners within the Town Centre. This is particularly important considered the incremental nature of development which occurs in areas of fragmented land ownership.

It is the purpose of this report to recommend the adoption of the LSP subject to a number of modifications. The recommended modifications are outlined below and are generally in response to submissions lodged during the public advertising period. The recommendations include:

1. Various amendments to the Structure Plan and Part One of the Structure Plan relating to planning process and new Structure Plan preparation conventions stemming from a submission from the Department of Planning.
2. Removal of recommended land uses from the Structure Plan and Part Two Section 4.4 so as to remove any confusion regarding land use permissibility.
3. Addition of a new annotation to the Structure Plan and section to Part One requiring the north-south pedestrian link, Main Street and Town Square be subject to an easement in gross on any future Strata Plan to ensure the general public has legal access to these spaces at all times.
4. Include a requirement in Part Two for the north-south pedestrian link to be provided with adequate lighting.
5. Include a requirement in Part Two that the design of the Main Street and Town Square prioritises pedestrian movement.
6. Identify Sugar Gums on Lot 3 as being retained as per the Vegetation Assessment on Structure Plan.

### Issues Raised During Consultation

The issues raised during the public advertising of the LSP are summarised in the following sections. Some of the concerns resulted in recommendations to modify the LSP.





### Building Height

Five submissions were received raising concerns regarding the building height proposed by the Structure Plan. These concerns related to maintaining the existing character of Coolbellup and overlooking opportunities from new residential development.

With regard to neighbourhood character, concerns were raised that the four to five storey maximum building height would allow significantly larger scale development than the predominately single storey development within Coolbellup. However, there are a number of three storey apartment developments throughout Coolbellup and one adjacent to the Town Centre. It is not considered that this break from the existing built form will be detrimental to the broader character of Coolbellup. Rather, such is considered to reflect the natural evolution of urban areas throughout Perth, and particularly look to focus opportunities for higher density development in areas which comprises a mix of activities and which would benefit from higher concentrations of people to help generate activity.

Neighbourhood Centres, like Coolbellup, are identified as suitable locations for higher density residential development under the State and Metropolitan planning policy framework. Over the following decades Neighbourhood Centres across Perth are expected to undergo redevelopment into mixed use, medium to high density developments.

With regard to concerns over opportunities for overlooking from new residential development, the four to five storey maximum building height will not increase the area of the adjacent residential development which is overlooked. These existing dwellings are set back from any future residential dwellings by a minimum of 30m along Waverly Road, 40m along Coolbellup Avenue and 35m along Cordelia Avenue. These setbacks will be adequate to prevent overlooking of adjoining dwellings beyond the front setback area.

### Traffic and On-Street Parking

Five submissions raised concerns regarding traffic and on-street parking. These concerns relate to safety issues and removal of street trees.

With regard to safety concerns over increased traffic and on-street parking, the Structure Plan includes a Traffic Report which demonstrates that the proposal will not increase the traffic volumes along Coolbellup Avenue, Waverley Road and Cordelia Avenue beyond their existing design capacity. The Traffic Report's modelling of the development potential of the Town Centre under the proposed Structure Plan found that there would be no requirement for additional



traffic management measures for the surrounding road network resulting from the proposed land uses and density. Nevertheless, responding to the anecdotal evidence of speeding along Coolbellup Avenue, the Structure Plan identifies the need for traffic management measures to ensure safe access and egress from the site. The Traffic Report also provides guidance on the design and location of on-street parking in order to ensure safe and efficient traffic movement. Detailed design of on-street parking will be set at the development application stage and will comply with the Australian Standards (AS2890).

With regard to concerns over street tree removal, the Structure Plan proposes on-street parking on the southern side of Waverly Road and eastern side of Coolbellup Avenue; however, the existing street trees will be required to be retained. Any future works within the road reserves will be required to demonstrate, through an arboriculture report, that the trees will be maintained in a healthy condition.

#### North-South Pedestrian Link

Two submissions raised concerns regarding pedestrian safety and opportunities for graffiti within the proposed north-south Pedestrian Link. The Structure Plan requires that north-south pedestrian link be designed to be safe and inviting, with adjoining development providing passive surveillance over the space. In response to a submission's comments about lighting in the space, it is also recommended that the Structure Plan (Part Two - Explanatory Section) be amended to include the requirement for adequate lighting. It is considered that these design features will limit the opportunities for graffiti and create a safe pedestrian thoroughfare.

#### Structure Plan Formatting, Structure and Processes

The Department of Planning in its submission made various recommendations to amend the Structure Plan and part one of the Structure Plan. These recommendations relate to the planning process and the new Structure Plan preparation conventions. These recommendations are supported.

#### Conclusion

In summary it is recommended that Coolbellup Town Centre LSP be adopted subject to the following modifications:

1. Various amendments to the Structure Plan and part one of the Structure Plan relating to planning process and new Structure Plan preparation conventions stemming from a submission from the Department of Planning.



2. Removal of recommended land uses from Structure Plan and part two Section 4.4 so as to remove any confusion regarding land use permissibility.
3. Addition of a new annotation to Structure Plan and section to part one requiring the north-south pedestrian link, Main Street and Town Square be subject to an easement in gross on any future Strata Plan to ensure the general public has legal access to these spaces at all times.
4. Include a requirement in part two for the north-south pedestrian link to be provided with adequate lighting.
5. Include a requirement in part two that the design of the Main Street and Town Square prioritises pedestrian movement.
6. Identify Sugar Gums on Lot 3 as being retained as per the Vegetation Assessment on Structure Plan.

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

#### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Diversity of housing to respond to changing needs and expectations.

#### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.
- Communities that take pride and aspire to a greater sense of community.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

The LSP was advertised for public consultation for 21 days from 19 December. Attachment 2 tables the submissions received during advertising. In total 18 submissions were received, nine of these submissions were from Government departments. Of the nine submissions from community members five submissions objected to the LSP and two did not support elements of the LSP. The key



concerns raised in these submissions have been discussed under the report section above.

**Attachment(s)**

1. Coolbellup Town Centre LSP
2. Table of Submissions

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

Those who lodged a submission have been advised that the matter will be considered at the 14 February 2013, Ordinary Council Meeting.

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

Nil.

**14.3 (MINUTE NO 4955) (OCM 14/02/2013) - STRUCTURE PLAN ADOPTION - LOCATION: LOT 742 HAMMOND ROAD, SUCCESS - OWNER: DEL CARLO DEVELOPMENTS PTY LTD - APPLICANT: CITY OF COCKBURN (SM/M/078) (A VAN BUTZELAAR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) endorse the Schedule of Submission prepared in respect of the Structure Plan;
- (2) in accordance with Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopts the Structure Plan for Lot 742 Hammond Road, Success; and
- (3) advises the landowners within the Structure Plan area and those who made a submission of Council's decision accordingly.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**



## **Background**

The purpose of this report is to consider for adoption the Proposed Structure Plan for Lot 742 Hammond Road, Success ("subject land"). The Proposed Structure Plan seeks to provide the framework for the zoning and subsequent land use and development control of the subject land.

The City gave conditional planning approval for a residential development comprising single and two bedroom multiple dwellings and five single dwellings (17 dwellings) at densities of between R40 to R80 on 2 November 2007. This was given in advance of a Structure Plan as the issues were largely design driven, and accordingly it was decided that the subsequent zoning arrangements for the land could be handled through a future Structure Plan.

As the development is now completed, it is necessary for the City to appropriately zone/code the land by way of a Structure Plan to reflect development that has been undertaken, and to ensure that it is clear to current/future landowners what their zoning is.

As the Structure Plan does not facilitate subdivision, as defined by the Scheme, the Western Australian Planning Commission ("WAPC") is not required to endorse the Structure Plan as per Clause 6.2.10 of the Scheme. The Structure Plan has been advertised, and is now presented to Council for final adoption.

## **Submission**

N/A

## **Report**

The subject area is zoned Urban under the Metropolitan Region Scheme ("MRS") and is located within Development Area 8, Development Contribution Area 2 and Development Contribution Area 13 under the Scheme. The subject land area is 0.2574 hectares in size and is located approximately 28 kilometers south west of the Perth CBD in the locality of Success (refer Attachment 1).

The Structure Plan area has been developed for residential purposes. 12 single and two bedroom multiple dwellings and five single dwellings exist on the site. Planning approval for the 12 multiple dwellings and 5 single was granted on November 1 2007.

The decision to consider the development in the absence of a Structure Plan was done so on the basis that the main issues were design related. This meant that the future decisions to apply zoning could best



be made once the full development outcome for the land had been secured. This has now taken place.

### Community Consultation

The Structure Plan for the subject land (Attachment 2) was advertised for public comment between 1 December 2012 to 1 January 2013. This included a notice in the Cockburn Gazette, a letter to the current landowner, adjoining landowners and State Government agencies. At the close of advertising 8 submissions had been received, all from State Government agencies and servicing authorities. The submissions provided advice and raised no objections to the structure plan. The submissions are set out in the Schedule of Submissions (Attachment 3).

Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme, a structure plan is required to be prepared and adopted to guide future subdivision and development.

Having regard to the submissions, and that development for the land has taken place; it is recommended that Council approve the Structure Plan for Lot 742 Hammond Road, Success. This will apply the necessary zoning for the land to help inform the ongoing use of the land for residential purposes.

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

#### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.

#### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.
- Communities that are connected, inclusive and promote intergenerational opportunities.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A



## Community Consultation

In accordance with Clause 6.2.8 of the Scheme, public consultation was undertaken from 1 December 2012 to 1 January 2013. This included a notice in the Cockburn Gazette, letters to landowners within the Structure Plan area, adjoining landowners and State Government agencies.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions (Attachment 3).

## Attachment(s)

1. Location and Context Plan
2. Proposed Local Structure Plan
3. Schedule of Submissions

## Advice to Proponent(s) / Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 February 2013 Council Meeting.

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

Nil.

### 14.4 **(MINUTE NO 4956) (OCM 14/02/2013) - HAMILTON HILL REVITALISATION STRATEGY SCHEME AMENDMENT - LOCATION: HAMILTON HILL - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (93100) (R SERVENTY) (ATTACH)**

#### RECOMMENDATION

That Council

- (1) in pursuance of Section 75 of the *Planning and Development Act 2005*, amend City of Cockburn Town Planning Scheme No. 3 by:
  1. Rezoning various properties within parts of Hamilton Hill to 'Residential R30', 'Residential R30/40', 'Residential R40', 'Residential R20/40/60' and 'Residential R80' in accordance with the adopted Hamilton Hill Revitalisation Strategy as shown on Attachment 1 – Residential Density and Zoning Plan.



2. Unreserving Lot 33 Davilak Avenue, Hamilton Hill, from 'Local Reserve - Lakes and Drainage' and zone 'Residential R20/40/60' in accordance with the adopted Hamilton Hill Revitalisation Strategy as shown on Attachment 1 – Residential Density and Zoning Plan.
3. Rezoning Lot 70 Rockingham Road, Hamilton Hill, from 'Residential R20' to 'Local Centre' zone as shown on Attachment 1 – Residential Density and Zoning Plan.
4. Rezoning Lot 52 Rockingham Road, Lot 51 Healy Road and Portion of Lot 100 Blackwood Avenue and Lot 227 Southwell Crescent, Hamilton Hill from 'Residential R20' to 'Development' zone as shown on Attachment 1 – Residential Density and Zoning Plan.
5. Rezoning Lot 33, 37,41B,43 & 55-63 Rockingham Road, Hamilton Hill from 'Local Centre' to 'Development' zone within 'Development Area 39' and 34 & 36C Davilak Avenue, Hamilton Hill, from 'Residential R20' to 'Development' zone within 'Development Area 39' as shown on Attachment 1 – Residential Density and Zoning Plan.
6. Introducing a new 'Development Area' (No. 39), and including provisions under Schedule 11 of the Scheme as follows:

Ref No.	Area	Provisions
DA39	Rockingham Road Centre (North)	<ol style="list-style-type: none"> <li>1. Structure Plan adopted and endorsed in accordance with clause 6.2 of the Scheme to guide subdivision, land use and development and must include the whole Development Area 39.</li> <li>2. The permissibility of land uses shall apply in accordance with clause 6.2.6.3 of the Scheme whereby the Local Structure Plan may impose a classification on the land by reference to reserves or zones, or by indicating the specific permissibility of land uses in the Local Structure Plan.</li> <li>3. Minor development which does not increase the gross development floor space by 15% from that approved at 18.01.2013 can be approved without the adoption and endorsement of a Structure Plan</li> <li>4. Structure Plan will comply with the City of Cockburn's Local Commercial and Activity Centre Strategy. The Structure Plan will be considered to be a Major Development under the LCACS and required to address the <i>General Guidelines on the Expectations and Targets of Neighbourhood and Local Centres</i>.</li> <li>5. Structure Plan will be required to fulfill the following design objectives to the satisfaction of the Council –</li> </ol>





		<ul style="list-style-type: none"> <li>i. Provide for a mixed use development that provides daily and weekly household shopping needs, and convenience services.</li> <li>ii. Provide for a medium and high density residential development.</li> <li>iii. Provide high amenity public realm within the Centre for centre users to gather.</li> <li>iv. Development responds sensitively to the surrounding residential development through;             <ul style="list-style-type: none"> <li>a. adequate setbacks;</li> <li>b. well articulated and fenestrated facades;</li> <li>c. minimal overlooking and overshadowing;</li> <li>d. location and screening of servicing areas and plant equipment; and</li> <li>e. access points and configuration.</li> </ul> </li> <li>v. Development addresses Rockingham Road through a minimal setback and an articulated facade with regular fenestration.</li> <li>vi. Parking generally to be located centrally and screened from Rockingham Road and Davilak Avenue.</li> <li>vii. Development maintains pedestrian access through Centre between Davilak Avenue and Rockingham Road.</li> <li>viii. Development does not take access from any road within the Roe Highway reserve.</li> <li>ix. Development does not include any signage visible from the Roe Highway Reserve.</li> <li>x. Entrances to development adjacent to the Roe Highway Reserve are taken from Rockingham Road.</li> <li>xi. Development minimises the number of crossovers off Rockingham Road and use public assess easements where appropriate.</li> </ul> <p>6. Development adequately addresses noise emissions from Rockingham Road and any road within the Roe Highway Reserve.</p>
<p>7. Amending Sections 5.4.4 (b) and (c) by removing reference to the 'R30/40 split coded areas', and replacing with reference to 'split coded areas'.</p> <p>8. Amending Section 5.4.4 (c) by removing reference to 'R40' and replacing with 'the split code'.</p> <p>9. Rezoning Lot 133 Arthur Street, Hamilton Hill, from 'Local Reserve - Lakes and Drainage' to 'Residential R30/40' zone.</p> <p>10. Unreserving Reserve No. 37398 Tolley Court, Hamilton Hill, from 'Local Reserve - Parks and Recreation' and zone 'Residential R20/40/60' zone.</p> <p>(2) as the amendment is in the opinion of Council consistent with Regulation 25(2) of the <i>Town Planning Regulations 1967</i> ("Regulations"), and upon receipt of the necessary amendment documentation, the amendment be referred to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment; and</p>		



- (3) prepare the amendment documentation in accordance with the standard format prescribed by the Regulations.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**

**Background**

At its 8 November 2012 Ordinary Meeting, Council resolved to adopt the Hamilton Hill Revitalisation Strategy subject to a number of modifications. The purpose of this Report is to recommend Council initiate an amendment to City of Cockburn Town Planning Scheme No. 3 ("Scheme") to implement the various zoning change recommendations for Hamilton Hill outlined in the Hamilton Hill Revitalisation Strategy. Attachment 1 – Residential Density and Zoning Plan show these various zoning modifications.

The Report proposes two additional zoning changes which were not identified in the Hamilton Hill Revitalisation Strategy, but represent logical rationalisations of the existing zonings in Hamilton Hill. These include the rezoning of Lot 133 Arthur Street, Hamilton Hill from 'Local Reserve - Lakes and Drainage' to 'Residential R30/40' and the zoning of Reserve No. 37398 Tolley Court, Hamilton Hill as 'Residential R20/40/60'.

**Submission**

N/A

**Report**

The associated zoning changes for residential properties are consistent with the now adopted Hamilton Hill Revitalisation Strategy. The rationale underpinning the zoning changes reflects the prevailing Directions 2031 Strategic Plan, whereby opportunities for urban consolidation in appropriate areas is emphasised. The Hamilton Hill Revitalisation Strategy has produced an outcome which is considered to reflect Directions 2031 in all aspects, as well as reflect the indepth



community consultation and visioning which has underpinned the Strategy.

The purpose of this Report is to recommend Council initiate an amendment to Town Planning Scheme No.3 (TPS3) to implement the various zoning change recommendations for Hamilton Hill outlined in the Hamilton Hill Revitalisation Strategy. Attachment 1 – Residential Density and Zoning Plan shows these various zoning modifications.

#### Development Area

The Report also recommends new 'Development Area' provisions for the Rockingham Road Centre to guide its future redevelopment. The Development Area provisions require a structure plan to be prepared before a significant redevelopment of the area can occur. A significant redevelopment being defined as an expansion greater than 15% of the current gross floorspace. The 'Development Area' provisions require a future structure plan to fulfil a number of 'good design' principles. In summary these principles require:

- Retention of local shopping facilities;
- Improved public realm;
- Creation of new community gathering areas;
- A sensitively built form response to the surrounding residential areas;
- Improved relationship between the Centre, Rockingham Road and surrounding residential areas (north and south of Rockingham Road);

#### R30/40/60 Split Density Code

The Hamilton Hill Revitalisation Strategy proposes a new Split Density Code of R30/40/60 with the objective of encouraging improved redevelopment outcomes through;

1. The assembly of land parcels into larger development sites that can be developed in a more coordinated manner; and
2. Promotion of two storey construction for higher density developments so as to achieve an improved balance between open space and dwelling floorspace.

To facilitate the introduction of the new Split Code it proposed that the Scheme be amended to refer only to split coded areas rather than only R30/40 split coded areas.

#### Additional Zoning Changes

The Report also proposes two additional zoning changes which were not identified in the Hamilton Hill Revitalisation Strategy, but represent logical rationalisations of the existing zonings in Hamilton Hill. These include the rezoning of Lot 133 Arthur Street, Hamilton Hill from 'Local Reserve - Lakes and Drainage' to 'Residential R30/40' and the zoning of Reserve No. 37398 Tolley Court, Hamilton Hill as 'Residential R20/40/60'.



**Lot 133 Arthur Street, Hamilton Hill**

Lot 133 Arthur Street, Hamilton Hill is 282m<sup>2</sup> in area and was previously used as a retention drainage basin for local stormwater (refer Attachment 2). However, the City's Drainage Catchment Study found that the basin was surplus to need and no longer needed. In November 2012 the basin was filled in and is now suitable for residential development.

It is proposed that the land be zoned 'Residential R30/40' as per the adjoining properties. It is intended that the City will develop and sell this land once zoned appropriately. The City will need to negotiate with adjoining land owners to gain vehicle access to the property.

**Reserve No. 37398 Tolley Court**

Reserve No. 37398 Tolley Court, Hamilton Hill is 1009m<sup>2</sup> and though zoned for the purpose of recreation has never been developed for this purpose (refer to Attachment 3). The land was ceded to the Crown for 'Parks and Recreation' when the land was first subdivided into single residential lots in the 1970s. Its small size has meant that City has never developed the land for recreation purposes. Its size and the fact that it is only bounded by a road on one side means that the Reserve is not considered to effectively be able to function as a local park.

Therefore, it is proposed that the Reserve is zoned 'Residential R20/40/60' as per the adjoining properties. It is intended that the land be developed and sold by the City with the money from this sale being invested in an upgrade to nearby Dixon Park. This money could be used to deliver some of the upgrades the Revitalisation Strategy identifies for Dixon Park which include:

- Landscaping design and construction;
- BBQs;
- Regional playground and shade;
- Car park;
- Oval flood lighting;
- Benches, seats and shade structures;
- Footpath extensions; and
- Fencing and bollards.

Importantly, both proposals will be subject to community consultation by way of the Scheme amendment process. Once advertising has closed, the Scheme amendment will be presented back to Council to consider the submissions received on this and the other proposals.

Conclusion

In summary it is recommended that that Council initiate an amendment to the Scheme to implement the various zoning recommendations for



Hamilton Hill outlined in the Hamilton Hill Revitalisation Strategy and also two additional zoning changes which represent logical rationalisation of the existing zonings in Hamilton Hill.

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

#### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Diversity of housing to respond to changing needs and expectations.
- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

#### **Infrastructure**

- Community facilities that meet the diverse needs of the community now and into the future.

#### **Community & Lifestyle**

- Communities that are connected, inclusive and promote intergenerational opportunities.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

In accordance with the *Town Planning Regulations 1967* consultation is to be undertaken subsequent to the local government adopting the Scheme Amendment and the Environmental Protection Authority (EPA) advising that the proposal is environmentally acceptable. This requires the amendment to be advertised for a minimum of 42 days.

### **Attachment(s)**

1. Hamilton Hill Revitalisation Strategy Residential Density and Zoning Plan
2. Plan of Lot 133 Arthur Street, Hamilton Hill
3. Plan of Reserve No. 37398 Tolley Court, Hamilton Hill



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

N/A

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

Nil.

**14.5 (MINUTE NO 4957) (OCM 14/02/2013) - DEVELOPMENT ASSESSMENT PANELS - NOMINATION OF TWO (2) MEMBERS AND TWO (2) ALTERNATE MEMBERS BY COUNCIL TO THE SOUTH WEST METROPOLITAN AREA JOINT DEVELOPMENT ASSESSMENT PANEL (PS/C/005) (GBOWERING) (ATTACH)**

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr B Houwen that Council:

- (1) nominate Clr C Reeve-Fowkes as one of its two members to the South West Metropolitan Area Joint Development Assessment Panel ("SWMAJDAP"); and
- (2) advise the Minister for Planning of the above nomination for appointment to the SWMAJDAP.

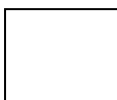
**CARRIED 7/0**

**(MINUTE NO 4958) (OCM 14/02/2013) - DEVELOPMENT ASSESSMENT PANELS - NOMINATION OF TWO (2) MEMBERS AND TWO (2) ALTERNATE MEMBERS BY COUNCIL TO THE SOUTH WEST METROPOLITAN AREA JOINT DEVELOPMENT ASSESSMENT PANEL (PS/C/005) (GBOWERING) (ATTACH)**

**COUNCIL DECISION**

MOVED Clr B Houwen SECONDED Clr S Pratt that Council:

- (1) nominate Clr Bart Houwen as one of its two members to the South West Metropolitan Area Joint Development Assessment Panel ("SWMAJDAP"); and



- (2) advise the Minister for Planning of the above nomination for appointment to the SWMAJDAP.

**CARRIED 6/1**

**(MINUTE NO 4959) (OCM 14/02/2013) - DEVELOPMENT ASSESSMENT PANELS - NOMINATION OF TWO (2) MEMBERS AND TWO (2) ALTERNATE MEMBERS BY COUNCIL TO THE SOUTH WEST METROPOLITAN AREA JOINT DEVELOPMENT ASSESSMENT PANEL (PS/C/005) (GBOWERING) (ATTACH)**

**COUNCIL DECISION**

MOVED Cllr T Romano SECONDED Cllr C Reeve-Fowkes that Council:

- (1) nominate Deputy Mayor Kevin Allen as one of its two alternate members to the South West Metropolitan Area Joint Development Assessment Panel ("SWMAJDAP"); and
- (2) advise the Minister for Planning of the above nomination for appointment to the SWMAJDAP.

**CARRIED 7/0**

**(MINUTE NO 4960) (OCM 14/02/2013) - DEVELOPMENT ASSESSMENT PANELS - NOMINATION OF TWO (2) MEMBERS AND TWO (2) ALTERNATE MEMBERS BY COUNCIL TO THE SOUTH WEST METROPOLITAN AREA JOINT DEVELOPMENT ASSESSMENT PANEL (PS/C/005) (GBOWERING) (ATTACH)**

**COUNCIL DECISION**

MOVED Cllr S Portelli SECONDED Cllr T Romano that Council:

- (1) nominate Cllr Steve Portelli as one of its two alternate members to the South West Metropolitan Area Joint Development Assessment Panel ("SWMAJDAP"); and
- (2) advise the Minister for Planning of the above nomination for appointment to the SWMAJDAP.

**CARRIED 7/0**



**(MINUTE NO 4961) (OCM 14/02/2013) - DEVELOPMENT ASSESSMENT PANELS - NOMINATION OF TWO (2) MEMBERS AND TWO (2) ALTERNATE MEMBERS BY COUNCIL TO THE SOUTH WEST METROPOLITAN AREA JOINT DEVELOPMENT ASSESSMENT PANEL (PS/C/005) (GBOWERING) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) nominate \_\_\_\_\_ and \_\_\_\_\_ as its two members to the South West Metropolitan Area Joint Development Assessment Panel ("SWMAJDAP");
- (2) nominate \_\_\_\_\_ and \_\_\_\_\_ as its two alternate members to the South West Metropolitan Area Joint Development Assessment Panel ("SWMAJDAP"); and
- (3) advise the Minister for Planning of the above nominations for appointments to the SWMAJDAP.

**COUNCIL DECISION**

MOVED Cllr C Reeve-Fowkes SECONDED Cllr T Romano that Council:

- (2) nominate Cllr Carol Reeve-Fowkes and Cllr Bart Houwen as its two members to the South West Metropolitan Area Joint Development Assessment Panel ("SWMAJDAP");
- (3) nominate Deputy Mayor Kevin Allen and Cllr Steve Portelli as its two alternate members to the South West Metropolitan Area Joint Development Assessment Panel ("SWMAJDAP"); and
- (4) advise the Minister for Planning of the above nomination for appointment to the SWMAJDAP.

