

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 21 DECEMBER 2004 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 21 DECEMBER 2004 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

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

##### IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr S. Hiller	-	Director, Planning & Development
Mr B. Greay	-	Director, Engineering & Works
Mrs S. Ellis	-	Secretary to Chief Executive Officer
Mr A. Jones	-	Communications Manager

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm.

Mayor Lee advised the gallery of two recent newspaper articles titled "*Coogee Top Hot Spot*" and "*Cockburn Gets Ship Shape*" which identified Cockburn as a growing and successful community. In addition, he showed the gallery four UDIA Awards which were won by Landcorp(2), Peet & Co and Stockland for development in Cockburn. Mayor Lee congratulated the Planning Staff and everyone who contributed to such accolades.

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

Nil.



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

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

**4 (OCM 21/12/2004) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

The Presiding Member advised that he had made a written declaration of interest in Items 14.15 and 17.4, which will be read at the appropriate time.

**5 (OCM 21/12/2004) - APOLOGIES AND LEAVE OF ABSENCE**

Clr L. Goncalves (Apology)  
Clr K. Allen (Apology)

**6 (OCM 21/12/2004) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**Hugh Needham – Public Question Time - Ordinary Council Meeting – 16/11/04** – in regard to the shoreline at South Beach:

Q. In regard to the retreating shoreline between South Beach to Point Catherine and from Point Catherine to the Power Station, the beach has gone back approximately 8 metres and has been repaired twice. How much the repairs had cost and who has to pay?

A. The dune slopes at the northern end of C.Y. O'Connor Beach have been rehabilitated on two occasions to restore the natural slope of the sand and to remove some of the debris from the site. The cost of this work was \$2,660 which Council provided the funds for.

**Ivan Donjerkovic – Public Question Time – Ordinary Council Meeting – 16/11/04** – in regard to Pt Lot 10, 13 Rigby Avenue Spearwood was referring to a letter from Mr Lapham dated 8 October 2003 in regards to his request for a reduction in the Rubbish Service Charge. At that time, Council Officer, Craig Watts, had inspected the property and considered it fit for human habitation. Since that time a letter dated 30 August 2004 from the Environmental Health Department advised Mr Donjerkovic that a further inspection of the premises could be conducted for a minimum fee of \$123.20. That offer was declined.





**Logan Howlett – Public Question Time – Ordinary Council Meeting – 16/11/04** – regarding the Community Gazette’s “Communities in Action” section, advised that the response mentioned in the November Council Agenda that the North Lake Residents Association article was published in the Gazette dated 5 October however, Mr Howlett stated that was not correct.

A letter dated 2 December 2004 acknowledged that information provided by the North Lake Residents Association was received at Council prior to the deadline and that the information was passed to the Cockburn Gazette as it was published in the 12 October edition (not 5 October as previously mentioned). The letter apologised to Mr Howlett for the administrative and human errors involved in this matter.

**Colin Crook – Public Question Time – Ordinary Council Meeting – 16/11/2004** – asked if signs could be erected as soon as possible on Cockburn Road to distinguish the three suburbs Hamilton Hill, Spearwood and Coogee.

A letter dated 29 November 2004 which included a copy of an earlier letter to Mr Crook dated 4 November 2004, advised the request will be undertaken when sufficient funds become available. With limited budget funds available each year for the new locality identification signs, higher priority locations closer to residential areas are given first preference, particularly as motorists are more likely to be visiting these areas and in search of locality identifications.

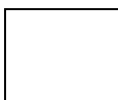
**Colin Crook – Public Question Time – Ordinary Council Meeting – 16/11/04** – regarding his letter dated 15 November 2004 which was unable to be tabled at the November Council Meeting, which included the following questions:

- Q. Coogee Beach Structure Plan – Who was responsible for withholding the Schedule of Submissions from the business papers for the OCM on October 15<sup>th</sup>? Did any Councillor vote on the issue without sighting the document? The document was in fact made public one month after the rest of the agenda attachments. I am well aware that it was on the web, but not everyone is able to use this facility. This would appear to be an act of deceit. A full explanation is requested.
- A. As far as the Director Planning is aware, there has been no deliberate oversight or any act of deceit by either the staff or Elected members in respect to prohibiting public access to the schedule of submissions relating to the Coogee Beach Structure Plan.



- Q. Entry Statements – Why is it that the Spearwood Avenue/Stock Road intersection can be beautified at a minutes notice while the Phoenix Road/Stock Road intersection remains a mess, despite constant requests over many years? What is the cost of the Spearwood Avenue works and when was it budgeted?
- A. The beautification of the Phoenix Road median will commence in the near future. The bore has been installed, but there have been delays in contractors starting the work. The funding for the Spearwood Avenue beautification is part of the programme of improving the appearance of the City. A request was submitted to the Main Roads Department to install an Entry Statement at this intersection. Main Roads Department refused permission on the basis that they did not want any visual or real clutter at that location because of the heavy vehicular traffic, and potential hazard.
- Q. Expansion of Phoenix Park Shopping Centre – With a view to an increase in traffic, is any Councillor willing to bring the Gerald Street issue back onto the agenda? Originally \$300,000 was budgeted to solve the traffic problems being experienced in the residential streets as far east as Doolette Street. Only \$15,000 was expended which solved nothing. Is any Councillor willing to propose that a gap in the Phoenix Road median be built at the Gerald Street Junction allowing right hand turns out only?
- A. It is considered that the traffic movement in Gerald Road has been operating as planned. There are no proposals to carry out any further modifications to roads in the vicinity of Gerald Road at this stage.
- Q. Graffiti Removal – Why am I told at the front desk that graffiti is removed within 5 working days, when the Policy states 24 hours? Graffiti on the Rotary Lookout was reported on Tuesday 9<sup>th</sup>. Why is it not now possible to view hard copies of this Council's Policy and Delegated Authority Manuals in the library?
- A. Council's Position Statement PSEW10 refers to offensive graffiti being removed within one working day if possible and non-offensive within three working days if possible. Mr Crook's report of graffiti at the Rotary Lookout on 9 November was removed on 15 November with a subsequent report received on 1 December and removed on 6 December. Council's Policies, Position Statements and Delegated Authority Manuals are on Council's Website which the public are able to access using library computers, therefore it was unnecessary to also have them in hard copy however, a hard copy is available for viewing at the Administration.

**Logan Howlett – Public Question Time – Ordinary Council Meeting – 16/11/04** – requested that an update be provided to the North Lake Residents Association in regard to a budget request submitted on 24 May



2004 for entrance statements and street scape in the suburb of North Lake.

A response dated 23 November 2004 advised as follows:

Entrance Statements – the current list of streetscape upgrades will be completed by the end of the 2004/05 financial year. Previously considered requests that were not approved for funding by the Council at the time of budget determination, will be given consideration for inclusion in the 2005/06 financial year list of projects.

Streetscaping – individual requests for tree plantings in local streets received prior to May 2004 were planted between June and September 2004. Requests by individuals for such plantings can be made at any time by telephoning the Engineering Customer Service Officer.

Maintenance of the landscape buffer strip between Monaco Avenue/ Farrington Road and Monaco Avenue/North Lake Road is being maintained within the budget and specification for verge mowing and maintenance. Fusilade has been applied to the area to control grass growth and additional shrubs planted at the locations specifically requested by individual residents. Mowing will take place at the scheduled time during November.

**Robyn Scherr – Public Question Time – Ordinary Council Meeting – 16/11/04** – on behalf of the Coogee Beach Progress Association, asked the following questions which were responded to in a letter dated 17 November 2004:

Q. *Has Council been provided with a consolidated final version of the Port Coogee Waterways Environmental Management Program?"*

A. No.

Q. *Has the Planning Commission's decision requiring that the Waterways Environmental Management Program be developed in concurrence with the Environmental Protection Authority been satisfied yet, that is to say, has the EPA finalised its assessment to ensure the Program satisfies the intent of the Environmental Conditions of the Port Catherine MRS Amendment?"*

No formal advice has been received from either the WAPC or the EPA which clarifies this.

Q. *Is the Council decision of October 2002 which stated that it is prepared to be the nominated management body for the marina subject to conditions, still Council's current position and has the Council reviewed its position since then?"*

A. Yes



Q. *What progress, if any has been made between the Council, the Port Coogee developer and the Planning Commission in relation to negotiating Council's possible role as the Waterways Manager of the proposed marina?"*

A. The matter has not yet been formally considered by the Council.

Q. *Has Council dealt with or resolved any of its stated concerns or conditions regarding accepting the role of Waterways Manager, namely:*

- a) *The Waterways Environmental Management Program being financially and technically acceptable to the Council;*
- b) *The Waterways Environmental Management Program being referred by Council to an independent party for review and advice;*
- c) *The management and implementation of the program being cost neutral to the Council through the utilisation of seed capital and the imposition of Specified Area Rate applying to the land within the project area;*
- d) *The implementation of the Waterways Environmental Management Program being capable of being undertaken by a suitably experienced contractor on behalf of the Council;"*

A. No.

Q. *Can the Council confirm that it has not yet made a formal decision to unconditionally accept the role as Waterways Manager and that it must make a formal decision if it is to accept this role?"*

A. The Council has not yet considered the matter and it will need to do so, so that the Council's position can be taken into account by the WAPC and the EPA in resolving the matter.

Q. *Can the Council indicate if and when it is likely to formally resolve its final position on whether to accept or refuse to accept the responsibilities as the Waterways Manager for the marina?"*

A. As the City has not yet received a copy of the document, it is not certain when it will be in a position for the Council to formally consider the proposal. However, it is intended to have the matter on either the December 2004 or January 2005 Council agenda if possible. The preparation of an agenda report by the staff will be dependent upon the time it takes to receive external advice on the program as pointed out in your question 5.

**Ron Kimber – Public Question Time – Ordinary Council Meeting – 16/11/04** – in regard to Port Coogee, asked the following questions which were responded to in a letter dated 17 November 2004:



Q. *If the CCAC wins their legal battle what will it cost the ratepayers of Cockburn?"*

A. At this stage there is no indication as to the likely costs that may be incurred by the City in defence of this action initiated by the CCAC. The action is only in its preliminary stages and the Court has not yet decided if there are sufficient grounds for it to proceed.

Q. *If the CCAC loses their legal battle what will it cost the ratepayers of Cockburn?"*

A. Again we are not certain at this stage, suffice to say the solicitors representing the City will be required to explore every avenue to recover costs from either CCAC or its officer bearers should it lose the action.

Q. *Win or lose does the Council have any method of recovering the costs associated with such a legal battle?"*

*The recovery of costs is the subject of investigation, by not only the City but it is understood that this is being explored by the other respondents also.*

Q. *Will the Council be keeping detailed records of expenses it incurs so that the people of Cockburn can be accurately advised of this cost burden on their rates?"*

A. *All expenses incurred by the City are properly recorded. In this case, it will be essential for the purposes of making any valid claim for cost recovery.*

*I trust this response is satisfactory.*

**Ken Hynes – Public Question Time – Ordinary Council Meeting – 16/11/04** – on behalf of residents on Yangebup Road between Miguel Road and Spearwood Avenue, asked the following questions which were responded to in letters dated 1 and 29 November 2004:

Q. *When does the Council intend to start and complete the entire extension of the northern section of Spearwood Avenue from Barrington Street?*

A. The completion of this section initially involves the acquisition of substantial privately owned industrial land. Consequently, at this stage, these works are not included in the Principal Activity Plan covering the next 4 years, and funding appears to be difficult to secure for the next ten years with other priorities taking precedence. However, with the extension of the Federal Government's Road to Recovery Program from 2005/06 the project's timing will be reviewed



when details of the Road to Recovery Program are known.

Q. *When does Council intend to close the western end of Yangebup Road at the Simper Road railway line?*

A. This is a longer term proposition as it depends on the re-routing of buses to Beeliar Drive via a currently unmade road. This road will be built as part of subdivision works that appear to be at least 2 years away. The alternative route of Birchley Road is currently being re-examined to identify what modifications are required at the Beeliar Drive intersection to make this a safe route. Should an acceptable solution be identified, then Yangebup Road would be closed sooner at the rail crossing.

Q. Are there any plans to alter the exits and entry at Beeliar Drive the Birchley Road as they are now, if so what alterations will they be?

A. There are currently no plans to alter this intersection due to safety concerns. However, the intersection is being reviewed to identify if any modifications can be effected to improve safety and allow right turns, particularly for buses, at the intersection.

Q. Has the Council been in any discussion/talks or meetings with any ministerial departments about the possible closure of the railway crossing in Barrington Street?

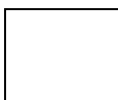
A. As far as the writer is aware, and in discussion with other officers, there have been no such discussions with any ministerial departments.

Q. Has the Council been able to ascertain the volume of traffic that will travel through the Spearwood Avenue and Yangebup Rd intersection when the planned closures of Miguel Rd and the western end of Yangebup Rd take place?

A. The determination of these traffic volumes would require a detailed origin-destination traffic survey that has not been undertaken. Consequently, no traffic volumes have been ascertained.

Q. Just how many plans that revolve around Miguel Rd and the past history that relates to the changes that have occurred?

A. The alignment of the north section of Spearwood Avenue has been fixed for many years under the Metropolitan Region Scheme and connections identified to Cocos Drive extension, Howson Way and Barrington Street. This is subject to the final detailed design. Miguel Road is to be closed to the north of Cocos Drive, however previous plans for its closure at the rail crossing have been silent as this was undecided. With the construction of the Spearwood Avenue bridge a Ministerial condition to approve this bridge over the railway line is that



the Miguel Road rail crossing be closed. Consequently, Council is now obligated to complete the statutory process for the possible closure. This is in addition to Council's past resolution to support the closure.

**Andrew Sullivan – Public Question Time – Ordinary Council Meeting – 16/11/04** - regarding his facsimile dated 16 November 2004 which was unable to be tabled at the November Council Meeting, which included the following questions:

Q *Can you advise which person or persons was responsible for drafting the alternative recommendation that was put and carried on 16 March 2004 in relation to the Port Coogee scheme amendment and LSP, and in particular who drafted the proposed change at (6) replacing the word “requirements” to “negotiations”, and who drafted the replacement clause (5)1 which included reference to “the revised Local Structure Plan”?*

A. The alternative recommendation was requested by the Mayor, Mr Stephen Lee, and drafted by the Director Planning and Development on the instruction of the Mayor. The alternative recommendation contained the revised wording for clauses (6) and (5)1.

Q *Can you advise whether the plan referred to as “the revised Local Structure Plan” at clause (5)1 of the Council decision is the same plan marked as “Port Coogee Design Variations” dated the 6 March 2004 as distributed to members of the public at the Council Meeting of 16 March 2004?*

A. Yes. The revised Local Structure Plan at clause (5)1 is clearly cross referenced to the Port Coogee Design Variations, referred to as Job 90/57.

Q *Does the “Port Coogee Design Variations” plan dated 6 March 2004 comply with the Council’s statutory requirements for local structure plans as prescribed in the City of Cockburn’s Town Planning Scheme No. 3?*

A. Yes.

Q *Was it Council’s intent that the plan dated 6 March 2004 be adopted as the “modified Local Structure Plan” to be forwarded to the WAPC for endorsement, and if so do all of the modifications required in that decision appear on the plan dated 6 March 2004?*

A. Yes.

Q *Was it Council’s intent that the advertised LSP document, including the advertised LSP map, be subsequently modified in accordance with clauses (2), (5), (5)1 and (5)2, and once modified be forwarded to the*



*WAPC for endorsement?*

A. Yes.

Q *Is Council aware that the WAPC have referred to the plan dated 6 March 2004 as the "Structure Plan Adopted by [the} City of Cockburn" in its "Port Catherine Report on Submissions" dated June 2004, and is the WAPC correct in referring to that plan as the Council adopted LSP?*

*In a letter from Mr Stephen Hiller to the WAPC dated 30 April 2004, Mr Hiller advised that:*

- Amendment No.3 had been adopted with modifications;*
- The LSP had been adopted with modifications;*
- The amendment documents had been signed and sealed and forwarded to the Hon. Minister for Planning and Infrastructure; and*
- Three copies of the amendment documents had been sent to the WAPC for consideration.*

*It is uncertain from this letter whether any LSP documents have been forwarded to the WAPC for endorsement. Whilst we understand that the developer has produced modified amendment documents, and we refer to the "City of Cockburn Town Planning Scheme No.3 Amendment No.3" dated April 2003, but we are not aware of any modified LSP documents having been prepared or forwarded to the WAPC by either Council or the developer.*

A. The plan prepared by Taylor Burrell Barnett on behalf of the Port Coogee Marina Developer dated 6 March 2004, was the plan considered by the Council at its meeting held on 16 March 2004 as the basis for design variations to the submitted Local Structure Plan and report dated October 2003. The features of these two plans were adopted by the Council and combined into a new Local Structure Plan and report prepared viz Taylor Burrell Barnett, dated April 2004 and it was this document that was stamped and signed by the Director Planning and Development and forwarded to the WAPC for endorsement.

The amended Local Structure Plan document dated April 2004 was forwarded to the WAPC on 30 April 2004, at the same time as the scheme amendment was submitted to the Commission for finalisation.

Q *Can you provided a summary of all of the events that have occurred in relation to the Port Coogee amendment documents and the LSP document and map since the 16 March 2004?*

A. As follows





16 March 2004	Council Meeting.
17 March 2004	WAPC advised of the Council decision and that it had requested Taylor Burrell Barnett (TBB) to amend the documents.
17 March 2004	Department for Local Government and Regional Development requested to proceed with revision of the district boundary to reflect MRS Amendment 1010/33.
18 March 2004	TBB requested to amend Scheme Amendment and Local Structure Plan and copy of letter to PCD Pty Ltd.
15 April 2004	Department for Local Government and Regional Development advises that the district boundary will be adjusted after gazettal of MRS 1010/33.
27 April 2004	WAPC requested to extend statutory period for providing amendment TPS No.3 Local Structure Plan document.
27 April 2004	TBB requested to deal with the amendments urgently.
30 April 2004	EPA and WAPC advised of Council decision and comments on plans and programs required for the project.
30 April 2004	Amended LSP sent to WAPC for endorsement and to the EPA.
28 June 2004	TBB write to WAPC to request reconsideration of proposed provisions for TPS 3 Amendment No.3.
7 July 2004	Letter concerning aboriginal site investigations to the Chairman of the Combined Swan River and Swan Coastal Plains Native Title Claims.
22 July 2004	Letter to RPS BBG – Waterways Environmental Management Plan – officer comments.
28 July 2004	Copy of request from TBB to WAPC to reconsider some aspects of TPS 3 – 3.
17 August 2004	Council considers external impacts of Port Coogee Marina on the district.
19 August 2004	Australand advised of outcomes of Council meeting 17 August 2004 about external issues related to proposed Port Coogee Marina.
19 August 2004	CALM advised of Council position of ROS.
24 August 2004	TBB advised that Council had deferred consideration of TPS 3 – 3 revisions.
2 Sept 2004	WAPC advised about Council position on ROS.
21 Sept 2004	Considers revision to TPS No. 3 – 3.
27 Sept 2004	WAPC advised on the Council decision 21 Sept 2004.
28 Oct 2004	WAPC response to Council letter on ROS 2 Sept.
3 Nov 2004	WAPC advised of basis to its ROS stance.

Q *Can you provide details of any modifications that have been made to the LSP document and map?*

A. No modifications have been made to the Local Structure Plan



document or map since April 2004.

However, the proponent requested certain provision of the Scheme Amendment be reconsidered, relating to car parking and commercial development on the ground floor of the proposed high density residential development within the project area. The Council considered the requests at its meeting held on 21 September 2004 and advised the WAPC of its decision on 27 September 2004.