**CARRIED 7/0**

**Background**

The City has recently been notified by the Director General of the Department of Planning that the appointments of the current local government DAP members expire on the 26 April 2013. As such the Council is required to nominate four members (two representatives and





two alternates). The minister will appoint the members for a two year term. At this stage there won't be any opportunity to put forward alternative nominations following the local government elections in October, unless all four nominated members are not re-elected.

The previous resolution for nomination of members and alternative member is contained in Minute No. 4499 from the OCM on 12 May 2011.

The current two local government DAP members are Mayor Logan Howlett and Deputy Mayor Kevin Allen. The current two alternate members are Cllr Carol Reeve-Fowkes and Cllr Bart Houwen.

### **Submission**

N/A

### **Report**

The 2010 Amendment Act resulted in a number of amendments to the *Planning and Development Act 2005* (PD Act). Part 3 in particular, introduced Part 11A – Development Assessment Panels, into the PD Act. To give new effect to these provisions, the *Planning and Development (Development Assessment Panels) Regulations 2011* ('DAP Regulations') were introduced. The DAP Regulations provide the heads of power enabling the operation, constitution and administration of DAPs.

As described in the Western Australian Planning Commission (WAPC) Planning Bulletin 106/2011, *DAPs are panels comprising a mix of technical experts and local government representatives with the power to determine applications for development approvals in place of the relevant decision making authority. The introduction of DAPs is one of the fundamental principles of the national Development Assessment Forum's leading practice model for development assessment.*

A total of 15 DAPs have been established by the Minister for Planning. All DAPs comprise the following membership:

- Two (2) local government representatives.
- Three (3) specialist members, one of whom will be the presiding member, one who will be the deputy presiding member, and one who will otherwise possess relevant qualifications and/or expertise.

Local authorities are responsible for nominating their two (2) DAP representatives from their pool of elected members (Councillors). When determined, a Local Authority provides the names of its



nominated panel members to the Minister for appointment, following which the names of members appointed to each DAP will be published on the DAP website maintained by the Department of Planning.

A local authority is also required to nominate two (2) alternate members. The alternate members replace permanent local government DAP members when required (due to illness, leave or other cause). Alternate members can only sit in replacement of a permanent local member where they generally share the same knowledge and/or experience as the permanent member.

In the event a local authority fails to nominate two elected representatives within the specified time frame, the Minister has the power to appoint two alternative community representatives. The DAP Regulations require these persons to be local residents, with sufficient local knowledge and/or appropriate experience whereby in the opinion of the Minister, they can suitably represent the interests of their local community.

In all instances, nominated DAP and alternate members are required to undergo mandatory training before they can sit on a DAP. Training addresses the Western Australian planning and development framework, planning law, the operation of a DAP, the DAP Code of Conduct and the expected behaviour of DAP members.

DAP members will be paid by the Department of Planning where they successfully complete the required training. DAP members attending a DAP meeting will also be paid a sitting fee per meeting. Similarly, reimbursement of all travel expenses incurred when attending a DAP meeting is provided for by the DAP Regulations. Current fees and reimbursements are available on the Department of Planning's website.

All DAP members are appointed for a term of two (2) years.

DAPs meet on an irregular basis as applications that fall within the criteria are received. The City of Cockburn forms part of a Joint Development Assessment Panel (JDAP) for the South West Metropolitan Area. Other local authorities comprising this JDAP include the Cities of Fremantle and Rockingham, and the Town's of East Fremantle and Kwinana.

The two appointed local government members are required to attend a JDAP meeting when an application for development within their local authority is to be determined. Meetings may be held at any of the member Councils offices at the direction of the DAPS Secretariat.



In accordance with the DAP Regulations, local authorities are required to submit the names of their nominated DAP members and alternate members to the minister. Local government authorities need to submit their member names by 15 February 2013.

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

#### **Leading & Listening**

- Effective advocacy that builds and manages relationships with all stakeholders.

#### **A Prosperous City**

- Sustainable development that ensures Cockburn Central becomes a Strategic Regional Centre.

### **Budget/Financial Implications**

There are no budgetary or financial implications arising from the nomination and appointment of Councillors to the JDAP. Sitting fees will be provided directly to the members by the Commission.

### **Legal Implications**

Planning and Development Act 2005 (as amended).

Approvals and Related Reforms (No. 4) (Planning) Act 2010.

Planning and Development (Development Assessment Panels) Regulations 2011.

### **Community Consultation**

N/A

### **Attachment(s)**

1. Planning Bulletin 106/2011 – New legislative provisions for Development Assessment Panels.
2. Development Assessment Panel Nomination Form

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

N/A

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

Nil.



**14.6 (MINUTE NO 4962) (OCM 14/02/2013) - SINGLE DWELLING (TWO STOREY) - LOCATION: 22 BEACH ROAD, COOGEE - OWNER: D & M THOMASICH - APPLICANT: DOMINATION HOMES (3309519) (T CAPPELLUCCI) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) grant approval to commence development for a single dwelling at No.22 (Lot 20) Beach Road, Coogee, in accordance with the attached plans and subject to the following conditions and advice notes:

Conditions

1. All stormwater being contained and disposed of on-site to the satisfaction of the City.
2. The proposed crossover must be located and constructed in accordance with the City's requirements.
3. Walls, fences and landscaped areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
4. The dwelling must be connected to the reticulated sewerage system of the Water Corporation prior to occupation.
5. The surface finish of the boundary walls abutting adjoining lots are to be either face brick or rendered the same colour as the external appearance of the dwelling.

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. In regard to Condition 1, the City requires the on-site storage capacity be designed to contain a 1 in 20 year storm of a 5 minute duration. This is based on the requirements to contain surface water by Building Codes of Australia.



3. This development has been assessed and approved as 'single dwelling' and should not be construed as an approval to subdivide the land which will be assessed if and when an application is referred from the Western Australian Planning Commission.
  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 during construction.
- (2) advise those who made a submission on the proposal of the Council's decision.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**

**Background**

N/A

**Submission**

The applicant seeks approval to construct a two-storey dwelling to the front of the property allowing for the creation of a rear lot in the future. The proposed new dwelling results in a maximum top of wall (roof over) height of 7.5 metres directly above natural ground level on the western elevation to the rear of the building.

The proposed variations were advertised to surrounding landowners. Four (4) submissions were received with three (3) objections and one (1) submission neither supporting nor objecting to the proposal. .

**Report**

The following section provides a discussion of the issues for consideration by Council.



Policy APD53 'Coogee Residential Height Requirements'

Policy APD53 'Coogee Residential Height Requirements' was prepared to guide the height of residential development in the suburb of Coogee and was adopted by Council on 14 August 2008. The policy states:

*"Maximum building height of residential development shall be limited to:*

- (i) Top of wall (roof over) - 7m*
- (ii) Top of Wall (parapet) – 8m*
- (iii) Top of pitched roof – 10m"*

The policy states that building heights for residential development shall be limited to those specified in the policy and that any proposal that exceeds the requirements is to be advertised for public comment.

Building Height

As mentioned above, the proposal will result in a building with a wall height exceeding the maximum wall height by 0.5 metres in part.

Whilst the top of wall height exceeds 7m on the northern (rear) and western (side) elevations of the proposed development, the building on these elevations is compliant with boundary setbacks. There is no overshadowing onto the adjoining residential properties as the block is orientated north/south and the shadows fall toward the front of the dwelling.

The subject lot slopes steeply down from the front to the rear boundary and with a cross fall from the eastern (higher) down to the western (lower) side. The wall height variation is limited to the northern and western portions of the building.

The proposed dwelling is setback well away from the western side boundary with walls setback between 5.68 metres to 10.68 metres. This setback which allows for access to a future rear lot substantially mitigates the height variation. For example a building with lesser side setbacks and a wider foot print would have a much higher top of roof than the proposed dwelling and be of much greater bulk.

The proposed internal retaining wall in the location of the maximum wall height is 1.536 metres above natural ground level. The wall height variation does not affect direct sunlight access to the adjoining properties due to the north-south orientation of the lots. The additional height does not have an unreasonable bulk and scale impact either. Due to the setback of the dwelling from the western boundary of a minimum of 5.68m and the articulated western elevation, the portion of



the building exceeding a wall height of 7m does not over tower or unreasonably impact on the amenity of adjoining properties.

It is also apparent that the proposed dwelling would not unreasonably restrict views of Fremantle and the ocean to the west from the adjoining properties as the height variation does not substantially alter the impact in this regard.

The natural ground levels existing on-site are to be modified by internal retaining walls shown on the northern and western elevations of the dwelling. Given that these walls are not on the boundary and are internal to the site the visual impact of the height of the building is effectively mitigated.

#### Building on Boundary

The application proposes a maximum height variation for the proposed garage boundary wall towards the eastern boundary abutting No. 24 Beach Road, Coogee. The proposed wall height ranges from 2.8 to 3.3 metres above natural ground level with an average of 3.1m. The R-Codes acceptable development criteria for a boundary wall height are 3 metres maximum with an average of 2.7 metres. During the advertising period, no comments were received from the owner of the directly affected adjoining property.

The height variation is relatively minor and does not cause any undue amenity impacts on the adjoining property, and no objection has been received to that variation. The proposed variation is therefore considered to be compliant with the R-Codes Performance Criteria Clause 6.3.2 as the subject wall will not overshadow nor tower over adjoining development.

#### Streetscape

On the opposite side of Beach Road, to the south of the subject property, there is a large three-storey dwelling with relatively similar heights and natural ground levels, which indicates that the visual impact on the Beach Road streetscape will be minimal.

The over height portions of the dwelling are located predominately in the north western corner of the site (to the side and rear of the dwelling), where the lowest natural ground levels of the site are present.

The contemporary facade of the dwelling presenting to the street frontage of Beach Road is staggered, comprising a range of external wall surface treatments and varying window sizes that will provide articulation and interest to the streetscape.



In addition, the proposed upper floor balcony on the southern elevation will assist in providing passive surveillance of Beach Road and will make an attractive addition to the streetscape for what amounts to a minor variation to wall height with no undue amenity impacts to any of the adjoining residential properties.

### **Conclusion**

The variations proposed, are considered minor and within the intent and objectives of the R-Codes, Town Planning Scheme 3 and the relevant Planning Policy. The significant slope and cross fall of the site is also a mitigating factor. In light of the above, the proposed maximum top of wall (roof over) height for the proposed dwelling, on the northern and western elevations is considered to not adversely impact on the amenity of the surrounding area given that the total height is well within the maximum permitted under Policy. It is therefore recommended that Council approve the application subject to the listed conditions.

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

#### **Growing City**

- Development that is soundly balanced between new and existing areas.
- Diversity of housing to respond to changing needs and expectations.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

### **Community Consultation**

In accordance with Planning Policy APD53, the proposal was advertised to the surrounding eight (8) neighbours for comment. Four (4) submissions were received with three (3) objections and one (1) submission not objecting to or supporting the application.

Attachment 7 contains a summary of the submissions and Officer's response. However the main point raised in each submission received





was in regards to the proposal exceeding the wall height allowed under APD53 of 7 metres.

While the proposed top of wall (roof over) height exceeds 7 metres on the northern and western elevations (7.5 and 7.3 metres respectively) the overall height of the dwelling of 9 metres is well within the maximum top of pitched roof height of 10 metres permitted under the policy.

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

- (1) Location Plan
- (2) Existing Plan
- (3) Site Plan
- (4) Floorplans
- (5) Elevations
- (6) Overshadowing Plan
- (7) Variations to Height Limits
- (8) Schedule of Submissions

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 February 2013 Council Meeting.

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

Nil.

#### **14.7 (MINUTE NO 4963) (OCM 14/02/2013) - HARD STAND STORAGE USES IN HOPE VALLEY WATTLEUP (SM/M/015) (G BOWERING) (ATTACH)**

##### **RECOMMENDATION**

That Council

- (1) note the officers report; and
- (2) write to Landcorp requesting the Development of Land Planning Policy be amended to provide relevant standards in relation to Dust, Noise, Visual and Traffic Impacts and establish a range of standard conditions addressing these matters.



**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**

**Background**

At the Ordinary Council Meeting held on the 8th of November 2012 Cr Houwen requested that the City investigate and report back on any adverse or potentially adverse impacts caused by the rapid expansion of the hard stand areas in the Latitude 32/Wattleup area.

**Submission**

N/A

**Report**

In response to the request the City's Statutory Planning Department has contacted the Town of Kwinana, Landcorp and the Western Australian Planning Commission (WAPC) about the impacts of the spread of temporary hard stand uses within the Hope Valley Wattleup Redevelopment Area. Internally Statutory Planning, Environmental Health Services and Engineering have discussed the range of impacts occurring through the spread of hard stand storage activities.

**Planning Framework**

The current status of planning within the HVW Act area is that most of the area is not yet subject to local structure planning and only the non statutory district level structure planning is in place that gives general guidance about the distribution of land uses and activities within the area.

The lack of progress on detailed local structure planning is a result of the complex macro infrastructure issues for which the HVW Act was put in place in 2000 to facilitate. Primarily decisions are pending from the State Government on the Outer Harbour, Intermodal Terminal and Rowley Road reservation and construction.

The absence of Local Structure Plans mean that development in HVW is not permitted, in a similar way to Development Zone areas under Town Planning Scheme No.3. In this regard there should be no development until a local structure plan is prepared and approved by



the Western Australian Planning Commission. That typically would mean not even a change of use no matter how minor is permitted.

The exception to this is the extraction of Basic Raw Materials (Sand and Limestone) which has some priority in the Latitude 32 area under State Planning Policy 2.4. The extraction of sand and limestone in the area continues at a pace and is a major contributor to heavy traffic, noise and dust issues within the area.

The City has only had delegation to issue approvals for development within HVW for a little over 18 months. However this delegation can only be exercised when the City's view and Landcorp's views are aligned. If Landcorp's recommendation is different to the City's position on an application then the WAPC is required to determine the proposal.

While the HVW Redevelopment Act and Master Plan are clear that no development should be entertained, it has been acknowledged by the WAPC and Landcorp that there needs to be some level of facilitation of temporary or transitional land uses within the area, rather than complete sterilisation.

To this end the HVW Master Plan under clause 11.7 grants the power to approve temporary land uses in respect of any use class, provided:

- (a) *no building would be placed on the land unless it could be readily adapted for use for a purpose permitted in the precinct, or that might preclude or inhibit the ultimate use of the land for a permitted purpose;*
- (b) *the use would be compatible with the use of adjoining properties or the predominant use of the land in the immediate locality; and*
- (c) *the use would not be prejudicial to the amenity of the locality.*

To clarify the terms under which this provision would be exercised Landcorp prepared their Development of Land Planning Policy. This policy states that only Car Park; Hard Stand; Storage; and Transport Depot may be considered appropriate under Clause 11.7 of the Master Plan. This is provided that any buildings are transportable in nature; have no concrete footings; and must not be connected to sewer or water. The timeframe for a temporary approval is also limited by the Master Plan to 5 years and this has been consistently applied by the WAPC and the SAT in their decisions.

It is the intention of the policy to ensure that any temporary development has only the barest minimum of investment as a high level of investment in any site is very likely to compromise the complex infrastructure planning process that are being undertaken. This consideration is critical to ensuring that a range of ad hoc land uses are



not established in the HVW area that become a barrier to the redevelopment of the area for industrial and transportation purposes as envisaged by the Master Plan and District Structure Plans.

Temporary approvals under the Master Plan contain conditions that require the removal of any structures, including sealed surfaces and services and the reinstatement of any modified levels prior to the expiry of the 5 year term of approval, unless a further approval is obtained.

#### Distribution of Hard Stand Uses

Landcorp has provided a plan showing the distribution of approved hard stand uses in the HVW area. However a more detailed examination of known and potential hard stand and storage activity within the area has been undertaken through examination of current aerial imagery and review of the City's files with respect to the approval status of identified sites.

Attachment one is a plan of the area which highlights properties that were identified for review of their approval status, there were 35 properties identified comprising 39 lots. Of the 35 sites there are:

- 16 sites with valid approvals
- 8 sites (13 lots) with applications for storage use submitted
- 8 sites that are either subject of compliance action or require investigation; and
- 1 site owned by Landcorp with unapproved works by the tenant (not hardstand).

This is not an indication of all of the current compliance issues in the HVW area as there are a number of compliance matters pending action and further investigation. It should be noted that many of the approved uses and the current applications have been prompted by past compliance investigations.

#### Range of Impacts from Hard Stand Uses

##### 1. Dust

The ad-hoc proliferation of these uses has the potential to increase dust problems and impact on the amenity of the existing residents and other activities such a market gardening still occurring in the area. In this respect the range of options to mitigate dust impacts from hard stand has been a singular topic of debate between the City, Landcorp and WAPC over the last year. The matter has been a key issue in SAT determinations where the finish of the Hard Stand surfaces needed to be specified. The range of options for hard stand surface treatment examined so far are:



- a) Fully sealed (bitumen or concrete surface)
- b) Emulsion stabilised limestone (polymer glue)
- c) Recycled bitumen laid several hundred mm thick
- d) Dust Mag (Magnesium Chloride) solution applied by water truck
- e) Dust EX (polymer) solution applied by water truck

Each of the above surface treatments has its particular strengths and weaknesses.

Fully sealed hard stand is extremely expensive and very likely to be a valuable investment in the land that owners will be unlikely to want to remove after 5 years. This is therefore seen as a potential barrier to the HVW Redevelopment and as such Landcorp will not support sealed hard stand.

Emulsion stabilised limestone is relatively cheap and effective at sealing the surface, however when it is to be removed the City has been informed that it is classified as a Class 3 waste. The cost for disposal is high per ton and requires a suitable landfill site. It is therefore not seen as a viable treatment for large scale temporary hard stand uses as the treated surface cannot be left in situ after the end of the approval period.

Dust EX is a biodegradable polymer (typically a by-product of wood mills) that needs constant reapplication by water truck. When applied it is not a durable binder as the first vehicle to travel over the treated surface breaks the bonded layer exposing loose surface (fines) to the air allowing dust lift off. Repeated movements continue that process.

Both Recycled Bitumen and Dust Mag are seen as suitable surface treatments for large temporary hard stand applications depending on the situation. Recycled bitumen has an upfront cost but can be recovered, sold and reused at the end of the initial use thereby mitigating the upfront cost of application. Subject to maintenance of the surface recycled bitumen is seen by the City to be the best overall option, particularly where other uses are in proximity that may be impacted by dust.

Dust Mag (Magnesium Chloride) is a non toxic chemical treatment applied by water truck to a prepared surface that binds the upper layer by increasing the absorption and bonding of water to the dust fines resulting in very limited dust lift off. It is understood to be used widely in the mining sector and know to be used by Cockburn Cement. It is a well known treatment for road compaction and dust suppression. This is seen as a suitable short to medium term



treatment were the hard stand activity is relatively removed and has some buffers such as in the base of an old quarry. Recent approvals have required the use of either Recycled Bitumen or Dust Mag in combination with sealed access ways to the road.

## 2. Traffic

The location of the hard stand uses is of concern to the City's engineering department as many of the roads are not designed for large articulated vehicles potentially carrying heavy, wide and over length loads. The volume of vehicles entering the area has not however been documented or apportioned to these uses.

It is also apparent that the rural roads in the area are not of sufficient design or standard for high levels of heavy vehicle use. There are safety concerns regarding passing of vehicles as the carriageway widths are not sufficient for passing of large vehicles and the verges are too soft and not designed for heavy vehicles driving over them.

It is likely that the geometry of the roads and intersections would need to be examined and modified to deal with the changing nature of the land use in the area.

## 3. Damage to Roads

The impact of growing levels of heavy transportation on the local rural standard roads is a concern as the local roads in HVW are not designed for consistent industrial traffic. The recent proliferation transport and storage related uses and their impact on the local road network have not been documented.

There are currently no special road maintenance provisions in place to address the rapidly changing nature of the land use in the area. Anecdotal evidence suggests that over time increased funding will be required for maintaining the local roads to a sufficient standard as the intensity of their use increases due to generation of industrial traffic.

## 4. Visual impact

The appearance of hard stand uses in the area is having a noticeable visual impact on the area with land being cleared and levelled boundary to boundary with no setbacks or landscaping being required in past approvals by the WAPC.

Landcorp's Development of Land Policy does not set out any specific requirements for screening or landscaping temporary hard



stand or other such uses despite specifically stating that these matters are to be addressed in development applications.

Past approvals by the WAPC have not addressed this and other amenity matters at all. However, recent approvals under delegation by the City and through the SAT have required retention of vegetation or installation of landscaping around the periphery of hard stand sites. It is the City's position that these uses require screening and landscaping to soften their stark visual impact.

In the HVW area only Landcorp and the WAPC can prepare policies and determine development standards. However the City has been of the view that landscaping of hard stand uses is required and has sought this in an ad-hoc manner without the benefit of specific standards. This matter has been raised with Landcorp in relation to future development and the City is seeking introduction of minimum landscaping standards for temporary hard stand uses.

#### 5. Noise

The impact of noise is typically addressed by setting of permitted starting and finishing hours – usually 7am to 7pm. Hours of operation continue to be a condition of development approvals in the HVW area. Such conditions are routinely set by the WAPC, City and in SAT determinations. The City uses standard conditions to address this matter.

In relation to noise within the approved hours of operation the business must comply with the relevant Noise Regulations under the Environmental Protection Act. There are no other specific requirements applicable.

#### Conclusion

As alluded to the above, Landcorp's Development of Land Policy clause 3, point 4 states:

*The applicant must demonstrate that the amenity of residents in the surrounding locality will not be unduly or negatively impacted on. Specifically but not limited to potential: noise, dust, visual and traffic effects."*

Given the recent delegation of powers to determine applications in the HVW area and the absence of any specific guidelines on these matters the City has been active in attempting to apply some of its normal standards for industrial development noting that these are temporary uses limited to no more than 5yrs unless further approval is obtained for another period of not more than 5yrs.



The City remains constrained by the requirements of Landcorp with whom its delegated decisions must be consistent else the application be determined by the WAPC. In this respect Landcorp have not put in place standards or requirements to address the above matters which the City may consistently apply.

It is considered that the Development of Land Planning Policy could be amended to introduce minimum standards that address this amenity concerns and establish a range of standard conditions for hard stand storage uses.

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

#### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.

#### **A Prosperous City**

- Promotion and support for the growth and sustainability of local businesses and local business centres.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Planning and Development Act 2005  
Hope Valley Wattleup Redevelopment Act 2000

### **Community Consultation**

N/A

### **Attachment(s)**

Current and Potential Future Hard Stand Storage Sites Investigated

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

N/A





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

Nil.

- 14.8 **(MINUTE NO 4964 & 4965) (OCM 14/02/2013) - RETROSPECTIVE CHANGE OF USE - INDUSTRY GENERAL (ENGINEERING SCREEN MANUFACTURE) TO INDUSTRY GENERAL (LICENCED) & ADDITIONS TO PREMISES - LOCATION: 35 (LOT 10) COOPER ROAD COCKBURN CENTRAL - OWNER: ANNA, ANTONIA, GIUSEPPE & VINCENZO MONASTRA - APPLICANT: D CARBONE (5513438) (A LEFORT) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) refuse to grant planning approval for a retrospective change of use (Industry General to Industry General (Licenced)) & additions to premises at 35 (Lot 10) Cooper Road Cockburn Central based on the following reasons:

Reasons

1. The industrial land use activities being undertaken on site are in close proximity to sensitive land uses (residential dwellings) which:
    - a) Do not accord with the recommended industrial separation buffers contained within the EPA Guidelines.
    - b) Do not accord with the objectives of the State Planning Policy 4.1 State Industrial Buffer Policy.
    - c) Do not constitute orderly and proper planning and therefore are contrary to part 10.2.1 of Town Planning Scheme No. 3.
  2. The industrial land use being undertaken on site is contrary to part 10.2.1(i) of Town Planning Scheme No. 3 in that it is incompatible with nearby sensitive residential land uses.
  3. The land use being undertaken does not comply with part 10.2.1 (n) of Town Planning Scheme No. 3 in that it does not preserve the amenity of the locality.
- (2) notify the applicant and those who made a submission of Council's decision;
- (3) issue a Directions Notice under section 214 of the *Planning and*



*Development Act* for the industrial general (licenced) land uses currently operating from the site to permanently cease operations within 12 months;

- (4) allow the owner to submit an application for retrospective approval for the unapproved structures for a use compatible with the locality. In the absence of an application within 60 days of this determination the City issuing a Directions Notice for their removal under the Planning and Development Act 2005; and
- (5) investigate initiation of an amendment to Town Planning Scheme No. 3 to rezone the subject site from 'Industry General' to 'Light and Service Industry'.

**COUNCIL DECISION**

MOVED Cllr T Romano SECONDED Cllr B Houwen that Council defer consideration of the application for a retrospective change of use and proposed additions at No. 35 (Lot 10) Cooper Road, Cockburn Central to allow for further consultation and discussion between the applicant and the City.

**MOTION LOST 3/4**

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

**ORIGINAL MOTION PUT AND CARRIED 4/3**

**Background**

The subject site is 2.013ha in area and is located at No. 35 Cooper Road in Cockburn Central. The site is currently zoned Industry under TPS3. It is a single land holding that has been developed with two distinct portions. The smaller eastern-most portion contains an industrial unit development with a range of tenants, whilst the western portion contains existing large buildings and yard areas used for steel fabrication, abrasive blasting, metal coating and industrial spray painting (the subject of this application).