*Q Can you confirm that the WAPC will be, or has already been forwarded a modified LSP document and modified LSP map that are consistent with all of the modifications required by the Council in its decision of 16 March 2004?*

A. Yes. The relevant documents were forwarded to the WAPC on 30 April 2004.

*Q Has a modified LSP document or a modified LSP map been prepared either by the Council or the developer and if so, are these documents publicly available?*

A. The modified documents were prepared by Taylor Burrell Barnett, town planning and urban design consultants on behalf of the developer, at the request of the Council following its decision of 16 March 2004.

The documents are available for the public to inspect on request.

**Logan Howlett - Public Question Time - Ordinary Council Meeting - 16/11/04** - In regards to security patrols asked if the City appointed a Contract Manager to manage the contract? He also asked if there have been statistics and performance measures prepared in readiness for the commencement of this contract and if there is a termination clause in the contract?

A response of 14 December 2004 advised that the Cities of Cockburn and Melville have entered into a Joint Memorandum of Understanding (MoU) in relation to the Service. The MoU provides for the City of Melville to be the host employer of staff for the Service and, as a result, a Manager for the Service has been recruited to be responsible for recording, monitoring and transmission of statistical data and reports, including performance measures considered necessary by the City of Cockburn in order to gauge its effectiveness.



**7 (OCM 21/12/2004) - PUBLIC QUESTION TIME**

**Ken Hynes, Yangebup** in relation to the increasing number of traffic accidents at the intersection of Yangebup Road and Spearwood Avenue and its impact on the residents nearby. Mr Hynes understood that the Engineering Department were endeavouring to remedy the intersection problems but believed that the impending closure of the Miguel Road rail crossing will increase the traffic incidents at this intersection and urged Council not to proceed to close the rail crossing.

**Robyn Scherr, Coogee ratepayer** stated that Council would be releasing its agenda tomorrow on the Waterways Management Plan for the Special Council Meeting the day after. At the November meeting, she asked a series of questions regarding the Waterways Plan and was told 'no' to many of those questions and was now curious as to how Council could receive all that information in such a short time. Mrs Scherr asked how it was possible for Councillors to be properly informed and if Council had actually met all the requirements in order to be able to issue a report now? She felt that it had all been done with remarkable haste and hoped that Council was not rushing.

Mayor Lee stated that Council was quite satisfied with the processes that have been undertaken and that the Agenda will be available for public perusal tomorrow (Wednesday).

**Ron Bolt, Coogee** referred to a meeting Lake Coogee landowners had with the Mayor in March when they reminded him that there was already a motion passed by the previous Council regarding the boundary of the Waste Water Treatment Plant. Mr Bolt received a letter from Mayor Lee soon after stating that the Mayor was keen for the Water Corporation to continue taking measures to improve its Woodman Point operation so that the future use of the land can be planned. Mr Bolt asked if the Mayor had made any move since then to help with this issue. He also queried why a survey was called for when the rest of the community do not know anything about the issue.

Mayor Lee explained that he did write to Mr Gill of the Water Corporation. The matter is currently under review by the Water Corporation and when the odour review is completed, the next step will occur. It was Council's decision to conduct a survey.

**Colin Crook, Spearwood** on behalf of the 'Friends of Coogee Beach', again requested that Council consider employing the caretaker in a full-time capacity as he is largely responsible for the present excellent standard of not only the Coogee Beach Reserve, but also the total coast line amenities at the Point Catherine Reserve.



In regards to Lot 21 Progress Drive Bibra Lake, Mr Crook asked why Council has foregone the opportunity of re-buying and selling Lot 21 at considerable profit to all the ratepayers of Cockburn?

Also, why weren't his questions answered properly from the November Council Meeting? The first three responses totally evaded the questions, while the graffiti issue remains as a disappointment to the public claims of Clr Reeve-Fowkes at a Coogee Beach Progress Association meeting on 8 November.

The Presiding Member advised that Mr Crook's queries will be taken on notice, answered in writing and the responses shown in the next Council Agenda Papers.

**Logan Howlett, North Lake ratepayer** raised the following matters:

Q. Asked on behalf of his wife and he, for an apology for an incident that occurred on 4 June 2004 at the Foundation Day Function and queried when that apology will be forthcoming?

A. Mayor Lee advised that he was still considering his options.

Mr Howlett advised that he will be writing to the Minister for Local Government including copies of his letters and responses he has received at Council Meetings on this matter, stating his concern that the Mayor continues to refuse to apologise for an incident that caused embarrassment to his wife and he.

Q. When will the City of Cockburn be considering a policy on protocol for Elected Members?

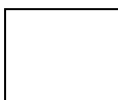
Q. Who is responsible in this Council, or is it the full Council, if there is a breach of the Code of Conduct sworn by Elected Members? Who is responsible for acting?

A. Mayor Lee advised that the Code of Conduct is more an honorary than enforceable thing however, Deputy Mayor Graham and Mayor Lee, as members of the State Council of WA Local Government Association, have pushed very strongly for the matter to be placed in legislation and the regulations are in negotiation with the Minister at this time.

Q. Are minutes or notes of Briefing Sessions taken and held by Council? And are these public documents?

A. Briefing Sessions are taped and notes taken. The documents can be accessed if required.

Q. Regarding the proposed management plan, if the community can now



be informed tonight by a quick summary of the statements made by the developer at the briefing session provided to Councillors and staff recently.

- A. Mayor Lee responded that it was a 1 hour briefing and we haven't got the time now.

**Paul Roberts, Spearwood** was alarmed by the processes of Council in regards to "behind door" processes.

Mayor Lee reminded Mr Roberts that he has no privilege at this meeting and should be careful of what he says.

Mr Roberts stated that the developer, who is under scrutiny in New South Wales and Queensland, is very friendly and has an open cheque book and the developer says that. He believed that the development is totally inappropriate for this community.

**Mary Jenkins, West Ward ratepayer**, asked about the position of the power house because she believed that before any decision is made on any further development on the coast, the power house should be looked at. The issue of having it Heritage Listed has been raised over many years but in that time, the building is now a crumbling shell.

Mayor Lee responded that the issue has been raised with many people and departments many times and will continue to do so.

**Dan Scherr, Coogee ratepayer**, offered his 3 minutes of time be allocated to allowing the Mayor to respond to Mr Howlett's earlier question about what is happening in terms of the Waterways Management Plan.

Mayor Lee took that as rhetorical.

**Angela Roberts**, spent 10 days in Busselton two years ago and invited the Mayor to see the reality of Port Geographe and draw some conclusion as to what the Port Coogee Plan is because it is pretty ugly.

**Pat Howlett, resident** asked Councillors to consider, before they make a decision on the water management plan, if the beach will be closed to the residents while the building of the marina occurs as she believed the beach should not be closed, not even for one day.

**Andrew Sullivan, representing C.C.A.C.** was appalled at the short notice and haste with which Council has called a Special Meeting to discuss the



Waterways Management role. It was almost a month ago that Council had no information on the management plan proposal in terms of contracts to be entered into, and yet in virtually a month, that has been turned around. It seemed that the haste was only to help the developer and that Council needs to start being accountable for what is in the best interest of the broad community. He reminded Councillors that they have an obligation to ensure they have all the information required to make such a decision on an incredibly complex issue. To assist make that decision, he tabled a 6 page list of questions for each Councillor to ask themselves and if they do not have an answer to each of the questions, then they do not have all the information required to make a decision. Mr Sullivan requested that the answers be provided in writing at the Special Council Meeting and that each Councillor receive a copy of the document to determine for themselves.

**Bob Poole, Coogee** queried when Council passed the Port Coogee Marina Development, why it didn't ask the developer for a surety?

Director Planning advised that the matter has not been raised at this stage or collecting money from the developer as part of the development process to create a trust fund hasn't been discussed.

AT THIS STAGE THE TIME BEING 7.35PM, CLR TILBURY LEFT THE MEETING AND RETURNED AT 7.38PM.

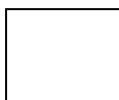
**Mr Rolly Marlow, ratepayer** questioned the Mayor's previous statement when he has a letter at home received about 3 months ago, that says it is under discussion. He asked if Council has seen the final plans of this marina and voted on it?

The Presiding Member responded that Council has voted on the Structure Plan but has not seen the final plans as yet.

Mr Marlow queried that if Council hasn't seen it, how could the Mayor be quoted in the Gazette a fortnight ago, that this issue was at the final stage and cannot be changed, no matter what.

Mayor Lee could not recall making such a statement and asked if Mr Marlow could produce a copy of both the letter and the article.

**Glen Diggins, ratepayer** has listened to tonight's comments and considered how thick skinned Councillors need to be to carry out their duties. He felt that most of the comments raised were very small nit-picking things about this development. What had impressed him most was how Council had kept the big picture in mind and recognised the value of the project for the City of Cockburn. It will enhance the value for Coogee and the whole of Cockburn. He asked Council to keep the big picture in mind when deliberating on this



matter.

**Zoe Inman, Coogee ratepayer** stated that she has not received a reply to her submission on the waterways management issue and that nothing has been released regarding people's recommendations, queries or otherwise.

Director Planning advised that Bowman, Bisham & Gorham are the people who assessed the submissions and those submissions were lodged with the EPA.

Ms Inman believed it was an issue that needed to be raised because Council are making a decision on something that is still not being released back to the community.

Mayor Lee was aware that the EPA has commented on the WEMP and no doubt, they took the submissions into account. He suggested that Ms Inman should contact the EPA for a response. But be rest assured that Council will be considering the community when it makes it decision.

**Troy Ranford, Coogee** felt that this development has been in the process for a long time and yes, there are some issues, but a lot of time and funds have been spent and it is time to move forward.

**Colin Crook, Spearwood** regarding item 14.14, asked why there is still no community consultation on this contentious issue? Also in conjunction with this project (upgrading of the old shop and proposed new café/kiosk in the dunes) remains the siting of the new surf club. Why are groups such as 'Friends of Coogee Beach' denied a say or even the latest information on what is proposed? He was recently misled by spokespersons for two of the proponents on the possibility of the surf club remaining on Powell Road, which seems a distinct possibility according to a report in today's Gazette. The 'Friends of Coogee Beach' favour the removal of the surf club well away from Powell Road because of the unresolved conflicts between the club activities and regular beach users.

The Presiding Member responded that there has been consultation on the restaurant and on the surf club.

Mr Crook clarified that he was referring to the agenda item which shows 'nil' under community consultation.

Director Planning explained that there has been extensive consultation with the Coogee Beach Structure Plan. This particular item is self contained and where it refers to community consultation not applicable, is dealing with engaging McGees to do a review of the 5 year lease and other than that, is relating to the operation of the shop so there is no need for community consultation.



**Logan Howlett, North Lake ratepayer**, in relation to item 14.4, felt the proposal to exclude the Southwell community from having a direct input into the redevelopment of their own community should set alarm bells ringing. Workshops are necessary for residents to have their say, particularly when significant changes are about to occur as the revitalisation of Southwell. The City of Cockburn's Community Development Strategy is premised on community input, a right to have their say and he believed the right to have their say has been taken away from the Southwell community. He further asked why workshops will not be conducted?

The Presiding Member referred to point 3 pg 24 of agenda "in close consultation with the City's technical officers, Council and community representatives". Workshops will not be conducted because it is occurring in consultation with the Southwell Residents Association.

Mr Howlett, in relation to the Coogee Beach Kiosk, believed Council should be exploring ways to allow the shop to continue operating while other solutions are found. Build a new kiosk but leave the old one there while the new one is being built and then connect the two.

Mayor Lee clarified that that is what the report was suggesting.

Mr Howlett added that the new shop should be built and the old shop left there and turned over or made into an area where people can view memorabilia from the Coogee Beach area. This would allow Arthur and Hazel to continue to operate their business. He also didn't believe moving to a 5 year lease arrangement was a very good business interest for anybody.

**Robert Figg, Vice President of the Beeliar Junior Soccer Club**, in regards to Item 17.1, firstly wanted to thank Council for its assistance so far. It started with 3 teams and now has 37 with over 600 youngsters who are enjoying soccer on a regular basis in Beeliar. It is a great example of partnership and maximising facilities. The Club has purchased \$3,750 worth of portable lighting tower and \$5,500 of transportable building used to house the club in the early days. However, although they already pay over \$7,000 to the City, the club is struggling with its office space being a kit room/shed. He asked Council to give kind consideration to their request for assistance of office space.

**Glenda Omacini, Central Ward ratepayer**, in regards to Item 14.9, tabled plans for the proposed residence adjoining her property and raised the following issues:

1. The plan has 6 major windows. The R code states that if the height of the building is 5.1m high and extends in length 9.2m, it should have a setback of 2.7m. They're allowing this setback to be 1.5m classifying





that it is not major openings but the plan clearly shows that this property has 6 major windows on that part of the wall that is 5.1m in height.

2. A balcony setback, under the R codes, should be 7.5m. The applicant is applying for a setback of 3.178m (less than half the setback) and the reason given is that it is only overlooking the driveway. Ms Omacini has a problem with that being that it is not only her driveway but the side boundary and when they walk out onto a balcony that is 6m in length and 3m in width, there is a factor where people can stand up the end and look right over the front yard.

With a battleaxe block, the back yard normally becomes the front yard and consideration by Council needs to be more considerate for owners that don't have plans in and the last person to build. Because when she is ready to build, she will have to consider what other people have built. She believes the R code and design code is there for a reason and if the setback says the balcony should be 7.5m then so be it.

Director Planning responded that these issues have been ongoing with discussions between the owner and Council officer who believes that the recommendation before Council complies with the R codes and is an acceptable outcome given the circumstances.

**Andrew Sullivan**, in relation to Item 14.7, hoped that more detailed planning for the landscape of the ridgeline area could come out for extensive community consultation. He referred to comments in the report regarding the ridgeline and the landscape. The purpose of the report as he understands it, is to suggest to the developer that they don't need to landscape the ridgeline to the extent that they proposed. He agreed with lots of grass and parkland on what is an 'interesting and natural coastal ridgeline' but it is denuded and therefore, it should be reinstated to the type of environment that existed before. On one side it would have been the natural coastal heath and on the east side, it would have had vegetation very similar to that of Manning Park. In addition, in the past Mr Sullivan specifically asked Council and pointed out that you would be able to see the road from the east which was a specific "no-no" from the EPA's point of view. This Council replied at that time that you would not be able to see the road or the development. That has proved to be wrong and the report acknowledges that, which is why screen planting has been proposed. The EPA's requirement was that Council screen that road and the development and he believed Council needed to comply with that requirement.

**Peter Webb**, representing the proponent for Item 14.15, was disappointed at the recommendation for refusal. This matter was raised after 30 years of operation from the site, when Mr Leslie was advised the taxi operation business did not have planning consent notwithstanding the fact that some components, including the fuel storage tank, had been approved. At least



seven nearby residents had no objection to the continued operation of the business which does not impact on the significant majority of neighbours. A single neighbour objected with gross exaggeration and distortions of fact and should be dismissed summarily. He submitted that Council should agree with the vast majority of surrounding neighbours that this use has no negative impact on the amenity of the area. The proponents are willing however, to agree with Council imposing an absolute upper limit on the number of taxis able to operate from the site if that would assist the matter.

**Anthony Petkovic, Britannia Avenue** responded that as the neighbour who lodged the objection and the major neighbour affected by the business, it affects his lifestyle. Petrol fumes, taxi movements at any time during the day or night, industrial security sirens sounding during the night. He asked Council not to approve the business.

**Troy Ranford**, speaking on behalf of Arthur and Hazel regarding the Coogee Café/Kiosk, felt that the redevelopment issue has been going on for long enough. They were put on a month-by-month lease since 1996. Arthur gave Council the opportunity a few years ago for funding the redevelopment of the new store. Arthur put a proposal forward to develop that area and now Council is coming back and basically tabling the proposal he put forward and spent \$3,500 of his own money. He felt that Council hasn't recognised their 25 years of service and now having it taken away from them without an opportunity to tender is a disgrace. Council has made no attempt to consult them or for them to have an opportunity to move forward or sell. They will walk away with nothing.

## 8. CONFIRMATION OF MINUTES

### 8.1 **(MINUTE NO 2628)** (OCM 21/12/2004) - ORDINARY COUNCIL MEETING - 16/11/2004

#### **RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Tuesday, 16 November 2004, be adopted as a true and accurate record, subject to Item 8.1 being amended to adopt the Minutes of the Ordinary Council Meeting held on Tuesday, 19 October 2004 as a true and accurate record.

#### **COUNCIL DECISION**

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

**CARRIED 8/0**



**8.2 (MINUTE NO 2629) (OCM 21/12/2004) - SPECIAL COUNCIL MEETING - 08/12/2004**

**RECOMMENDATION**

That the Minutes of the Special Council Meeting held on Wednesday, 8 December 2004, be adopted as a true and accurate record.

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 8/0**

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

Nil

**10 (OCM 21/12/2004) - DEPUTATIONS AND PETITIONS**

Clr Edwards tabled a petition regarding Dubove Reserve, Spearwood containing 83 signatures, which read: "We the undersigned, being members of the 'Friends of Dubove Reserve', do hereby request that you withdraw any future plans to incorporate a dog compound within the confines of Dubove Reserve. Having adopted the reserve, the situation which now prevails is most satisfactory to all of us, and we feel that a dog compound would destroy the balance that has been achieved. We suggest that all three alternative sites would be more suitable to the proposition, in better providing for the needs of a mass influx of dogs and their owners. We have unsolved traffic problems in this area already, without adding to them with this project."

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

Nil

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

Nil



### 13. COUNCIL MATTERS

#### 13.1 **(MINUTE NO 2630) (OCM 21/12/2004) - MINUTES OF INTERNAL AUDIT COMMITTEE MEETING - 30 NOVEMBER 2004 (5017) (DMG) (ATTACH)**

##### **RECOMMENDATION**

That Council receives the Minutes of the Internal Audit Committee meeting held on 30 November 2004, and the recommendations contained therein be adopted.

##### **COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that the recommendation be adopted subject to Item 8.2 which is to be considered separately.

**CARRIED 8/0**

#### **Background**

A meeting of the Internal Audit Committee was conducted on 30 November 2004. The meeting considered items deferred from the previous meeting and four items directly related to its terms of reference, most significantly the compliance review for the 2003/04 financial year and the management audit report letter undertaken by Council's external auditor, Barrett and Partners.

#### **Submission**

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

#### **Report**

The item deferred from the previous meeting in respect of a worker's compensation claim provides details which are self-explanatory.

The review of the Internal Audit Charter is recommended for deferral pending receipt of details of legislative changes to the Local Government Act 1995, which prescribe specific requirements relative to the establishment and operation of Audit Committees. The relevant amendment to the Act is imminent and the current Charter provides sufficient guidance to the Committee for the interim period.



Council is now required to appoint an Acting Chief Executive Officer on an annual basis, following recommendation from the Internal Audit Committee. The recommendation is in line with the relevant Council Policy on this issue.

Committee is required, under its terms of reference, to review the statement provided by the External Auditors on the adequacy of the annual financial reports. As these documents are contained within the annual report for the financial year ended 30 June 2004, the annual report, required to be adopted by Council by 31 December 2004, is presented through the Committee for consideration as a matter of expediency.

The annual compliance report for the financial year is presented in accordance with the audit plan adopted by the Committee.

The issues highlighting information requested from the previous meeting provide the data sought in an explanatory format.

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

Key Result Area "Managing Your City" refers.

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

N/A

#### **Legal Implications**

Local Government (Financial Management) Regulation 5(2)(1) refers. Sec. 5.54(2) of the Local Government Act, 1995, refers.

#### **Community Consultation**

N/A

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

Nil.

**(MINUTE NO 2631) (OCM 21/12/2004) - ITEM 8.2 – ANNUAL REPORT 2003/04 (1712) (DMG) (ATTACH)**

#### **COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr A Edwards that Council:



- (1) accept the Annual Report for the 2003/04 Financial year as presented, in accordance with Section 5.54(1) of the Local Government Act, 1995; and
- (2) distribute a copy of the Annual Report to:
  1. Members of the Commonwealth and State Parliaments representing electorates within the City of Cockburn; and
  2. All community organisations associated with the Community Development Strategy.

**CARRIED 8/0**

### **Explanation**

There is information sharing benefit in distributing the Annual Report to MP's and community groups within the City.

## **14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

### **14.1 (MINUTE NO 2632) (OCM 21/12/2004) - WESTERN POWER CROWN EASEMENT RESERVE 35541 (HAGAN PARK) (3313543) (KJS) (ATTACH)**

#### **RECOMMENDATION**

That Council give consent for a Western Power crown easement on Reserve 35541 (Hagan Park) subject to:-

- (1) Western Power Reserve 40976 being relinquished and amalgamated into Reserve 35541; and
- (2) the proposed Western Power installation being smaller in scale and bulk than the existing infrastructure.

#### **COUNCIL DECISION**

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

**CARRIED 8/0**



## Background

Reserve 40976 has an area of 50m<sup>2</sup> and houses an electricity substation. The Reserve is under the management of Western Power. Reserve 35541 is a recreation reserve managed by the City of Cockburn with an area of 3.3298ha. Reserve 35541 dates back to the residential subdivision of the area in 1978 and Reserve 40976 was created in 1989.

Western Power have written to the City with a request for the City of Cockburn to give consent to a crown easement over portion of Reserve 35541.

## Submission

N/A.

## Report

The site was inspected with officers from Western Power's technical section. It was explained that the existing facility had reached the end of its serviceable life and required replacement. The only way to ensure a continuous power supply for the surrounding houses is to construct a new substation adjacent to the existing facility and when the new substation is finished, switch over to the new substation. The redundant substation can then be removed.

Western Power have stated that the new substation will be less obtrusive and smaller in size than the substation that it is replacing.

Western Power will meet all costs associated with the rehabilitation of the site and any legal costs associated with the amendments to the crown reserves.

## Strategic Plan/Policy Implications

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
  - *"To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way."*



**Budget/Financial Implications**

N/A.

**Legal Implications**

Nil.

**Community Consultation**

Because the replacement structure will have less of an impact on the function of the park than the existing facility, community consultation was not undertaken.

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

Nil.

**14.2 (MINUTE NO 2633) (OCM 21/12/2004) - SATELLITE DISH (3M) - LOT 60; 21 LORRAINE PLACE, HAMILTON HILL - OWNER/APPLICANT: J & S STEVENS (2203393) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant retrospective approval to the application for an existing satellite dish on Lot 60 (No. 21) Lorraine Place, Hamilton Hill subject to the following conditions:-

**STANDARD CONDITIONS**

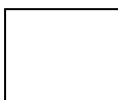
- 1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
- 2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.

**SPECIAL CONDITION**

- 3. The applicant shall install additional screening at the south-western corner of the property for the purpose of screening the satellite dish to the satisfaction of the Council prior to 1 February 2005.

**FOOTNOTES**

- 1. The applicant is advised that the installation of lattice or





landscaping at the south-western corner of the property may be an appropriate measure to satisfy Condition 3 above.

### **COUNCIL DECISION**

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

**CARRIED 8/0**

### **Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	728 m <sup>2</sup>	
AREA:	N/A	
USE CLASS:	Single (R-Code) House – “P” Use	

The applicant submitted an application to seek approval for a 3 metre diameter satellite dish on the subject property.

The satellite dish has since been placed on the property prior to the approval of the Council.

### **Submission**

The application proposes a 3 metre diameter satellite dish which has a maximum height of approximately 3.2 metres above the natural ground level of the property.

### **Report**

The application is acceptable from a planning point of view, except for the following reason:-

- The maximum height of the satellite dish is approximately 3.2 metres above the ground level of the property and is partly visible from the backyard of an adjoining property.

Given the size and height of the dish, it is not possible to locate the dish so that it is not visible from adjoining properties without the aid of screening.



### Community Consultation

The application was referred to five(5) adjoining property owners in accordance with Council policy. One(1) letter of objection was received from an adjoining landowner prior to the erection of the satellite dish, which raised the following concerns:-

1. The satellite dish will look unsightly from the objector's backyard.
2. What trees are to be cut down to install it?
3. What screening is proposed?

The above concerns are addressed below:

1. It is noted that the satellite dish can be partially seen from the objector's backyard. However, the applicant has located the dish in a position so as to minimise the visual impact of the dish to adjoining properties.
2. No trees were cut down when the satellite dish was erected on the property;

It is recommended that the approval of the dish be conditional on the applicant installing screening in the south-western corner of the property.

The Council's position on satellite dishes in residential areas is currently under Policy review.

It is suggested that a prohibition of satellite dishes over a 2.2 metre diameter is too restrictive as the current proposal with a 3 metre diameter dish is supported from a planning viewpoint. Where satellite dishes are erected elsewhere on tall poles, they become visually obtrusive to neighbours and these are often installed without prior planning approval.

In most circumstances when processing applications for 3 metre diameter satellite dishes, suitable locations and solutions can be found that minimise the visual impact on the street and neighbours. A ban on satellite dishes with a 3 metre diameter in the future policy that has recently been advertised for public comment therefore seems unnecessary.

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

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



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

The Planning Policies which apply to this item are:-

APD14 Domestic Satellite Dishes Policy

**Budget/Financial Implications**

N/A

**Legal Implications**

The decision of Council is appealable.

**Community Consultation**

- The application was advertised to five(5) adjoining affected landowners in accordance with Clause 9.4 of the City's Scheme.
- One(1) letter of no objection and one(1) letter of objection were received.

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

Nil.

**14.3 (MINUTE NO 2634) (OCM 21/12/2004) - SINGLE HOUSE CODES APPROVAL - PARAPET WALL - LOT 397; 10 LEICHHARDT CROSSING, HAMMOND PARK - OWNER: P HENDERSON & S COPLEY - APPLICANT: SCOTT PARK HOMES (6002377) (MD) (ATTACH)**

**RECOMMENDATION**  
 That Council:

(1) grant approval to a Single (R-Code) House with a reduced setback to a garage parapet wall on Lot 397 (No. 10) Leichhardt Crossing, Hammond Park subject to the following conditions:-



**STANDARD CONDITIONS**

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

**SPECIAL CONDITION**

5. The surface finish of the boundary wall abutting the adjoining property is to be of a clean and rendered finish.

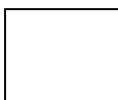
**FOOTNOTES**

- (a) The development is to comply with the requirements of the Building Code of Australia.
  - (b) In regards to Condition 5, the surface finish of the boundary wall of the adjoining property should be to the satisfaction of the adjoining landowner and to be completed as part of the building licence. In the event of a dispute, the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the Council.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant accordingly; and
  - (3) advise the complainant of Council's decision.

**COUNCIL DECISION**

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

**CARRIED 8/0**



## Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Vacant	
LOT SIZE:	508 m <sup>2</sup>	
AREA:	234 m <sup>2</sup>	
USE CLASS:	Single (R-Code) House – Permitted Use (“P”)	

## Submission

The application proposes a Single (R-Code) House with a reduced front setback to the garage boundary wall. The applicant has provided the following justification for the proposal:-

- To make more effective use of space of the property;
- The development will not have any significant adverse impact on the amenity of the adjoining property;
- The development will not restrict solar access to major openings and outdoor living areas of the adjoining property.

A copy of the site plan is with the Agenda attachments.

## Report

### Residential Design Codes (the ‘Codes’)

In determining the application, Council is to have regard to the performance criteria under Clause 3.3.2 P2 of the Codes, which states:

*“3.3.2 P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:*

- *Make effective use of space; or*
- *Enhance privacy; or*
- *Otherwise enhance the amenity of the development; and*
- *Not have any significant adverse effect on the amenity of the adjoining property; and*
- *Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted”.*

The proposed garage complies with the above performance criteria as the garage will be setback 4.5 metres. The proposed garage boundary wall will not have any additional impact than if it were setback 1 metre from the side boundary. Further, the boundary wall will not obstruct views to the street from the neighbour’s windows.



One letter of objection in regard to the boundary wall was received with the application. The objector is concerned that the objector's house is to be constructed of redbrick and the proposed boundary wall is to be federation limestone (cream coloured). The limestone wall will extend into the front yard of the objector's property and the objector considers that the wall will not be aesthetically pleasing or be compatible with the colour of the objector's house.

The above concern is addressed below: -

The objection to the colour of the boundary wall is not a valid planning consideration given that the objector has received a building licence to construct a house with a boundary wall that abuts the applicant's property. The objector's boundary wall will abut the applicant's boundary wall for approximately 4 metres of the length of the applicant's wall, effectively screening the wall for that portion. Both properties will have approximately a 2 metre portion of boundary wall that is visible to each dwelling and in a different colour to each house.

The objection can be dismissed, as the colour of a boundary wall is not an issue dealt with by a policy of the Council. Council can however require that the surface finish of the boundary wall is of a clean rendered finish.

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

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

2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To conserve the character and historic value of the human and built environment."*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Residential Design Codes of Western Australia  
Town Planning Scheme No. 3



**Community Consultation**

One letter of objection was received with the application.

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

Nil.

**14.4 (MINUTE NO 2635) (OCM 21/12/2004) - SOUTHWELL NEW LIVING PROJECT MASTER PLAN AND COMMUNITY DEVELOPMENT PLAN (9512) (AJB)**

**RECOMMENDATION**

That Council:

- (1) advise Department of Housing and Works and the Satterley Property Group that;
  1. A Master Plan and Community Development Plan should be prepared to guide development within the Southwell area and to coordinate the funding of Council works in the area as provided for in the Memorandum of Understanding between the Department of Housing and Works and the City dated December 2003;
  2. In light of recent concerns expressed by the Project Manager, Council agrees not to proceed with a visioning day or two/three days workshop for the Southwell New Living Project as proposed by the Dialogue With The City funding application and that the City withdraws the application;
  3. The Southwell New Living Project Master Plan and Community Development Plan should be prepared by the project manager in close consultation with the City's technical officers, Council and community representatives;
  4. Council reserves its right to review its obligations set out in the Memorandum of Understanding with the Department of Housing and Works if its objectives are not being achieved.
- (2) advise the Western Australian Planning Commission of Council's decision to withdraw the application for funding of the Southwell New Living Project .



**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Mayor S Lee that Council:

- (1) advise Department of Housing and Works and the Satterley Property Group that;
  1. A Master Plan and Community Development Plan should be prepared to guide development within the Southwell area and to coordinate the funding of Council works in the area as provided for in the Memorandum of Understanding between the Department of Housing and Works and the City dated December 2003;
  2. In light of recent concerns expressed by the Project Manager, Council agrees not to proceed with a visioning day or two/three days workshop for the Southwell New Living Project as proposed by the Dialogue With The City funding application and that the City withdraws the application;
  3. The Southwell New Living Project Master Plan and Community Development Plan should be prepared by the project manager in close consultation with the City's technical officers, Council and ongoing dialogue with the Southwell Residents Association as a minimum of community consultation;
  4. Council reserves its right to review its obligations set out in the Memorandum of Understanding with the Department of Housing and Works if its objectives are not being achieved.
- (2) advise the Western Australian Planning Commission of Council's decision to withdraw the application for funding of the Southwell New Living Project .

**CARRIED 8/0**

**Explanation**

It should be made clear to the Department and the Satterley Property Group, that the Council expects that there is to be an on-going dialogue with the Southwell Residents Association as part of the structure planning process.





## **Background**

On 15 September 2004, the City lodged an application with the Western Australian Planning Commission for a grant of \$35,000 from the Dialogue With The City Communities Program. The total grant proposal was for \$70,000.

The application lodged on behalf of the City, Department of Housing and Works and the Satterley Property Group was to fund the preparation of a Master Plan for the Southwell New Living project. In accordance with the guidelines issued by the Department, the process was to include a visioning day and a 2-3 day charette workshop.

The application for funding has not yet been determined.

## **Submission**

The Project Manager, Mayor and a senior Council Officer met recently to discuss the Southwell New Living Project. This item has been prepared in light of those discussions and subsequent comments and suggestions made by the Mayor, in order not to delay the refurbishment program that has already been commenced by the Satterley Group.

## **Report**

The successful implementation of the Southwell New Living project should require the preparation and adoption of a Master Plan and a Community Development Plan. These documents would outline proposals for the area and would be the basis of Council's contribution to works in the public domain as foreshadowed in the Heads of Agreement signed by the City and Department of Housing and Works in a Memorandum of Understanding dated December 2003.

In discussions with the Department of Housing and Works and their joint venture partner the Satterley Property Group, it was agreed that the preparation of the Master Plan could attract funding under the Planning Commission's Dialogue With The City program and that an external consultant could be engaged to run the project including associated public consultation.

The agreed funding was \$17,500 each from the City and Department for Housing and Works/Satterley Property Group and a grant of \$35,000 from the Planning Commission giving a total of \$70,000.

To qualify for funding the Department advised that the project would need to include a visioning day and a charette workshop involving technical experts, representatives from community organisations and invited residents to be held probably over 2-3 days. The application for funding included these elements. It should be noted that Dialogue with



the City Round 1 Applications are only to provide for community consultation.

Subsequent to lodging the application, the project manager for Satterley Property Group has expressed concern that the requirements are unnecessary and onerous given the public consultation and liaison they are undertaking directly with the Southwell Residents Association and that the lead time in organising such an event will adversely affect their refurbishment program.

In light of these concerns, it is considered that Council should withdraw the Dialogue With The City funding application and advise the Department of Housing and Works and the Satterley Property Group that they should proceed separately to prepare and process a Master Plan for the Southwell New Living project. On this matter it should be noted that the Southwell project is a Department of Housing and Works/ Satterley Property Group project and Satterleys need to take the lead role in the preparation of a Master Plan in accordance with their commitments to the Department of Housing and Works as outlined in their tender and presentation to the selection committee.

It is considered that at the very minimum, the public consultation associated with the preparation and adoption of the Southwell New Living Project Master Plan should include the following;

- Ongoing dialogue with the Southwell Residents Association
- Stakeholder workshop
- Formal advertising of the Draft Master Plan seeking public and stakeholder comment.
- Continued liaison with City of Cockburn Planning Services Department.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*



2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  
4. Facilitating the needs of Your Community
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

### **Budget/Financial Implications**

A saving of \$ 17,500 in the Strategic Planning budget.

### **Legal Implications**

Nil

### **Community Consultation**

To be undertaken as part of the process of preparing and adopting the Master Plan.

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

Nil.

## **14.5 (MINUTE NO 2636) (OCM 21/12/2004) - DEDICATION OF LAND AS ROAD PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 RESERVE 28853 GERALD ROAD, SPEARWOOD (2204035) (KJS) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) require a written undertaking from the owner of Lot 59 Gerald Street that he will comply with all previous requirements in relation to this matter as specified in Council decision of 24 August 2004;
- (2) request that the Minister for Planning and Infrastructure dedicate Reserve 28853 as Road Reserve pursuant to Section 56(1) of the Land Administration Act; and
- (3) indemnify the Minister for Planning and Infrastructure against reasonable costs incurred in considering and granting this request.



**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

Council at its meeting held on 24 August 1999 resolved to:

- “(1) request the Department of Land Administration to revest Drainage Reserve 28853 to a Road Reserve, subject to the proponent accepting all costs incurred by Council to date, together with any future costs associated with the reclassification of the Reserve;*
- (2) seek approval from the Western Australian Planning Commission for the creation of an under-width road reserve;*
- (3) support the revesting of the Drainage Reserve to Road Reserve subject to the applicant accepting all of the costs associated with:*
  - (a) the design and construction of a vehicle accessway from Gerald Road and a pedestrian path linking the accessway to Shallow Street and associated works in accordance with the specifications of and to the satisfaction of the Council;*
  - (b) the installation of landscaping within the road reserve between Gerald Road and Shallow Street to the satisfaction of the Council and for the developer to be responsible for the maintenance of the landscaping for a minimum period of 12 months following its installation.”*

**Submission**

N/A

**Report**

Ownership of Lot 50 has changed since 1999 and the new owner wishes to proceed with the subdivision of Lot 50 into 4 lots, two of which will have frontage to the proposed road reserve. The proposed subdivision cannot proceed until the Drainage Reserve has been revested as Road Reserve.



The application is supported, although a response cannot be provided until such time as the Commission confirms its acceptance for a reduced road reserve width. The application cannot proceed until the Commission's decision is known.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

Nil.

### **Community Consultation**

N/A.

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

Nil.

## **14.6 (MINUTE NO 2637) (OCM 21/12/2004) - SALE OF PORTION OF LOT 101 BEELIAR DRIVE, BEELIAR TO COBURG NOMINEES PTY LTD (4414000) (KJS) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) reject the offer to purchase portion of Lot 101 Beeliar Drive area 1583 square metres for a consideration of \$95,000 from Coburg Nominees Pty Ltd;
- (2) counter the offer by Coburg Nominees Pty Ltd to purchase



portion of Lot 101 Beeliar Drive of 1583 square metres for a consideration of \$116,000, subject to the provisions of Section 3.58 of the Local Government Act 1995 being complied with; and

- (3) transfer the funds of the sale to the Land Development Reserve Fund.

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

**COUNCIL DECISION**

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

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

**Background**

Lot 101 is a freehold lot purchased to facilitate the construction of Beeliar Drive. The land is in excess of the requirements for the road reserve and is available for sale.

Council at its meeting held on 20 April 2004, resolved to:-

- “(1) *allocate \$30,000 to cover the costs of consultants required to provide information for the preparation of a Business Plan for the development and sale of multi lots on portion of Lot 101 Beeliar Drive, Beeliar.*
- (2) *with funds to be drawn from Account GL 116-6218 – Business Plans.”*

Council at its meeting held on 16 November 2004, resolved to defer consideration of the sale of portion of Lot 101 Beeliar Drive to Coburg Nominees Pty Ltd, until the valuation advice has been received.

**Submission**

N/A.

**Report**

The area of land within Lot 101 required for the Beeliar Drive road reserve has been identified. Excess land north and south of the road land has been identified and divided into sub lots that can be



developed as multi unit sites or in this case is suitable for inclusion into the adjoining Lot 77 Birchley Road.

A valuation report has been prepared by McGees Licensed Valuers. The report highlights the fact that residential development in the vicinity is very active and that the resultant lots are keenly sought after. Selling prices for lots have risen sharply in the past 12 months. McGees have determined that the market value of the land is \$116,000.

An application has been made to the Western Australian Planning Commission to subdivide Lot 101. The subdivision will create the Beeliar Drive road reservation, one lot north of the road, a second lot south of the road and the balance land being the land the subject of this report. The road pattern for the future subdivision of the balance land and Lot 77 will be shown on the subdivision application, but all costs associated with the balance land will be borne by Coburg Nominees Pty Ltd.

Engineering consultants have been instructed to prepare costs estimates for the development of the other lots the subject of the subdivision application. Once these costs have been determined the business plan as identified in the May 2004 Council meeting will be completed and requires no further consideration by the Council.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
  - *"To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way."*
  - *"To maintain a professional and well trained workforce that is responsive to the community's needs."*
  - *"To manage a fleet of plant and vehicles that contribute to the efficient operation of Council's services."*

### **Budget/Financial Implications**

Proceeds of the sale will be placed in the Land Development Fund.



### **Legal Implications**

3.58 of the Local Government Act.

### **Community Consultation**

Advertising will be undertaken in the local paper pursuant to the requirements of the Local Government Act.

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

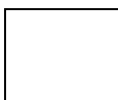
Nil.