Car parking and landscaping areas are contained within the northern portion of the site between the building and Cooper Road. The site



also includes a wall of sea containers, stacked three containers high, that have been erected on the southern boundary (without planning approval) for noise attenuation purposes.

According to the City's records, a summary of the history of planning approvals on site is as follows:

1. 18 October 1982 - Planning Approval issued for a Rural Shed. The land was at that time zoned Rural.
2. 6 April 1989 – Planning Approval issued for the construction of the factory unit/warehouse units on the eastern side of the property.
3. 23 January 1995 – Planning approval issued for a maintenance canopy on the southern portion of the site.
4. 27 July 2001 – Planning approval issued to use the existing 'Rural Shed' for General Industry - Engineering Screen Manufacture.
5. 26 November 2001 – Planning approval was re-issued for the same use (General Industry -Engineering Screen Manufacture) but removing condition 1 which restricted 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.
6. 21 December 2001 – Planning approval was re-issued for the use (General Industry – Engineering Screen Manufacture) but including a new condition (1) which stated that the approval relates only to the use of steel fabrication of vibrating screens and manufacture of mine equipment.
7. 4 December 2008 – Planning approval was issued for a retaining wall across the southern portion of the site.

The current occupant of the subject site is Complete Steel (the applicant) who commenced use of the buildings in April 2005. The company undertakes general metal fabrication, metal coating – industrial spray painting and abrasive blasting and has 64 employees.

It has come to the City's attention that the activities being undertaken on the site are not in accordance with the previous planning approvals which restricted the use to manufacturing of vibrating screens and mine equipment only. In addition, an abrasive blasting and metal coating shed, lean-to connecting two of the buildings and a mezzanine within the main building have been constructed without planning approval. The metal coating occurring on site requires registration by the Department of Environment and Conservation, therefore making the use of the site Industry General (Licenced) for which planning approval is now being sought.

Officers do not have delegation to determine planning applications for Industry General (Licenced) land uses which are proposed at a lesser distance from residential properties than is recommended in the



Environmental Protection Authorities' document "Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses". For this reason the application has been referred to Council for determination.

### **Submission**

This application seeks retrospective planning approval for:

1. Change of Use from Industry General (Engineering Screen Manufacture) to Industry General (Licenced) – incorporating general metal fabrication, metal coating - industrial spray painting and abrasive blasting.
2. Retrospective approval for the construction of a 185m<sup>2</sup> lean-to structure to allow for storage of steel between fabrication and abrasive blasting and metal coating which was constructed without planning or building approval. The structure was constructed to link the northern and southern buildings located along the western boundary.
3. Retrospective approval for the construction of a 75m<sup>2</sup> spray painting shed to undertake abrasive blasting and metal coating.
4. The construction of a new mezzanine floor within the north-western building which is proposed to be used for the storage of archive folders and other documents.
5. Retrospective approval for the construction of a temporary sea container wall (stacked three containers high) along the southern boundary to provide some noise attenuation.

### **Report**

#### Statutory Framework

##### *Metropolitan Region Scheme (MRS)*

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS). The current use does not accord with this zone. See comments below regarding this.

##### *City of Cockburn Town Planning Scheme No. 3 (TPS 3)*

The site is zoned 'Industry' under the City of Cockburn's TPS 3 which is inconsistent with the MRS zoning and appears to be an anomaly in the scheme. Regardless of Council's determination of this application, it shall be recommended that Council investigate rezoning of the land to rectify this anomaly.

The current activities on site for which approval is sought constitute 'Industry General (Licenced)'. The definition of this under TPS 3 is



*'means an industry which is a category of prescribed premises set out in Schedule 1 of the Environmental Protection Regulations, notwithstanding the production of design capacity for each category of prescribed premises specified in the Schedule, but where a prescribed premises is also included in Schedule 2 of the Health Act, the Health Act prevails, for the purpose of the Scheme.'* 'Industry General (Licenced)' is a 'D' use in the scheme which means that the use is not permitted unless the local government has exercised its discretion and has granted planning approval.

Vehicle Parking required under TPS 3 for this use is:

- 1 car parking bay per 50m<sup>2</sup> GLA
- 1 delivery bay per service/storage area; and
- 1 bicycle rack per 200m<sup>2</sup> GLA.

The current operation contains 9 marked bays and recent aerial photos show the road verge being used for overflow car parking for between 10-15 cars. Based on the size of the buildings on site (approximately 3000m<sup>2</sup>), the use generates the requirement for 60 car parking bays (which would clearly accommodate the 64 employees). Should Council issue approval, additional car parking would be required to be made available.

*Statement of Planning Policy No. 4.1 – State Industrial Buffer Policy.(SPP 4.1)*

SPP 4.1 provides a state-wide approach for the protection of industrial zones and provides for the safety and amenity of sensitive land uses. Section 2.3 of the policy discusses the encroachment of sensitive land uses within industrial buffers which is what has occurred in this situation. In this instance the policy explains that land use controls are recommended to deal with land use conflict this causes.

*EPA Guidelines (Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses*

The EPA Guidelines provide the following buffer distances in metres applicable to the subject site:

- Abrasive Blasting – case by case
- Metal Coating – 200m
- Metal Coating – industrial spray painting (spray booth) – 200m
- Metal fabrication – 500m - 1000m depending on size (based on production capacity of up to 50000 tonnes per year)

The nearest residential property from the subject site property boundary is 16.6m, 60m from the area leased by the applicant and approximately 90m from the nearest source (paint shed). The



operation therefore does not accord with the recommended buffer distances to residential land use contained within the EPA Guidelines.

*Department of Environment and Conservation Registration*

Since September 2009 the site has been registered with the Department of Environment and Conservation for metal coating.  
Community Consultation

The City's records indicate complaints regarding the land use activity on the subject site from nearby residents dating back to the 1980s with a significant number of complaints received since the current occupant has operated from the premises from 2005 and the scale and intensity of development has increased. The application was therefore advertised to the residents located in the residential area to the south east of the site bounded by Beeliar Drive, Poletti Road and Cooper Road which was developed in the mid-1990s. The area contains single residential dwellings.

The application was advertised to approximately 100 nearby residential landowners and 20 objections were received. An additional 4 persons who rented properties in the area signed a petition against the application.

A summary of the objections are:

1. Concerns about silica emissions and potential health dangers such as lung disease, asthma, respiratory problems and cancers.
2. Concerns about noise pollution, dust pollution, hazardous chemicals and their impacts on residents.
3. Concerns about reduction in air quality and air pollution from the grey dust associated with abrasive blasting.
4. Concerns about noise and odour from metal coating.
5. Concerns that this industrial activity is too close to residences.
6. Concerns about noise from the site occurring at all hours of the day.
7. Concerns about noise from the sandblasting shed being amplified since the lean-to structure has been constructed;
8. Concerns about noise from shifting steel in the open yard and steel dropping on the ground in the main factory.
9. Concerns that the operator will continue to make changes to the operation without approval.
10. Concerns about the hours of operation which causes noise before 7am, weekday evenings and on weekends.
11. Concerns about devaluation of properties.



## Issues

### *Noise*

The majority of the objections received from nearby residents during the advertising process complained about noise from the premises occurring at all times of day, and including weekends which residents believed was unreasonable. Objectors complained about noise from steel being dropped in and around the buildings, noise from steel being moved around the yard and noise from the abrasive blasting and metal coating processes.

The applicant has indicated that the following measures will be undertaken to mitigate noise from the site:

1. Commissioning of noise consultant 'Lloyd George Acoustics' to assist in an ongoing basis with a review and to recommend further improvements.
2. Minimising noise before 7:00am and after 7:00pm by closing doors, restricting yard movements during this time, better education to employees and changing the nature of work undertaken during these hours.
3. No work being carried out on Sundays or public holidays.
4. Relocation of fabrication activities to the northern end of the workshop closest to Cooper Road.
5. Additional sea containers to provide further noise attenuation.
6. Further community consultation to develop relations with nearby residents and to set up further noise monitoring within residential properties.

Given the operation does not meet the recommended EPA buffer distances to nearby residential properties, additional measures should have been undertaken to ensure that emissions are managed appropriately. Undertaking fabrication and metal coating and spray-painting activities prior to 7:00am and after 7:00pm weekdays and on weekends, given the proximity of the residential area is considered unreasonable and has resulted in a loss of residential amenity for residents. Many of the objections received commented on the noise "at all hours of day" which demonstrates that a restriction in hours is necessary. Should Council consider approving the application, a condition restricting the hours of operation so that no industrial activities occur prior to 7:00am weekdays or on weekends or public holidays (similar to the July 2001 approval before it was reissued with the removal of this condition).

In addition to the reduced operating hours, a permanent noise wall should be considered for the southern boundary of the property, closest to the residential area. In July/August 2012, the occupant installed a temporary sea container wall along the southern boundary



in an attempt to mitigate noise. It has not yet been empirically demonstrated whether this has improved the acoustic situation, the construction of a permanent noise wall (or equivalent building boundary wall) is considered necessary. Should Council consider supporting the application, a condition could be imposed requiring such a wall to be constructed within a specified timeframe. The wall would need to be designed and constructed to achieve significant acoustic benefits and be accompanied by an acoustic report undertaken by a suitably qualified acoustic consultant.

#### *Dust*

Dust from the site was reported by those who made submissions as a major impact of the operation and many expressed concern about the impact of dust emissions on their health. Sources of dust from the site include the unsealed yard area and the abrasive blasting process. The dust emissions from the abrasive blasting process are exacerbated by the unsealed yard due to the fact that it cannot be swept up and easily contained.

It is not ideal to entertain abrasive blasting in such close proximity to residential land and this is clear from the objections received during advertising regarding dust emissions. Should Council consider supporting the application, it is vital that the yard be appropriately sealed and drained to Council's standards within a specific timeframe. This would reduce any dust from vehicles moving around the yard and also ensure that dust caused by the abrasive blasting process can be swept up and contained. In addition, the shed where blasting is undertaken may require further upgrades or modifications to allow blasting to be undertaken in a fully sealed building (in accordance with the relevant guidelines) as the amount of dust generated from this use in the current building requires review.

#### *Odour*

Whilst metal coating (enamelling) and industrial spray painting can cause odour impacts, only one nearby resident raised this as an issue which may suggest that odour from the site is not major concern. Metal coating and spray painting is contained and therefore may have been considered acceptable. However, undertaking these activities contributes to the other areas of compliant.

#### *Unapproved Building Additions*

This application also seeks retrospective approval for the construction of a 185m<sup>2</sup> lean-to structure to allow for storage of steel between fabrication and abrasive blasting and metal coating. The structure was erected without planning or building approval in 2008 and was





constructed to link the northern and southern buildings located along the western boundary. One resident commented that this had caused the noise issues to worsen. Construction of an acoustic wall (or building boundary wall) along the southern boundary may be able to sufficiently attenuate any noise generated from this structure although this has not been demonstrated.

Retrospective approval is also sought for the construction of a 75m<sup>2</sup> spray painting shed adjoining the existing abrasive blasting shed which was erected in 2007 without approval. Both structures will also require a retrospective building permit.

#### *New Mezzanine Addition*

The application also seeks approval for the construction of a mezzanine floor within the north-western building that is proposed to be used for the storage of archive folders and other documents. Whilst the increase in floor space that results from the mezzanine has a small impact on car parking allocation, the mezzanine has no other adverse impacts and of itself would be considered acceptable.

#### **Conclusion**

The tenants, Complete Steel are operating from Industry zoned land and are undertaking a range of industrial activities. However, the industrial activities are being undertaken without the appropriate EPA buffers in place from sensitive land uses. The proximity and intensity of these uses has unreasonably diminished the amenity of nearby residents. Therefore, based on the officer's assessment, various areas of non compliance and the comments raised during advertising, it can be concluded that the current operations on site have not adequately managed these impacts. Further that these impacts have been exacerbated by the construction of additional unapproved structures to accommodate a range of additional unapproved industrial uses.

There are a number of additional measures and changes that could be undertaken by the applicant in an attempt to reduce the noise and dust impacts including restriction of operating hours, construction of a masonry wall, sealing of the yard and modifications to the abrasive blasting shed, which have been carefully considered.

However on balance considering the intensity of the proposed use, history of complaints and the uncertainty of any mitigation strategies being successful, the application is not supported for the following reasons:

1. The industrial land use activities being undertaken on site are in close proximity of sensitive land uses (residents) and do not



accord with the recommended EPA buffers. Therefore the proposal does not constitute orderly and proper planning and is not in accordance with TPS 3 10.2.1 (b) and State Planning Policy 4.1 State Industrial Buffer Policy and EPA Guidelines.

2. The land use is incompatible with nearby sensitive residential land uses.
3. The land use does not preserve the amenity of the locality.
4. It has been demonstrated that the applicant has been unable to adequately manage the off-site impacts of their operations to the detriment of nearby residents.
5. The restriction of hours of operation will only reduce the times at which noise from the site can be emitted but may still result in unacceptable levels of noise from the site during operating hours and continue to affect nearby residents.
6. It remains to be demonstrated what impact the construction of a masonry acoustic wall will have on noise and dust impacts and whether or not such a wall be practical or meet other planning objectives.

It is also recommended that the City initiate a rezoning of the subject lot to 'Light and Service Industry'. Undertaking this scheme amendment would achieve the following:

- Align the TPS 3 zoning with the MRS zoning.
- Align the zoning of the land with the zoning of the adjoining land within the area bounded by Cooper Road, Hammond Road, Beeliar Drive and residential zoned land on Ridge Road Cockburn Central.
- Remove the potential for future land use conflicts between general industrial uses operating from the site and the adjacent residential area.

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

#### **Growing City**

- Development that is soundly balanced between new and existing areas.
- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

#### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.

#### **Environment & Sustainability**

- Identification and minimisation of impacts to human health risk.



**Budget/Financial Implications**

Costs involved in defending the decision in the State Administrative Tribunal which can be met by the Statutory Planning Operational Budget.

**Legal Implications**

N/A

**Community Consultation**

See Community Consultation section of the report above.

**Attachment(s)**

1. Location Plan
2. Zoning Plan
3. Aerial Photo
4. Site Plan
5. Perspective Plan
6. Elevation Plan
7. Submissions Received

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 February 2013 Council Meeting.

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

Nil.



**14.9 (MINUTE NO 4966) (OCM 14/02/2013) - RETROSPECTIVE APPLICATION FOR ADDITIONS TO RETAINING WALL HEIGHT: (LOT 60) NO. 44 FAIRBAIRN ROAD COOGEE - OWNER: N.A. MOROLLA (3317634) (G BOWERING) (ATTACH)**

**RECOMMENDATION**

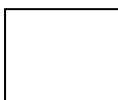
That Council

- (1) grant retrospective planning approval for additions to a retaining wall subject to the following conditions:
  1. Prior to commencement of construction a detailed feature survey of the retaining wall undertaken by a licensed surveyor shall be provided to the City along with detailed plans depicting the top and bottom wall heights, surrounding ground level heights and the extent of any protrusion of the wall beyond the lot boundaries to the satisfaction of the City.
  2. The finish of the retaining wall shall be to the satisfaction of the City. In this regard the use of reconstituted blocks for the face wall is not permitted. Natural cut limestone blocks matching the specifications of the existing limestone face blocks are to be used for the reconstruction of the wall face.
  3. The retaining wall shall not project beyond the lot boundaries as indicated on the approved plans. Where the remaining sections of wall may be leaning into an adjoining site any such lean in the wall is to be corrected through the reconstruction process. The survey required by condition (1) shall be used to demonstrate where correction in the lean of the wall is required.
  4. No additional height of wall beyond that which has already been constructed is permitted by this approval.
- (2) advise those who made a submission on the proposal of the Council's decision.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**



## Background

On 23 December at around 9:15pm a subdivisional retaining wall at the rear of No. 44 and 46 Fairbairn St Coogee failed and collapsed affecting the rear of No's 14, 16 and 18 Carrello Circuit, Coogee.

The retaining wall was originally built as part of subdivisional works in the mid 90's. Housing construction shortly followed with No.14 Carrello Cir being the first of the 5 affected properties to commence construction. While No. 18 Carrello Cir was the last to commence construction in 1999. A fibreglass swimming pool was added to No. 44 Fairbairn in 2001 and is immediately adjacent the collapsed section of wall. The pool has since been mostly emptied.

The City's investigations of the wall and its collapse identified that the wall at the rear of 44 Fairbairn appears to have been extended in height by up to 1.2m (roughly 2.5 to 3 courses of limestone blocks) from a height of around 1.8m without having obtained either Planning Approval or a Building Permit. The City's records contain no mention of an extension to the retaining wall height and the owners of No. 44 and 46 Fairbairn have not been able to supply any plans or documents demonstrating approval for the additional height of the retaining wall.

Building Permit BA94/1033 contains the approval for the construction of the original subdivisional retaining wall. All building licences for the dwellings along the affected section of wall depict levels consistent with the original approved wall construction heights. No information has been provided as to when and by whom the retaining wall height was increased.

The owners of 44 and 46 Fairbairn in whose land the wall sits were issued Directions Notices on (3 January 2013) by the City's Manager, Building Services. The Directions require the owners to obtain the necessary approvals and reconstruct the wall within 60 days of the notice. To this end applications have been submitted by the owners of No. 44 and 46 Fairbairn for approval to reconstruct the wall to its pre-collapse height. Both owners have engaged the same engineering firm to undertake the works.

At this time sections of the wall are currently braced to prevent further collapse, however this is a very short term measure and remedial action on the wall must be taken as soon as possible.

## Submission

The adjoining rear neighbours (No. 16 and 18 Carrello Cir) were visited on site directly, shown the proposed plans and invited to make written comment on the proposal. The submissions are attached.



Both affected neighbours have supported the application while citing concerns about the ongoing safety of the remaining sections of damaged wall and the risk of further collapse.

In particular the owner of No. 16 Carrello has raised the following points:

- *Option 2 (2A & 2B) Design will not be technically possible although we would strongly object this option due to the remaining section of the wall is leaning significantly to our back garden.*
- *The wall height for 46 is 3.1 meters according to the design drawings, but the drawing does not give a datum. We are unsure the relative height from my ground level. So we would like the owner to ensure the top of their wall will not to exceed the top of the wall of 44 Fairbairn Road.*
- *We request the two owners of the wall to coordinate and ensure that the limestone blocks appearance at our side of the wall to match and achieve nice visual effect.*

In response to the above points the construction methodology will be to the City's satisfaction via the Building Services Department taking into account the views of the affected neighbours. In this regard the construction of the wall

The final wall height will need to be established by provision of a detailed feature survey of the wall and ground levels and detailed plans being submitted to the City's satisfaction demonstrating exact top and bottom wall heights along the length of the wall. The survey is also to demonstrate the extent to which the remaining sections of the wall now protrude into the neighbouring properties.

The finish of the wall is to be to the satisfaction of the City taking into account the views of the adjoining land owners. In this regard the use of natural cut limestone blocks will be required for the face of the wall.

### **Report**

While this proposal for the extension of the wall height has been supported by the comments of the adjoining landowners, the reconstruction of the wall at No. 44 Fairbairn is intrinsically linked to the reconstruction of the portion of the wall at the rear of No. 46 Fairbairn. The works to the wall on No.46 Fairbairn are subject of a separate application and report to Council.



As there are two separate properties each with their own sections of the wall, these matters must be determined separately. However, it is considered that any decisions ought to be consistent in order to facilitate remediation of the wall and making safe of the properties involved.

At the time of land subdivision the original height of the wall at the rear of No. 44 Fairbairn was up to 1.8m

At the time of the collapse the height of the wall where it abuts the rear of 16 Carrello was up to 2.8m.

At the time of the collapse the height of the wall where it abuts the rear of 18 Carrello was up to 2.1m.

Due to the slope of the land the height of the original subdivisional retaining wall was stepped between No. 44 and 46 Fairbairn with No.46 having originally been lower than No. 44 Fairbairn. With the modifications the height of the wall to No. 46 has been increased to the same level as No. 44 Fairbairn. However the wall to No. 46 is subject of a separate application.

In considering the application, noting the supporting comments; the fact that the modified wall height had been in place for some 15 years (notwithstanding it's collapse); and the fact that retaining walls of this height of are not uncommon in Coogee (due to the undulating topography of the area), it is recommended that that the extension of the wall height be approved retrospectively as proposed subject to conditions addressing the construction option, finish and height of the wall.

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

N/A

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

The proposed development was advertised for comment to the adjoining rear neighbours. The submissions are attached.



**Attachment(s)**

1. Proposed Plans
2. Location Plan
3. Submissions Received
4. Photographs of the rear of No. 44 Fairbairn Rd

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the February 2013 Council Meeting.

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

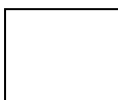
Nil.

**14.10 (MINUTE NO 4967) (OCM 14/02/2013) - RETROSPECTIVE APPLICATION FOR ADDITIONS TO RETAINING WALL HEIGHT: (LOT 61) NO. 46 FAIRBAIRN ROAD COOGEE - OWNER: M & B BAVCEVIC (3317635) (G BOWERING) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) grant retrospective planning approval for additions to a retaining wall subject to the following conditions:
  1. Prior to commencement of construction a detailed feature survey of the retaining wall undertaken by a licensed surveyor shall be provided to the City along with detailed plans depicting the top and bottom wall heights, surrounding ground level heights and the extent of any protrusion of the wall beyond the lot boundaries to the satisfaction of the City.
  2. The finish of the retaining wall shall be to the satisfaction of the City. In this regard the use of reconstituted blocks for the face wall is not permitted. Natural cut limestone blocks matching the specifications of the existing limestone face blocks are to be used for the reconstruction of the wall face.
  3. The retaining wall shall not project beyond the lot boundaries as indicated on the approved plans. Where the remaining sections of wall may be leaning into an adjoining site any such lean in the wall is to be corrected through the reconstruction process. The survey required





by condition (1) shall be used to demonstrate where correction in the lean of the wall is required.

4. The top of wall height shall be co-ordinated with the top of wall height at No. 44 Fairbairn. In this respect no additional height of the wall is permitted by this approval.
- (2) advise those who made a submission on the proposal of the Council's decision.

#### **COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**

#### **Background**

On 23 December at around 9:15pm a subdivisional retaining wall at the rear of No. 44 and 46 Fairbairn St Coogee failed and collapsed affecting the rear of No's 14, 16 and 18 Carrello Circuit, Coogee.

The retaining wall was originally built as part of subdivisional works in the mid 90's. Housing construction shortly followed with No.14 Carrello Cir being the first of the 5 affected properties to commence construction, while No. 18 Carrello Cir was the last to commence construction in 1999. A fibreglass swimming pool was added to No. 44 Fairbairn in 2001 and is immediately adjacent the collapsed section of wall. The pool has since been mostly emptied.

The City's investigations of the wall and its collapse identified that the wall at the rear of 46 Fairbairn appears to have been extended in height by up to 1.2m (roughly 3 courses of limestone blocks) from a height of around 2.1m without having obtained either Planning Approval or a Building Permit. The City's records contain no mention of an extension to the retaining wall height and the owners of No. 44 and 46 Fairbairn have not been able to supply any plans or documents demonstrating approval for the additional height of the retaining wall.

Building Permit BA94/1033 contains the approval for the construction of the original subdivisional retaining wall. All building licences for the dwellings along the affected section of wall depict levels consistent with



the original approved wall construction heights. No information has been provided as to when and by whom the retaining wall height was increased.

The owners of 44 and 46 Fairbairn in whose land the wall sits were issued Directions Notices on (3 January 2013) by the City's Manager, Building Services. The Directions require the owners to obtain the necessary approvals and reconstruct the wall within 60 days of the notice. To this end applications have been submitted by the owners of No. 44 and 46 Fairbairn for approval to reconstruct the wall to its pre-collapse height. Both owners have engaged the same engineering firm to undertake the works.

At this time sections of the wall are currently braced to prevent further collapse; however, this is a very short term measure and remedial action on the wall must be taken as soon as possible.

### **Submission**

The adjoining rear neighbours (No. 14 and 16 Carrello Cir) were visited on site directly, shown the proposed plans and invited to make written comment on the proposal. The submissions are attached.

#### Submission from 14 Carrello

The owners of No. 14 Carrello have objected to the proposed additional wall height for the following reasons:

- *"The shadow, which a wall that height topped with a standard boundary fence of a further 1.8 metres casts over the area which surrounds our pool on the northern aspect, can be significant.*
- *Furthermore given the questionable history of the wall we wish to lodge an objection to the wall exceeding its original height at development. This would then ensure it would be restored back to what we have been informed by council is its original height at development. The inability for anyone to definitively inform us how the wall came to be over 3 metres is perplexing and frustrating.*
- *For our peace of mind it would be preferable to have a 1.8m limestone wall so that if there were another catastrophic event it would have less impact on our property in the case of another collapse. It also concerns us that a wall exceeding 1.8 m would be linked to the wall that didn't fall and may put pressure on the entire height of the remaining wall."*



In response to the above points, the height of the wall and fence nears 5m and is on the north side of the property. The shadow cast by the combination of a +3m wall and 1.8m fence is compliant with the R-Codes as the relevant section is 8.5m long whereas there is a further 10.5m of wall the same height at the rear of No. 48 Fairbairn also overshadowing the site.