## **14.7 (MINUTE NO 2638) (OCM 21/12/2004) - PORT COOGEE MARINA PROJECT - REGION OPEN SPACE (9662) (SMH/AC) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) advise the Western Australian Planning Commission that it is:-
  1. not prepared to put the proposed Port Coogee Marina Project in jeopardy by not accepting responsibility for the balance of regional Parks and Recreation Reserve located east of the Cockburn Road realignment;
  2. prepared to be responsible for the management and maintenance of the reserve;
  3. prepared to continue the irrigation of the reserve until such time as either the water quality reaches acceptable environmental standards or an alternative method of disposing of the water is provided;
- (3) advise Australand Holdings Limited of the Council decision;
- (4) provide for the on-going cost of \$282,000 (escalated) for the maintenance of the Parks and Recreation Reserve in the 2006/07 financial year, based on an estimated annual average cost of \$8,500 (escalated) per hectare;
- (5) in respect to the Landscape Management Plan which forms part of the Waterways Environmental Management Plan, the following points are made:-
  - Revegetation of the reserve will be minimal to ensure that the natural character and landscape features of the regional





parks and recreation reserve are retained;

- Installation of 'tall screening' vegetation will not form part of the proposed plan, and instead the views created by the realignment of Cockburn Road will be capitalised on by promoting views of the coast and to the suburbs of Cockburn and the distant hills. Cockburn Road should be promoted as a scenic coastal drive to rival those north of Fremantle;
- (6) advise the Western Australian Planning Commission, the Environmental Protection Authority and Australand Holdings Limited of the Council's views on the Landscape Management Plan.

### **COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr M Reeve-Fowkes that Council:

- (1) receive the report;
- (2) advise the Western Australian Planning Commission that subject to the Council being satisfied with the conditions of the Waterways Management Program addressing the Landscaping Management Plan, it agrees to become the nominated Waterways Manager for the proposed Port Coogee Marina and that it is prepared to:-
  1. be responsible for the management and maintenance of the reserve; and
  2. continue the irrigation of the reserve until such time as either the water quality reaches acceptable environmental standards or an alternative method of disposing of the water is provided.
- (3) advise Australand Holdings Limited of the Council decision;
- (4) provide for the on-going cost of \$282,000 (escalated) for the maintenance of the Parks and Recreation Reserve in the 2006/07 financial year, based on an estimated annual average cost of \$8,500 (escalated) per hectare;
- (5) in respect to the Landscape Management Plan which forms part of the Waterways Environmental Management Plan, the following points are made:-
  - Revegetation of the reserve will be minimal to ensure that the natural character and landscape features of the regional



parks and recreation reserve are retained;

- Installation of 'tall screening' vegetation will not form part of the proposed plan, and instead the views created by the realignment of Cockburn Road will be capitalised on by promoting views of the coast and to the suburbs of Cockburn and the distant hills. Cockburn Road should be promoted as a scenic coastal drive to rival those north of Fremantle;

- (6) advise the Western Australian Planning Commission, the Environmental Protection Authority and Australand Holdings Limited of the Council's views on the Landscape Management Plan; and
- (7) reconsider this matter at the next meeting of Council, in the event that the Council does not agree to become the nominated Waterways Manager for the proposed Port Coogee Marina at its Special Meeting to be held on 23 December 2004.

**CARRIED 6/2**

### **Explanation**

The Council is not prepared to put the proposed Port Coogee Marina Project in jeopardy by not accepting responsibility for the balance of regional Parks and Recreation Reserve located east of the Cockburn Road realignment. In addition, it is important that the Council confirm its position in respect to the future management and maintenance of the reserve, particularly if the Council is prepared to be the Waterways Manager for the proposed Port Coogee Marina. However, in the event that the Council does not become the Waterways Manager at its Special Meeting on 23 December 2004, then the matter be reconsidered by Council at its meeting in January 2005. Whether Council becomes the Watersways Manager or not, it should still proceed with managing the Regional Open Space so long as the conditions dealing with the landscape management plan are acceptable.

### **Background**

This matter was considered by the Council at its meeting held on 17 August 2004, where it resolved in relation to the Beeliar Regional Park, Spearwood that:-

*"Beeliar Regional Park remains in the control of the Department of Conservation and Land Management."*

The report considered by Council provided the following information:-



*“Immediately east of the Port Coogee Marina development is the Beeliar Regional Park which incorporates the Rotary Lookout. The park is reserved under the MRS as a Parks and Recreation Reserve and has an area of 50.4 hectares.*

*The reason why the regional park is affected by the Port Coogee Marina development is because of an EPA requirement that contaminated ground water collected on the coast be irrigated in the park on the eastern side of the ridge.*

*Currently the parkland exists in a natural state managed by CALM. There is no cost to the City. However, under the EPA requirement it is expected that the park will revert to the care and control of the City.*

*If it costs \$10,000/ha to maintain, based on preliminary development plans prepared by the Port Coogee developer, it could cost \$500,000 per annum to maintain, which currently represents a 2½% rate increase.*

*At this stage there has been no commitment to taking on this responsibility, however, it is envisaged that any plan would not include any high maintenance areas, such as grass, but be limited to irrigated trees, natural bushland and walking and cycling trails. A landscape plan has yet to be prepared.*

*The current situation is that the area is:-*

- maintained at no cost to the City*
- owned by the Western Australian Planning Commission*
- managed as part of the Beeliar Regional Park by CALM*
- to be used for the disposal of contaminated ground water for the Port Coogee development*
- to be used for irrigating contaminated water as an EPA condition of approval for the development*
- part of the Port Coogee Development Agreement which is between the developer and the State Government. The City is not a party to this arrangement.*
- Unlikely to be receiving contaminated water in 8 to 10 years time as the plume will have travelled through the ground to the coast within this time, based on the environmental report.*

*Given these facts, it is not clear why the City should have to potentially spend a significant sum of ratepayer funds to maintain a reserve that directly arises from the approval of the development by the State.*

*In the circumstances it is concluded that Beeliar Regional Park remains in the control and management of the Department for Conservation and Land Management.”*



The Western Australian Planning Commission was advised of Council's decision accordingly.

### **Submission**

In response to the City's letter dated 2 September 2004, the Commission expressed its disappointment in the Council decision. (Refer to WAPC letter dated 28 October 2004, attached to the Agenda).

On 3 November 2004, the City wrote again to the Commission seeking a meeting with DPI representatives as soon as possible. (Refer to the City's letter dated 3 November 2004, attached to the Agenda.)

A meeting of DPI and City representatives was held on 23 November 2004, where the matter was discussed at length without resolution.

Following the meeting, the DPI wrote to the City reconfirming its view that the City should be responsible for the management of the Region reserve and went on to say that:-

*"If the City of Cockburn is not prepared to be the eventual manager of the land then the MRS environmental conditions (as proposed) cannot be achieved hence the project may not be able to proceed."*

This is a significant statement and because of this, it was deemed important that the matter be brought back to Council for further consideration.

On 26 November 2004, Australand wrote to the City advising that in relation to the regional Parks and Recreation Reserve, they agree with the WAPC that the area involved is only 28.4 ha, that the maintenance of the 18 ha of reserve that will be irrigated will cost in the order of \$6,500 - \$9,000 per annum and that the volume of water irrigated during the summer will be 2100m<sup>3</sup> per day.

### **Report**

According to a re-measurement of the area of regional parks and recreation reserve that will remain after the realignment of Cockburn Road, is 33 ha, not 50.4 ha as originally reported.

Of this area, it is understood that 3.6 ha is already vested in the City as the Rotary Lookout, with 28.6 ha (approx.) owned by the State. A total of 32.2 ha.

Therefore for the purpose of proceeding with the report, around 29 ha is the area of State owned land that may be transferred to the Council.



It is understood that the developer is proposing to pump 2100m<sup>3</sup> per day during the summer into a 6,400m<sup>3</sup> dam for the irrigation of 18 ha of the region open space.

The need to irrigate the open space is to meet an EPA condition to improve the water quality into Cockburn Sound.

The Council has supported the development of Port Coogee and believes that it will be the catalyst to revitalise the coast and become an important metropolitan destination that will benefit the Cockburn community. Given this, it appears, based on the DPI advice, that should Council not accept the responsibility of the land, then the environmental conditions (as proposed) cannot be met and as a consequence the project may not proceed.

It appears that the Council has no choice.

From a staff viewpoint, it appears that only one solution has been offered as a way of dealing with the problem of collecting and disposing of the contaminated water. The proponent advises that 69% of the water collected will be injected into the aquifer and based on this, it is not understood why all of the water collected could not be injected into the aquifer. Moreover, according to the environmental consultants, it is expected that the plume of contaminated water will have moved through the ground behind the marina within around 6 years (2010) and therefore the need for collection and irrigation in the long term is minimal.

However, the Waterways Environmental Management Program requires under 3-1 (9) the preparation of "*A Landscape Management Plan for the Metropolitan Region Scheme Parks and Recreation reserve, immediately east of the amendment area.*" This requirement must be complied with. This is one likely reason why portion of the reserve is proposed to be irrigated.

The imposition of the condition is to off-set the loss of region open space as a result of the re-alignment of Cockburn Road and its impact on remnant native vegetation. The overall objective of the Landscape Management Plan is to enhance the landscape characteristics of the reserve.

The development of the regional parks and recreation reserve east of the re-aligned Cockburn Road forms part of the Waterways Environmental Management Program which is discussed in Section 5 of the Report.

The proposals contained in the report are considered desirable and appropriate in the large part, however the following points are made:-



- The overall objective of the Landscape Management Plan is to enhance the landscape characteristics of the regional reserve to secure the values of the reserve previously identified by the EPA.

To some in the community, the dunal ridge as it currently exists is a unique and attractive landscape feature within the district that does not require “greening” by revegetation.

The ridgeline as it exists is distinctive and reflects the landscape of an exposed coastal location. The introduction of ‘tall’ trees and vegetation within this area could be seen as contrary to the locality.

The landscape and ridgeline combined are noteworthy within the Coogee locality and provide a sense of identity for local residents and passers-by.

Given this, the replanting of this area may be contrary to, rather than consistent with, the characteristics of a primary coastal dune. This needs to be reconsidered.

- The proposal to screen the re-aligned Cockburn Road and roof tops from view from the eastern side of the ridge needs to be reconsidered. This is because a large number of houses in the Cockburn Waters Estate at Coogee already traverse the ridge, and therefore there seems little point in attempting to mask the limited view of a very few roof tops that may rise above the ridge adjacent to Port Coogee Marina Estate.

Moreover, the re-aligned Cockburn Road will become a ‘scenic’ coastal route that will provide extensive views to Owen Anchorage and Cockburn Sound and to the islands beyond.

The re-aligned Cockburn Road will generally be confined to the west of the ridge except for one short section where it crosses a dip between two high points on the ridgeline. This exposed section is on the outside of a bend and provides a unique opportunity for passing traffic to take in views to the east across Spearwood and to the distant hills. This view corridor should be preserved rather than screened.

The elevated re-alignment of Cockburn Road should be capitalised on to maximise the unique views that it will be created and thereby promote Cockburn and the Cockburn coast.

The planting of ‘tall’ screen trees is not supported.

- Water from the groundwater intercept drain will collect nitrogen enriched water and pump it to an underground 6,400m<sup>3</sup> storage facility. From this, around 2,100m<sup>3</sup> will be irrigated onto 18 ha of



parkland during the summer months. This is a significant amount of water.

- The purpose of the intercept drain is to prevent nitrogen enriched water from entering the Sound. However, based on the environmental consultant's report, the polluted plume of underground water will cease by 2010, in only 6 years time. This is an enormous cost burden on the proponent given that it is dealing with such a short section of coast and such a short time period. This means that after 2010, the City, if it is the responsible manager of the reserve, may choose not to continue with the irrigation system.

- The Landscape Management Plan states that:-

*"The City of Cockburn will subsequently take over management and maintenance responsibilities for the park".( pp13)*

This has been the subject of on-going debate and it has been made clear to both the proponent and the Department for Planning and Infrastructure, that it does not necessarily follow that the City will take on these responsibilities.

It is the purpose of this report to have the Council consider its position in respect to the future maintenance and management of the regional parks and recreation reserve east of the Port Coogee Marina Project.

- A potential difficulty not addressed in the report is the need to water this area extensively during the summer, when there is likely to be sprinkler bans across the metropolitan area. This could cause adverse publicity for the City.

In conclusion it is recommended that:-

- The City take on the responsibility of the regional parks and recreation reserve immediately east of the re-aligned Cockburn Road.
- The plan include infrastructure such as paths, lookouts, interpretative signs and the like to improve the useability of the parkland and provide a connection between Manning Park and Cockburn Waters.
- Revegetation be minimised in an endeavour to retain the unique coastal character of this important landmark feature and to minimise potential maintenance and management costs.
- Tall trees which are not common to the ridgeline not be planted to screen views, but instead the view corridors created by the re-alignment of Cockburn Road be exploited.



### Strategic Plan/Policy Implications

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
2. Planning Your City
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
5. Maintaining Your Community Facilities
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*

### Budget/Financial Implications

According to an estimate prepared by Urban Landscaping on behalf of the proponent, it is expected to cost around \$9,000 per ha for the 18 ha of irrigated land for the first 8 years and then reduce to about \$6,500 per ha in subsequent years.

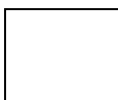
One important factor that is not included in the maintenance figures is the cost of depreciation of the works that will need to be replaced.

Using the proponents estimated costs together with in-house costs, the maintenance could be in the order of:-

• Rotary Lookout	3.6 ha @ 50% x \$10,000/ha	\$ 18,000
• Irrigated Area	18 ha @ \$9,000/ha	\$162,000
• Balance Area	<u>12.4 ha @ \$5,000/ha</u>	<u>\$ 62,000</u>
	33 ha \$7,333 (average)	\$242,000

These figures do not take into account depreciation of the works for which an allowance will need to be made using accepted formulas. If the works cost in the order of \$1 million, then it could be expected that \$40,000 per annum will need to be set aside to provide for future replacement of the infrastructure based on a life cycle of 25 years (2% depreciation) (\$1,200/ha/annum).

Therefore if depreciation is included based on the assumptions made, the costs will increase to \$8,533 (average) per hectare and increase





the annual expenditure to \$282,000. Representing 1.5% increase in rates.

To minimise the likely maintenance and management costs, the Council should discourage any revegetation and retain the reserve in its current state, with the improvement works limited to public infrastructure such as parks, seats, lookouts and interpretative signs.

### **Legal Implications**

It appears based on informal advice from McLeods and a representative of DLI, that it is unlikely the City can be forced to accept a vesting of a State reserve. However, the situation has not been tested to know clearly what the legal position might be.

It is understood that the land is owned in fee simple by the WAPC, in which case the transfer of responsibility for the reserve to the City may need to be by land transfer rather than vesting, in which case the City would become the landowner.

### **Community Consultation**

The Waterways Environmental Management Program was advertised for public comment by the EPA as part of MRS Amendment 1010/33 for Port Coogee. City staff lodged a submission.

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

Nil.

**14.8 (MINUTE NO 2639) (OCM 21/12/2004) - GROUPED (R-CODE) DWELLING - RETROSPECTIVE APPLICATION - REAR BEDROOM CONE OF VISION SETBACK - LOT 81; 125 FORREST ROAD, HAMILTON HILL - OWNER/APPLICANT: L & S ZNAOR (2201805) (MD) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) grant retrospective approval to a Grouped (R-Code) Dwelling on Lot 81 (No. 125) Forrest Road, Hamilton Hill subject to the following conditions:-
  1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
  2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the



commencement and carrying out of the development.

3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 2.1 metre truncation.
5. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

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

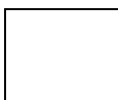
6. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia and the design is to be certified by a suitably qualified practicing Engineer and designed on the basis of a 1:10 year storm event.

SPECIAL CONDITIONS

7. The existing dwelling shall be certified by a suitably qualified structural engineer to the satisfaction of the City.
8. The surface finish of the boundary wall abutting the adjoining lot to be constructed to Council satisfaction.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. The applicant is advised that the City is legally unable to issue a retrospective building licence for the dwelling. Special Condition 7 simply ensures the dwelling has been constructed to a suitable standard.
3. In regards to condition 8, the surface finish of the boundary wall of the adjoining lot should be to the satisfaction of the adjoining landowner. In the event of a dispute, the boundary wall must be constructed with a clean or rendered finish to the satisfaction of Council.
4. The development site should be connected to the



reticulated sewerage system of the Water Corporation before commencement of any use.

### **COUNCIL DECISION**

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

**CARRIED 8/0**

### **Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	936m <sup>2</sup>	
AREA:	128m <sup>2</sup>	
USE CLASS:	Grouped (R-Code) Dwelling 'P' Permitted Use	

The City issued an approval for a grouped dwelling at the rear of the subject property on 5 April 2004.

The proponent then commenced to construct the dwelling prior to the issuance of a building licence.

The building pad for the dwelling was not constructed in accordance with the approved plans. The building pad was raised by 5 courses, which presented privacy issues to the property at the rear.

An adjoining landowner then submitted a letter to Council stating the following concerns that the:-

- height of the slab will present overlooking issues to the backyard of the objector's house; and
- completed height of the building will be imposing and will overshadow the objector's backyard.

The applicant has subsequently submitted amended plans to address the privacy issue to the property at the rear by relocating the bedroom windows to each side of the house.

### **Submission**

The applicant has provided the following reasons to explain why the dwelling was not constructed in accordance with the approved plans, namely the:-



- original floor plans were not detailed and did not consider the impact to the sewerage line and the requirements of the Water Corporation;
- Water Corporation required that the ground at the rear of the property must remain at natural level and could not be raised 0.5m as shown on the approved plans, due to filling not being permitted over the sewerage line. To overcome this problem, the pad of the house was raised by 5 courses at the front and 10 courses at the rear;
- original plan could not enable the roof over the garage to be fixed or a garage door to be installed. To overcome this problem, 3 courses were raised all around the house;
- slab of the house is 2 courses thick so altogether, 5 courses (400mm) was raised at the front and 10 courses was raised at the rear of the dwelling.

### **Report**

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

The application is acceptable from a planning perspective except that proposed bedroom 2 window overlooks the adjoining property to the south and proposed bedroom 3 window overlooks the adjoining property to the west.

### Community Consultation

The application was referred to adjoining landowners in accordance with Clause 5.4 of the City's Town Planning Scheme No. 3 with respect to the overlooking issue.

While the bedroom windows still have the potential to overlook a portion of the adjoining properties, the owners of the two properties impacted by the proposal have viewed the amended plans and have no objections to the overlooking issue from bedroom 2 and 3 windows.

### Conclusion

Since the applicant has submitted amended plans to address the privacy issue to the property at the rear, the application is considered to be acceptable from a planning perspective.



No further action is recommended with respect to the unlawful development, given that the owner has now sought approval and that the dwelling will not adversely affect the residents of the locality.

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

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

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3  
Residential Design Codes 2002 (clause 3.8.1)

### **Community Consultation**

Application was referred to adjoining affected landowners in accordance with Clause 9.4 of the City's Town Planning Scheme No. 3. One letter of objection was received prior to the formal advertisement of the application.

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

Nil.



**14.9 (MINUTE NO 2640) (OCM 21/12/2004) - SINGLE HOUSE CODES APPROVAL - PRIVACY ISSUE TO FRONT BALCONY - LOT 582; 6 JOSHUA CLOSE, BIBRA LAKE - OWNER/APPLICANT: A & S KOIOS (1118091) (MD) (ATTACH)**

**RECOMMENDATION**

That Council grant approval to a Single (R-Code) House – reduced setback to balcony on Lot 582 (No. 6) Joshua Close Bibra Lake, subject to the following conditions:

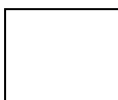
1. Development can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. This approval related to the revised attached plans with amendments marked in red.
4. No wall, fence or landscaping greater than 0.75 metres in height measured from natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless such wall or fence is constructed with a 2.1 metre truncation.
5. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
6. 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.
7. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.

**SPECIAL CONDITIONS**

8. The upper storey lounge window and northern bedroom 3 window being either fixed and obscured or made into a highlight window as marked in red on the approved plans to the satisfaction of the Council.

**FOOTNOTES**

1. The development is to comply with the requirements of the Building Code of Australia.
2. With respect to Condition 8, the term 'highlight window' means a



window with a sill height not less than 1.6m above the finished floor level.

### **COUNCIL DECISION**

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

**CARRIED 6/2**

### **Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	700 m <sup>2</sup>	
AREA:	216 m <sup>2</sup>	
USE CLASS:	Single (R-Code) House 'P' - Permitted	

Council granted planning approval for a two storey dwelling on the subject lot on 12 October 2004. Approval was granted to plans that showed the upper lounge room window being obscured and fixed and the front balcony being provided with a 1.6m high screen wall to prevent overlooking the adjoining property.

### **Submission**

The applicant is seeking a modification to the 2004 development approval in that the new application proposes an upper storey lounge window without obscure glass, a major opening to bedroom 3 (northern window) and a front balcony without screening. The applicant has provided the following justification for the proposal:-

- The balcony is located in a position whereby it will only overlook the driveway of the adjoining property and areas visible from the street;
- The living room windows will mainly overlook the driveway of the adjoining property, which could assist with passive surveillance.
- The living room window will potentially only overlook the front portion of the adjoining lot where no habitable rooms or active living areas are likely to be located.

### **Report**



### Residential Design Codes (the 'Codes')

In determining the application, Council is to have regard to the performance criteria under Clause 3.8.1 P1 of the Codes, which states:

*“Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking account of:*

- *The positioning of windows to habitable rooms on the development site and the adjoining property;*
- *The provision of effective screening; and*
- *The lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street”.*

With respect to the above points, it is considered that the lounge and northern bedroom 3 windows are positioned so that they will overlook the rear yard of the adjoining property. It is recommended that they be treated to prevent overlooking. It is considered that the front balcony will only overlook the front garden and access drive of the adjoining property and not any active living areas of the adjoining property. It is considered that the proposed balcony will comply with the above performance criteria.

### Community Consultation

The application was referred to the adjoining affected landowner in accordance with Clause 9.4 of the City's Town Planning Scheme No. 3. One letter of objection was received. The objector raised the following concerns: -

1. Objection to the lounge room window as it will overlook a large portion of the objector's property and will overlook the proposed location of the objector's bedroom window.
2. The front balcony is set back only 3.178m from the objector's property. The objector is not satisfied with such a small setback, as it will overlook a large portion of the property.
3. The objector objects to the setback to the western wall of the proposed dwelling. The setback to the wall is 1.5m. The objector is concerned that the wall will overshadow their property, will create issues with noise and will be intrusive on the objector's property.

The above concerns are addressed below:-

1. It is agreed that the lounge room and northern bedroom 3 windows will overlook a significant portion of the objector's property. It is recommended that a condition be placed on the





approval that requires the lounge and northern bedroom 3 windows to be treated to prevent overlooking and comply with the Codes.

2. The balcony will only overlook the access drive of the objector's property and will not overlook any major habitable rooms or active outdoor living areas of the objector's property, as calculated in accordance with the Codes. It is considered that the objector's concern with respect to the balcony can be dismissed.
3. The objector stated that they did not object to the issue of the reduced setback to the western wall on the original application. The proposed western wall complies with the setback and overshadowing and acceptable development provisions of the Codes, in that the objector's property is located to the west of the applicant's property and not the south. The applicant is required to comply with the Environmental Protection (Noise) Regulations 1997. It will be a standard two storey high wall typical of a double storey house. The western wall will not be visually intrusive on the objector's property given that the 5.1m high wall only extends for 9.2m in length and, subject to conditions recommended in the approval, will not contain any major openings overlooking the objector's property. The western wall will comply with the setback provisions under the Codes. Given these points, it is considered that the objector's concerns may be dismissed.

### Conclusion

It is recommended that the application be approved subject to the lounge and northern bedroom 3 windows being treated to prevent overlooking of the adjoining property.

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

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

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3



Residential Design Codes of Western Australia 2002

**Community Consultation**

Application referred to adjoining affected landowner in accordance with Clause 9.4 of the City's Town Planning Scheme No. 3

One letter of objection was received.

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

Nil.

**14.10 (MINUTE NO 2641) (OCM 21/12/2004) - SINGLE HOUSE - CODES VARIATION 92 SQM OUTBUILDING - LOT 246; 42 GOLDSMITH ROAD, SPEARWOOD - OWNER/APPLICANT: GAETANO DI BLASI (3210084) (MD) (ATTACH)**

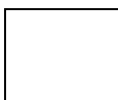
**RECOMMENDATION**

That Council:

- (1) grant approval to a 92m<sup>2</sup> outbuilding on Lot 246 (No. 42) Goldsmith Road Spearwood, subject to the following conditions:-

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. The shed shall be used for domestic purposes only associated with the property and not for human habitation.
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
5. All stormwater being contained and disposed of on-site to the satisfaction of the Council. At no time is water to discharge into the adjoining property and the railway reserve.



SPECIAL CONDITIONS

6. The storage of cars within the shed shall be limited to vehicles owned by the owner of Lot 246 and the use of the shed shall be restricted to domestic/hobby uses only.
7. The roof shall be constructed from a non-reflective material to the satisfaction of the Council. Zincalume is not supported.
8. No panel beating and spray painting is to occur at any time.
9. The surface finish of the boundary wall abutting the adjoining lot to be constructed to Council satisfaction.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. In regard to condition 9, the surface finish of the boundary wall of the adjoining lot should be to the satisfaction of the adjoining landowner and to be completed as part of the building licence. In the event of a dispute, the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the Council.
3. The proposed development must comply with the Environmental Protection (Noise) Regulations 1997.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr A Edwards that the recommendation be adopted.

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	720m <sup>2</sup>	
AREA:	92m <sup>2</sup>	
USE CLASS:	Single (R-Code) House – Permitted “P” Use	

## Submission

The application proposes a 92m<sup>2</sup> shed. The shed is needed to store 4 privately owned cars used for the owner's restoration hobby.

## Report

### APD18 Outbuildings Policy

The proposed floor area of the shed exceeds that allowed by Council's policy of 72m<sup>2</sup> (10% of site area) by 20m<sup>2</sup> or 27%. The proposed wall height of 3.5m exceeds that prescribed by Council policy of 2.4m by 1.1m (or 46%). The proposed ridge height of 4.6m exceeds that prescribed by Council policy of 4.2m by 40cm (or 9.5%),

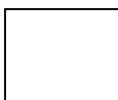
The proposed shed abuts existing outbuildings on the adjoining property. Given the adjoining property levels are higher than the subject property, the overheight outbuilding will be at a similar height as the outbuildings on the adjoining property. It is considered that the size, location and scale of the proposed outbuilding will not have a negative impact on the amenity of the adjoining property.

One letter of objection was received with the application by the owner/occupier at No. 44 Goldsmith Road, Spearwood. The letter states the following concerns:-

1. concern about drop at rear of property to the railway line;
2. stormwater may spill onto objector's property;
3. the size of the workshop may indicate commercial use and the noise from the workshop will impact on adjoining properties.

The above concerns are addressed below:-

1. The applicant's property is relatively flat and will not require any additional filling or retaining on the rear boundary. It is considered that the proposed shed will not have an impact on the rail reserve.
2. All stormwater is required to be contained on-site. A standard condition on the planning approval is recommended to ensure this.
3. The proponent has advised that the shed shall be used for domestic/hobby purposes only. The proponent will be required to comply with the Environmental Protection (Noise) Regulations 1997.



It is considered that the above concerns of the adjoining landowner can be addressed in conditions of approval. It is recommended that the application be conditionally approved.

**Strategic Plan/Policy Implications**

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

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

The Planning Policies which apply to this item are:-

APD18 Outbuildings

**Budget/Financial Implications**

N/A

**Legal Implications**

Town Planning Scheme No. 3

**Community Consultation**

One letter of objection received with the application.

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

Nil.

**14.11 (MINUTE NO 2642) (OCM 21/12/2004) - PROPOSED STRUCTURE PLAN - LOT 412 GAEBLER ROAD, HAMMOND PARK - OWNER: GOLD ESTATES OF AUSTRALIA (1903) LTD - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (9643C) (JLU) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the proposed modification to the Structure Plan for Lot 412 Gaebler Road, Hammond Park pursuant to clause 6.2.14.1 of the City of Cockburn Town Planning Scheme No.3, as shown on the Plan included in the Agenda attachments;
- (2) advise the applicant that the active public open space including the area at the southern end of the reserve is not to be affected in any way by drainage swales; and



- (3) refer the modified Structure Plan to the Western Australian Planning Commission for endorsement.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr A Edwards that the recommendation be adopted.

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban
	TPS:	Development Zone (DA9) Development Contribution Area No. 3
LAND USE:	Currently vacant	
LOT SIZE:	48.56ha	

At its meeting on 21 January 2003, Council resolved the following:

*“That Council:*

- (1) *adopt the Schedule of Submissions contained in the Agenda attachments for Lot 412 Gaebler Road Local Structure Plan and forward it to the Western Australian Planning Commission for consideration;*
- (2) *advise Development Planning Strategies that prior to the proposed Local Structure Plan for Lot 412 Gaebler Road, Hammond Park being adopted, under Clause 6.2.9.1(a) of Town Planning Scheme No. 3 the following advice needs to be obtained and the relevant matters resolved to the satisfaction of the Council:-*
  1. *Education Department advice confirming requirements and acceptance of the Primary School Site;*
  2. *Department of Environmental Protection advice confirming buffer requirements associated with the market garden on Lot 37 Gaebler Road and it being shown on the Structure Plan in accordance with Clause 5 of DA 9 – Gaebler Road;*
  3. *Regional drainage requirements, property access to Gaebler Road, location of dual use paths and the location and density of proposed aged persons accommodation.*



- (3) *delegate authority to the Chief Executive Officer to adopt the Local Structure Plan on behalf of the Council under the Scheme, subject to the requirements described in (2) being satisfactorily complied with; and*
- (4) *advise those persons who made submissions of Councils decision."*

The Plan was referred to the Western Australian Planning Commission (WAPC) on 28 January 2003, for consideration but wasn't endorsed by the Commission. A copy of the Plan adopted by Council is contained in the Agenda attachments.

### **Report**

In late November 2003, the City received a revised Plan with the above requirements addressed and some further modifications. A copy of the revised Plan is contained in the Agenda attachments.

Council Officers processed the revised plan in December 2003, requesting a number of further modifications to the Plan including such things as:

- A notation being included on the Plan requiring Detailed Area Plans be prepared for R40 sites.
- Modification to a number of the notations on the Plan to clarify their intent.
- The narrow rectangular Public Open Space (POS) area previously shown between the Primary School Site and the large 4ha POS area being reconfigured to a more appropriate size and shaped area to improve its useability and utility.
- The Structure Plan Report being updated to reflect the changes made to the Plan.

The revised Plan was referred to the WAPC on 2 December 2003, which endorsed the Plan subject to a number of modifications as follows:

1. Provide details of the location of the conceptual design of pick-up/drop off facilities for the proposed Primary School.
2. State in the report and on the plan that, while the market garden on Lot 37 Gaebler is still operating:
  - That prospective purchasers of proposed lots within 300m of the boundary of the market garden should be advised on the existence of the market garden on the contract of sale;



- That titles of all lots within 300m of the boundary of the market garden should include an encumbrance advising of the location and potential impacts of the market garden; and
- Subdivision should be staged such that proposed lots within 300m of the boundary of the market garden are the final stages of subdivision.

3. State that:

1. Visitor parking is to be provided adjacent to lots with rear lane access; and
2. The median in the east-west boulevard is to be designed to enable reasonable access to lots along that street by vehicles travelling in either direction along that street (eg. painted median and/or broken median islands).

4. Revise the Public Open Space schedule in light of new design.

5. Ensure that the rationale for the variations from the Southern Suburbs District Structure Plan are fully explained in the report.

The above modifications have been made including point 1 with the applicant obtaining approval from the Department for Education for 70 parallel drop off/pick up car bays around the primary school site on the condition that the eastern road abutting the school being increased to 18m. This road reserve has now been widened to 18m as requested.

Council officers also raised concerns with the applicant about the size of the active open space. The plan has been modified to ensure that a senior football (Australian Rules) oval can be accommodated. This includes a 10m out of play area. The applicant however is reminded that the drainage swales to be included in the POS area are not to impact on the active playing field and are to be located as far as practicable away from the area behind the southern goal posts.

Conclusion

It is recommended that Council adopts the revised Plan as the basis for future subdivision and development of Lot 412 Gaebler Road, Hammond Park and refers it to the Western Australian Planning Commission for final endorsement.

**Strategic Plan/Policy Implications**

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





1. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
2. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
  - *"To manage the City's waste stream in an environmentally acceptable manner."*
3. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
4. Maintaining Your Community Facilities
  - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and convenient and safe for use by vehicles, cyclists and pedestrians."*
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*

The Council Policies which apply to this item are:-

SPD4	'LIVEABLE NEIGHBOURHOODS'
APD4	PUBLIC OPEN SPACE
APD28	PUBLIC OPEN SPACE CREDIT CALCULATIONS
APD30	ROAD RESERVE AND PAVEMENT STANDARDS
APD31	DETAILED AREA PLANS

### **Budget/Financial Implications**

N/A

### **Legal Implications**

It should be noted that under clause 6.2.7.4 of the scheme, the Commission must provide comments to the Council within 30 days of referral which was on 28 January 2003, but did not submit any comments within that time. Under clause 6.2.10.2 the Commission can only endorse or not endorse the plan. It cannot endorse with conditions.



### Community Consultation

The Structure Plan was previously advertised in accordance with Town Planning Scheme No. 3. Council is not required to re-advertise modifications that are considered to be minor. The minor modifications made will not have any impact on government agencies or the surrounding land owners.

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

Nil.

- 14.12 **(MINUTE NO 2643)** (OCM 21/12/2004) - ADOPTION OF A PROPOSED STRUCTURE PLAN FOR PORTION OF DEVELOPMENT AREA NO. 4 - YANGEBUP (DA4) - CELL 6 - LOTS 12, 13, 14, 505, 16 SHALLCROSS STREET, LOTS 32, 33, 1,2, 17, 18, 19, 25 AND 621 YANGEBUP ROAD, LOT 34 THORNE PLACE, LOTS 501, 504, 503, 500 STOREY PLACE, LOT 1 SIMPER ROAD, LOT 22 ERCEG ROAD, AND VARIOUS RESIDENTIAL LOTS ON OCEAN VISTA ESTATE - OWNERS: VARIOUS (9620) (VM) (ATTACH)

#### RECOMMENDATION

That Council:

- (1) adopt the Structure Plan for the above lots within Cell 6 Yangebup, subject to minor modifications in response to public comments;
- (2) adopt the officer's recommendations made on the Schedule of Submissions contained in the Agenda Attachments;
- (3) forward a copy of the Structure Plan together with the Agenda Report, public submissions and Schedule of Submissions to the Western Australian Planning Commission for endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3; and
- (4) advise those persons and government agencies who have made a submission of Council's decision.

#### COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Edwards that the recommendation be adopted.

**CARRIED 8/0**



## Background

ZONING:	MRS:	Urban
	TPS3:	Development Zone
LAND USE:	Development Area No. 4 – Yangebup (DA4) Development Contribution Area No. 4 – Yangebup West (DCA4)	

On 22 June 2000, the Western Australian Planning Commission approved the subdivision of various lots, including the subject land in the Shallcross Street area Yangebup, as shown on the plan attached. (WAPC Ref: 100883). The plan showed an overall allocation of 10% POS rather than 10% being provided on each landowners property, given at that time, the landowners had agreed to jointly subdivide their land.

Subsequently some of the owners decided not to proceed jointly as originally proposed. Within the application area Lots 5, 6 and 7 Shallcross Street were sold to Goldtrain Investments Pty Ltd and were subdivided separately. Lots 3 and 4 were also subdivided as originally proposed.

When the subdivision expired and large individual parcels of land had been sold, uncertainty about how the area should be subdivided emerged.

The arrangements in place as part of the subdivision applications are no longer valid, the new land owners that bought into the subdivision want to only provide 10% of their lots as public open space (POS).

A Structure Plan was therefore prepared to guide development for the area and allocated the required POS requirement for each lot. Some smaller lots abutting the industrial area located in the north-eastern portion of the Structure Plan and on Storey Place (incorporating existing houses) will be required at the subdivision stage to pay Council a cash in lieu pro rata contribution of the 10% provision of POS. The City will then request the WAPC to allocate the funds to upgrade the proposed parklands within the Structure Plan area.

## Submission

The proposed Structure Plan was prepared by the City of Cockburn and was advertised from 3 – 24 September 2004 in accordance with the provisions of Clause 6.2 of Town Planning Scheme No. 3. Fifteen submissions were received during the advertising period. Four objections to the Structure Plan were received. The schedule of submissions is contained in the Agenda attachments.



## Report

As a result of the POS arrangements from the subdivision plan not being achieved, the Structure Plan prepared by the City will incorporate changes to the subdivision to ensure the 10% POS allocation from the lots with areas of approximately 2 ha are provided equitably with consideration given to planning principles of promoting accessibility and permeability. Full consideration was also given to environmental, engineering and socio-economic aspects of the development.

The proposed changes to the previous subdivision plan and incorporated on the Structure Plan are:-

- **Redesign of central POS area.**  
The central POS was redesigned so that the required POS provision of 10% of each lot is allocated.
- **Allocation of POS for Lots 18 and 19 Yangebup Road.**  
Given that arrangements for POS provision for Lots 18 and 19 have not been achieved on Lot 17 Yangebup as per the subdivision approval, Lots 18 and 19 will be providing the 10% POS requirement on site.
- **Road Layout.**  
The proposed road north-south from Shallcross Street to Yangebup Road has been slightly modified from the subdivision plan. New roads over Lots 16 and 17 have been incorporated to provide better access to the central POS from Shallcross Street and Yangebup Road. The Structure Plan incorporates a proposed road connection through the Local Centre from Yangebup Road roundabout to Ivankovich Avenue to provide better connectivity to the area. The road will be constructed by Council and the construction drawings have been approved. The road is proposed to be completed within 3 months.
- **Residential Densities.**  
The base residential density code in the district is R20 which has been applied to the subject land. There are some areas of R40 within close proximity to the Local Centre zone in accordance with Liveable Neighbourhoods objectives of the State Government as such.

*“to provide for an urban structure neighbourhoods clustering to form towns of compatibility mixed uses in order to reduce car dependence for access to employment, retail and community facilities.”*

Some R40 areas have also been included in areas abutting the POS areas, to ensure small lots have the proximity to POS areas for recreation.



- **Inclusion of Local Centre zone.**

A Local Centre zone is allocated on the Structure Plan abutting the Primary School site and traversed by Beeliar Drive for the opportunity of a development of a neighbourhood shopping centre with a mixed use development consisting of residential/commercial developments, easily accessible by the community.

- **Servicing and other considerations.**

The Structure Plan has been submitted to the Servicing Authorities for comments.

Council requires each owner to dispose of the road drainage from their subdivision within their own landholding, unless alternative private arrangements are made with adjoining landowners. Council prefers that arrangements between landowners are in place to ensure that the Structure Plan does not include ad-hoc drainage sumps, but minimises drainage sump areas via a co-ordinated approach between the landowners.

Two drainage areas have been included on Yangebup Road, one on the west on Lot 10 Yangebup Road and the other on Lot 18 Yangebup Road. As a result of the Structure Plan consultation, it was resolved not to include designated drainage areas within the Structure Plan.

Therefore arrangements between owners will need to be in place at the subdivision stage. All drainage facilities will need to comply with the requirements of the City.

It is not intended that the Structure Plan specify road reserve or pavement widths. This will be determined as part of the subdivision application and the requirements of Council Policy APD 30 – Access Streets Road Reserve and Pavement Standards will be applied.