However even with the proposed and existing walls in combination the entire length of wall (including fence) does not exceed the R-Codes overshadowing provisions which allows 25% of a site to be overshadowed where overshadowing is approximately 21% of the site. The main outdoor living area is beneath a covered patio on the far side of the pool from the wall and is not overshadowed at 12 noon on 21 July (winter solstice) when assessed as per the R-Codes.

The second point raised above is noted. The City has no records of any approvals for the wall being constructed higher than the original subdivisional works approvals. At this point the City can only speculate as to how the wall heights were extended.

The third point raised may be addressed through the reconstruction of the wall to the required engineering standards. It appears that the extensions to the wall height were not undertaken in a manner consistent with building and engineering standards for such structures. However, reconstruction of the wall will be required to be certified by structural engineers and meet or exceed building code standards. Such works would then be subject to a builders warranty and insurances and the like.

#### Submission from 16 Carrello

The owner of No. 16 Carrello has supported the application while citing concerns about the ongoing safety of the remaining sections of damaged wall and the risk of further collapse.

In particular, the owner of No. 16 Carrello has raised the following points:

- *Option 2 (2A & 2B) Design will not be technically possible although we would strongly object this option due to the remaining section of the wall is leaning significantly to our back garden.*
- *The wall height for 46 is 3.1 meters according to the design drawings, but the drawing does not give a datum. We are unsure the relative height from my ground level. So we would like the owner to ensure the top of their wall will not to exceed the top of the wall of 44 Fairbairn Road. ...*



- *We request the two owners of the wall to coordinate and ensure that the limestone blocks appearance at our side of the wall to match and achieve nice visual effect.*

In response to the above points the construction methodology will be to the City's satisfaction via the Building Services Department taking into account the views of the affected neighbours. In this regard the construction of the wall

The final wall height will need to be established by provision of a detailed feature survey of the wall and ground levels and detailed plans being submitted to the City's satisfaction demonstrating exact top and bottom wall heights along the length of the wall. The survey is also to demonstrate the extent to which the remaining sections of the wall now protrude into the neighbouring properties.

The finish of the wall is to be to the satisfaction of the City taking into account the views of the adjoining land owners. In this regard the use of natural cut limestone blocks will be required for the face of the wall.

### **Report**

While this proposal for the extension of the wall height has been supported by one of the adjoining landowners and objected to by the other, the reconstruction of the wall at No. 46 Fairbairn is intrinsically linked to the reconstruction of the portion of the wall at the rear of No. 44 Fairbairn. The works to the wall on No.44 Fairbairn are subject of a separate application and report to Council.

As there are two separate properties each with their own sections of the wall, these matters must be determined separately. However it is considered that any decisions ought to be consistent in order to facilitate remediation of the wall and making safe of the properties involved.

At the time of land subdivision the original height of the wall at the rear of No. 46 Fairbairn was up to 1.5m

At the time of the collapse the height of the wall where it abuts the rear of 14 Carrello was up to 3.1m.

At the time of the collapse the height of the wall where it abuts the rear of 16 Carrello was over 2m.

Due to the slope of the land the height of the original subdivisional retaining wall was stepped between No. 44 and 46 Fairbairn with No.46 having originally been lower than No. 44 Fairbairn. With the



modifications the height of the wall to No. 46 has been increased to the same level as No. 44 Fairbairn. As per the comments from No. 16 Carrello the wall to No.46 is not to exceed the height of No. 44 Fairbairn and be consistent with the modified height of the wall (no additional height permitted)

In considering the application, noting the comments received; the fact that the modified wall height had been in place for some 15 years (notwithstanding it's collapse); and the fact that retaining walls of this height of are not uncommon in Coogee (due to the undulating topography of the area), it is recommended that that the extension of the wall height be approved retrospectively as proposed subject to conditions addressing the construction option, finish and height of the wall.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

The proposed development was advertised for comment to the adjoining rear neighbours. The submissions are attached.

**Attachment(s)**

1. Proposed Plans
2. Location Plan
3. Submissions Received
4. Photographs of the rear of No. 44 Fairbairn Road

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 February 2013 Council Meeting.

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

Nil.



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

**15.1 (MINUTE NO 4968) (OCM 14/02/2013) - LIST OF CREDITORS PAID - NOVEMBER AND DECEMBER 2012 (FS/L/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council adopt the List of Creditors Paid for November and December 2012 respectively, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**

**Background**

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

**Submission**

N/A

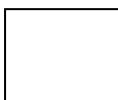
**Report**

The List of Accounts for November and December 2012 respectively is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City

**Strategic Plan/Policy Implications**

**Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.



**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

1. List of Creditors Paid – November 2012.
2. List of Creditors Paid – December 2012.

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

N/A

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

Nil.

**15.2 (MINUTE NO 4969) (OCM 14/02/2013) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - NOVEMBER AND DECEMBER 2012 (FS/S/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council adopt the Statement of Financial Activity and associated reports for November and December 2012 respectively, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**



## **Background**

Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

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

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

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents be presented to Council within 2 months after the end of the month to which the statement relates. Given no Council meeting was held in January, both November and December Statements are required to be submitted to this meeting.

The regulations require the information reported in the statement to be shown either by nature and type, statutory program or business unit. The City chooses to report the information according to its organisational business structure, as well as by nature and type.

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. To this end, Council has adopted a materiality threshold variance of \$100,000 for the 2012/13 financial year.

## **Submission**

N/A

## **Report**

This report only addresses the December financial results, given its greater currency and relevance.

## **Closing Funds**

The City's closing municipal position of \$58.9M was \$2.7M higher than the revised YTD budget target of \$46.1M at the end of December. This represents a favourable position overall, although there are numerous factors that impact this as detailed further in this report.





The revised budget for the end of year closing position currently shows a \$134k surplus. This will fluctuate throughout the year as it is impacted upon by various Council decisions and minor system adjustments and corrections. Details on the composition of the budgeted closing position are outlined in Note 3 to the financial report.

### Operating Revenue

YTD operating revenue of \$96.1M is tracking ahead of budget by \$5.0M. The key contributor to this result is \$3.7M of additional revenue from Waste Services fees and charges, comprised of \$3.2M in commercial landfill fees and an extra \$0.5M from rated rubbish charges.

Human Services grant funding is also \$0.6M ahead of the YTD budget mainly due to timing issues. Client fees for the out of school care programs are down \$115k due to the closure of the Harvest Lakes and Atwell services in July last year.

Revenue generated from rates interest, administration fees and interim rating has collectively exceeded YTD budget by \$0.5M. Underground power service charges raised to date are also \$0.19M over the full year budget which reduces the amount of loan funding needed to complete the project. Interest earnings on Council's investments have been impacted by falling interest rates and are currently \$0.13M behind budget. This has been addressed in the mid-year budget review. In the Planning and Development Division, building approval fees are \$0.15M ahead of the YTD budget whilst administration fees for administering the developer contribution schemes are yet to be accounted for, causing an unfavourable variance of \$0.18M.

Further details of material variances are disclosed in the Agenda attachment.

### Operating Expenditure

Overall operating expenditure of \$52.1M (including depreciation) is tracking slightly under budget by \$2.8M at the end of December.

Community Services is collectively \$0.52M under budget comprising favourable variances in Law and Public Safety (\$178k), SLLC (\$177k) and Council's donation program (\$121k).

Parks and Environment Services are showing an overall net underspend of \$0.93M with Parks Maintenance contributing \$0.48M of the variance and Environmental Management \$0.47M.



In Engineering street lighting costs are currently \$0.28M behind budget, partly due to a lag in billing and the number of lights billed being somewhat less than forecast in the budget. This budget has been revised in the mid-year review.

Infrastructure Services also contribute a favourable variance of \$0.15M mainly due to a lag in billing of power for the City's properties.

Waste Services is over budget by \$1.1M. However, this mostly comprises additional landfill levy accrued of \$1.3M that the City may be liable for in the future.

Depreciation is tracking \$0.77M below budget mainly due to useful life revisions for roads and drainage made in the last revaluation exercise conducted at 30 June 2012. This has been addressed in the mid-year budget review.

Details of material variances by business unit are disclosed in the agenda attachment.

The following table shows operating expenditure budgetary performance at a nature and type level:

Nature or Type Classification	Actual	YTD Amended Budget	Variance to Budget
	\$	\$	%
Employee Costs	\$18.6M	\$19.1M	2.6%
Materials and Contracts	\$16.2M	\$17.9M	9.5%
Utilities	\$1.7M	\$2.3M	26.1%
Insurances	\$1.81M	\$1.85M	2.2%
Other Expenses	\$5.2M	\$4.1M	-26.8%
Depreciation (non cash)	\$10.3M	\$11.1M	7.2%

Other expenses are impacted by the additional accrual of landfill levy as referred to previously.

Capital Expenditure

The City's capital budget has incurred expenditure of \$23.8M versus the YTD budget of \$35.5M, resulting in an YTD variance of \$11.8M.

Building works in progress contribute \$8.9M of this amount (\$8.4M represents the integrated health facilities project alone), computer infrastructure and software projects contribute another \$1.1M, and land development projects add another \$0.97M.

The Engineering Division revised their capital budget cashflows in November and this has improved their overall budget delivery performance particularly for roads infrastructure.



The significant project spending variances are disclosed in the attached CW Variance analysis report.

### Capital Funding

Settlement of land sales is \$13.0M behind budget targets, comprising the sale of lot 9001 Ivankovich Ave (\$11.9M balance owing) Grandpre Crescent development (\$1.0M balance still to settle) and subdivision of Lot 702 Bellier Place and Lot 65 Erpingham Road (\$1.0M). Partially off-setting these, is the unbudgeted sale of lot 331 Boswell Place to the Education Department for \$1.6M. This has been included in the mid-year budget review.

Proceeds from plant and vehicle sales are \$0.4M behind the YTD budget due mainly to timing issues.

Grants and developer contributions were collectively \$2.8M behind YTD targets. These are however subject to the respective projects capital spending and formal claims processes and will be achieved in due course.

Loan funds of \$1.0M are still to be raised for the Emergency Services building project, but will be done so shortly after assessing lending rates following the Reserve Bank's monetary policy decision at its February meeting.

Transfers from and to Reserves are \$13.2M and \$13.0M behind budget respectively. However, these are highly correlated to capital spending and capital income from land sales.

### Cash & Investments

Council's cash and current/non-current investment holding reduced to \$103.3M from \$108.8M the previous month in line with the City's operating activities.

\$51.0M of this holding represents the City's cash backed reserves with another \$5.2M representing funds held for other restricted purposes (such as bonds, restricted grants and capital infrastructure contributions). The remainder of \$47.1M represents the cash and investment components of the City's working capital, required to fund ongoing operations and the capital program.

The City's investment portfolio made a weighted annualised return of 5.16% for the month of December, unchanged from the previous month. The benchmark BBSW performance for the corresponding period was 3.44%.



The majority of investments are held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These are predominantly invested for terms between three and six months, as this is where the main value lies within the current yield curve and also minimises cash flow liquidity risks.

Whilst the Reserve Bank has progressively reduced interest rates over the past several months by 100 basis points, the City's investment strategy of rolling over TD's for up to six month terms has somewhat buffered the City's investment performance from a significant downturn.

However, given the extent of the past rate cuts and the potential for more in the near future, the budget for interest earnings on municipal funds have been revised downwards by \$0.5M in the mid-year budget review. Interest earnings on reserve funds however, are expected to meet budget given their YTD performance. This has been aided by the delayed capital spending on the integrated health facilities and the generally longer investment terms locking in past higher rates of return.

#### Description of Graphs and Charts

There is a bar graph tracking Business Unit operating expenditure against budget. This provides a very quick view of how the different units are tracking and the comparative size of their budgets.

The Capital Expenditure graph tracks the YTD capital spends against the budget. It also includes an additional trend line for the total of YTD actual expenditure and committed orders. This gives a better indication of how the capital budget is being exhausted, rather than just purely actual cost alone.

A liquidity graph shows the level of Council's net current position (adjusted for restricted assets) and trends this against previous years. This gives a good indication of Council's capacity to meet its financial commitments over the course of the year.

Council's overall cash and investments position is provided in a line graph with a comparison against the YTD budget and the previous year's position at the same time.

Pie charts included show the break-up of actual operating income and expenditure by nature and type and the make-up of Council's current assets and liabilities (comprising the net current position).



## **Strategic Plan/Policy Implications**

### **Leading & Listening**

- A responsive, accountable and sustainable organisation.
- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

### **Budget/Financial Implications**

Material variances identified of a permanent nature (ie. not due to timing issues) may impact on Council's final budget position (depending upon the nature of the item) and may need to be addressed at the mid-year budget review.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

1. Statement of Financial Activity and associated reports – November 2012.
2. Statement of Financial Activity and associated reports – December 2012.

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

N/A

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

Nil.



**15.3 (MINUTE NO 4970) (OCM 14/02/2013) - REGIONAL AQUATIC AND RECREATION COMMUNITY FACILITY (RARCF) - BUSINESS PLAN (CR/M/117) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) advertise the Business Plan for the Regional Aquatic and Recreation Community Facility in partnership with the Fremantle Football Club Limited and Curtin University in accordance with section 3.59 (4) of the Local Government Act 1995; and
- (2) call for public submissions from interested parties on the Business Plan; and prepare a report on public submissions on the Business Plan to be presented to the May 2013 Ordinary Council Meeting.

**COUNCIL DECISION**

MOVED Clr B Houwen SECONDED Clr T Romano that Council defer the item and as part of the ongoing due diligence process Council seek an opinion from an external prominent accounting firm on the business assumptions contained within the Business Plan and other factors not contained in the current Business Plan that are deemed relevant, and the long term viability of the facility and future imposts on the city of Cockburn ratepayers; and

1. The result of the independent review of the Business Plan be presented to a meeting of the Cockburn Central West Reference Group as soon as the report is available.
2. The terms of reference of the review be presented to the Cockburn Central West Reference Group before the appointment of the external firm is made.

**CARRIED 6/1**

**Reason for Decision**

The building of the Regional Aquatic and Recreation Facility is by far the biggest project that the City has undertaken. A review of the Business Plan by an external accounting firm is both good governance and an appropriate step to take in the due diligence process.



## Background

The Business Plan has been prepared for Council as directed in a resolution of the Special Council Meeting held on 5 December 2012:

- (1) *accept the Heads of Agreement between the City of Cockburn and the Fremantle Football Club subject to amendments as agreed by Council behind closed doors; and*
- (2) *utilise the information contained in the Agreement as the basis for the preparation of a Business Plan, pursuant to Section 3.59 of the Local Government Act, 1995 to be presented to Council for consideration in February 2013.*

Pursuant to the Local Government Act, the City is required to prepare a Business Plan to ensure that Council has taken a long term planned approach to the proposed development of the Integrated Regional Aquatic and Recreation Community Facility in terms of the capital and recurrent costs of the proposed facility and having regard to the intrinsic value of the asset to the community.

Council's adopted *Plan for the District 2006 - 2016* identified the requirement for a new aquatic and recreation facility to replace South Lake Leisure Centre. The location of the new facility has been planned to be within the Cockburn Central West (CCW) precinct as this would assist in the creation of a major development hub centrally located within the City.

The Fremantle Football Club (FFC), as part of a due diligence process to investigate alternative to a Fremantle Oval redevelopment, identified the Cockburn Central West site as an option. The Club entered discussions with the City to investigate the opportunity to integrate the Club's future facilities into the City's proposed aquatic and recreation facility at CCW. A Memorandum of Understanding (MoU) was signed between the City, the FFC and the University of Notre Dame (UND) to explore the option of developing an integrated recreation, elite sport and education precinct on the site. The UND has since withdrawn its interest in proceeding with a joint development on the site. Since the withdrawal of the UND, the City has subsequently signed a MoU with Curtin University to have a presence on the site.

The City has prepared a concept design for the aquatic and recreation component of the facility based on extensive community and stakeholder consultation with this concept being endorsed by the Council as the 'base build' design at the Special Council Meeting held on 20 September, 2012.



In addition to the adoption of the 'base build' as part of the City's requirements, Council resolved to;

"continue discussions and planning for the project under the Integrated Concept; combining the new Regional Aquatic and Recreation Community Facility, the Fremantle Football Club's Elite Athlete and Administration Centre and a component for a Tertiary Education Institute on the basis that each party will be responsible for its capital and operating costs for inclusion in a Heads of Agreement for consideration by Council."

In accordance with this resolution, the City and the FFC have worked together to develop concept plans and a cost estimate for an integrated facility proposed at the Cockburn Central West site. Cox Howlett and Bailey Woodland were commissioned by both parties to prepare a master plan report and concept designs for an integrated facility. The concept includes the City's 'base build' requirements for an aquatic and recreation facility as option 1 and the inclusion of the FFC's training and administration facilities, space for a tertiary education institute and a potential function centre as option 2. The concept designs and report acknowledges the characteristics of the CCW site, draft structure plan and background studies that have been completed to date. The report outlines the key relationships between the major components of the proposed site development and how they will meet community expectations.

Development of an integrated facility of this nature would allow the City to submit a much stronger case for Federal and State Government funding that otherwise may not be substantiated if presented as a stand-alone facility. The innovation of a combination of community, elite sports and education requirements coming together places any submission for funding in a strong position, when compared to other stand-alone facilities seeking funding from the same pool.

To cement this position, the City and FFC formalised their partnership, signing a Heads of Agreement on 21 December 2012. A copy of the HOA is not publically available as it is commercial-in-confidence.

The existing recreation and aquatic facility at South Lake is now twenty one years old, having opened in 1992. The facility was constructed on land owned by the Education Department and is now at the end of its economic life without substantial funds being expended to refurbish and re-build the entire complex. Although the possibility that the facility could be re-built, the significant hurdle facing the City is the site is too small to expand the facility to include more pools, sports stadiums and other facilities identified in the public consultation process. On that basis a different site was located during the planning phase that is more centrally located.





The City has undertaken a number of public consultation programs to seek comment from the community and in particular comment and input from local and state sporting organisations. Their support for this project has been overwhelming. The City has received a number of letters of support to date from clubs, state sporting associations and politicians as identified below.

### **Submission**

N/A

### **Report**

The proposed development of the Facility at Cockburn Central West is a partnership between the City of Cockburn, Fremantle Football Club and Curtin University. The project once completed would deliver state-of-the-art aquatic, recreation, education and elite training facilities to the region, servicing a catchment population area of over 200,000 people. The broad scope of the project will deliver three pools, six court stadium, hydrotherapy pool and recovery area, gym and group fitness, retail and café, ovals, crèche, allied health and receptions plus FFC elite training and administration facilities and education facilities for Curtin University.

The overall capital cost of the facility has been estimated at \$107M excluding any capital requirements from Curtin University. A principle of the integrated development is that each party will be responsible to fund its own facilities and not subsidise the other party. Notwithstanding this, an integrated approach means the project has much stronger funding opportunities through State and Federal grants. The partners will be seeking to source 30% of funding from State and Federal grants with applications already being presented and reviewed by government.

The Business Plan for the proposed integrated facility examines and tests a number income and expenditure scenarios and provides realistic assumptions on the performance of the facility from a whole of a life cycle perspective. The business plan will outline the proposed project management model and facility management structure required to deliver the project along with a risk assessment. One of the key aims financially is to ensure the subsidy for the proposed facility is similar to that already applied to the South Lakes Leisure Centre and therefore a number of strategies have been explored to achieve this.

Section 3.59 of the Local Government Act (a copy of the section is included in Appendix 1) refers to the preparation of Business Plan for a Major Trading Undertaking or Major Land Transaction. As the trading



undertaking associated with the construction of the Cockburn Central West facility will exceed the prescribed limits imposed by Regulation 7 and 9 of the Local Government (Functions and General) Regulations 1996, (a copy of the regulations is included in Appendix 1) it is required of Council to prepare a Business Plan.

*Business Plan Objectives*

1. Provide the Community and Stakeholders with an overview of the proposed project being undertaken by the City of Cockburn
2. Demonstrate Council's ability to deliver the project and maintain a financially sustainable on the capital and recurrent fiscal account
3. Demonstrate Council's compliance with Section 3.59(3) of the Local Government Act 1995.
4. Provide the opportunity for public comment on the proposed project and Business Plan

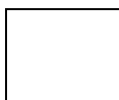
Once the Council has considered the Business Plan, the Council is required to advertise the Business Plan, calling for submissions. If any submissions are received, the local government is to consider any submissions made and may or may not decide to proceed with the undertaking or transaction as proposed. For the proposal to proceed in accordance with the Business Plan an absolute majority vote of Council is required

*Project Objectives for the Regional Aquatic and Recreation Community Facility (RARCF)*

1. To deliver a state of the art aquatic and recreation facility to meet the current and future needs of the City of Cockburn community and the broader region
2. To work in partnership with the Fremantle Football Club and Curtin University to develop an integrated facility
3. To work in partnership with the Fremantle Football Club to strengthen the opportunity in seeking State and Federal Government funding and to ;
4. Provide a facility that is long term financially sustainable for the City to manage.

The attached Business Plan is split into nine sections as follows:

1. Background
2. Building the RARCF – land and building issues around the construction of RARCF
3. Funding the RARCF – How the City will fund the construction of the RARCF
4. Operating the RARCF – How the City will operate the RARCF with assumptions



5. Impact on City of Cockburn and other Capital Projects
6. Risk Management Issues – How the City will manage the identified risk issues
7. Residual Issues – What to do with the current facility at South Lakes
8. Conclusions
9. Public Comments on the Business Plan

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

#### **Infrastructure**

- Community facilities that meet the diverse needs of the community now and into the future.
- Partnerships that help provide community infrastructure.

#### **Community & Lifestyle**

- People of all ages and abilities to have equal access to our facilities and services in our communities.
- Promotion of active and healthy communities.

#### **A Prosperous City**

- Sustainable development that ensures Cockburn Central becomes a Strategic Regional Centre.
- A range of leading educational facilities and opportunities.

#### **Environment & Sustainability**

- A community that uses resources in a sustainable manner.

### **Budget/Financial Implications**

A detailed report on the funding and construction of the Regional Aquatic and Recreation Community Facility is included in the Business Plan attached to this report.

### **Legal Implications**

Local Government Act 1995, Section 3.59 – Commercial Enterprises by local governments and Local Government (Functions and General) Regulations 1996, Part 3 – Commercial Enterprises by local governments (s. 3.59).

### **Community Consultation**

The Business Plan is to advertise in the West Australian newspaper, the Cockburn Gazette, the Cockburn Herald, placed on the Council's



website (highlighted on the front page), and placed in the Council's three libraries and a notice on the public notice board of Council. The Council will call for public submissions and will provide a minimum six week comment period.

**Attachment(s)**

Business Plan –Regional Aquatic and Recreation Community Facility in partnership with the Fremantle Football Club Limited and Curtin University.

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

N/A

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

Nil..

**15.4 (MINUTE NO 4971) (OCM 14/02/2013) - REVIEW OF BUSINESS PLAN 2012/13 AND MIDYEAR BUDGET REVIEW (IM/B/006; IM/B/007) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) receive the Business Plan Review for 2012/13; and
- (2) amend the Municipal Budget for 2012/13 as set out in the Schedule of Budget amendments, as attached to the Agenda.

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

**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Cllr V Oliver that adopt the recommendation with the following amendment:

- (1) as recommended; and
- (2) amend the Municipal Budget for 2012/13 as set out in the Schedule of Budget Amendments, as attached to the Agenda with the addition of:



*The continuation of tree planting in the median section of Forrest Road (Carrington Street to Rockingham Road, Hamilton Hill) with an amount of \$80,000 to be allocated to fund the project.*

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**

**6/1**

### **Reason for Decision**

Residents have requested that the tree planting in the median section of Forrest Road, Hamilton Hill be completed. The original concept of street landscaping in the section of Forrest Road, Hamilton Hill was for street trees to be planted from Stock Road through to Rockingham Road. The section from Carrington Street to Rockingham Road was not completed due to some residents objecting to the landscaping at the time. Approaches have been made to complete this section and therefore the overall landscaping concept along Forrest Road.

### **Background**

Section 33A (1) of the Local Government (Financial Management) Regulations 1996 requires Council to review its annual budget between 1 January and 31 March in each year.

Council adopted its annual Business Plan at the Ordinary Council Meeting in June 2012. In accordance with Policy SC34 *Budget Management*, a formal report on the progress of the Plan is to be presented at the February 2013 Ordinary Council Meeting.

### **Submission**

N/A

### **Report**

#### *Business Plan Review 2012/13*

The attached Business Plan Review outlines the progress made in achieving Council's business activity plan and program budgets for the FY 2012/13. The review identifies that the operational income and expenditure forecasts are running close to expectations. There has also been considerable progress in achieving the program objectives of each of the City's Business Units.



The capital works program is progressing, but with year-to-date expenditure being behind projections on a cash basis but in line on a cash and commitment basis. The majority of capital works, around 85%, will still be delivered as per the Budget. Further details on the Business Plan are available in the attachment.

### *Mid-Year Budget Review*

A detailed schedule on the review of the Municipal Budget for the period 1 July 2012 to 31 December 2012 is attached to the Agenda. The report sets out details of all proposed changes recommended by City Officers and a brief explanation as to why the changes are required. All forecasts are post allocation of ABC cost charges or income recoveries. A list of significant revenue and expenditure items are noted below with a detailed budget reference linking to the attached schedules.

### *Rating Income*

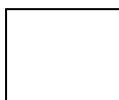
The City has achieved the interim rates budget of \$1.1m or 2% in the first six months. There is now additional income from interim rating for this budget review. The City is still benefiting from growth in commercial and industrial land and associated developments. What has been slow in the first half of the financial year are housing starts and limited land releases for residential housing. There has been new subdivision work in the commercial and industrial parts of the Cockburn Commercial Park as well as Phoenix Business Park and more completed developments at Jandakot City. The estimate for additional rating income is \$400,000.