The following is a summary of the issues raised in the public submissions:

1. **Safety concerns** – the proposed closure of Yangebup Road at the railway line and connecting to Simper Road and with the proposed connection to Beeliar Drive from Ivankovich Avenue will create safer traffic movements in the area.
2. **Density proposals** – the Structure Plan promotes medium densities within areas abutting the Local Centre and POS.
3. **Existing Residential areas** – the location of the Local Centre was approved by Council on 19 November 2002, as part of the adoption of the City of Cockburn Local Commercial Strategy.



The Council, as part of the development of the Local Centre, will ensure that the amenity of residential areas is addressed, therefore would consider the location of parking areas, shopping service areas and potential overlooking to residential areas. The proposed land uses abutting residential properties shall be designed to mitigate the off-site impacts of the centre.

The Structure Plan proposed equitable POS areas provision and promotes permeability and connectivity to POS and Local Centre areas and therefore it is recommended that the Council endorse the Structure Plan subject to minor modifications.

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

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

1. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
  
2. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Planning Policies which apply to this item are:-

SPD4	'Liveable Neighbourhoods'
APD4	Public Open Space

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3

### **Community Consultation**

The Structure Plan was advertised for 21 days in accordance with Clause 6.2.8 of the City of Cockburn Town Planning Scheme No. 3.



105 landowners within the Structure Plan area and adjoining/potentially affected landowners were notified of the proposal and the following government agencies:-

- Department for Education and Training;
- Alinta Gas;
- Water Corporation;
- Western Power;
- Department of Environment;
- Main Roads WA

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

Nil.

#### **14.13 (MINUTE NO 2644) (OCM 21/12/2004) - EXTENSION OF NON-CONFORMING USE - FOUNDRY EXTENSION - LOT 504; 19 COCKBURN ROAD, HENDERSON - OWNER/APPLICANT: ROCHE CASTING PTY LTD (3318938) (MD) (ATTACH)**

##### **RECOMMENDATION**

That Council grant approval to an extension to a non conforming use – General Industry on Lot 504 (No. 19) Cockburn Road Henderson, subject to the following conditions:-

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
4. The extension and alterations shall be in the same materials, colour and design as the existing buildings.
5. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
6. No additional car parking is required to be provided as part of this approval, however the Council reserves the right to require additional car parking bays to be provided in accordance with Footnote 3.

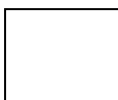
##### **SPECIAL CONDITIONS**



7. The applicant shall install odour controls, such as controlled ventilation, fogging equipment, filters, activated carbon or other measures, to reduce the emanation of odours from the building prior to the use of the building and to the satisfaction of the Council.
8. Moulds shall be stored within the building(s) and not in an open yard to the satisfaction of the Council.
9. The proponent shall ensure that environmentally hazardous chemicals including but not limited to fuel, oil, lubrication liquids or other hydrocarbons do not contaminate soil or water resources; and where the total volume of a substance stored on the premises exceeds 250 litres, that substance shall be stored within a low permeability compound(s) designed to contain not less than 110% of the volume of the largest storage vessel or interconnected system, and at least 25% of the total volume of all substances stored in the compound.
10. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.
11. The proponent shall take all reasonable and practicable measures to prevent visible dust emissions passing outside the subject site boundaries.
12. Compliance with any conditions recommended by the Department of Environment.
13. In the event that there is a discrepancy between the conditions of the Schedule 9 and the conditions recommended by the Department of Environment, the conditions on the Schedule 9 shall prevail.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. This approval is issued by the Council under its Town Planning Scheme and approvals or advice by other agencies may be required, and it is the responsibility of the applicant to ensure that all other approvals/advice are issued prior to commencing development or use of the land, and a copy of the approval/advice should be provided to the Council.
3. In recognition of the incremental nature of this application (compared to the scale of existing development on the site), there is no requirement in this approval for additional carparking to be provided. Notwithstanding this, it is apparent there is a





significant shortfall of onsite carparking given current Town Planning Scheme No. 3 parking requirements being 258 bays required (based on the information provided) compared to 127 bays provided, of which 51 are available on Lot 301 Cockburn Road and Lot 302 Sparks Road, being land leased by the applicant.

In the event however that a practical shortfall eventuates of spaces for onsite vehicle parking, then additional bays shall be constructed at the request of the City (potentially to the extent of the parking variation granted in this application) to an appropriate standard in a location to the satisfaction of the City.

4. Condition 8 extends to the containers that contain lubricant product located at the southern boundary near the maintenance buildings.
5. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
6. The development is to comply with the *Environmental Protection Act 1986*, which contains penalties where noise limits exceed that prescribed by the *Environmental Protection (Noise) Regulations 1997*.

#### **COUNCIL DECISION**

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

**CARRIED 8/0**

#### **Background**

ZONING:	MRS:	Industrial
	TPS3:	Development
LAND USE:	Industrial – Roche Mining	
LOT SIZE:	2.0466 ha	
AREA OF EXTENSION:	250m <sup>2</sup>	
USE CLASS:	Non Conforming Use - General Industry – “A” Use	

According to the applicant, the subject development (moulding & casting) has been operating from the site since approximately April 1993. The moulding & casting development was originally owned and



operated by a different company and has since been taken over by Roche Casting Pty Ltd (Roche).

The applicant has recently improved the amenity of the development through improved landscaping and on-site drainage through an application determined by Council on 9 February 2004.

### **Submission**

The application proposes a 428m<sup>2</sup> factory extension (“jobbing bay”) for moulding and casting. The applicant has indicated the following information on the proposal:-

- The extension will allow for a projected increase of 15% in production of moulds.
- The extension is proposed so that the applicant can increase production to meet the production limit of 15,500 tonnes of ferrous per annum set by the Department of Environment (DoE).
- No additional employees are proposed as part of the application.
- The extension will house a new mixing area including mould production and mould storage.
- Previously moulds were stored on-site in open yards which contributed to the issue of odour. All moulds are to be stored within the building to address the issue of odour.
- Odour suppressant sprays were installed in the ceiling of the existing buildings approximately 6 months to a year ago to address the odour issue, as part of the Department of Environment’s Works Approval licence requirements.

### **Report**

The application is considered an extension to a non-conforming use in that it is an extension to a general industrial use within a special use zone specifically zoned for marine associated industries. Council may determine an application for a non-conforming use in accordance with Clause 4.9 of the City’s Scheme.

### **SCHEME REQUIREMENTS**

#### **Car Parking**

The total number of bays specified under the City’s Scheme required to service the development is 258 bays.



Currently there exists a total of 127 bays available to service the development. 76 bays are provided on the subject site and an additional 51 bays are available on the adjacent sites on Lot 301 Cockburn Road and Lot 302 Sparks Road, being land leased by the applicant.

The development is deficient 131 bays required by the Scheme. The reduced amount of bays was previously agreed to in a recent application determined by the Council on 9 February 2004. The reduced amount of bays was agreed to because of shift work rotations, namely:-

- Day Shift: 73 employees
- Afternoon Shift: 41 employees
- Night Shift: 17 employees

The above figures demonstrate that a maximum of 73 bays will be required for staff at any one time. As previously stated, 127 bays are available for staff and customers.

Given that the application will not result in any additional staff, it is considered that the proposed extension will not require any additional carbays. However, it is recommended a footnote be placed on the approval identifying the shortfall of carbays and stating that if any car parking issues occur at any time, the Council will require the applicant to construct additional bays.

#### Community Consultation

The application was referred to adjoining landowners in accordance with Clause 9.4 of the City's Town Planning Scheme No. 3. A notice was also placed in a local paper.

Two letters of objection, two letters of no-objection were received from residents and one letter of no-objection was received from the Water Corporation.

The table of submissions and Council's response to those submissions is with the agenda attachments.

It is considered that the proposed extension is acceptable for the following reasons:-

- The property is within an industrial area.
- The proposal will not involve any increase in staff and as a result, will not generate any additional car parking requirement.
- While it is acknowledged that 3 of the submissions raised concern regarding odour, the application was advertised in a local paper and the 3 letters of concern can be addressed by the extensions being approved with conditions of approval.



- The proposed extensions will allow the applicant to meet the production limit approved and set by the DoE.

The application was referred to the Department of Environment but no response was received. It is recommended that a condition be placed on the approval requiring that the applicant comply with any conditions recommended by the Department of Environment.

### Conclusion

It is recommended that the application be approved subject to conditions that require the applicant to install odour controls and house the moulds within the building in order to reduce any odour impact associated with the property.

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

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

2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3

### **Community Consultation**

The application was referred to adjoining landowners in accordance with Clause 9.4 of the City's Town Planning Scheme No. 3.

- A notice was placed in a local paper that circulates within the City.



- Two letters of objection and two letters of no-objection were received.
- In addition, one letter of no-objection was received from the Water Corporation.

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

Nil.

**14.14 (MINUTE NO 2645) (OCM 21/12/2004) - COOGEE BEACH KIOSK - LOT 171; 4-6 POWELL ROAD, COOGEE - OWNER: RESERVE VESTED IN THE CITY OF COCKBURN (3319158) (JM) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) request McGees property consultants to prepare documentation for a five-year lease for the Coogee Beach Kiosk; and
- (2) advise the existing lessees of the Coogee Beach Store of the likely timetable for the cessation of the existing monthly lease and of the Council's intention to seek expressions of interest for a new five (5) year lease of the refurbished kiosk.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

At the Council meeting of 17 August 2004, it was resolved that Council:

- (1) commission APP and McGees to examine costs, timeframe, and building design required to redevelop the existing shop to provide for a shop, kiosk and café (alfresco) as an upgraded interim facility to serve the community and beach-goers;*
- (2) require the redevelopment and refurbishment of the existing shop to comply with all necessary health standards;*
- (3) commission McGees to review the current lease of the Coogee Beach Store to determine appropriate lease arrangements for*



*the future management and operation of the redeveloped and refurbished shop, kiosk and café;*

- (4) *investigate the issue of a stallholder's licence to operate a food vending van near the site to provide a service to the public while the redevelopment and refurbishment of the shop, kiosk and café is being undertaken, to the satisfaction of the Principal Environmental Health Officer; and*
- (5) *engage Stephen Hoffman, Architect to review the plans prepared for the proposed café/kiosk located within the Powell Road Reserve, with a view to determining how the kiosk component can be developed as the first stage of the overall project, with a floor area of at least 50 sq.m., together with the likely cost. "*

These tasks have now been addressed. The following report provides an overview of the work undertaken and next stages of the project.

## **Report**

### Upgrading of the existing Coogee Beach Store

A plan has been prepared for the refurbishment of the building that provides for a new bi-max sewerage system, new kitchen facilities, coolroom, storeroom, office, staff and patrons/disabled toilets and staff change rooms. Provision for outdoor seating is also shown on the plans. A copy is included in the Agenda attachments.

The preliminary budget estimate for the work is \$383,107.09. This figure is exclusive of GST, no allowance has been made for:

- kitchen cooking equipment or exhaust system,
- the replacement of existing timber floor in the shop,
- drink fridges or counter.

Project Managers APP have prepared a timetable to undertake the works. It is anticipated that approvals, the appointment of a contractor to carry out the works and design and documentation will be completed by April 2005. At this point, the matter will be referred back to Council to confirm the final plans and the decommissioning of the existing store operation.

Expressions of Interest for the lease will be sought while the refurbishment works are underway. It is estimated that the refurbishment of the building will take four and a half months and the building will be operating by August 2005.



### Compliance with Health Standards

The plans for the building show that it will remain a low key kiosk type facility that will service the needs of local beachgoers and is compatible with the designation of the site as a parks and recreation reserve. It will function largely as it currently does now, albeit in a refurbished form, with the addition of outdoor seating.

The majority of the proposed changes have come about to bring the building up to current health standards.

### McGees Report on Lease Arrangements

McGees property agents have investigated the existing lease arrangements and report that the original lease agreement with the lessees commenced on 1 July 1991 for a period of 5 years, expiring on 30 June 1996. It is indicated that currently a month-to-month tenancy is in operation. It is recommended by McGees that, for the tenancy of the refurbished building, documentation should be prepared for expressions of interest for a new five (5) year lease. This is the minimum period permitted under the Retail Tenancies Act.

McGees have prepared a positive evaluation of the future prospects for the facility although they indicate that it will be necessary to allow time for the level of trade to develop as a consequence of both a break in the continuity of trade and a change of business focus.

### Food Vending Van

Investigations have been made regarding the possibility of providing a food vending van stallholder's licence to operate a van near the site to provide a service to the public while the redevelopment and refurbishment is undertaken.

It is advised that a licence can be issued within two to three weeks provided that a food-vending operator is willing to set up at the site and could meet the usual Council compliance requirements. It has also been noted that the existing Crabshack store, which is located approximately 200 metres to the north of the Coogee Beach store, currently provides many day to day items that are currently available at the Coogee Beach Store.

### Powell Road Reserve Cafe/Kiosk

Stephen Hoffman, Architect has reviewed the plans prepared for the proposed café/kiosk located within the Powell Road Reserve overlooking the jetty and beach. A preliminary sketch plan based on the earlier concept plans for the site has been prepared illustrating a 50 sq.m kiosk/café facility that could be built as a first stage of the development. A copy is included in the Agenda attachments.



The proposal has been costed as \$250,000 exclusive of fit-out. This includes the café kiosk structure located on the sand dune, stairs, service compound, decking, incoming services, landscaping and consultants fees.

The plans prepared by Stephen Hoffman indicate that it would be possible to stage the development of the café/kiosk. This could be initiated when it becomes clear as to the future of a number of the major development proposals at Port Coogee and it is deemed an appropriate time to again seek expressions of interest.

Council officers have been making enquiries regarding the progress of the development application for a café/kiosk that was lodged with the Western Australian Planning Commission on 9 July 2003. The WAPC has indicated that it will address the proposal when the Coogee Beach Structure Plan has been finalised, this plan is due to be forwarded to the WAPC by the end of December.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*

### **Budget/Financial Implications**

The shop is expected to close for around 70 days to enable the refurbishment to be undertaken. This represents a loss of income for the lessee of around \$2,200.

When the shop is re-leased, the expected annual income could be in the order of \$32,000 - \$33,000.





**Legal Implications**

Nil.

**Community Consultation**

N/A

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

Nil.

**DECLARATION OF INTEREST**

**Mayor Lee** declared a Conflict of Interest in Item 14.15. The nature being that he lives across the road from the property and received correspondence from Council at his residence on the issue.

AT THIS POINT THE TIME BEING 8.31PM, MAYOR LEE LEFT THE MEETING. DEPUTY MAYOR GRAHAM ASSUMED THE PRESIDING MEMBER'S POSITION.

**14.15 (MINUTE NO 2646) (OCM 21/12/2004) - APPLICATION FOR RETROSPECTIVE APPROVAL - TAXI OPERATION BUSINESS - LOT 501 AND 174; NOS. 58 AND 56 BRITANNIA AVENUE, BEELIAR - OWNER: N & K LESLIE - APPLICANT: PETER WEBB AND ASSOCIATES (3411572) (3412019) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) refuse the application for retrospective approval of the Taxi Operation on Lot 501 & 174 Britannia Avenue, Beeliar for the following reasons:-
  - 1. The proposed development is inconsistent with the objectives of the Rural Living Zone of Town Planning Scheme No 3.
  - 2. The scale of the taxi business and frequency of traffic movements to and from the site is significant and has an adverse impact on the amenity of the locality.
  - 3. The taxi business has grown considerably since it was



- commenced to the point where it has become unacceptable in the Rural Living zone.
4. The business should be located in an industrial or commercial zone within the district.
- (2) grant the owner of the Taxi Operation a period of 12 months from the date of the Council decision to relocate the business from Lot 501 & 174 Britannia Avenue Beeliar, to another appropriately zoned site within the district, subject to Council approval, or to locate elsewhere;
  - (3) require the Taxi Operation to cease upon the expiration of the 12 month relocation period granted in (2) above Lot 501 & 174;
  - (4) suspend legal action against the owner of Lot 501 and 174 for operating a taxi business and review this action upon the expiration of the 12 month relocation period, unless further complaints are received; and
  - (5) advise the submissioner(s) of Council's decision accordingly.

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

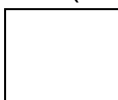
**CARRIED 7/0**

**Background**

ZONING:	MRS:	Rural
	TPS3:	Rural Living
LAND USE:	Taxi Depot (hardstand, fuel tank and dispenser, workshop and 2 houses	
LOT SIZE:	Lot 501 = 720m <sup>2</sup> , Lot 174 = 4,047 m <sup>2</sup>	
USE CLASS:	Use Not Listed	
APPLICANT:	Peter D Webb and Associates (Planning Consultants)	
OWNER:	C & J Leslie Pty Ltd – Lot 174, N Leslie – Lot 501	

A summarised history of the use of the site is as follows:-

1978 (May) – The application for approval to commence development for a 2000 gallon underground fuel storage tank was refused by Council at its Ordinary Meeting on June 1978. The applicant/owner (Mr Clifton Leslie) indicated the tank was needed for rural purposes.



1978 (September) – The second application for approval to commence development for an underground fuel tank was (“reconsideration request”) was refused by Council at its Ordinary Meeting in October 1978, having regard to the purpose of the land and orderly and proper planning and preservation of the amenity of the locality. Mr C Leslie had justified the application on the basis that he was an “owner driver with his son, who will be building next door shortly. This application is to relocate and upgrade an existing fuel tank on my property.”

1979 (February) – Letter received from Solomon Cullen & Co (Solicitors) acting on behalf of Mr C Leslie, sought reconsideration of the tank refusal. In this letter it was mentioned that Mr Leslie runs 5 taxis and needed the fuel tank for this reason to operate his taxi business more efficiently. Mr C Leslie had already obtained approval of the Explosives Branch of the Department of Mines.

1979 (April) – Council at its meeting refused the third application for reconsideration of the fuel tank for the same reasons as before.

1979 – The West Australian (19 April 1979) contained an article titled “Taximan Takes his case to the Minister”. A complaint was lodged with the Minister for Local Government over the Cockburn Town Council’s refusal to grant him permission to install a 2000-gallon underground fuel tank on his property. The article reiterated that the business only involved Mr C Leslie and his son and would not mean that taxis would turn up day and night for refuelling. An elected member was reported as saying that given the type of rural zoning the operation of the type of business was prohibited.

1979 (May) – The Town of Cockburn responded to an appeal by Mr C Leslie regarding the Council’s refusal to permit the installation of a 2000 gallon fuel tank on Lot 74. In this letter it was believed that the correct decision was made to limit further expansion of the taxi-fleet and preserving the amenity of the locality. The appellant indicated there would be no alteration to the amenity of the locality and there would not be any more traffic than exists as present.

1979 (June) – The Minister for Urban Development and Town Planning upheld the appeal and approved the installation of a 2000 gallon underground fuel storage tank on the land subject to compliance with all normal requirements for the kind of development concerned.

1982 (January) – An application for approval to commence development was approved by Council for the construction of a rural storage shed.

1982 (June) – Council approval to install one only 7.5 kl bulk L.P. Gas dispensing unit for refuelling of motor vehicles.



1985 (May) – Complaint against Mr C Leslie for running a taxi business (about 6 taxi's operating 24 hours per day – Swan Taxis). Spotlight on tanks shined into the window of adjacent house.

1985 (July) – Council considered a letter of complaint regarding the operation of the taxi business and decided to allow the South Ward Members to discuss the matter with the owner. The complaint alleged that taxis were operating at midnight and early hours of the morning, refuelling, lights were annoying, 2 way radio disturbing, changing of shifts etc.

1985 (August) – Mr C Leslie advised in a letter that *“I will again advise you that I do not run a taxi business from this address, but from Swan Taxis, Fremantle.”*

1999 (July) – An e-mail message was received regarding Mr Leslie's taxi business consisting of 20 taxis. About 60% of the 57 drivers are Cockburn Ratepayers. The e-mail was a complaint that was not related to Council.

2004 (April) – City's Development Compliance Officer inspected the property and observed that at 3.38pm there were 2 taxis on-site and approximately 17 cars parked at the rear of the lot. Two taxis were waiting on-site at the gas bowser. From 3:49pm to 5:14pm 10 taxis entered the property and 11 taxis departed indicating that a shift change had taken place. The City had previously received a complaint from a resident living in the street about the operation of the taxis, particularly the 24 hour operation and sometimes security alarms are activated during the evening. Mr Leslie confirmed that his business had grown since 1974 as an owner/driver/operator to a business of 22 taxis. They are now an independent taxi firm. The property at No 58 Britannia Avenue is used primarily for servicing and refuelling taxis which are on the road 24 hours a day and during this time, the rear of Lot 58 is used to park the driver's cars.

### **Submission**

The applicant has sought Council approval on behalf of the owner to continue to operate a taxi business from the subject property and has provided the following justification:-

- The combined sites of Lot 174 and Lot 501 have been used for a taxi operation business since 1974 when it was established as an owner/driver/operator of four taxis. This has been with the knowledge of their neighbours.
- It has expanded over time to become an independent taxi business incorporating 22 taxi-licensed vehicles.



- Lot 174 is used for parking, servicing, maintaining and refuelling these taxis.
- The taxi use can be approved by Council following public consultation as a “Use Not Listed” in the City’s Town Planning Scheme No 3.
- All aspects of the business are not visible from Britannia Avenue and don’t impact on neighbours. (no signage).
- The owners already have approval for the LPG Tank.
- Shifts in this business generally commence and end around 6.00am and 6.00pm.
- Security lighting is used to minimise theft but light up areas away from adjoining residents homes.
- The application includes approval for the ancillary uses to the business include the fuelling, maintenance and cleaning of motor vehicles on the site.

## Report

The application for retrospective approval of the taxi business requires a decision of Council pursuant to Town Planning Scheme No 3. Council has the discretion to either approve (with or without conditions) or refuse the application.

The application was advertised for public comment for a period of 14 days to surrounding landowners in Britannia Avenue. A neighbour was inadvertently not notified due to an administrative error and this was rectified immediately when it was brought to the City’s attention. At the close of the submission period, 8 submissions were received. Of these 6 submissions raised no objections, 1 objection and 1 comment submission were received.

The submission in support of the taxi business raised comments regarding the operation outlined summarised below:-

- Light shines into property but not a problem.
- Traffic can be a problem but Council promised speed bumps.
- Fumes come through bedroom window and have to close it.
- Refuelling should be done during daylight hours.
- We do not have a problem with the Leslie’s taxi business operating from Britannia Ave.
- We don’t object to Leslie’s taxi business.
- The taxi business has always been there without any problems.



The submissions were from Lot 303 Wells Rd, No 42, 55, 57, 80 Britannia Ave and 4B Richardson Rd.

The neighbours submission in objection of the taxi business raised the following concerns:-

- Business runs 24hrs/day 7 days a week not 6:00am – 6:00pm as stated.
- Loud outdoor security sirens sound throughout the day and night disturbing quiet enjoyment through day and sleep during night.
- Owners are frequently away from business and on numerous occasions have not been available to turn off sirens when approached at night.
- Refute that neighbour requested a concrete wall to be constructed – ugly and out of place.
- Property sale could be adversely affected by taxi business and devalues land value.
- Security lighting is reputedly used to minimise theft but the business attracts thieves due to the large volume of cars and fuel tanks unattended during night.
- The business increases traffic on our residential street, including large fuel tanks at the rear of the business.
- This type of business should operate in an industrial area and is not suited to the rural/residential area.

The eighth submission was received from Main Roads and raises no objections to the taxi operation.

The applicant has also lodged 7 standard Proforma letters of no objection to the taxi business from the residents on No 60, 53, 55 Britannia Ave, No 19, 21 (x2) East Churchill Ave and No 29 Jervios Street, Beeliar.

Council can assess the taxi business as a “Use Not Listed” as there are no specific uses in the Zoning Table that properly describes the existing operation. Where the Council cannot reasonably determine the use as falling in the type, class or genus of activity in the Zoning Table, the Council may as follows:-

*“4.4.2 (i) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*

*(ii) determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*

*(iii) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*



The objective of the Rural Living Zone is to provide for residential use in a rural environment. The scale of the existing use is significant in respect of the actual area of Lot 174 occupied by hardstand area for the car parking of drivers, the refuelling area to serve the taxis and the frequency of 22 taxis and potentially 44 – 57 drivers entering and leaving the premises. These activities have grown considerably since the taxi operation commenced by Mr C Leslie in 1974 when it was owner/operator and son based with Swan Taxi – Fremantle.

The existing operation is a commercial activity occurring from a rural property that is difficult to distinguish from Britannia Avenue due to the residential appearance of the street. The taxi operation could continue to incrementally expand in the future and this could further intrude upon the amenity of the area. Other similar Taxi Operators have their depot in commercial locations.

It is recommended that Council not approve the taxi business from the Britannia Avenue properties due to the size and scale of the current operation. Given the length of time that the business has been operating, the owner should be given 12 months to relocate the taxi business to an industrial/commercial area. Upon the expiry of this period, all activities associated with the business should be ceased from the properties.

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

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

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

The Planning Policies which apply to this item are:-

Nil



**Budget/Financial Implications**

N/A

**Legal Implications**

Town Planning Scheme No 3

**Community Consultation**

Community consultation was completed in accordance with the requirements of Town Planning Scheme No 3.

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

Nil.

AT THIS POINT THE TIME BEING 8.32PM, MAYOR LEE RETURNED TO THE MEETING AND RESUMED THE PRESIDING MEMBER'S POSITION.

**14.16 (MINUTE NO 2647) (OCM 21/12/2004) - FRANKLAND SPRINGS SCHEME AMENDMENT - LOT 9007 RUSSELL ROAD, HAMMOND PARK - OWNER: AUSTRALAND HOLDINGS LTD (9643A) (JM)**

**RECOMMENDATION**  
That Council:

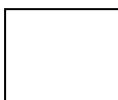
(1) adopt the following amendment:-

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

AMENDMENT NO. 22

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

1. Amending Schedule 11 development Areas relating to DA 9 Gaebler Road by adding the following provisions:
  7. Those uses which may be permitted within the Mixed Business R40/R60 and Commercial R60 Zone as set out in Table 1 - Zoning Table, and the adopted





Frankland Springs Neighbourhood Centre Plan are to be developed in accordance with the following Design Requirements:

(a) Building Location

- (i) Development fronting Russell Road (other than car based development), Macquarie Boulevard and Yarra Promenade (other than the residential development) is required to have a nil setback to the street front to provide a 'main street' character to the centre.

(b) Building Form

- (i) Buildings shall be generally contiguous, other than for pedestrian access points or alfresco dining areas. All buildings within the Centre Plan area should exhibit a high degree of architectural integrity and avoid the traditional 'big box' supermarket style.
- (ii) The floor plan of all buildings within the Centre (other than the residential development) shall be sufficiently robust to allow land use change to occur over time.
- (iii) Development on street corners should contain strong architectural landmark elements to reinforce the corner. In particular, development on the corners of the Russell Road intersection should provide an 'entry statement' to the Centre.
- (iv) Residential development is required to address the public streets to provide streetscape amenity and casual surveillance to the street.
- (v) Where possible, development should be two storeys in height, or where single storey, the façade should be constructed to an equivalent second storey height.
- (vi) All buildings should have pitched roofs of at least 25 degrees.

(c) Materials:

- (i) Materials may comprise a combination of masonry, render and tiles or custom orb sheeting. Facades should be designed to provide for varying textures and articulation to clearly define separate tenancies and reinforce a fine grained character for the Centre.

(d) Building Frontage:

- (i) The facades of development along Russell Road, Macquarie Boulevard, Hammond Road and Yarra Promenade shall comprise at least 60 % of the façade area below the eave line as clear windows to provide a connection between uses inside the building and activity on the street.
- (ii) Windows shall not be obscured by more than 25% to ensure surveillance to streets and carparks for security purposes, and to minimise adverse impacts on streetscape.

(e) Pedestrian Access/ Amenity:

- (i) Primary access to all tenancies shall be provided from the street, with secondary access permissible from the rear of the development, to encourage activity along the main street, and vibrancy within the centre.
- (ii) All development shall have awnings or verandahs along public streets to provide shelter and comfort for pedestrians and encourage use of the public realm.

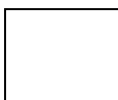
(f) Vehicle Access:

- (i) Vehicle accesses shall be restricted to those indicated on the final adopted Centre Plan.

Dated this ..... day of ..... 2004.

Chief Executive Officer

- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 7(A)(1) of the Town Planning and Development Act;
- (4) following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation



25 without reference to the WAPC;

- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (6) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not to proceed with the Amendment; and
- (7) advise the landowner of Council's decision.

#### **COUNCIL DECISION**

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

**CARRIED 8/0**

#### **Background**

This report proposes that an amendment to Town Planning Scheme 3 be initiated that makes provision for an addition to Schedule 11 – Development Areas in relation to DA 9 Gaebler Road (Development Zone). It is intended that the design provisions set out in the Frankland Springs Neighbourhood Centre Plan be included in TPS 3. The restricted uses are to ensure that design requirements relating to 'mainstreet' design principles are adopted when the centre is developed.

The Frankland Springs Neighbourhood Centre Plan was adopted by Council on 17 August 2004. The centre is part of a larger subdivision plan that has been prepared by Australand Holdings. Council adopted the Frankland Springs Structure Plan on 18 July 2002. The Western Australian Planning Commission endorsed the Structure Plan in January 2003.

The Structure Plan provides for a Centre Plan being prepared to guide the detailed development of buildings, car parking, pedestrian movement and intersection treatment applying both alternative



development types of the existing and preferred alignment of Russell Road.

## **Report**

Town Planners Taylor Burrell Barnett on behalf of Australand Holdings, prepared the Preliminary Centre Plan - Frankland Springs Neighbourhood Centre.

The Centre Plan has been prepared at a preliminary level only at this stage. The final location of Russell Road is yet to be determined, which impacts on the size and configuration of the Centre. At this stage the plan reflects only the existing location of Russell Road and should Russell Road be relocated, the Centre Plan will need to be updated to reflect the new alignment. Despite this, there are a number of urban design principles relating to the design of the centre and its mainstreet configuration that can be adopted at this time and will apply regardless of the final location of Russell Road.

The objectives set out in the Centre Plan prepared by Taylor Burrell Barnett are as follows:-

- To facilitate the coordinated and high quality development of the Frankland Springs Neighbourhood Centre.
- To encourage and guide main street mixed use development in the Centre.
- To facilitate the short term creation of the two small lot sites in the south of the Precinct for Residential Development.
- To provide a framework for the future preparation of Detailed Area Plans and design guidelines for each site within the Centre.
- To provide an implementation strategy for the Centre in particular to set a level of understanding over the timing for creation of lots and commencement of development, given the proposal to relocate Russell Road.
- To identify additional criteria which will be required in the final Centre Plan once the location of Russell Road has been finally determined.

The development of the Centre Plan was undertaken as the Metropolitan Centres Policy requires the preparation of Centre Plans for main street centres for adoption by local government. The Policy supports main street development with active street frontages containing a mix of land uses to promote an integrated, legible, attractive, safe and vibrant place.



The final development of the Neighbourhood Centre may take some years to come about. It will be important to ensure that when it comes time to undertake the detailed design of the centre, the urban design principles and detailed design elements as set out in the Preliminary Centre Plan are retained and applied.

As such it is recommended that the design elements set out in the report recommendation, which are based on those in the Preliminary Centre Plan and on the design guidelines proposed by Taylor Burrell Barnett, be included in TPS 3 as part of Schedule 11 – Development Areas as an addition to the existing provisions for DA 9.

Taylor Burrell Barnett are the authors of the recently revised Liveable Neighbourhood design codes and therefore are deemed as having a thorough working knowledge of how the designs and development of neighbourhood centres should be approached.

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

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

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

### **Budget/Financial Implications**

Nil

### **Legal Implications**

Nil

### **Community Consultation**

To be undertaken as part of the Scheme Amendment process.

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

Nil.



**14.17 (MINUTE NO 2648) (OCM 21/12/2004) - LOCAL STRUCTURE PLAN - LOTS 2, 3, 4 & 14 LYON ROAD, AUBIN GROVE - OWNER: BRAVADO NOMINEES PTY LTD, CONDOR NOMINEES PTY LTD, MANDERINE PTY LTD - JOHN CHAPMAN TOWN PLANNER (9645C) (CP) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Structure Plan for Lots 2, 3, 4 & 14 Lyon Road Aubin Grove, subject to amending the structure plan to reflect the configuration of "Structure Plan 2";
- (2) advise the applicant that no applications for subdivision or development of the land within the noise buffer associated with the piggery on Lot 15 Lyon Road, will be supported by Council unless the piggery permanently ceases operation or written confirmation is provided from the Department of Environmental Protection that the buffer has been redefined such that it no longer affects Lot 14 Lyon Road;
- (3) advise the applicant of the matters indicated in the summary of submissions as requiring advice to be provided to the applicant;
- (4) adopt the Schedule of Submissions as contained in the Agenda attachment;
- (5) advise those persons who made a submission of Council's decision; and
- (6) forward a copy of the Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3.

**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Cllr A Tilbury that Council:

- (1) adopt the Structure Plan for Lots 2, 3, 4 & 14 Lyon Road Aubin Grove, subject to amending the structure plan to reflect the configuration of "Structure Plan 2";
- (2) advise the applicant that no applications for subdivision or development of the land within the noise buffer associated with the piggery on Lot 15 Lyon Road, will be supported by Council unless the piggery permanently ceases operation or written confirmation is provided from the Department of Environmental Protection that the buffer has been redefined such that it no longer affects Lot 14 Lyon Road;



- (3) advise the applicant of the matters indicated in the summary of submissions as requiring advice to be provided to the applicant;
- (4) adopt the Schedule of Submissions as contained in the Agenda attachment;
- (5) advise those persons who made a submission of Council's decision;
- (6) forward a copy of the Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3 and
- (7) advise the Western Australian Planning Commission and the applicant that Council will recommend as a condition of subdivision, and/or development, that uniform fencing be erected along the western boundary of the land or acoustic treatment be incorporated into the future dwellings for properties adjoining the Kwinana Freeway Reserve.

**CARRIED 8/0**

### **Explanation**

It is important that where new housing may be affected by traffic noise, such as that generated by the Kwinana Freeway, that measures be taken to reduce this impact by fencing or house design. The Commission and the applicant should be made aware of the Council's position.

### **Background**

ZONING:	MRS:	Urban
	TPS:	Development (DA11)
LAND USE:	Market gardens, existing dwellings & undeveloped land.	
LOT SIZE:	Combined lot area of 17.18ha	

### **Submission**

A Local Structure Plan has been submitted by John Chapman Town Planner for Lots 2, 3, 4 & 14 Lyon Road, Aubin Grove (refer to "Structure Plan 1" in the Agenda attachments).

The proposed structure plan provides a framework for subsequent subdivision and development of the land for residential purposes. Key elements of the structure plan include:



- Residential coding of the land at R20 density, with an anticipated lot yield of approximately 200 dwellings.
- The combined provision of land for public open space and cash-in-lieu of land.
- Drainage basins and incorporation of regional drainage infrastructure.
- Controlled access for lots abutting Lyon Road.
- Lyon Road intersection locations and treatments.
- Connectivity with adjoining land to the north and south.

An amended plan was submitted by John Chapman after closure of the submission period, which adjusted the location of the northern proposed drainage basin (refer to “Structure Plan 2” in the Agenda attachments).

### **Report**

The structure plan was advertised for public comment in accordance with town planning scheme requirements. At the close of the submission period (19 November 2004), 10 submissions had been received. A summary of submissions is contained in the agenda attachments.

The key points raised in submissions relate to:

- Management of stormwater drainage both within and across the site;
- Connectivity between the structure plan area and Lot 5 Lyon Road to the south;
- Intersection construction and roundabout location on Lyon Road;
- Site contamination and acid sulphate soils.

These and other key issues are traversed in the following discussion.

#### Public Open Space:

The structure plan proposes the combined provision of land for Public Open Space (“POS”) for Lots 14 and 2 Lyon Road, while Lots 3 and 4 are intended to contribute cash-in-lieu of land. This is consistent with the Southern Suburbs District Structure Plan Stage 2 (“SSDSP2”), although the provision of cash-in-lieu will require the agreement of WAPC.





The POS is adjoined by roads on all boundaries and represents 10% of the gross subdividable area of both lots. The vesting and development of the POS will be dealt with at the subdivision stage, via appropriate conditions. Opportunities will be considered to incorporate existing bushland within the POS wherever possible.

#### Drainage:

Stormwater drainage from roads within the structure plan area will be managed in two discrete catchments. The drainage area for Lots 14 & 2 Lyon Road as well as that for Lots 3 & 4 Lyon Road will be directed to drainage basins in the southwest of each of these drainage areas. These basins will need to be sized to accommodate the 10-year storm event on site. Provision for an overflow route will also need to be considered.

There will be a need to manage nutrients and other contaminants in the stormwater runoff, which will be the focus of a Drainage & Nutrient Management Plan ("DNMP"). Detailed drainage design and preparation of the DNMP would normally be addressed at the subdivision stage.

Regional drainage infrastructure servicing the broader catchment area will traverse a portion of the southern end of Lot 4 Lyon Road, probably in the form of a pipe located within road reserve. The arterial drain will flow west under the Kwinana Freeway into a proposed drainage swale to be located within the Western Power easement corridor. This in turn will connect to the Russell Road buffer lake (Lake Copulup).

Final lot levels will need to be designed to comply with the requirements of the David Wills & Associates report ("Southern Suburbs Russell Road Arterial Drainage Scheme"), in terms of achieving sufficient vertical separation above groundwater levels. Options may include filling the land to the desired level or installing sub-surface drainage. This matter is usually considered in detail at the subdivision stage.

A developer contribution towards the cost of providing regional drainage infrastructure will be required as a condition of subdivision approval.

#### Road Network:

Lyon Road is expected to carry high volumes of traffic upon the development of the land within Development Area 11 ("DA11"), Aubin Grove. Lyon Road provides access for traffic within DA11 to the Kwinana Freeway, via either Gibbs Road in the north, or Rowley Road in the south. For this reason, special consideration is required to manage access to lots with frontage onto Lyon Road as well as the location and construction of street intersections.



The proposed locations of intersections onto Lyon Road are acceptable to the City, being generally in accordance with SSDSP2. A roundabout is required to be constructed at the intersection of Lyon Road, Cape Le Grand Avenue and the entry road into the development (over Lot 3 Lyon Road), being a proposed four-way intersection. The roundabout would also serve a traffic calming function for Lyon Road.

The structure plan proposes a series of Controlled Access Places (i.e. a CAPs system), which effectively provides lots with frontage to Lyon Road as service roads. In addition, internal subdivisional roading provides frontage access to all other lots abutting Lyon Road and within the structure plan area. The proposed CAPs are acceptable to the City, but need to be constructed to a suitable standard, including provision for utility services if necessary.

The roading configuration within the structure plan is considered acceptable, with east-west and north-south roads providing satisfactory permeability and facilitating regular street block and lot shapes with appropriate solar orientation. The north-south road is in the appropriate location to connect with the road shown on the proposed structure plan for Lot 5 Lyon Road.

Other Matters:

Most of the land in the structure plan area has been used for market gardening in the past. In addition, it is possible that the land may be affected by acid sulphate soils. As such, these issues need to be considered, however are matters that are normally the subject of specific investigations and reports, with appropriate remediation being undertaken at the subdivision stage.

Although market gardening appears to have prevailed in the area in the past, there is currently no such activity on adjoining land to the structure plan area. Furthermore, a large portion of the surrounding land is undergoing development for urban purposes, including the land to the south and east. As such, market garden buffer issues are not considered to be a constraint in this case.