### *Interest Income*

Interest rates on deposit funds with major financial institutions have been significantly reduced over the last six months as the RBA has lowered the cash rate. Rather than an average 5% to 5.5% for City surplus funds, the City is now receiving 4% to 4.5%. This has had a negative effect of the municipal interest income budget of \$499,000 for the remaining financial year. The impact might be even worse if the RBA continues to lower the cash rate. The budget for the Reserves remains unchanged as the actual cash holding is higher than budgeted, partially offsetting the lowering of the cash rate.

### *Waste Related Income*

Overall Landfill income will increase by an estimated \$1.7M. The majority of this will be from Gate Fees arising from stronger activity in the commercial disposal sector. This but will be offset by an increase in the landfill levy paid to the State Government. The Landfill Levy



budget will increase from \$4.5M to \$4.96M for 2012/13. This is due to additional tonnages through the Gate. Sales of iron and non-ferrous metals have been budgeted to decrease by \$300,000 to \$300,000 as the higher prices paid in prior years stalls as the need for recyclables diminishes in the face of a slower global economy.

Overall the landfill is budgeted to produce a surplus for 2012/13 after all expenditure (including landfill levy) and transfers to reserves of \$831,000.

Waste Collection Levy income will be higher by \$712,000 resulting from higher interim rates. This will be offset with an increase of \$243,000 to the Gate Fees imposed by the SMRC for recycling, \$282,000 for higher take up of trailer passes and \$560,000 for more diversions from the SMRC for commercial waste and MSW waste not accepted by the SMRC due to the interim licence conditions imposed by the SMRC and the self-imposed closed down of the WCF facility at the SMRC over the Christmas period. It is noted that the higher tonnages of MSW waste collected as compared with budget may lead to a small deficit on the Waste Collection budget rather than a breakeven position. This budget has a zero impact on the municipal budget as all funds are quarantined within the Waste Reserves.

#### Major Expenditure Items

Comments are provided on major items of \$30,000 or over.

#### *Information Technology*

Implementation of a range of new servers in the first six months has been leased rather than purchased outright, a saving on the capital account. As such, there is a need to increase the lease operating budget by \$75,000 to cover the lease costs. Leases are for four years with zero residual.

#### *South Lake Leisure Centre*

There is a saving of \$60,000 on power consumption costs due to the slower implementation of a sub-metre, which as expected some six months ago. This saving has been offset by higher gas prices and the need for more life guards and temporary staff.

#### *Human Services*

A review by senior management of Human Services has found an additional \$75,000 that can be allocated to cover the cost of corporate overheads and administration, reducing the subsidy paid by Council to



fund state and federal government funds programs. This subsidise is now \$500,000 per year.

### *Summer Concerts and Events*

Council allocates up to 1% of rates income to fund summer concerts and the summer of fun. In the adopted budget this was trimmed by \$43,000. After the concert series was reviewed, it was believed that this funding was required to effectively present the community with this year's series of events. The funds have come from municipal funds.

### *Statutory Planning*

An increase of \$99,000 is proposed as an outcome of court imposed fines. This is offset by an increase in legal expenses of \$50,000 arising from prosecutions and SAT hearings on range of planning matters.

### *Strategic Planning*

An increase in fees for structure plans of \$90,000 arising from the Cockburn Coast structure plan being released early.

### *Building Services*

Due to the increased activity in the building Services area, a further \$0.25M in building licence income is added to the revenue budget. A substantial portion of the additional income is to be absorbed in more temporary staff to meet the larger number of building licence applications received and the shortage of building surveyors.

### *Land Administration*

The City sold a block of land, approved by Council but un-budgeted for in the 2012/13 Adopted Budget. The land in Boswell Place Yangebup was sold to the Education Department for \$1.6M at their request. The second budget adjustment is for the land in Grandpre Hamilton Hill. The development yielded \$0.62M more than originally budgeted. All funds are transferred to the Land Development Reserve as required by Policy.

### *Park Construction and Maintenance*

A series of minor budget changes to the Parks capital budget are being sought. The two major ones are for changes to the Powell Reserve irrigation project which incurred waste charges of \$75,000 associated with removal of fill, this was not budgeted. The second one is the McTaggart Park shelters project. The cost was \$45,000 more than budgeted. The assessment of the facility was that it had to be replaced





in its entirety rather than in part as originally budgeted. This was offset with a reduction of \$70,000 in the Trails Master Plan cost.

### *Roads Construction and Maintenance*

There was a series of small budget adjustments in this Capital Works budget all but one less than \$30,000 and that was a drainage project that did not proceed for \$35,000.

### *Summary of Capital Expenditure to 31 December 2011*

<b>Program</b>	<b>Full Year Budget</b>	<b>YTD Spend &amp; Commitment</b>	<b>%</b>	<b>Full Year Estimate</b>	
Fleet	\$5.64M	\$2.64M	47%	\$5.64m	100%
Facilities	\$7.53M	2.40M	32%	\$6.00M	80%
Crossovers	\$0.14M	0.03M	22%	\$0.14M	46%
Drainage	\$1.01M	0.43M	37%	\$0.85M	84%
Sumps	\$0.52M	0.15M	29%	\$0.40M	77%
Roads Building	\$11.30M	4.23M	37%	\$10.0M	88%
Roads Resurfacing	\$1.03M	0.49M	48%	\$1.03M	100%
Traffic management	\$0.33M	0.41M	126%	\$0.41M	110%
Bus Shelters	\$0.14M	0.11M	80%	\$0.14M	100%
Bike ways	\$0.13M	0.05M	38%	\$0.52M	400%
Footpath Rehab	\$0.49M	0.15M	31%	\$0.49M	100%
Footpath New	\$0.89M	0.23M	26%	\$0.70M	78%
Environmental	\$0.72M	0.27M	38%	\$0.65M	90%
Parks	\$4.11M	2.29M	56%	\$4.00M	97%
Waste Disposal	\$3.07M	2.76M	90%	\$2.80M	91%
Land Administration	\$2.09M	0.50M	24%	\$1.20M	57%
Human Services	\$0.02M	0.01M	43%	\$0.02M	100%
Law and Order	\$1.00M	0.56M	57%	\$0.85M	85%
SLLC	\$0.02M	0.30M	119%	\$0.02M	100%
Culture	\$0.12M	0M	0%	\$0.07M	0%
Recreation	\$0.27M	0.07M	25%	\$0.07M	26%
Libraries	\$0.17M	0M	0%	\$0.10M	0%
IS	\$1.80M	0.65M	36%	\$1.20M	67%
Major Projects	\$34.26M	\$30.55M	89%	\$31.00M	90%
Total Capital Expenditure as at 31 December 2012	\$77.06M	\$49.10M	64%	\$68.30M	88%

### Comment

#### *Plant and Machinery*

The plant and machinery replacement program is expected to be completed in the second half of the financial year.



### *Buildings and Facilities*

1. GP Super Clinic/Success library and Integrated Health Facility – Under way. Expected to deliver it by the end of November. This will be effectively five months late after allowing for accepted delays.. Budget spend in 2012/13 was \$29.2M, with \$27.2 being spent or committed.
2. Emergency Headquarters – now completed and opened. The project was late but on budget after allowing for minor liquidated damages claimed from the builder and subject to review. A loan of \$1M is still to be sought from WATC as part of the State Government contribution to the project. This will be done in February 2013 after the RBA determination on interest rates.
3. Depot Upgrade – Architects appointed. Final design is being costed and staging of the project is being planned.
4. Coogee Beach Surf Club – Stage Two is almost complete with \$3.2M of the \$5M spent.
5. Golf Course – land use issues now resolved and an environmental report on the land for flora and fauna underway.

### *Roads*

MRRG Road Construction:

1. BEELIAR DR [Hammond Rd/Dunraven Rd] - Construct 2nd carriageway Stage 1 - Spent \$0.79m of the total budget of \$2.13M
2. HAMMOND RD [Russell Rd/Bartram Ave] - Construct 2nd carriageway & upgrade verges - Spent \$2.39m of the total budget of \$4.35M
3. Frankland Avenue construction Single carriageway from Roper Boulevard to Russell Road - Spent \$0.02m of the total budget of \$1.4M

### *Resurfacing Program*

This program valued at \$1.03M is continuing and will be completed in 2013.

### *Footpaths and Bike paths*

This program should be completed in the second half of the financial year.

### *Waste Management*

The major project being Cell 7 Construction has now been completed.



Municipal Budget position as at 31 December 2013

Based on the attached budget amendments, the City's municipal budget position for 2012/13 is projected to 30 June 2013 as follows:

*Projected Budget Position of 2012/13 and adoption of these recommendations:*

Adopted Closing Municipal Position for 2012/13	882	Surplus
ADD net budget adjustments before statutory budget review	133,793	Reported in monthly Agenda
<b>Closing Municipal Position before mid-year review</b>	<b>134,675</b>	<b>Surplus</b>
<b>Mid-year budget review items:</b>		
Net revenue (external funding)	3,813,489	Increased revenue
T/F from Reserves	780,739	Reduced t/f from Reserves
Net adjustment - capital exp	275,988	Reduced expenditure
Net adjustment - operating exp	-1,036,553	Increased expenditure
T/F to Reserves	-3,790,857	Increased t/f to Reserves
<b>Net mid-year budget review adjustment</b>	<b>42,806</b>	<b>Increased Surplus</b>
<b>Closing Municipal Position after mid-year review</b>	<b>177,481</b>	<b>Surplus</b>
Depreciation (non-cash entry)	1,080,000	Reduced expenditure

As per Council Budget Policy any surplus goes to the Community Infrastructure Reserve to fund community infrastructure.

The changes in the revenue budget represent 5.5% as against the original budget whereas expenditure has been amended by only 6.3%.

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

#### **Infrastructure**

- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

#### **Leading & Listening**

- A responsive, accountable and sustainable organisation.
- Manage our financial and infrastructure assets to provide a sustainable future.



**Budget/Financial Implications**

A number of amendments to the Budget are recommended.

**Legal Implications**

Section 33A(1) of the Local Government (Financial Management) Regulations 1996 requires Council to review its annual budget between 1 January and 31 March in each year.

Section 6.11 of the Local Government Act in reference to the establishment of reserves.

**Community Consultation**

N/A

**Attachment(s)**

1. Business Plan Review 2012/13.
2. Schedule of Budget amendments for 2012/13.

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

N/A

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

Nil.



## 16. ENGINEERING AND WORKS DIVISION ISSUES

### 16.1 **(MINUTE NO 4972) (OCM 14/02/2013) - MAYOR ROAD - TRAFFIC MANAGEMENT OPTION AT INTERSECTION OF MAYOR ROAD AND PEEL ROAD(450015) (J KIURSKI / J MCDONALD) (ATTACH)**

#### **RECOMMENDATION**

That Council

- (1) supports the installation of a roundabout at the intersection of Mayor Road and Peel Road;
- (2) requires the installation of a crash barrier adjacent to the kerb-line on the north/east corner of the roundabout to provide greater protection from errant vehicles; and
- (3) requires the boundary wall to be increased in height (approximately 2m above verge height) to reduce any noise impact on the adjacent property.

#### **COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Clr V Oliver that :

- (1) support the installation of a roundabout at the intersection of Mayor Road and Peel Road;
- (2) endorse the roundabout configuration shown as Option 1 and attached to this report;
- (3) advise Landcorp that the design of the roundabout must be completed in accordance with Option 1 concept and with the general principle of maximising the distance away from Lot 205; and
- (4) require the installation of a crash barrier adjacent to the kerb-line on the north/east corner of the roundabout.

**CARRIED 7/0**



### **Reason for Decision**

A roundabout represents the safest design outcome for this intersection. The amended option as presented represents a better design outcome for the roundabout and moves the travel path further away from Lot 205. (see attached diagram).

### **Background**

The development of Lot 504 Mayor Road, Coogee was granted planning approval for 54 residential lots, which will cater for 60 dwellings. In order to facilitate safe access to Mayor Road, the City had requested that a roundabout be constructed at the intersection.

The developer, LandCorp, have engaged Croker Construction (WA) Pty Ltd to undertake civil works and construct a roundabout at the intersection of Mayor Road and Peel Road. The proposed work was scheduled to commence on 07 January 2013 and a notice was sent to residents likely to be impacted by the proposed work.

At the Ordinary Council Meeting on 13 December 2012 Councillor Romano requested a report be prepared for the February 2013 Ordinary Meeting of Council detailing additional options other than a roundabout at the intersection of Mayor and Peel Roads. The report is to include all options that will not impede on pedestrians and/or adjacent homes. Also Councillor Romano requested that no further works be carried out until a report is presented to the Council.

### **Submission**

N/A

### **Report**

The Western Australia Planning Commission issued a planning approval for the development of Lot 504 Mayor Road Coogee on 4 January 2011. The subdivision development application for Lot 504 was approved by the City in April 2012.

The proposed subdivision has been prepared by a project team under the direct control of LandCorp as the major developer. LandCorp's master plan for the development of Lot 504 aligns with the Packham Structure Plan May 1999, which identified a future road connection to Mayor Road at Peel Road. The City had requested that a roundabout be constructed at the intersection to provide safe access as a consequence.



### Current traffic environment

An assessment of the current traffic environment has been completed. The assessment includes a review of available traffic count data, intersection performance, intersection traffic management options and pedestrian access.

A traffic survey conducted on Mayor Road, approximately 125 metres east of Peel Road, in May 2009 recorded an average weekday traffic volume of 3,610 vehicles. The maximum peak hour volume recorded was 470 vehicles in the AM peak hour. A review of that traffic data shows a distinct flow pattern of approximately 2/3 peak hour traffic to the west in the AM peak hour and to the east in the PM peak hour. This pattern is likely to be due to Mayor Road being used as a regional traffic link between Cockburn Road and Stock Road, particularly as Mayor Road provides an extension of the major east-west link provided by Beeliar Drive.

No traffic data is available for Peel Road but using a trip generation rate of 0.8 trips in each peak hour for each of the approximately 50 homes that have vehicle access via this cul-de-sac, 40 vehicle trips/hour will be generated.

The new south road will provide access to a total of 60 homes in the new subdivision which, at the above trip rate, will generate approximately 480 vehicles/day. For the purpose of the intersection analysis it is assumed that all of that traffic will be via the new south road, with no subdivision traffic using the only other vehicle access point via Nawa Rise.

In this case, the type of intersection control is not critical to the level of the intersection performance as the low volumes of traffic using the intersection (up to 550 vehicles in the AM peak hour) will experience minimal delays in both peak hours with the intersection treated as either a roundabout or give-way controlled intersection. However, with the proximity of the school, road configuration and the crest along Mayor Road, an intersection treatment needs to be installed to avoid potential traffic conflict at the intersection.

### Traffic Treatments Options

The Austroads's Guide to Traffic Management Part 6 summarise the key management considerations in defining the suitability of types of traffic control to different road types. As Mayor Road is a District Distributor B and Peel Street is an Access Road under the road hierarchy classification of roads within the City of Cockburn, a roundabout or Stop/Give-Way control will be the most appropriate treatment for traffic control at this intersection.



*Option 1 – Install a roundabout*

The roundabout is a horizontal deflection treatment and is designed to change the horizontal course or path of vehicles. This treatment may achieve significant reduction in traffic speed and conflict.

The advantage of installing a roundabout at the intersection of Mayor Road and Peel Road are:

- Reduction of vehicle conflict points at the intersection.
- Reduced vehicle speed on the approaches to and through the intersection.
- Control of traffic movement; uninterrupted flow of traffic; clarification of road user priority
- An increase in the visibility of the intersection.
- Accident severity for a roundabout is reduced in comparison to a 4 way intersection.
- Improved facilities for pedestrian and cyclists have been incorporated into the design.

The disadvantages of installing a roundabout at the intersection of Mayor Road and Peel Road are:

- Traffic noise may possibly increase due to braking and acceleration (although this is not a factor due to the slow point on Mayor Road).
- The traffic lane will be closer to homes; there will be an increased risk of out of control type crashes due to the curved horizontal geometry.

*Option 2- Stop/Give-Way Controlled Intersection*

Stop and give way signage are regulatory signs used to assign priority and facilitate the safe passage of vehicles through an intersection. The regulatory signs require the approval of Main Roads Western Australia.

The line marking and signage in any particular area is determined by MRWA standards and based on a number of factors including the general topography of the location, the urban density and road design.

The advantage of installing a Stop/Give-Way signage at intersection of Mayor Road and Peel Street are:

- No significant change in road alignment which will negate any impact on existing properties.
- Cost effective treatment.
- Maintains permeability (full movement compared to option 3).





- Provides a controlled intersection with appropriate regulatory devices.

The disadvantages of installing a Stop/Give-Way signage at intersection of Mayor Road and Peel Road are:

- There is an increased risk of right angle crashes compared to option 1.
- The severity of crashes can be greater due to the higher prevailing speed through the intersection.
- It only provides a speed reducing benefit when motorists are waiting to turn right, delaying following traffic.
- No safe crossing facility; unless pedestrian crossing and refuge islands are installed

### *Option 3 - Left in/left out Access Restriction*

This traffic management treatment involves the installation of a raised island in Mayor Road which aims to remove right turn and through movement from the side road (Peel Road & the new road).

The advantage of installing a left in/left out access restriction at intersection of Mayor Road and Peel Road are:

- The application of left- in/left-out is appropriate to use when the safety of traffic movements turning right and going through is an issue.
- It results in a reduction in the number of conflict points
- It may reduce the traffic volume.

The disadvantage of installing a Left in/left out access restriction at intersection of Mayor Road and Peel Road are:

- Restriction of access.
- Reduced permeability for the residential precinct.
- Increases the potential for traffic to divert through other streets without the same restriction.
- Increase travel time.

### Summary

After considering the advantages and disadvantages of the options considered, officers believe that the roundabout option represents the safest and most appropriate treatment. It is acknowledged however that this will bring the road alignment closer to existing properties. It is also accepted that there will be an increased potential for a vehicle to become errant on the departure leg (north/east corner) of the roundabout and crash into the boundary wall. The likelihood of this



type of crash however is not high and does not compare to the risk of accidents at a stop/give-way controlled intersection (which has a greater probability).

To mitigate any safety concerns officers have reviewed the position of the roundabout. The location of the western power transformer restricts the ability to amend the alignment substantially however officers are still pursuing this with the developers. Other measures to mitigate the impacts on the property on the north/east corner include:

- the installation of a crash barrier adjacent to the kerb-line to provide greater protection from errant vehicles.
- Increasing the boundary wall height (approximately 2m) to reduce any noise impact.

Officers will continue to pursue the best intersection configuration with the developers. It is recommended that Council endorse the installation of a roundabout at the intersection of Mayor Road and Peel Road with the proposed additional safety and noise mitigation treatments.

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

#### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.

#### **Moving Around**

- An integrated transport system which balances environmental impacts and community needs.
- Facilitate and promote healthy transport opportunities.
- A safe and efficient transport system.
- Infrastructure that supports the uptake of public transport and pedestrian movement.

### **Budget/Financial Implications**

The cost involved will be incurred by the developer.

### **Legal Implications**

N/A



**Community Consultation**

N/A

**Attachment(s)**

1. Location Map
2. Design Plan

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

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 February 2013 Council Meeting.

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

Nil.

**16.2 (MINUTE NO 4973) (OCM 14/02/2013) - ROCKINGHAM ROAD - INTRODUCTION OF A 40KPH ZONE FROM PHOENIX ROAD TO SPEARWOOD AVENUE (450498) (J KIURSKI) (ATTACH)**

**RECOMMENDATION**

That Council receive a further report on the introduction of a 40kph zone on Rockingham Road from Phoenix Road to Spearwood Avenue, Spearwood at the May Ordinary Council Meeting.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**

**Background**

At the Ordinary Council Meeting on 13 December 2012 Mayor Howlett requested a report be prepared for the February 2013 Ordinary Meeting of Council on the introduction of a 40kph zone on Rockingham Road from Phoenix Road to Spearwood Avenue, Spearwood.



## Submission

N/A

## Report

Rockingham Road is classified as a District Distributor A road under the road hierarchy classification of roads within the City of Cockburn. The function of these roads is to collect and distribute traffic within the residential, industrial and commercial areas. They form the link between the primary network and the roads within the local areas and should carry only traffic originating or terminating in the area.

The volume of traffic carried is constrained by environmental objectives as well as safety and traffic noise rather than road geometry, and reflects the limited area that they serve.

Traffic volumes in these streets would be between 10,000 and 20,000 vehicles/day with a recommended operating speed between 60 – 80 km/h.

The control of speed is an important aspect in effective traffic management. Speed zoning is used to vary the speed limit of a road or area from that which would otherwise apply under the general limit applicable to the locality.

Speed limit signs are regulatory signs and therefore the creation, modification, or removal of any speed zones requires the approval of the Commissioner of Main Roads Western Australia. The Commissioner has delegated his authority to the Executive Director Road Network Services and the Executive Director Infrastructure Delivery for approval of speed limits in all areas of Western Australia.

The speed limit in any particular area is determined by engineers and based on a number of factors including the general topography of the location, the urban density and road design.

Applications for general speed zones and/or changes to existing speed zones should be addressed to the Traffic Services Co-ordinator for the Metropolitan Region and the Customer Services Manager in the Regional office.

The applicant should provide the following information:

- Applicants Name, Postal Address, E-mail Address and Telephone Number.
- Road Name and Section (linked to a physical landmark e.g. intersection).



- Outline of reasons for seeking a change to the existing speed limit or speed zone.
- Supporting reasons for a proposed speed limit.

An assessment of the traffic environment is currently being completed. The assessment includes a review of the available traffic count data and traffic crash data for the intersections and the general precinct. This data will need to accompany a request for a reduction in the posted speed limit on this road. MRWA will then conduct a review to ensure that the speed restrictions are appropriate. A letter has been forwarded to MRWA seeking preliminary feedback on the proposal.

Actions outstanding or currently being completed include:

- complete traffic counts for the nominated section of Rockingham Road;
- complete a review of traffic crash data for intersections and section of roads requested;
- liaise with MRWA to review current speed environment and obtain approval for reducing the speed limit on Rockingham Road between Phoenix Road and Spearwood Avenue from 60km/h to 40km/h and
- complete report that addresses a reduction of the speed limit on Rockingham Road between Phoenix Road and Spearwood Avenue from 60km/h to 40km/h.

Officers believe that the remaining actions will take a further 8 weeks to complete and are therefore seeking agreement to present an item to the May OCM for consideration.

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

#### **A Prosperous City**

- Sustainable development that ensures Cockburn Central becomes a Strategic Regional Centre.

#### **Moving Around**

- Infrastructure that supports the uptake of public transport and pedestrian movement

### **Budget/Financial Implications**

Should MRWA approve the change of posted signage due to the change in the speed limit then the work will be undertaken and funded by MRWA.

### **Legal Implications**

N/A



**Community Consultation**

N/A

**Attachment(s)**

Letter sent to MRWA dated 16 January 2013

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

A subsequent letter will be sent to MRWA advising them that this item will be on the Agenda for 9 May 2013 Council Meeting.

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (MINUTE NO 4974) (OCM 14/02/2013) - STREET ENTERTAINERS - PROPOSED AMEMDMT TO THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2012 (CC/P/099) (S SEYMOUR-EYLES) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) pursuant to section 3.12 (2) of the Local Government Act, 1995, adopts the proposed amended City of Cockburn (Local Government Act) Amendment local law 2013, as shown in the attachment to the agenda;
- (2) give Statewide public notice stating that:
  1. The City of Cockburn proposes to amend the City of Cockburn (Local Government Act) Local Law, 2012 and that a copy of the proposed local law may be inspected or obtained at any place specified in the notice.
  2. Submissions about the proposed local law may be made to the City before the day specified in the notice, being not less than 6 weeks after the notice is given.
- (3) subject to the proposed amendment being supported by the majority of directly affected respondents, require the inclusion of Procedures and Guidelines in the local law to be presented to Council for consideration of final adoption; and



- (4) provide a copy of the proposed local law and notice to the Minister for Local Government.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**

**Background**

The City of Cockburn is working with Landcorp in the area of Cockburn Central to consider cost effective and sustainable ways of activating the small town square to create a more vibrant atmosphere for the community and visitors, with the aim of encouraging people to the Centre and neighbours.

**Submission**

N/A

**Report**

The new Cockburn Central Town Square was completed in January, 2013. Consideration has been given to whether some of the City's existing events (Civic, Summer of Fun) could be re-located to this area. Historically, for Civic events the City's administration building has all the necessary facilities (toilets, kitchen, rooms). For Summer of Fun events, the area is too small and parking is not adequate.

Street entertainers (buskers) are popularly encouraged in Cities throughout the world as a means of activating city/town centres in a cost effective way and as a means of showcasing local talent. Mandurah, Fremantle, Perth and Bunbury are examples of centres that encourage buskers.

The proposed local law amendment has been compiled by referring to the Council local laws for Gosnells, Fremantle, and Mandurah and



guidelines, as well as in consideration of the City of Cockburn's own experiences at hosting 'events'.

Purpose: To create more vibrant community spaces within the City of Cockburn.

Effect: To make provision for street entertaining in the City of Cockburn.

This report highlights key aspects of the proposed amendment.

The proposed local law amendment has not specified where people may perform. This will be covered by the permit procedure contained in the local law.

The preparation of this proposal has been prompted by the desire to permit buskers in Cockburn Central Town Square, opposite the entrance to Cockburn Central Train Station. The definition of a street entertainer is someone playing a musical instrument, singing, miming, dancing, giving an acrobatic or aerobic display or entertaining, but does not include public speaking, other than where a special exception is granted by the City.

Rules are outlined in the proposed local law governing what street performers may or may not do, including banning the use animals in any act and the use of foul or abusive language.

### *Topical Considerations*

In 2012, the City of Fremantle had issues with buskers playing directly outside businesses, which objected to this authority.

The wording in this proposed new law states that performers may be asked to cease performing immediately, if they "cause a nuisance or obstruct pedestrian or vehicle traffic and entrances to shops or buildings." Additionally, as stated, the only spot that will currently be activated is Cockburn Central Town Square. If other areas have the potential to create space for street entertainment in the future, such as Cockburn Coast or Port Coogee, these will be evaluated on their own merits after consultation with businesses and residents.

### *Complaints*

The City's Contact Centre will be briefed on where to direct any complaints to, as will businesses and residents located around the square. This would be to the City's Environmental Health Unit (noise) or the police (unsociable behaviour).





*Additional Information*

A set of guidelines for street entertainers, a booking procedure and permit allocation procedure will be developed if this local law amendment is accepted.

While the proposed local law does make provision to charge for permits, the City may choose not to charge for permits to encourage performers and to minimise administration.

Times and days for performances will be limited initially. Consideration is currently being given to Thursday and Friday 3.30pm-10pm but this may change following consultation with businesses and residents.

The intention is not to pay buskers, but it may be appropriate to pay a nominal fee to performers for non peak times where it is still deemed to be beneficial to have some activity. Fremantle Markets do this. These matters will be managed through the procedures and guidelines which can be adapted as necessary.

The need for public liability insurance and whether the City purchases public liability insurance to cover standard acts will be covered in the procedures and guidelines. Some Councils ask for all performers to provide insurance while others provide cover for them. However, performers proposing to use potentially dangerous materials or implements in their act will be required to demonstrate what precautions they take to minimise risk before they can be issued with a Busking Permit and they will be asked to provide their own public liability insurance.

*The Process*

If Council adopts this local law for advertising, the public comment period will be open for six weeks. The item will then be brought back to Council for consideration where all submissions will be tabled. If there are significant changes proposed to the amendments at that time, the item is readvertised for a further six week submission period. The amendment is then gazetted before the local law will come in to effect. The amendment is then reviewed by the Joint Standing Committee on Delegated Legislation.

**Strategic Plan/Policy Implications****Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

**Leading & Listening**

- A responsive, accountable and sustainable organisation.



**A Prosperous City**

- Promotion and support for the growth and sustainability of local businesses and local business centres.

**Budget/Financial Implications**

\$5000 is available to amend the local laws, and if necessary, to pay a small fee to selected buskers in non-peak times. These funds are available with current operational budgets.

**Legal Implications**

Section 3.12 of the Local Government Act refers.

**Community Consultation**

The proposed amendments will be advertised in the West Australian, Cockburn Gazette; on the City's website; in the City's e-newsletter; and in Cockburn Soundings (subject to timing). Letters will be written to the residents and business around Cockburn Central town square advising of the proposed amendment to local laws and seeking their specific feedback.

**Attachment(s)**

Proposed amended City of Cockburn (Local Government Act) Amendment Local Law 2012.

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

N/A

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

Nil.



**17.2 (MINUTE NO 4975) (OCM 14/02/2013) - LEASE - COCKBURN VOLUNTARY EMERGENCY SERVICES BUILDING - KENT STREET, SPEARWOOD - PORTION LOT 7 - PLAN P1764 (2205545) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) enter into a peppercorn lease with TS Cockburn Navel Cadets for the Kent Street facility with a sub-leasing arrangement in place with *Friends of the Community* for a period of 5 years;
- (2) advise the TS Cockburn and Friends of the Community that the building will not be available to lease at the end of the 5 year lease period; and
- (3) approve expenditure of \$7,000 to remove all other buildings on the site other than the main building and to carry out any minor alternations/repairs to be funded from the Municipal Operating Budget surplus for 2012/13.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**

**Background**

The City received a letter on 18 August 2012 from Lieutenant Hickey (ANC), Commanding Officer of Training Ship Cockburn. The letter conveyed the Unit's request to relocate to the SES building in Kent Street, Spearwood and is attached. The Cockburn Voluntary State Emergency Services (SES) Building on Kent St, Spearwood; became vacant due to the recent relocation of the SES to the new Cockburn Central facility.

At the Ordinary Meeting of Council held on 13 September 2012, Council resolved to defer consideration of the leasing of the Kent Street premises and advise the Cockburn TS Navel Cadets that it supports an



arrangement which will allow the building to be used by both the TS Cockburn and the Spearwood Girl Guides or similar group.

In accordance with the Council decision a meeting with the Lieutenant of the TS Cockburn and the Group Leader of the Spearwood Girl Guides was arranged followed by a subsequent meeting with a senior commanding officer of the Navel Cadets from Canberra.

At the October 2012 Ordinary Council meeting it was resolved to defer consideration of the leasing of the Kent street premises to a future meeting of council when an agreement on the proposed lease has been achieved and/or when the position of the various interested parties is known.

### **Submission**

N/A

### **Report**

Currently the Cockburn Navel Cadets operate from the South Coogee Agricultural Hall on Rockingham Road in Munster which is considered isolated and not safe for the Cadets to travel to and from without supervision. For this reason most cadets travel some distance by private vehicle. Entering and exiting the facility is also a concern for some parents. The Unit's increasing assets have also meant that offsite storage is used to store the Unit's water craft. The Unit has prepared a comprehensive rationale supporting the proposed relocation and have also provided a letter of support from the Royal Australian Navy.

Following receipt of TS Cockburn's submission officers identified scope for the TS Cockburn Naval Cadets to share the facility, provided that there was a secure lockable area for their equipment. Initial discussion was entered into with the Spearwood Girl Guides who operates from the Joe Cooper Recreation Centre. After number of meetings and a site inspection on 3<sup>rd</sup> January 2013 the Spearwood Girls Guides wrote to Council advising that their current location at Joe Cooper Recreation Reserve better met their needs and that it was their preference to resolve issues at Joe Cooper rather than pursuing relocation. On receipt of this advice officers contacted a second group "Friends of the Community" who it was understood were looking for storage space for their assets.

The Friends of the Community are a not for profit community group staffed entirely by volunteers who raise funds for disadvantaged people in the City of Cockburn and surrounding areas. This group raise funds by operating a food vendor van and a number of other activities,



working within the community and attending many City events. The groups' assets include a food van, community trailer, barbecues, bain-marie, marquees, and a generator.

On 10 January 2013 TS Cockburn and Friends of the Community attended a meeting with Council officers at the Kent street facility to discuss the compatibility of their requirements. An agreement was reached at this meeting by both parties on how the facility could be shared to meet both groups' needs. Attached is correspondence from both groups confirming the agreed arrangements and the draft plan.

As detailed in the Phoenix Revitalisation Strategy, adopted by Council on the 14 May 2009, the SES building in Kent Street has been planned to be demolished and for the area to be returned to recreational space to compliment the adjoining lots of Beale Park and to meet the City's increasing need for recreational space. Beale Park is one of the City's largest and most used active reserves. As per the Sport and Recreation Strategic Plan, adopted in 2010, the upgrade would allow the reserve to accommodate premier league soccer. Any additional open space would assist with this provision. The Plan for the district shows an upgrade and refurbishment planned for Beale Park with tendering in 2012/14 and construction in 2014/15. Both groups have been informed of the plan to return the area to recreational space in the future.

The facility, although still deemed structurally acceptable, is aging and does not contribute positively to the amenity of the area. A building inspection identified cracking to the western and southern external wall and corrosion of the steel lintels over the windows and door openings on the western and southern walls. The down pipes are in poor condition and rusted out with downpipes missing and draining onto the soil. The structural condition survey recommends the following remediation works:

- Replace corroded lintels.
- Replace damaged brickwork.
- Replace damaged and missing downpipes.
- Connect downpipes to sub-surface drainage or install soak-wells at least 2 meters from the building.

Further to the above works an electrical sub meter would be required to allow power usage to be identified for the building should it be leased. Some minor works have been completed to bring the building up to a standard that is acceptable to the Navy. It is proposed that no further works be contemplated on the main building as it will be demolished in the future.



Further to the above it is recommended that the two detached buildings on the site (the shed and first aid house) are demolished and removed to improve the amenity of the site.

The report recommends that Council enter in to a lease with TS Cockburn for the Kent Street facility with a subleasing arrangement in place with Friends of the Community. The lease would be considered a lease to benevolent organisation and would be exempt from the usual requirements of the Local Government Act, thus not requiring the calling of tenders; or advertising details of the proposed tenant and rent before entering into the lease.

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

#### **Infrastructure**

- Community facilities that meet the diverse needs of the community now and into the future.

#### **Community & Lifestyle**

- Communities that are connected, inclusive and promote intergenerational opportunities.

#### **Leading & Listening**

- Manage our financial and infrastructure assets to provide a sustainable future.

### **Budget/Financial Implications**

Should Council resolve to proceed with a lease it would anticipated that the lease terms and conditions would be similar to that which applies for the use of the South Coogee Agricultural where the lease fee is a peppercorn and all out goings are funded by the lessee.

### **Legal Implications**

N/A

### **Community Consultation**

The Kent Street Building has been used for many years by the Cockburn Volunteer Emergency Service. The use of the building by the TS Cockburn navel cadets should it proceed would have little change to the impact on the local area. Further consultation is not considered necessary.



**Attachment(s)**

1. Letter from Navy regarding proposed relocation of TS Cockburn.
2. Letter from Friends of the Community confirming co-location with TS Cockburn
3. Email from TS Cockburn confirming co-location with Friends of the Community
4. SES Building Area Allocations

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 February 2013 Council Meeting.

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

Nil.

**17.3 (MINUTE NO 4976) (OCM 14/02/2013) - COCKBURN BASKETBALL ASSOCIATION - FUNDING REQUEST TO RESURFACE WALLY HAGAN STADIUM (CR/G/003) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) approve a donation of \$82,000 to the Cockburn Basketball Association Incorporated towards the completion of the re-flooring of Wally Hagan Stadium with funds to be drawn from the Grants and Donations account; and
- (2) advise Cockburn Basketball Association that the donation for the re-flooring is conditional on the Council discontinuing the current subsidy toward building insurance.

**COUNCIL DECISION**

MOVED Clr T Romano SECONDED Clr C Reeve-Fowkes that the recommendation be adopted, subject to the deletion of sub-recommendation (2).

**CARRIED 7/0**



### **Reason for Decision**

It is unfair and cost prohibitive for the association to incur the total cost of insuring the entire building especially as it an asset of the City. The insurance is for the building structure and should be shared by the City. The association is already paying for contents and public liability insurance. The association is also contributing \$136,000 towards the project, which is nearly 50% of total costs.

### **Background**

Wally Hagan Stadium, located at Dixon Park Hamilton Hill, was constructed in 1978 and is owned by the City of Cockburn and leased to the Cockburn Basketball Association. Under the existing peppercorn lease arrangements, the association is responsible for all ongoing maintenance and operating expenses for the facility. The current lease expired on 6th June 2012. The facility features four stadium courts and offers basketball for men, women and juniors. The City currently reimburses the Cockburn Basketball Association for 50% of the annual building insurance cost, which is approximately \$6300 per annum drawn from the grants and donations budget.

The Sport & Recreation Strategic Plan 2009 adopted by Council on 13th May 2010 identifies an upgrade of Wally Hagan planned for 2014 with the recommendation that management of the facility revert to the City of Cockburn. The proposed upgrade is described in the Sport and Recreation Strategic Plan as an *“Upgrade and refurbishment of the existing Wally Hagan Basketball Stadium to include dry side recreation fitness facilities and sporting club facilities to accommodate overflow sports”*; with funding for the \$5M upgrade coming from CSRFF, Municipal Funds, Sporting Clubs and Developer Contributions.

### **Submission**

The City has received a letter from Cockburn Basketball Association dated 3<sup>rd</sup> December 2012 requesting \$82,000.00 in funding from the City to support a court resurfacing project at Wally Hagan Stadium.

The Association advised that the project was commencing on 13th December 2012 and is expect to be completed by 17th February 2013. The Association has been advised by officers that the matter would be considered by Council at the earliest possible meeting.

### **Report**

Cockburn Basketball Association received funding from the 2011/12 Community Sport and Recreation Facilities Fund to contribute towards floor resurfacing courts 2, 3 and, 4 at Wally Hagan Basketball





Association. Then Associating has been fortunate enough to secure second hand timber for the flooring project from Perry Lake Stadium. The in-kind value of this timber has been estimated at \$64,294.50.

The project, as detailed in the submission, totalled \$202,880.25 (inc GST) and a 5% allowance for cost escalation.

The application included project income of \$70,723.95 (inc. GST) from the Cockburn Basketball Association and \$70,723.95 from CSRFF and in-kind income of \$64,294.50 for donated materials.

Unfortunately the donated material was recorded as project income and not simply as the value of the donation. This shortfall was not identified by the Department of Sport and Recreation.

The funding shortfall has been further impacted as contractors who had quoted on the original application have since become unavailable. New quotes reflect an updated total project cost of \$227,876.00, an increase of \$24,995.75 and a total shortfall for the project of \$86,428.10. The Cockburn Basketball Association is seeking \$82,500 from the City.

For the 2010/2011 financial year the Cockburn Basketball Association returned a modest profit of \$37,719.57, an increase on the \$12,758.08 made in 2009/2010 giving the Association a retained profit as at June 2011 of \$118,034.51 from which their contribution will be drawn.

This report recommends that Council support the \$82,000 request for funding, subject to the Association meeting 100% of future building insurance cost with this to be reflected in any further extension of the lease term. Supporting this project now will reduce the impact on Council resources in the future by leveraging external funding and in-kind donated materials.

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

#### **Infrastructure**

- Community facilities that meet the diverse needs of the community now and into the future.
- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

#### **Community & Lifestyle**

- Promotion of active and healthy communities.

### **Budget/Financial Implications**



It is recommended that funds be reallocated from savings in OP 9312 Community Grants Program which has \$141,581 budgeted, of which currently \$33,652 has been committed in the September 2012 funding round.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Letter from Cockburn Basketball Association requesting funding.

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

The Proponent(s) has been advised that this matter is to be considered at the 14 February 2013 Council Meeting.

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

Nil.

**17.4 (MINUTE NO 4977) (OCM 14/02/2013) - UNAUTHORISED COMMERCIAL ACTIVITIES AT WOODMAN POINT FORESHORE - KITE SURFING & OTHER WATER SPORTS (CR/H/003) (N JOHNSTON) (ATTACH)**

**RECOMMENDATION**

That Council prohibit commercial operators from teaching Kite Surfing and any other water sports within all foreshore reserves in the City until Council approves a Policy on the matter.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**



## Background

The evolution and popularity of new recreational water sports in Australia has seen an increase of participants engaged in these activities on coastlines around the state. This trend has also seen the emergence of commercial operators taking advantage of the opportunity to provide specialised training for these types of activities through schools and private classes.

Some of the more recent trend in activities on City foreshores include stand up paddling, windsurfing and kite surfing. In particular kite surfing is one of the more popular sports that sees a number of users each summer converge on the foreshore around Woodman Point to participate in this recreational activity.

Kite surfing or kite boarding is a surface water sport combining aspects of wakeboarding, windsurfing, surfing, paragliding, and gymnastics into one sport. A kite surfer or kite boarder harnesses the power of the wind with a large controllable power kite to be propelled across the water on a kite board similar to a wakeboard or a small surfboard, with or without foot-straps or bindings. Kite surfing can be done at all times of the year however numbers increase in the summer months between December to February being the peak period.

The Woodman Point precinct has become a popular spot for the sport of kite surfing for the following reasons:

- Lack of seaweed
- Strong winds
- On-Shore winds on the southern beach provide a safe learning area for beginners. If a kite surfer falls off the wind pushes kite surfer back to land
- Many spots to safely launch from
- Adjacent car parking to the beach

For these reasons the precinct has attracted great interest from kite surfing and other water sport schools to operate from the beaches. However, they operate without Council approval for these activities as is required. Section 3.4 (n) of the City of Cockburn Local Laws requires that any trading activity on a Council reserve must have Council approval.

Although some operators have the relevant insurance, accreditation and risk management plans the City has been advised that there are traders operating from Woodman Point who do not have the required accreditation, insurance nor risk management plans in place to safely conduct lessons.



The City's administration is currently developing a policy to be implemented for 2013/14.

### **Submission**

N/A

### **Report**

The City has recently been advised by the local community of the concerns in regards to usage of the foreshore and safety issues as a result of increased kite surfing activities. Kite surfing activity at Woodman Point can be divided into two user groups; casual and commercial. All issues referred to the City have been in relation to commercial traders. Issues are in relation to the following:

- Kites landing on beach walkers
- Kite lines being tangled or creating hazards to beach users
- Operators not having access to dinghies for emergency rescues
- Operators not having permission to use the land
- Operators teaching in areas with off shore winds
- Operators not having sufficient public liability coverage
- Operators not having accreditation to teach
- Size and number of classes in operation

In response to these complaints staff recommend prohibiting kite surfing and any other water sport schools from Council reserves until Council has adopted a licence and policy which will formally approve such activities on City of Cockburn reserve and foreshores. The licence and policy is currently being prepared by staff and will be provided in time for consideration the summer season 2013/14.

This action is necessary so the public can be assured that kite surfing operators using Council reserves are suitably qualified to operate and reducing the risk of any potential dangers to kite surfers and other users of the reserve.

Until the policy has been approved by Council, signage may need to be placed at Woodman Point advising kite surfing operators that teaching is prohibited until a licence to trade can be issued. The City's Ranger Services will monitor the foreshores and move any commercial operators.

In preparing a policy staff have consulted with the President of the WA Kite Surfing Association, some existing commercial operators and have also received complaints from members of the public.



**Strategic Plan/Policy Implications**

**Community & Lifestyle**

- People of all ages and abilities to have equal access to our facilities and services in our communities.

**Budget/Financial Implications**

N/A

**Legal Implications**

Commercial activity is occurring on a City reserve without the necessary approvals. The City may be subject to claims for damages.

**Community Consultation**

The City has consulted with (WA Kite surfing Association) WAKSA, and representatives of some of the commercial operators in the City.

**Attachment(s)**

Map of Woodman Point.

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 February 2013 Council Meeting.

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

Nil.



**18. EXECUTIVE DIVISION ISSUES**

**18.1 (MINUTE NO 4978) (OCM 14/02/2013) - SUBMISSION ON FINDINGS OF THE METROPOLITAN LOCAL GOVERNMENT FINAL REVIEW (1054) (S CAIN) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) advise WALGA and the State Government that the City supports the Local Government Reform proposals as follows:
  - (a) Supports - recommendations 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 15a, 15b, 17, 18, 21, 22, 23, 24, 26, 27 and 28;
  - (b) Supports - recommendation 15c on the Option A model only;
  - (c) Partly Supports - recommendations 4, 14, 16, and 29;
  - (d) Does Not Support - recommendations 12, 19, 20 , 25 and 30;
  - (e) Does Not Support the Option B model in recommendation 15c

in accordance with the assessment detailed in this report; and
- (2) continue its active dialogue with the City of Kwinana on a proposed amalgamation of the Cities of Cockburn and Kwinana.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**

**Background**

In February 2009 the State Government initiated a process for reform of Local Government in Western Australia. While commencing this as a review of the capacity of Local Government, the review evolved to



become a whole of sector proposal for voluntary amalgamations, then into just a review of the structure of Metropolitan Local Government.

In August 2011 the Government established a three member advisory panel (the Panel) to enquire into and make recommendations on the future requirements for the metropolitan area. The Panel handed down its Interim Report in April 2012, and then following a period of public consultation, a Final Report was released in October 2012.

It was expected that the Government would make a decision on the Final Report, which would provide the sector with firm direction as to how it intended to proceed with reform. However, the Government has chosen to put the Final Report out for further consultation, to conclude in April 2013, ostensibly to allow the community and other stakeholders a final say on its broad ranging recommendations.

### **Submission**

N/A

### **Report**

The Reform process has been a protracted affair, with Council now having considered this matter on six occasions. Since 2009 resolutions were made on each stage of this process, as follows:

In May 2009:

*That Council:*

- (1) *receives a copy of the completed Local Government Reform Checklist for the City of Cockburn;*
- (2) *initiates further dialogue with the City of Fremantle and Town of Kwinana on possible amalgamation options;*
- (3) *gives authority to the City of Cockburn's Working Group (Mayor Howlett, Deputy Mayor Allen and the CEO, Mr Cain) to engage in reform process discussions with other local governments that have a common boundary with the City of Cockburn should the need arise and to provide a report to Council following discussions with the City's neighbouring Councils; and*
- (4) *initiates community consultation as soon as practicable to ensure the voice of the Cockburn community is reflected on this matter.*

In August 2009:

*That Council:*



- (1) Council submit a copy of the City's final submission on Local Government Reform to the Minister for Local Government, subject to deletion of Item 11 on page 2 of the submission;
- (2) Council write to the City of Cockburn residents located in Leeming and advise them of Council's decision and the rationale behind that decision;
- (3) Council write to the City of Fremantle requesting them to again consider voluntary amalgamation with the City of Cockburn; and
- (4) Council invite the Minister for Local Government to visit the City of Cockburn to receive a presentation from the City on its vision for the future.

In September 2009:

*That Council:*

- (1) conducts a Referendum of its residents and ratepayers, as part of the forthcoming October 2009 Local Government Elections Postal Ballot, to ascertain the wishes of its ratepayers/residents towards the prospect of a Council amalgamation with the City of Fremantle.
- (2) ask the following question on the Referendum paper, "Do you support the Council of the City of Cockburn pursuing an amalgamation with the City of Fremantle",
- (3) allocate an amount of up to \$12,000 to be met from the CEO's consultancy account (project consultancy fund), for this costs of this Referendum, with this account to be reimbursed at the February Budget Review, should the need arise.

In December 2009:

*That Council:*

- (1) not pursue an amalgamation with the City of Fremantle, in recognition of the rejection of the proposal at the referendum held on 17 October 2009; and
- (2) inform the Minister for Local Government and the City of Fremantle of Council's decision

In March 2010:

*That Council advises the Minister for Local Government that it does not intend joining a Regional Transition Group at this time.*

In May 2012:





*That Council:*

- (1) notes that many of the points articulated in the City's 2011 Submission are consistent with the Panel's Draft Report findings;*
- (2) advises WALGA and the Reform Panel that the City:
 
  - a. Does not Support – Finding 13 in its current form;*
  - b. Partly Supports – Findings 8b, e, f and g; 11, 15 and 16;*
  - c. Supports in Principle the remainder of the Panel's Draft Report Findings;**in accordance with the assessment detailed in this report;**
- (3) subject to more dialogue with the Local Government sector, considers supporting structural reform that leads to a consolidation into approximately 15 Local Government entities in the metropolitan area, in accordance with the 'Alternative Option' detailed in this report; and*
- (4) initiates further dialogue with neighbouring Local Governments with a view to developing a model that achieves the objectives of sub recommendation 3 above, within the South West region of the metropolitan area.*
- (5) request the Reform Panel ensures that the Final Report clearly outlines the financial and non-financial benefits that have been achieved through similar amalgamations promoted under the Finding 13 options, thereby providing the evidence that fully supports their conclusions; and*
- (6) Council seeks a further report from the Panel, prior to issuing of the Final Reform Report, clearly providing evidence of benefit, cost savings and comparison, based on factual evidence identified, after Local Government Reform was undertaken in Auckland, Queensland, Victoria and other relevant Cities.*

The decision to delay consideration of the Reform Panel's Final Report until April 2013 means that no decision on this will be made until after the March State Election. The Final Report has both positive and potentially negative consequences for the City of Cockburn; as such it would be desirable for the Council to make its position clear on this prior to the Election and inform the community on this important topic. The West Australian Local Government Association (WALGA) has also requested all Metropolitan Local Governments resolve a position on the Report, so that these can be considered as part of the sector's response.

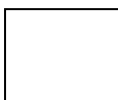
Response to Reform Panel's Findings. A copy of the Executive Summary and web link to the full Report of the Panel were provided to Elected Members in October 2012. The Final Report has 30 recommendations, which are discussed below. It is pleasing that two of the City's major objectives: to have a model with three Local Governments in the South West region; and to see Cockburn Central



recognised as a strategic hub for a Local Government in that region, were adopted in the Panel's Final Report.

Many of the findings of the Panel (see Attachment 1) are variations of the findings in the Interim Report. These findings remain generically consistent with the City's previous submissions to the State Government and the Panel, as such they are not discussed in detail. The following are recommended positions on the Panel's Final Report:

1. **Supported.** All Local Governments are impacted by revenue restrictions that flow from State Agreement Acts and rate equivalent payments not being paid to Local Governments. This limitation impacts the financial sustainability of Local Government and the review of this position has been recommended to the State Government on numerous occasions.
2. **Supported.** A true partnership is needed between State and Local Government to tackle strategic issues affecting Perth's long-term development.
3. **Supported.** Improved coordination with State Government Agencies, particularly on a regional basis, would improve regional planning and service delivery by all tiers of government.
4. **Partly Supported.** The recommendation requires the establishment of a Local Government Commission, which may or may not occur. But the sub-recommendation; ie to have a review of legislation impacting Local Government and to reduce duplication of effort across the different tiers of government, is fully supported.
5. **Supported.** The reinstatement of control over planning by Local Government, through the dissolution of the Development Assessment Panels, would reduce unnecessary bureaucracy.
6. **Supported.** The management of waste at a metropolitan level would allow for economies of scale to be achieved and more sustainable disposal methods to be instituted. This outcome should also require the State to reinvest more funding from the landfill levy back into waste management initiatives.
7. **Supported.** Developing a shared vision for Perth by all Governments and other key stakeholders would enhance the State's ability to deliver on its *Directions 2031* framework.
8. **Supported.** Based on there being only 12 Metropolitan Local Governments, a Forum of Mayors would provide an effective way of lobbying for the needs of Perth.
9. **Supported.** The Lord Mayor would be appropriate to initially chair this Forum, with leadership of this then left to the mayors to subsequently resolve.
10. **Supported.** Community engagement by the newly created Local Governments is strongly endorsed. This may take a



- number of forms, but good engagement will be essential to establish stability after amalgamations are completed.
11. **Supported.** The dissolution of Regional Local Governments would allow alternate governance arrangements to be put in place. Under a model of 12 Local Governments, the Southern Metropolitan Regional Council it would only have two full members; Fremantle and Cockburn, thus making the retention of another Council as a governing body for waste management largely redundant. A simple partnership arrangement would achieve the same outcomes, but with less bureaucracy.
  12. **Not Supported.** The Metropolitan Redevelopment Authority is principally charged with land development. There is no direct alignment with this role and giving it a governance responsibility for major infrastructure assets. With fewer Local Governments most of the problems these entities are experiencing with a myriad of local planning schemes and differing local laws will disappear.
  13. **Supported.** As Perth continues to grow the boundaries of Local Governments should be reviewed. The 15 year timeframe would provide a time interval that is not too frequent, but one that provides certainty of review at specific time intervals.
  14. **Partly Supported.** There is no objection in principle to the concept of a Local Government Commission replacing the Local Government Advisory Board, but no firm agreement is suggested until the powers of this body are more clearly defined.
  15. **Supported.** There are three parts to this recommendation, with the following caveats recommended:
    - a. **Supported.** Fewer Local Governments are needed to provide better coordinated ecological management of Perth's river systems.
    - b. **Supported.** Transferring Rottneest to the new Fremantle Local Government has no material impact on the City of Cockburn and better aligns this to the supporting infrastructure; eg ferries and tourism hub.
    - c. **Supported with Caveat.** The City only supports the Option A proposal. Further comment is provided later in this report.
  16. **Partly Supported.** The City already uses the State Electoral Commission for the conduct of its elections; however, this should be broadened to allow the Federal Electoral Commission to provide competing pricing for this service.
  17. **Supported.** The City's previous submission supported compulsory voting.
  18. **Supported.** The City already has a separate Mayoral election and proposes to retain this.
  19. **Not Supported.** The City does not support the formal introduction of a political party system into Local Government. There is nothing stopping individuals from being affiliated with



- political parties in the current system, but formalising party involvement will have the potential to factionalise a Council.
20. **Not Supported.** There is no restriction on candidate terms in State or Federal Government; neither should there be restrictions in Local Government.
  21. **Supported.** Appropriate training should be provided to Elected Members to assist them understand their roles and responsibilities.
  22. **Supported.** A review of the electoral system would provide the opportunity for broad consultation on this matter.
  23. **Supported.** Independent review by the Salaries and Allowances Tribunal (SAT) is strongly supported and well overdue.
  24. **Supported.** The recording of payments to Elected Members is current practice by the City.
  25. **Not Supported.** The Chief Executive is not an employee of the State, so bringing the Public Service Commission into the employee selection and performance review process is unnecessary.
  26. **Supported.** A clear decision on the direction of the Reform process is well overdue.
  27. **Supported.** The City has previously engaged its community in the Reform debate and has encouraged feedback to the Government on the Final Report.
  28. **Supported.** State Government support during the transition process, particularly financial support, will be required if this is to cause the least amount of disruption.
  29. **Partly Supported.** Until the powers of the proposed Commission are clearly enunciated, only conditional support is offered. An Agency, however, will need to be involved in assisting with structural reform, particularly where a multitude of Local Governments are to amalgamate.
  30. **Not Supported.** It is not necessary to adopt each of the Panel's recommendations in their entirety for Reform to be successful.

Reform Models. Perhaps the key recommendation in the Final Report is Recommendation 15, as this establishes the proposed number of Local Governments. As noted, the recommendation for 12 Local Governments, with the City of Cockburn retained in this number, is a positive outcome and removes much uncertainty about the future of the City.

However, the report presents two options; Option A which amalgamates Local Governments using the boundaries of the existing entities, with Option B being a more radical restructure using alternative boundaries, such as waterways and major arterial roads. The Panel's recommendation is Option B.



For the City of Cockburn the Option B scenario would have a significant negative impact on the City's financial viability. Whereas Option A leaves Cockburn intact growing from its 2011 population of 94,003 residents to 131,000 residents in 2026; Option B removes the northern part of the City allocating these to the new City of Fremantle, thereby reducing the future population to 100,988 residents.

Although these numbers may not appear troubling as Cockburn would still be in excess of 100,000 residents in the long run, the immediate impact is severe:

- Loss of current properties – 5,088 (12.6% of total properties)
- Loss of rate revenue - \$3.97M (9.14% of FY 12/13 rates)
- Loss of total income - \$6.378M (8.86% of FY12/13 income)

Under Option B the City would lose Coolbellup, its section of Leeming and retain only part of Hamilton Hill and North Lake. Assets in these locations, including the Jean Willis Centre and Coolbellup Hub would have to be transferred to the new City of Fremantle.

Even with cuts to current service levels, the immediate loss of this level of income would require the City to adopt compensating rate increases of around 12% per annum for at least three years.

Likewise replacement assets would need to be constructed for Aged, Family and Children's services if the City were to continue to provide these services. Theoretically the new Fremantle Local Government would have to compensate the City for the asset transfer, but obtaining adequate compensation and finding alternative land to build replacement assets is likely to lead to a protracted dispute.

With a short term reduction in resident population of 15,000 people (based on the Panel's numbers), there may also be longer term risk to the City. The report notes that under Option B:

“The population of the modified City of Cockburn is estimated at around 79,000, growing to a projected 110,000 by 2026. As such, Cockburn would be among the smaller local governments in the metropolitan region”. (Final Report, p 141)

Being equal smallest of the metropolitan Local Governments, both at the outset and at 2026, there may be the temptation to split the City between its two larger neighbours; Fremantle and Rockingham, rather than retain another small Local Government.

The recommendation for Option B was taken despite advice given to the Panel on the complexity of splitting Local Governments, asset rationalisation, debt allocation, land transfers and contract



management. The Panel acknowledged these outcomes and recognised that their preferred option would be more difficult to implement. Option B was seen to represent a more equitable position for the long term.

For all of the above reasons the City's position should be to support the reform process and recommended number of Local Governments, but only on the proviso that the Option A principle; of using existing boundaries for amalgamations, is adopted.

WALGA's Model. The Panel considered an option for 15 – 20 Local Governments as proposed by WALGA. However, the report (p 104) concluded that:

“... a comprehensive case for this option was not provided, other than suggesting that the three models cited by the Panel in its Draft Findings were too extreme, referencing the need for achievable options, and the population projections for Perth. Current local government boundaries were suggested as the starting point.

The local governments created under this model would have an average population in 2026 (based on the projections in Table 3.1) of between 114,000 and 152,000.

The Panel did not consider the 15 to 20 option any further, as it took the view that the extent of change involved, while being disruptive to the sector, was not strategic and would not resolve the ongoing debate about structure. A reduction in the number of local governments to twenty was not considered sufficient to meaningfully address the constraints within the currently fragmented structure.”

The logic of this position has been reinforced by the sector's response to the Final Report. WALGA called a meeting of all Metropolitan Mayor's on 20 December 2012 to discuss a governance model based on the 15 – 20 Local Governments it had recommended. Despite this number being the endorsed WALGA State Council position, the meeting was unable to agree to put any structural solution forward. The divergence of views and inability to find consensus only reinforced why the sector has been unable to initiate change of its own volition.

A Merger with Kwinana. Following the Council decision of May 2012 the decision to pursue further regional discussion has been occurring. Overtures to the City's northern neighbours resulted in a polite declination for discussion on the topic, but the City of Kwinana was receptive to dialogue. Since then there have been three joint meetings between Elected Members of Cockburn and Kwinana, the most recent of which was held on 22 January 2013.



The meetings have with Kwinana have focussed on the potential benefits for the two cities being joined. Principally these revolve around:

- Development of shared growth across the current joint border, in the Latitude 32 industrial precinct and eastern residential areas.
- Creation of a financially stronger Local Government that would have the second highest income generation across all metropolitan Local Governments, as well as solid economic growth prospects.
- Improved capability to deliver on regional outcomes, with the new Local Government being bigger in population than either of its northern and southern neighbours.

To assist the dialogue two discussion papers were prepared for Elected Members; a strategic planning review and a review of the financial and corporate services issues associate with amalgamation. The broad conclusions of these reports strongly support the basis for consideration of a merger.

The strategic planning assessment noted the significant synergies between the two cities, with common threads being:

- their respective strategic planning objectives,
- strong growth profiles along a common border,
- comparable developer contribution schemes, and
- similar town centre development objectives.

The financial assessment noted the considerable financial strength that a merged city would have with:

- the potential to make savings of around 3% per annum on operating costs,
- similar mixes of rating commercial and industrial rates,
- financial breakeven on the cost of amalgamation achieved after four years; and
- a reduction of rates for Kwinana residents and minimisation of rates for Cockburn residents after rate equalisation was achieved.

However, the report also noted that the costs of amalgamation would be around \$7M and take four years to absorb, unless financial assistance from the State Government was provided.

The Final Report's recommendation that Kwinana should be merged with Rockingham is not a position that would benefit Kwinana



residents. This outcome would not have a financial benefit for them, as compared to an amalgamation with Cockburn. It would, however, strengthen Rockingham's financial position as Rockingham currently has a much lower level of commercial / industrial rates in its rate mix.

For Cockburn, a merger with Kwinana would ensure that the new entity was immediately catapulted to being the second largest Local Government by income. It would also ensure that an independent Cockburn would not end up being one of the smallest Local Governments as proposed in the Panels' new structure. The new entity would produce around 6% of the State's GDP. Indeed the strength of the new Local Government both fiscally and geographically would make it one of the most sustainable in the whole of the State.

The research to date indicates that a merger of Cockburn and Kwinana into one new Local Government would have direct benefit to the residents of both cities. Under Schedule 2.1 of the Local Government Act (1995), two Local Governments have the ability to lodge a proposal to initiate an amalgamation to the Local Government Advisory Board. This is reasonably complex and potentially time consuming process. However, after the State election if a re-elected Liberal Government looks to implement the recommendations in the Panel's Final Report, this option may no longer be possible.

Conclusion. The Panel's Final Report into the future of Local Government in the Metropolitan Area makes recommendations for a sweeping review of the sector. However, the Government's decision to delay finalising a position on the Panel's Final Report until after the State election in March 2013; means that the issue of Local Government reform is unlikely to be an election issue. WALGA's inability to achieve a consensus view on reform only weakens the sectors capacity to present a realistic alternative scenario.

To date the City has supported reform of the Local Government sector and the Final Report picked up several key recommendations previously made by the City into the future structure of the sector. However, for the City to achieve the best outcome from the Panel's recommendations, only the 'Option A' model should be supported.

Taking a more pragmatic view, if there were only 12 Local Governments of which 3 were in the South Metropolitan area, merging Cockburn and Kwinana would provide a better outcome for both these Local Governments than any other option. While there has been a good dialogue between the cities, there is no agreement to pursue an amalgamation at this time. It will be important that this process continues in the lead up to the State election, to allow such a proposal to proceed in the event the current Government is returned.





## **Strategic Plan/Policy Implications**

### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.

### **Budget/Financial Implications**

Until the adoption by the State Government of a formal position, the cost implications of reform can't be quantified at this time. An estimate of the costs of an amalgamation with Kwinana puts the costs of transition at around \$6.5M (after cost offsets). Payback would be achieved after five years with annual savings of \$5M thereafter.

### **Legal Implications**

N/A

### **Community Consultation**

The City has encouraged the community to have a say on the Panel's report, with media releases and a link to this on the City's website.

### **Attachment(s)**

Metropolitan Local Government Review – Executive Summary of the Final Report (Recommendations).

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

N/A

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

Schedule 2.1 outlines the provisions required for Local Governments to initiate a proposal to create, change boundaries or abolish a district.



**19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**19.1 (MINUTE NO 4979) (OCM 14/02/2013) - STREET TREE 12 DROSELA LOOP BEELIAR (4413093) (A LEES) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) not remove the street tree at 12 Drosera Loop, Beeliar; and
- (2) advise Mr & Mrs Gates of Council's decision in writing following the 14 February 2013 Ordinary Council Meeting.

**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Cllr S Pratt that , on a without prejudice basis:

- (1) arrange for the immediate removal of the tree located on the street verge outside of 12 Drosera Loop, Beeliar;
- (2) the cost of removing the tree to be met by the City;
- (3) discussion be held with the owners of the property at 12 Drosera Loop, Beeliar on arrangements to plant a suitable replacement tree when the current tree is removed; and
- (4) the owners of the property at 12 Drosera Loop, Beeliar be notified of Council's decision.

**CARRIED 6/1**

**Reason for Decision**

This matter has previously been to Council for consideration and on the last occasion it was determined that the offending tree roots would be cut and the damage to the brick paving driveway be repaired. Mr & Mrs Gates have again approached the City in terms of a request to have the tree removed as it continues to create problems for them in terms of the invasive roots system of the tree. They explain that it would appear that the tree was planted on a limestone area that has prevented the roots from going down and thus the roots have spread across the



surface of the ground towards their home, carport and brick paved driveway. The matter is causing significant distress to Mr & Mrs Gates and needs to be addressed by the City.

### **Background**

Mayor Logan Howlett, has presented the following "Notice of Motion" pertaining to the ongoing issues associated with the street tree located on the verge of Mr & Mrs Gates' property at 12 Drosera Loop Beeliar.

*That Council:*

- (1) arrange the immediate removal of the tree located on the street verge outside of 12 Drosera Loop, Beeliar;*
- (2) the cost of removing the tree to be met by the City;*
- (3) discussion be held with the owners of the property at 12 Drosera Loop, Beeliar on arrangements to plant a suitable replacement tree when the current tree is removed; and*
- (4) the owners of the property at 12 Drosera Loop, Beeliar be notified of Council's decision.*

This matter has previously been to Council for consideration and on the last occasion it was determined that the offending tree roots would be cut and the damage to the brick paving driveway be repaired. Mr and Mrs Gates have again approached the City in terms of a request to have the tree removed as it continues to create problems for them in terms of the invasive roots system of the tree. They explain that it would appear that the tree was planted on a limestone area that has prevented the roots from going down and thus the roots have spread across the surface of the ground towards their home, carport and brick paved driveway. The matter is causing significant distress to Mr & Mrs Gates and needs to be addressed by the City.

Officers have reviewed the Notice of Motion and provide the information in this report to assist Council in its deliberations.

### **Submission**

N/A

### **Report**

Officers presented a report to the 10th November 2011 Ordinary Council Meeting (Minute No 4671) which outlined an investigation of the street tree on the verge adjacent to 12 Drosera Loop based on the concerns raised by the owners Mr and Mrs Gates. The report outlined a number of items including tree characteristics, the management



process, an independent investigation (*attached*), policy context and additional relevant documentation. Following consideration of the report, the following motion was moved:

- (1) Make good the tree roots by cutting down the shallow roots that are doing the damage.
- (2) Be responsible for associated works within the Council verge area.
- (3) Advise the resident that they will be responsible for the associated works on their property

Correspondence was issued on 29<sup>th</sup> November 2011 (*Attachment 1*) informing Mr & Mrs Gates of Councils resolution, works completed to date and the intention of severing the surface roots penetrating underneath the driveway on their property. Additional correspondence was issued on 7<sup>th</sup> December 2011(*Attachment 2*) seeking consent for the City to enter the property to cut the roots close to the driveway.

The City received correspondence from Mr & Mrs Gates on 9<sup>th</sup> December 2011(*Attachment 3*) which identified the following:

- Signed permission form;
- Request to severe all roots entering the property;
- Requesting all branches and foliage from the street tree hanging over their property; and
- Advising of incomplete works to the crossover section of the driveway.

Officers engaged contractors to undertake the removal of the roots entering the property and rectify the crossover section of the driveway.

Correspondence was issued on the 9<sup>th</sup> January 2012 (*Attachment 4*) advising that severing the roots at the front of the boundary were not desirable or consistent with horticultural practices and would not be performed. In addition it was reiterated that approval to enter the property was to facilitate the removal of the roots under the driveway.

A telephone conversation with Mrs Gates on the 10<sup>th</sup> January 2012 with a Council officer, agreed the appropriate location to cut the tree roots and that the request to removal overhanging branches was denied as per Council policy. Correspondence was issued on 12<sup>th</sup> January 2012 confirming this verbal conversation. (*Attachment 5*)

Since completion of these works the City has not received any correspondence or customer request advising of any further damage to their property by the tree roots or any concerns relating to the health of the tree.



### Tree Inspection

As a result of the “motion of notice” an inspection of the street tree was conducted on Friday 7<sup>th</sup> December 2012, to ascertain if the trees form or function has altered significantly since the aboriculturalist report (Sept 11) and the works completed in January 2012. The inspection determined no deterioration in the trees structural form, any evidence of root movement, soil heave or diseases that would warrant any further action or instigated another Aboriculturalist report. (*Tree inspection report attached*)

In addition to the inspection, a review of the soil profile module on the City’s “intramaps” program identifies the suburb of Beeliam with deep siliceous yellow brown sands or pale sands with yellow/brown subsoil. This soil profile provides a good foundation for tree growth and development which is clearly evident by the form and structure of the other street trees (*Corymbia ficifolia*) within Drosera Loop. Although the intramaps module does not identify limestone outcrops in the Beeliam suburb, it is considered unlikely that limestone would be present in the soil structure due to its distances from the coastal region.

### Policy Context

The City’s current Position Statement PSEW15 ‘Removal and Pruning of Trees’ guides officers where trees shall not be removed unless they are:

1. Dead.
2. In a state of decline to the point that survival is unlikely.
3. Structurally unsound, to the point of constituting imminent danger to the persons or property.
4. Damaging or likely to damage property, where alternatives to prevent damage are not possible.
5. Part of a tree replacement program.
6. Obstructing a Council approved works program, such as road and drainage works.

The current structure and condition of the street tree at 12 Drosera Loop would prevent officers granting approval for the removal of the street tree under the existing policy context.

### Analysis

As a result of the information presented and the recent inspection, removal of the street tree residing at 12 Drosera Loop is not warranted based on the following:



- No deterioration in the structure or form of tree in the past 12 months.
- Limited substantiated evidence of an invasive root system.
- No evidence of limestone outcrops in the Beeliar suburb.
- Similar species within the streetscape.
- Does not meet criteria for removal within the policy provisions.

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

#### **Environment & Sustainability**

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

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

The cost to remove the tree would be approx \$1,000 - \$1,500, and would be incurred by Council.

#### **Legal Implications**

N/A

#### **Community Consultation**

N/A

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

1. Correspondence to Mr & Mrs Gates 29<sup>th</sup> Nov 2011
2. Correspondence to Mr & Mrs Gates 7<sup>th</sup> Dec 2011
3. Correspondence received Mr & Mrs Gates 9<sup>th</sup> Dec 2011
4. Correspondence to Mr & Mrs Gates 9<sup>th</sup> Jan 2012
5. Correspondence to Mr & Mrs Gates 12<sup>th</sup> Jan 2012
6. Tree Inspection Report
7. Arborist inspection report 2011

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

The Proponent(s) have been advised that this matter is to be considered at the 14 February 2013 Council Meeting.

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

Nil.



**19.2 (MINUTE NO 4980) (OCM 14/02/2013) - TRAFFIC CONCERNS COCKBURN ROAD, COOGEE (ES/L/005) (J KIURSKI & J MCDONALD) (ATTACH)**

**RECOMMENDATION**

That Council arrange a meeting with Main Roads Western Australia, the Coogee Beach Progress Association, the Mayor and West Ward Councillors to discuss the outcomes of the road safety audit report and the potential for future upgrades of Cockburn Road.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**

**Background**

At the Ordinary Council Meeting on 13 December 2012, Cr Reeve-Fowkes moved the following Notice of Motion:

*'that the Chief Executive Officer organise a meeting between himself, the Director of Engineering, the Mayor, the three West Ward Councillors, representatives of Coogee Beach Progress Association and representatives of Main Roads, to discuss the increasingly dangerous safety issues and concerns in accessing, using and crossing Cockburn Road in the heavily populated Coogee Area, and that a Plan of Action and Recommendations be presented to Council.'*

**Submission**

N/A

**Report**

Cockburn Road is an important north-south arterial road in the City linking Hampton Road, South Fremantle in the north to Rockingham Road, Henderson in the south. Through Coogee, Cockburn Road separates residential land uses to the east with the recreational opportunities provide by the coast to the west. The road is generally constructed to a rural standard and has a typically cross section of a single traffic lane in either direction, with left and right turn lanes into



some side roads, and occasional traffic islands providing refuge facilities for pedestrians and cyclists crossing the road.

Cockburn Road is classified as a Primary Distributor road and MRWA is responsible for management of that road. A traffic survey undertaken by MRWA in May 2012 recorded an Average Weekday Traffic flow of approximately 16,000 vehicles.

To investigate and quantify the road safety concerns expressed by the Coogee Beach Progress Association, the City engaged Opus International Consultants to undertake a road safety audit of Cockburn Road, from Orsino Boulevard in the north to Poore Grove in the south. That audit was finalised in late December and resulted in twenty-six recommendations, most of which are the responsibility of MRWA as they are responsible for Cockburn Road. A copy of those recommendations is included at Attachment 2.

A copy of the road safety audit and the subsequent recommendations has been forwarded to MRWA for their consideration and action. We are currently waiting for feedback on that report. This review should form the basis for further discussions with MRWA representatives. Officers can arrange to meet with MRWA after they have had adequate time to review and consider the audit report.

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

#### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.

#### **Moving Around**

- Facilitate and promote healthy transport opportunities.
- A safe and efficient transport system.
- Infrastructure that supports the uptake of public transport and pedestrian movement.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A





**Community Consultation**

The meeting to discuss the road safety concerns will involve representatives of the local Residents/Ratepayers Association.

**Attachment(s)**

1. Aerial photograph highlighting the section of Cockburn Road subject to the road safety audit.
2. List of recommendations from the Road Safety Audit.

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

All stakeholders have been notified that this matter is to be considered at the 14 February 2013 Council Meeting.

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

Nil.

**19.3 (MINUTE NO 4981) (OCM 14/02/2013) - CASH 4 CANS CAMPAIGN (HS/M/003) (V HARTILL & L DAVIESON) (ATTACH)**

**RECOMMENDATION**

That Council continue its support and promotion for the Western Australian Local Government (WALGA) 'Cash 4 Containers' campaign by:

1. Engaging selected local schools (on a trial basis) to participate in the program through the provision of specially marked bins and the payment of 10c per can collected; and
2. Writing to the Minister for the Environment, the Hon Bill Marmion encouraging him to use his existing powers under the Waste Avoidance and Recovery Act 2007 to introduce cash 4 containers in Western Australia.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 7/0**



## Background

At the Ordinary Council Meeting 13 December 2012, Mayor Logan Howlett moved the following Notice of Motion regarding the Cash 4 Containers Campaign –

*That Council continues its support and promotion for the Western Australian Local Government (WALGA) 'Cash 4 Containers' campaign by:*

- (b) engaging selected local schools (on a trial basis) to participate in the program through the provision of specially marked bins and the payment of 10c per can collected; and*
- (c) writing to the Minister for the Environment, the Hon Bill Marmion encouraging him to use his existing powers under the Waste Avoidance and Recovery Act 2007 to introduce cash 4 containers in Western Australia.*

## Submission

N/A

## Report

The Western Australian Local Government Authority (WALGA), through the Container Deposit Systems Policy Forum, has developed an advocacy campaign to encourage the State Government to implement a WA Cash for Containers Scheme (otherwise known as a Container Deposit Scheme). Implementing this type of Scheme on a National level has been discussed for a number of years. WALGA is advocating with all political parties for a state-wide container deposit scheme to be introduced in Western Australia.

The driving force of the campaign is to dramatically increase WA's recycling rates, decrease littering by up to 36% and help raise money for local community groups. The campaign to date has been successful with over 200,000 members of the public committed to the cause; 25 schools getting involved; Reverse Vending Machine (RVM) being trialled and several local governments and community organisations joining the advocacy program via hosting events or trial container deposit schemes in various local and regional government areas.

The Association developed a Cash 4 Containers Website [www.cash4containers.org.au](http://www.cash4containers.org.au) as a central point of information and to promote online actions. The Cash 4 Containers Advocacy Scheme intends to maximise recovery of recyclables, which is a key outcome in the City's Sustainability Strategy 2012 – 2016.



The City of Cockburn supported this campaign by initially getting involved in the local government discussion groups at WALGA in October 2012. All local schools were invited to express their interest to take part in a trial Cash 4 Cans Collection Scheme during Term 4 of 2012 and six responded. These following schools have been collecting cans during the schools holiday.

1. Southlake Primary School
2. Coolbellup Primary School
3. St Jerome's Primary School
4. Coogee Primary School
5. South Coogee Primary School
6. Newton Primary School

The Environment and Waste Education Officer will work with these 6 schools within the first 2 weeks of Term 1 2013 to assist in the coordination of cans collected over the last 6–8 weeks. The counting of cans will be supervised by the school teachers. All cans will be collected by the City of Cockburn Waste Collection Service and aggregated in cages for One Steel at our Operations Centre. The City will be refunded the value of the Aluminium in weight from One Steel.

The City of Cockburn will provide financial incentives for the scheme until the end of Term 1. A report will be compiled for the Trial 'Cash 4 Cans' to determine its feasibility into the future.

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

#### **Environment & Sustainability**

- A community that uses resources in a sustainable manner.
- Community and businesses that are supported to reduce resource consumption, recycle and manage waste.

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

The financial incentive is capped at \$2,000 per school (effectively 20,000 cans @ 10c per can) which equals a potential allocation of \$12,000. The funds will be drawn from our Waste Promotions budget and have been allocated to cover this program.

#### **Legal Implications**

N/A



**Community Consultation**

N/A

**Attachment(s)**

N/A

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

Nil.

**(MINUTE NO 4982) (OCM 14/02/2013) - EXTENSION OF TIME**

**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Clr S Pratt that Council suspend Standing Order 4.14 to allow an extension for time for a period of up to 30 minutes.

**CARRIED 7/0**

**Reason for Decision**

Suspending Standing Order 4.14 will allow Council sufficient time to conclude the business of Council.

**19.4 (MINUTE NO 4983) (OCM 14/02/2013) - SUPPORT TO COCKBURN SOUND MANAGEMENT COUNCIL**

**RECOMMENDATION**

That Council :

- (1) provides a financial contribution of \$9,000 to the Cockburn Sound Management Council (CSMC) in the 2012/13 Financial Year to enable funding of water quality testing in the area of Owen Anchorage;
- (2) that the above funding is conditional on the CSMC achieving matching funding from a third party or parties to cover the full cost of the testing program; and
- (3) the City provides ongoing Officer level support to the City's delegates on the CSMC, by attending meetings when possible.



**COUNCIL DECISION**

MOVED Clr B Houwen SECONDED Clr S Pratt that the recommendation be adopted.

**CARRIED 7/0**

**Background**

The Cockburn Sound Management Council (CSMC) was established in August 2000 to coordinate environmental planning and management of Cockburn Sound and its catchment. The Management Council comprises 23 members representing the community, industry, conservation, recreation and the different levels of Government.

The City of Cockburn became a formal participant in this body when it signed a Memorandum of Understanding (MOU) with CSMC in August 2003. The City has a representative on the CSMC, but otherwise makes no financial contribution to its operation.

On 6 February 2013 Cr Houwen lodged the following Notice of Motion with the Chief Executive Officer:

*That the City makes funds available to the Cockburn Sound Management Council of \$9000 to prevent the gap in the annual water quality monitoring for Owen Anchorage towards a State Environmental Policy (SEP) being finalised for the area, subject to the CSMC finding matching funds (\$1 for \$1) to complete the intended program.*

*Also, that the City upgrades its support for the CSMC by supporting our Elected Member delegate on the CSMC with:*

- (i) officer technical support to attend CSMC meetings and assist the CSMC activities that pertain to Cockburn waters; and*
- (ii) to establish a leadership role in developing outcomes for the City through CSMC processes, not the least being some annual funding, technical, administrative and promotional support for the SEP.*

**Submission**

N/A



## Report

Since approval was given at the Ordinary Council Meeting of 19 August 2003 to sign the MOU, the City has actively supported the CSMC. This document was similarly endorsed by seven State Government agencies as well as the Cities of Kwinana and Rockingham.

In signing the MOU the City resolved to:

- Ensure that Council activities are undertaken sensitively so as to minimise impact on Cockburn Sound.
- Support the activities and involvement of the community in environmental planning and management of the Sound and its catchment.
- Encourage developers, industry and the community to manage stormwater in a responsible manner so that it does not contribute to groundwater contamination.
- Notify the Cockburn Sound Management Council, on an informal basis, of current and planned works with the potential to significantly affect the Sound, either directly or through groundwater contamination.

The obligations on the CSMC are to:

- Facilitate and coordinate the preparation of a Local Planning Mechanism in conjunction with the three local governments.
- Promote the importance of limiting and controlling land use in the catchment area to reduce impacts on the Sound.
- Undertake monitoring and research within the catchment area.
- Provide integrated advice to planning and decision making on potential environmental impacts.

Water Quality Testing. Since this time the CSMC has maintained an annual water quality monitoring program in Cockburn Sound. The results of this program are reported in an annual 'Report Card', which can be accessed from the following link to the CSMC's website [http://portal.environment.wa.gov.au/portal/page?\\_pageid=513,989058&\\_dad=portal&\\_schema=PORTAL](http://portal.environment.wa.gov.au/portal/page?_pageid=513,989058&_dad=portal&_schema=PORTAL)

The published results do not include the area of Owen Anchorage, as this area is outside the CSMC's official jurisdiction. Owen Anchorage is the area between Cockburn Sound and the Indian Ocean, stretching from Woodman Point to north part of Garden Island, north to Stragglers Reef then east to Fremantle. It is the body of water that abuts the Cockburn Coast.



However, CSMC has monitored the water quality in Owen Anchorage for the past three years. These results have shown fairly consistent good quality results. Water in this area is generally cleaner and better flushed than Cockburn Sound. However, as the area is growing in its use, CSMC are working with Environmental Protection Agency (EPA) to have Owen Anchorage included in the State Environment Policy.

For budgetary reasons the CSMC recently resolved not to proceed with water quality testing in Owen Anchorage this financial year. While it is not critical that a contiguous water testing regime occurs, there is merit in having such a record available pending the imminent inclusion of the area in the Cockburn Sound SEP and given the relationship this water body has to the City.

As the City is not responsible for funding the CSMC's operations, support for this request has been conditioned on the CSMC raising matching funds.

Representation. Council has had a representative on the CSMC for several years. At the Ordinary Council Meeting of August 2008, Cr Reeve-Fowkes was elected to represent the City.

Many of the external committees where Council has elected a representative also have technical support provided by staff. Given the importance of Cockburn Sound to the City, it is appropriate to formally support Cr Reeve-Fowkes with staff expertise. This will be provided from the City's Environment Services Business Unit. However, it is not recommended that this includes this Service Unit taking on any of the activities of the CSMC.

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

#### ***Environment and Sustainability***

- *To protect, manage and enhance our natural environment, open spaces and coastal landscapes.*

### **Budget/Financial Implications**

The funding can be provided within the current budget by reallocating expenditure currently identified for dust monitoring.

### **Legal Implications**

N/A

### **Community Consultation**

N/A



**Attachment(s)**

N/A

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

N/A

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

Nil

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

Nil

AT THIS POINT IN THE MEETING, THE TIME BEING 9.01 PM CLR HOUWEN LEFT THE MEETING.

**DECLARATION OF INTEREST – CLR HOUWEN**

The Presiding Member read a declaration of a Proximity Interest in item 21.1 “Update on Woodman Point Waste Water Treatment Plant Odour Buffer Issue”, pursuant to Section 5.60B(1)(c) of the Local Government Act, 1995. The nature of his interest is that he is a landowner within the current odour buffer area.

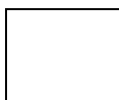
**21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS**

**21.1 (MINUTE NO 4984) (OCM 14/02/2013) - UPDATE ON WOODMAN POINT WASTE WATER TREATMENT PLANT ODOUR BUFFER ISSUE (3400024) (A TROSIC) (ATTACH)**

**RECOMMENDATION**

That Council :

- (1) note the progress made to date in relation to meeting the requirements of Minute #4903; and
- (2) receive a further report on this matter at the April 2013 OCM.





**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt that the recommendation be adopted.

**CARRIED 6/0**

**Background**

Council at its 8 November 2012 Ordinary Meeting considered a report dealing with issues associated with the Woodman Point Waste Water Treatment Plant odour buffer. The report was principally concerned with the ongoing issues associated with the odour buffer, namely how the extent of the buffer interacts with the planning framework to prevent the Munster 'Urban Deferred' land precinct being developed for residential purposes.

Council subsequently resolved (Minute No. 4903) the following:

- (1) *acknowledge receipt of the correspondence from the Hon Minister for Planning; the Chairman of the Western Australian Planning Commission ("WAPC") and Director General of the Department for Planning; the Office of the Environmental Protection Authority ("EPA") and the Department of Environment and Conservation ("DEC") in response to Council's resolution of 12 April 2012;*
- (2) *advise the Hon Minister for Planning; Hon Minister for Environment and Water; Chairman of the WAPC; Director General of the Department for Planning; Director General of the DEC and; CEO of the Water Corporation that:*
  - a. *Landowners and stakeholders require certainty and clarity in respect of the future of a buffer associated with the Woodman Point Waste Water Treatment Plant ("WPWWTP") and its broader setting within the Western Trade Coast.*
  - b. *To deliver this clarity, the WAPC and associated Heads of State Government commit to undertaking funding and completion of a buffer definition study to determine the future of the buffer associated with the WPWWTP and its broader setting within the Western Trade Coast by no later than 1 July 2013 and request that the State*



*Government provide a budget and time line for the carrying out of that study by an independent expert.*

- c. If the deadline of 1 July 2013 cannot be achieved, the WAPC and associated Heads of State Government advise the Council of an alternative deadline by 31 December 2012.*
- (3) conduct a statistically valid telephone survey of all residential properties within 1.5km of the centre of the WPWWTP, in order to obtain up-to-date feedback from residents as to the current situation in respect of odour associated with the WPWWTP. The results of this survey to be presented to the February 2013 Ordinary Council Meeting;*
- (4) following the February 2013 Ordinary Council Meeting, write to the Hon Minister for Planning; Hon Minister for Environment and Water; Chairman of the WAPC; Director General of the Department for Planning; Director General of the DEC and; CEO of the Water Corporation, advising of the results of the telephone survey;*
- (5) note the advice of the City's Environmental Health Services that zero complaints have been received regarding odour associated with the WPWWTP;*
- (6) note the advice from the Department of Environment and Conservation confirming that a total of eight complaints were received during the last three years following the odour reduction upgrades to the WPWWTP;*
- (7) reaffirm its position that the buffer associated with the WPWWTP and its broader setting within the Western Trade Coast should be reduced to the eastern foreshore of Lake Coogee; and*
- (8) approve the funding for the telephone survey to be sourced from contingency funds to a maximum amount of \$10,000.*

**Submission**

NA

**Report**

Council's resolution of 8 November 2012 had a number of key actions needing to be undertaken. The following table identifies the resolution



parts, and how the actions associated have been undertaken by the City:

<p>Acknowledge receipt of the correspondence from the Minister for Planning; the WAPC; the Department for Planning; EPA and the DEC.</p>	<p>Completed.</p>
<p>Advise the Minister for Planning; Minister for Environment and Water; WAPC; Department for Planning; DEC and Water Corporation that:</p> <ul style="list-style-type: none"> <li>○ Landowners and stakeholders require certainty and clarity in respect to the WPWWTP buffer.</li> <li>○ the WAPC commit to undertaking funding and completion of a buffer definition by 1 July 2013 and request that the State Government provide a budget and time line for the that study.</li> <li>○ If the deadline of 1 July 2013 cannot be achieved, the WAPC advise of an alternative deadline.</li> </ul>	<p>Letters written on 26 November 2012 to:</p> <ul style="list-style-type: none"> <li>- Honourable Bill Marmion Minister for Environment; Water</li> <li>- Honourable John Day Minister for Planning; Culture and the Arts; Science and Innovation</li> <li>- Director General of the Department for Environment and Conservation</li> <li>- Western Australian Planning Commission</li> <li>- CEO, Water Corporation</li> </ul> <p>Responses have been received, and will be presented back to Council in conjunction with the other actions once completed.</p>
<p>Conduct a telephone survey of all residential properties within 1.5km of the WPWWTP. The results of this survey to be presented to the February 2013 Ordinary Council Meeting.</p>	<p>The physical survey of residents has taken place, and the City is currently awaiting the final survey outcomes report which is expected to be delivered by the end of February. It is anticipated that a Council briefing will be required during March, to enable formal reporting back to Council at the April OCM.</p>
<p>Following the February 2013 Meeting, correspondence be sent to the Minister for Planning; Minister for Environment and</p>	<p>This can only occur once the survey outcomes report has been received and presented back to Council. This is anticipated for the</p>



Water; WAPC; Department for Planning; DEC and Water Corporation, advising of the results of the telephone survey.	April OCM.
The advice of the City's Environmental Health Services that zero complaints have been received regarding odour associated with the WPWWTP be noted.	No actions required.
The advice from the Department of Environment and Conservation confirming that eight complaints were received during the last three years.	No action required.
Reaffirm Council's position that the buffer associated with the WPWWTP should be reduced to the eastern foreshore of Lake Coogee.	Noted and undertaken as part of letters written to agencies/Ministers under Part 2 of Council's resolution.
Approve funding for the telephone survey.	Completed.

As indicated most of the key actions contained within the Council resolution have been undertaken with the exception that the final survey outcomes report has yet to be provided back to the City. The consultants have completed the survey and are currently finalising the report. The delays are primarily due to the very tight timeframe set for the completion of the survey, and that the Christmas New Year period prevented work being undertaken on the deliverables of the survey outcomes report.

The finalised survey report is expected to be delivered to the City by the end of February 2013, following which the anticipated timeframe is:

1. A detailed briefing on the outcomes of the survey being provided to elected members in March;
2. A report being tabled at the April OCM to consider the outcomes of the survey and what further actions are required.



**Strategic Plan/Policy Implications**

**Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.

**Leading & Listening**

- A responsive, accountable and sustainable organisation.

**Environment & Sustainability**

- Identification and minimisation of impacts to human health risk.

**Budget/Financial Implications**

N/A

**Legal Implications**

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

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

N/A

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

Nil.

CLR B HOUWEN RETURNED TO THE MEETING, THE TIME BEING 9.02 PM.

THE PRESIDING MEMBER ADVISED CLR HOUWEN OF THE DECISION OF COUNCIL THAT WAS MADE IN HIS ABSENCE.



**22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Nil

**23. CONFIDENTIAL BUSINESS**

Nil

**24. (MINUTE NO 4985) (OCM 14/02/2013) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

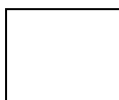
**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr S Pratt the recommendation be adopted.

**CARRIED 7/0**

**25. (OCM 14/02/2013) - CLOSURE OF MEETING**

MEETING CLOSED AT 9.04 PM

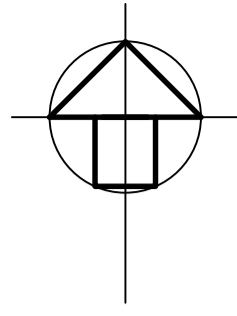


**CONFIRMATION OF MINUTES**

I, ..... (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

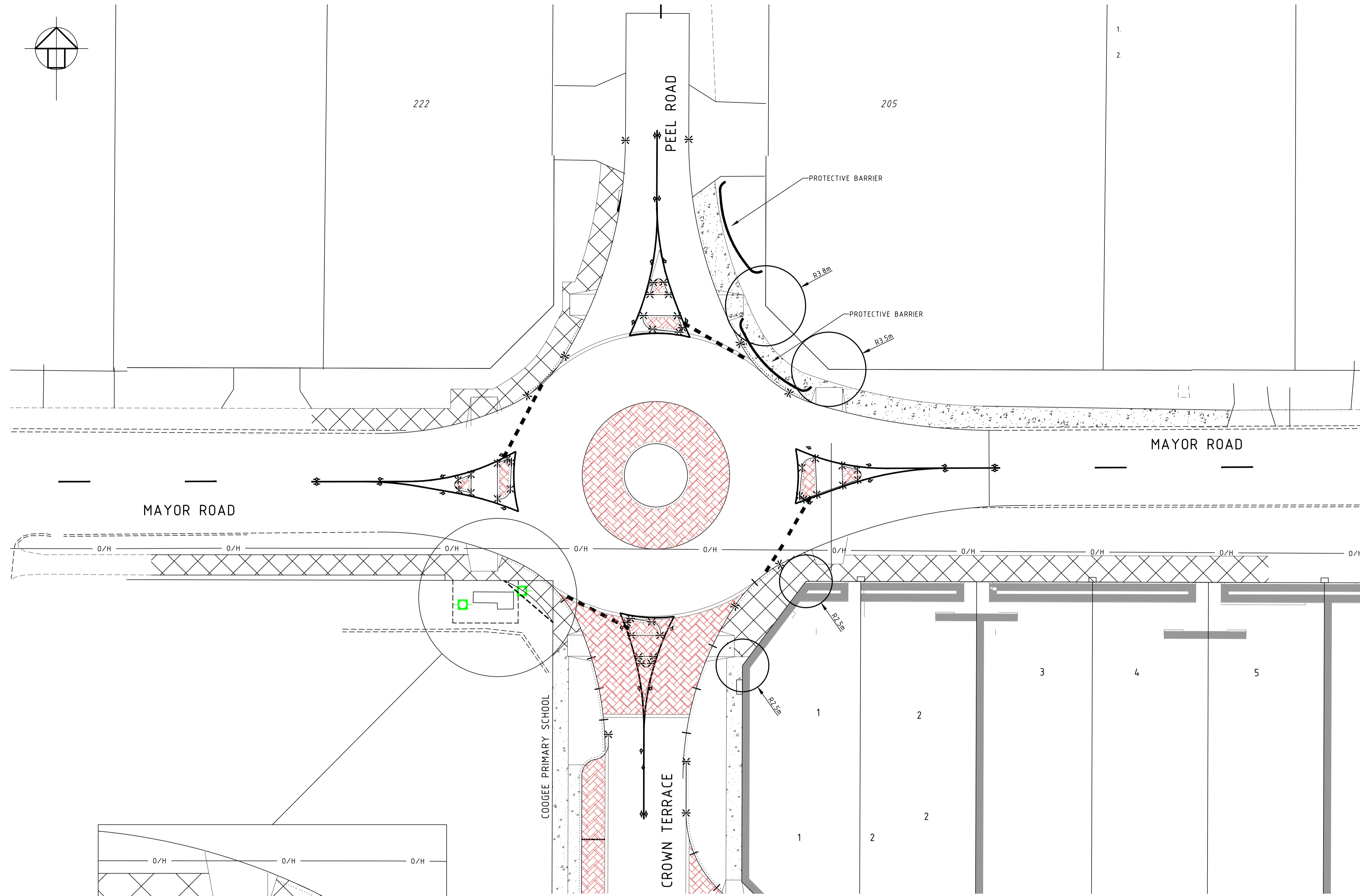
Signed: ..... Date: ...../...../.....



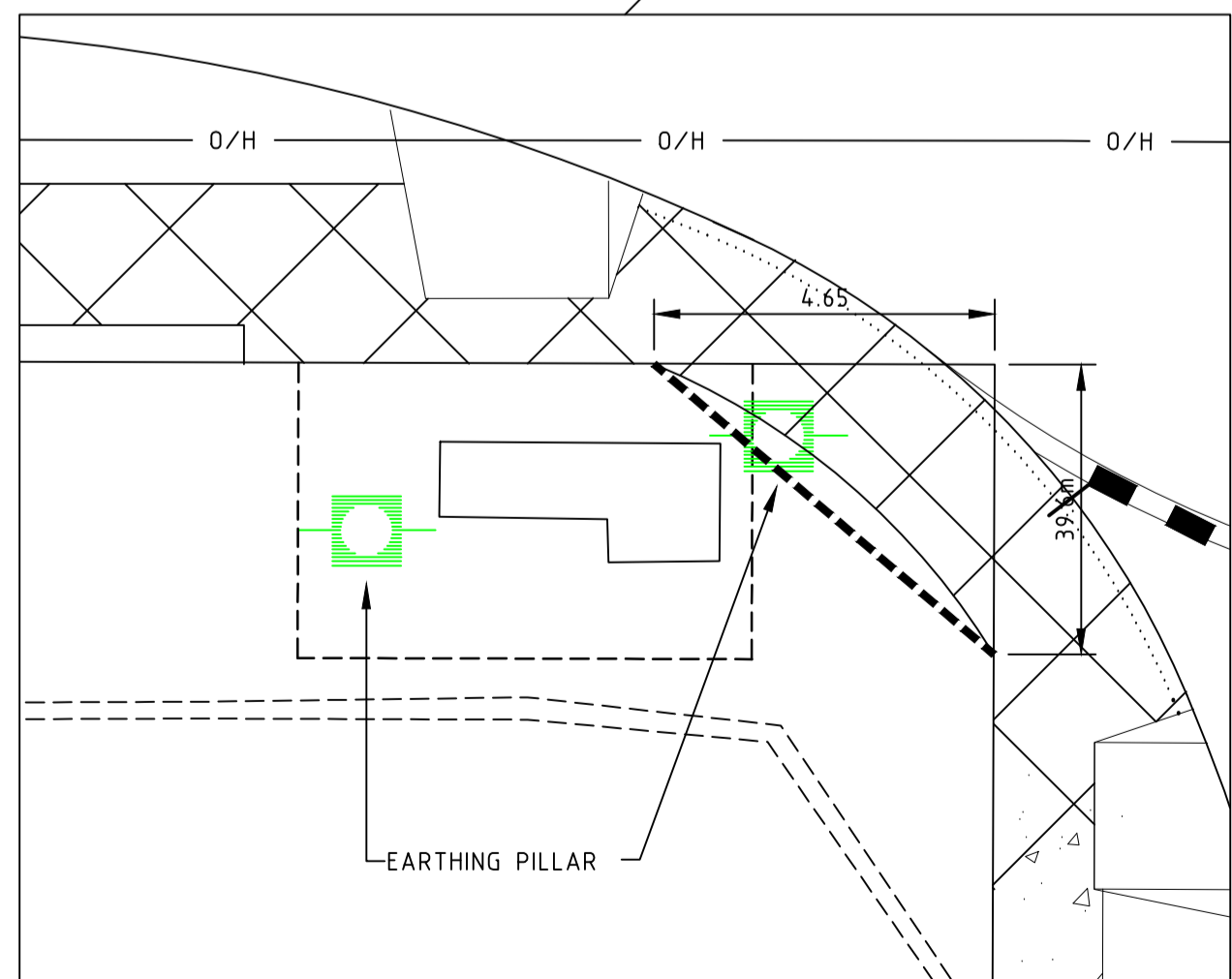


222

205



PLAN



INSERT A

NOTES:

- 1. TRUNCATION TO SCHOOL SITE TO BE INCREASED AND ENCROACHES INTO WP ALLOTMENT FOR TRANSFORMER
- 2. PATH TO CROSS INTO PADMOUNT EASEMENT WITH WP APPROVAL

1.  
2.

No.	REVISION	BY	DATE
SK1	DRAFT SKETCH FOR COUNCIL REVIEW	P.W	14.02.13

LEGEND

- EXISTING PAVEMENT
- PROPOSED 15m WIDE, 100mm THICK INSITU COLOURED CONCRETE FOOTPATH TO LOCAL AUTHORITY STANDARDS (COLOUR LIMESTONE)
- PROPOSED 2.0m WIDE, 100mm THICK INSITU COLOURED CONCRETE DUAL USE PATH TO LOCAL AUTHORITY STANDARDS (COLOUR LIMESTONE)
- PROPOSED BRICKPAVING-TRAFFICABLE ROAD PAVERS BCG DEKOPAVE 80 COLOUR/FINISH STONEWASH CHARCOAL
- SUPPLY AND INSTALL STREET SIGN
- PRAM RAMP TO LOCAL AUTHORITY STANDARDS
- PROPOSED MOUNTABLE KERB
- PROPOSED FLUSH KERB
- PROPOSED SEMI-MOUNTABLE KERB
- PROPOSED BARRIER KERB
- EXISTING KERB
- FUTURE WORKS
- AREA OF WORKS
- EXISTING SIGN

TRAFFIC SIGN LEGEND

- TRAFFIC SIGN TO BE INSTALLED
- EXISTING TRAFFIC SIGN

LINE MARKING LEGEND:

- GIVE WAY LINE (300mm WIDE LINE) - 0.6m LINE AND GAP
- EDGE LINE (120mm WIDE LINE)
- CONTINUITY LINE (120mm WIDE LINE) - 1.0m LINE AND 3.0m GAP
- BARRIER LINE (80mm WIDE LINE)

DRAFT ISSUE

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CLIENT:		
PROJECT: <b>LOT 504 MAYOR ROAD COOGEE, STAGE 1</b>		
DRAWING TITLE: <b>ROUNDABOT LAYOUT OPTION 1 (1.2m SHIFT SW)</b>		
SCALE 1:200	FILE 2916	THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED BELOW
HORIZONTAL	DESIGN	
VERTICAL	DRAWN P.W	
SURVEY DATUM AHD	CHECKED EBF	APPROVED
WAPC No 143486	DATE FEB 2013	
CADFILE NAME 2916-360-OPTION1	DRAWING No.	REV.
	<b>2916</b>	

**WARNING**  
**BEWARE OF UNDERGROUND SERVICES**

The location of underground cables are approximate only and their exact position should be checked on site. No guarantee is given that all existing cables and services are shown. Locate all underground cables and services before commencement of work. Refer to Worksafe Regulation 3.21.

**DIAL1100**  
**BEFORE YOU DIG**