The piggery operation on Lot 15 Lyon Road is understood to be continuing for the time being, and as such the buffer surrounding the piggery partially affects Lot 14 Lyon Road. Development of the land within the piggery buffer will not be supported by the City until such time as the piggery operation permanently ceases.

According to SSDSP2, there are (300m) buffers associated with two Water Corporation production bores located on Lyon Road that affect Lots 14, 3 & 4 Lyon Road. The structure plan proposes only residential use within the buffers and not uses that have the potential to pollute the groundwater.



Due to the structure plan area abutting the Kwinana Freeway, there is potential for the freeway noise to impact on future residents in the estate. To this extent, the City will recommend conditions of subdivision approval requiring acoustic treatment to address the noise issue. An acoustic treatment solution could be in the form of appropriately designed uniform fencing erected along the western boundary of the land.

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

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

1. Managing Your City  
*"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City  
*"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*  
*"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

The Planning Policies which apply to this item are:-

APD4 Public Open Space  
 APD16A Standard Subdivision Conditions and Reasons for Refusal  
 APD28 Public Open Space Credit Calculations  
 APD30 Road Reserve and Pavement Standards  
 APD31 Detailed Area Plans  
 APD34 Uniform Fencing Subdivision And Development  
 SPD1 Bushland Conservation Policy

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

Nil.

### **Community Consultation**

Advertised for public comment in accordance with Town Planning Scheme requirements.



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

Nil.

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

**15.1 (MINUTE NO 2649) (OCM 21/12/2004) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

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

**Submission**

N/A

**Report**

N/A

**Strategic Plan/Policy Implications**

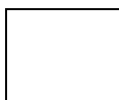
N/A

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A



**Community Consultation**

N/A

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

Nil.

**15.2 (MINUTE NO 2650) (OCM 21/12/2004) - SOUTHERN CROSS CARE (WA) INC. - REQUEST FOR RATES TO BE WAIVED (5515381) (KL)****RECOMMENDATION**

That Council advise Southern Cross Care (WA) Inc. that:

- (1) it is not prepared to waive rates levied on 27 Pearson Drive, Success;
- (2) it is not prepared to grant any future concessions on rates levied at 27 Pearson Drive, Success;
- (3) reconstruction of Pearson Drive will be done in conjunction with the Thomsons Lake - Stage 8 anticipated to commence in March 2005; and
- (4) it requests immediate payment of all outstanding charges.

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that Council:

- (1) advise Southern Cross Care (WA) Inc. that:
  1. it is not prepared to waive rates levied on 27 Pearson Drive, Success;
  2. it is not prepared to grant any future concessions on rates levied at 27 Pearson Drive, Success;
  3. an updated completion date for the reconstruction of Pearson Drive, Success will be negotiated with Gold Estates who are responsible for contributing most of the remaining funds necessary for the work to be undertaken;
  4. it requests immediate payment of all outstanding charges.



- (2) write to the residents of the Southern Cross Care Village, advising that the revised timetable for the reconstruction of Pearson Drive, Success will be forwarded to them after negotiations with Gold Estates and with pre-funding by Council.

**CARRIED 8/0**

### **Explanation**

Gold Estates have delayed the construction of Pearson Drive due to a revised sales programme. Council needs to negotiate with them regarding this.

### **Background**

Southern Cross Care (WA) Inc. has previously written to Council seeking rates exemption on a property at 27 Pearson Drive Success, which is operating as a retirement village and also as a residential care facility in May 2004 by Southern Cross Care (WA) Inc.

Southern Cross Care (WA) Inc. was advised by the Manager, Finance that:

1. The City would grant a rate exemption on the "Frank Pendergast" residential care facility, which could attract rates of \$15,382.
2. The City is not prepared to grant a rates exemption on the 137 two and three bedroom villas under Section 6.26(2) (G) of the Local Government Act, because the land use is not considered to be for charitable purposes.

### **Submission**

Correspondence has been received from Southern Cross Care (WA) Inc. subsequent to receiving Council's letter objecting to the disallowance of the rating exemption.

The Board of Southern Cross Care (WA) Inc. has significant concerns about the retrospectivity of a large part of the rates assessment. This is exacerbated by the inaction on the upgrading of Pearson Drive.

Southern Cross Care (WA) Inc. confirm the acceptance of the principle that rates should be paid, but they should be introduced in a way which will cause minimal inconvenience and hardship to elderly people.

Southern Cross Care (WA) Inc.'s proposal is as follows:



1. That the State Government and the opposition have indicated that they will extend the 50% rate concession to the residents of Retirement Villages. The Southern Cross Care regards the introduction of this concession to the residents of the Success Village as an important pre-requisite.
2. Early completion of road improvements to Pearson Drive which remains a hazard to the residents.
3. Liability for Council rates to commence from 1 July 2005. No rates to be paid prior to this date.
4. Rates levied after 1 July 2005 be structured as:
 

2005/06	-	10% of rates payable
2006/07	-	30% of rate payable
2007/08	-	60% of rates payable
2008/09	-	100% of rates payable

### Report

The Southern Cross Care Village at Success has been promoted by its developers, Southern Cross Care (WA) Inc. as an Over 55's Village community offering exceptional returns on investment to maximise capital gains for potential investors. The Village began construction in October 2002 and was completed for valuation purposes in October 2003. A Rates Notice was issued to Southern Cross Care in December 2003. The Village comprises of 137 two and three bedroom units plus a 73 bed residential care facility. Prices for units range from \$200,000 - \$235,000.

Although Southern Cross Care (WA) Inc. is attempting to mix the rating exemption/waiver issue with Council's perceived lack of progress in upgrading Pearson Drive on which the retirement village is located, the two are very separate issues. The reconstruction of Pearson Drive is currently due to commence in March 2005, as part of the Thomsons Lake – Stage 8 subdivision. This work will be undertaken by the developers, with Council contributing to the cost of the works.

With regards to the request by Southern Cross Care (WA) Inc. for Council to waive the rates levied to 30 June 2005, and negotiations for the payment of rates after this date, Council can under Section 6.47, when imposing a rate, or at a later date resolved to waive (by absolute majority) a rate or resolve to grant other concessions in relation to a rate.

A meeting between representatives from Southern Cross Care (WA) Inc. and Administration discussed rating issues which have affected other retirement establishments and local governments. Subsequent



to this meeting in August 2004, the new proposal based on phasing in rates was received.

The issue of the rateability of retirement villages has been previously considered by Council at its meeting on 19 November 2002. A background to this issue is as follows:

*The Western Australian Local Government Association wrote to all Councils requesting consideration of contributing to an industry fighting fund for cases that affect local government from a state-wide perspective, and consideration to making a donation to the legal action being carried out by the City of Mandurah against the R.A.A.F.A.*

*W.A.L.G.A. has been investigating the increase in the number of organisations seeking exemption from the payment of rates under Section 6.26(2) (G) of the Local Government Act. One of the main areas of inconsistency has been the development of Retirement Villages.*

*The City of Mandurah had been involved in proceedings against the Land Valuation Tribunal in an attempt to collect rates from a Retirement Village owned and operated by R.A.A.F.A.. The City of Mandurah has requested assistance from other local governments in the form of financial contributions to assist the appeal.*

*No estimate has been provided by W.A.L.G.A. on the cost by the City of Mandurah to mount this legal challenge, however it is understood that the City of Armadale had previously spent \$22,000 in a similar situation where rates were being attempted to be collected.*

*The outcome of this case was important to Cockburn because similar retirement villages are being established in the district.*

*Council decision was that:*

- (1) it will contribute up to \$2,000 towards legal action being undertaken by the City of Mandurah against the Royal Australian Air Force Association; and*
- (2) would be willing to contribute to a sector-wide fighting fund for cases that affect local government from a state-wide perspective.*

The City of Mandurah and the R.A.A.F.A. organisation reached arrangement that 50% of the rates levied would be paid over the first 2 years, 75% in the third year and 100% in the fourth year.





This arrangement was reached after the Council decision to contribute to the Fighting Fund was established.

The decision to grant any concession to Southern Cross Care needs to be taken into consideration that:

1. Investors who purchased units at the Success Village were aware that a Maintenance Fee was payable over and above any purchase price of a unit. This would have included a component for items such as Council rates.

Southern Cross Care were actively publicising that these maintenance costs were up to half what comparable villages were charging.

2. Southern Cross Care has chosen to keep all the units on one property title. This results in Southern Cross Care only paying \$175.00 for the FESA Levy on 137 units as they are rated as one property (charge for Strata Titled units would be in the vicinity of \$100.00 each per Strata Unit, totalling \$13,700).
3. Residents who live in the village do not pay the Council Security Levy charge of \$37.50, because it is rated as one property. If individually rated the cost would be \$5,200.
4. Recent announcements by the State Government which will take effect from 1 July 2005, will effectively extend concessions on local government rates to eligible pensioners and seniors who occupy and reside in retirement villages.

Southern Cross Care has confirmed by correspondence that they are prepared to pay the "Other Charges" ie. FESA, Security Charge, Rubbish Charges and Pool Inspections, but have failed to respond by paying these levies.

Rates for the property will be significantly reduced in 2005/06, if the State Government's proposed extensions to the Rates and Charges Concession Scheme are passed. If all residents at the Complex are entitled to concessions, the amount payable by Southern Cross would be around \$28,000 based on current rates due. This charge would be passed on to the owners of the units at a cost of \$204.00 per unit. This charge is significantly lower than Council's minimum rate of \$438.00.

Council's Legal Advisors have advised that any appeal by Southern Cross Care to the Land Valuation Tribunal is not possible as the objection period under Section 6.77 of the Local Government Act has expired.



### Strategic Plan/Policy Implications

“Managing Your City” refers.  
Delegated Authority was given under LGAFCS2 – Exemption from Rates – Schools/Charitable Bodies

### Budget/Financial Implications

Charges levied on Southern Cross Care to date are:

#### Rating

•	2002/03	-	\$22,011
•	2003/04	-	\$50,139
•	2004/05	-	\$56,750
	Total	-	<b><u>\$138,900</u></b>

#### Other Charges

•	Security Charge	\$37.50
•	FESA Levy	\$175.00
•	Pool Inspection	\$39.50
•	Rubbish	\$57,530.00

No payment has been received for any of these amounts. Any concession by Council will reduce income received.

### Legal Implications

N/A

### Community Consultation

N/A

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

Nil

### 15.3 **(MINUTE NO 2651)** (OCM 21/12/2004) - BUDGET REVIEW - PERIOD ENDING 31 OCTOBER 2004 (5402) (ATC) (ATTACH)

#### **RECOMMENDATION**

That Council amend the Municipal Budget for 2004/05 as set out in the attached report, summarised as \$843,734 – Income and \$843,734 – Expenditure.

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



**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that Council amend the Municipal Budget for 2004/05 as set out in the attached report, summarised as \$843,734 – Income and \$843,734 – Expenditure, subject to:

- (1) a new allocation of \$2,000 being made for “Consultant – Corporate Governance Charter”;
- (2) a new allocation of \$4,500 being made for a new path to be built between Cockburn Road bus stop and Hershall Way Coogee;
- (3) a new allocation of \$10,000 being made for a donation to the Spearwood Bowling Club towards the construction of lights;
- (4) an increase in the amount allocated in account OP9470 ‘Classic Events Manning Park’ from \$40,000 to \$60,000; and
- (5) the proposed increase in funds for account CW2500 ‘Road Resurfacing’ being reduced by \$36,500.

**MOTION LOST 5/3****DUE TO LACK OF ABSOLUTE MAJORITY OF COUNCIL**

MOVED Cllr M Reeve-Fowkes SECONDED Cllr S Limbert that Council amend the Municipal Budget for 2004/05 as set out in the attached report, summarised as \$843,734 – Income and \$843,734 – Expenditure, subject to:

- (1) a new allocation of \$2,000 being made for “Consultant – Corporate Governance Charter”;
- (2) a new allocation of \$4,500 being made for a new path to be built between Cockburn Road bus stop and Hershall Way Coogee;
- (3) a new allocation of \$10,000 being made for a donation to the Spearwood Bowling Club towards the construction of lights; and
- (4) the proposed increase in funds for account CW2500 ‘Road Resurfacing’ being reduced by \$16,500.

**CARRIED BY ABSOLUTE MAJORITY 7/1****Explanation**

1. There is a need to employ a consultant to assist Council to complete its Corporate Governance Charter.



2. Currently the Cockburn Road bus stop mentioned is situated in the middle of Amity Boulevard and Fairburn Road. Elderly ratepayers alighting from the bus are finding it extremely difficult to cross through the shrubs, sand and terrain to Hershall Way. A path is needed to cater for our elderly residents.
3. The Spearwood Bowling Club has requested a donation of \$10,000 towards the installation of additional lighting at the club.

### Background

Council reviews its Budget twice each year for the periods ending October and February.

### Submission

N/A

### Report

A report on the review of the Municipal Budget for the period 1 July 2004 to 31 October 2004 is attached to the Agenda. The report sets out details of all proposed changes and a brief explanation as to why the changes and a brief explanation as to why the changes are required.

The proposed changes can be summarised as follows:

Service Unit	Income \$	Expenditure \$
Building Services	12,500	0
Social Services	-13,275	70,112
Roads Services	463	-13,144
Parks Services	0	37,324
IT Services	11,915	15,315
Records Services	0	9,000
General Purpose Income	534,600	510,000
Elected Members	0	33,373
Other Governance	0	4,500
Facilities Services	0	57,003
Plant Services	32,000	0
Safer City	20,000	6,500
Customer Services	0	20,000
Ranger Services	14,000	30,500
Management Library Services	0	8,700
Spearwood Library	53,076	54,568
Success Library	0	8,000
Accounting Services	2,955	0
Waste Disposal Services	56,000	0
Waste Collection Services	50,000	0



<b>Service Unit</b>	<b>Income \$</b>	<b>Expenditure \$</b>
Recycling	0	15,000
Environmental Services	0	-141,517
Strategic Planning Services	38,000	0
Land Administration Services	0	10,000
Health Services	28,000	18,000
Statutory Planning Services	3,500	3,500
Transfers to Reserve Funds		87,000
<b>TOTAL</b>	<b>843,734</b>	<b>843,734</b>

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

N/A

### **Budget/Financial Implications**

A number of amendments to the Budget are recommended.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

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

Nil.

## **15.4 (MINUTE NO 2652) (OCM 21/12/2004) - REPORT ON FINANCIAL STATEMENTS (5505) (NM) (ATTACH)**

### **RECOMMENDATION**

That Council receive the Report on the Financial Statements for the first tri-annual period ending 31 October 2004, as attached to the Agenda.

### **COUNCIL DECISION**

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

**CARRIED 8/0**



## **Background**

Section 6.4 of the Local Government Act 1995, requires the City to prepare financial reports as a re prescribed. Regulation 34(1) (b) of the Local Government (Financial Management) Regulations 1996, prescribes that a local government is to prepare either quarterly or tri-annual financial reports.

Council has elected to receive tri-annual financial reports, which are due for periods ending 31 October, 28 February and 30 June. Further, Regulations 34(1)(a) allowed Council to resolve not to receive a report for periods ending 30 June. Council has previously resolved not to receive this report as it is deemed unnecessary due to the preparation and presentation of annual financial statements.

The October and February reports coincide with Council's budget review periods.

## **Submission**

N/A

## **Report**

Attached to the Agenda are the following financial statements for the period ending 31 October 2004, together with a report providing commentary on each statement.

### Operation Statement

The Operating Statement details operating income and expenditure at a statutory program level and compares it to the adopted budget. Also included is the projected budget, which incorporates amendments and revisions made to the budget since adoption (including those of the October 2004 budget review).

### Municipal Summary of Financial Activity

The Municipal Summary reports both operating and capital income and expenditure and reconciles these back to a cash position.

### Statement of Reserve Funds

This statement reports the current balance for all reserve funds and provides details of interest earnings and of transfers in and out of each reserve for the year to date.



### Restricted Funds Analysis

This statement summarises bonds, deposits and infrastructure contributions held by Council as at the reporting date. These funds are deemed restricted in accordance with Accounting Standard AAS27.

### Investment Report

Council's Investment Policy (Corporate Policy SFCS1) requires monthly reporting to Council on its investment portfolio and its performance. This is facilitated through the inclusion of a report in the Elected Members Newsletter that deals purely with performance for the pertaining month.

In contrast, the purpose of the report included in the tri-annual statements is to analyse the portfolio performance over the year to date period, as well as providing details on the extent of exposure to categories restricted within the policy.

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

N/A

### **Budget/Financial Implications**

The October 2004 Budget Review addresses all significant variations of a permanent nature identified as at 31 October 2004.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

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

Nil.

## **16. ENGINEERING AND WORKS DIVISION ISSUES**



**16.1 (MINUTE NO 2653) (OCM 21/12/2004) - SOUTHERN METROPOLITAN REGIONAL COUNCIL - OFFICE ACCOMMODATION - DRAFT SECURED LENDING FACILITY AGREEMENT ( 4904) (BKG) (ATTACH)**

**RECOMMENDATION**

That Council agrees with the terms and conditions, subject to minor amendments, as outlined in the Western Australian Treasury Corporation Draft Secured Lending Facility Agreement and the Western Australian Treasury Corporation Draft Charge Agreement dated 28 October 2004, for the purchase of office accommodation for the SMRC administration;

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

At the Council meeting held on 17 August 2004, it was resolved:

*“That Council:*

- (1) advises the Southern Metropolitan Regional Council that it supports the business plan for purchasing permanent office accommodation for the Southern Metropolitan Regional Council, as attached to the Agenda; and*
- (2) agrees to enter into a project participation agreement for the purchase of office accommodation, subject to support from the majority of the ‘share percentage’ as detailed in the Governance Contribution Schedule.”*

**Submission**

The following has been received from the SMRC.

- Draft WA Treasury Corporation Secured Lending Facility Agreement (attached to the Agenda)
- WA Treasury Corporation Draft Charge Agreement (attached to the Agenda).





## Report

All of the participant councils (Cockburn, Melville, Canning, Fremantle, Rockingham, Kwinana and East Fremantle) have advised the SMRC in writing that they support the purchase of office accommodation for the SMRC in lieu of leasing office space.

As the SMRC was entering into a major land transaction, the business plan was advertised in the West Australian in accordance with section 3.59(5) of the Act.

Comments were received from the various councils and the plan was amended in two places:

1. page 15 – Selection Criteria No. 9 be moved to essential criteria “Existing tenant leases included in property purchase.”
2. page 15 – Selection Criteria No. 1 the words “Sound investment potential” be replaced with the words “Sound capital growth”.

The purchase of the office accommodation is to be funded by a loan facility from the WA Treasury Corporation. The borrowing will be a fixed interest only loan where interest repayments will be paid by the project. The Principal will be re-financed or paid in full as determined by the Regional Council and its participants. The principal amount shall not exceed \$2m.

The Regional Council will obtain and administer \$2 million loan facility, which will be sourced from the Western Australian Treasury Corporation.

In accordance with Clause 24H (c) of the Local Government (Functions and General) Regulations 2000 (amended) and the Project Participants Agreement, it is a requirement that each project participant shall undertake to guarantee or secure the borrowing. The guarantee or security is limited to the proportion of liability for each participant (based on population).

The Draft agreements are in two parts;

1. Secured Lending Facility Agreement
  2. Security Agreement.
1. The Draft \$2M Secured Lending Facility Agreement is between the Western Australian Treasury Corporation (WATC) (*Lender*) and the Regional Council (SMRC) (*borrower*) and the seven project participants (*participants*). In summary, the agreement provides that the SMRC promises to pay the loan at the times and in the manner set out and gives as security, the project participant’s annual contributions as prescribed in the Clause 24H (c) amended



regulation in the *Local Government (Functions and General) Regulations*. The Project Participants agree to meet its “share” based on a percentage of the liability as certified by SMRC. Only if SMRC default will WATC demand payment from the Project Participants, or if only a partial default, then WATC will demand payment from the defaulting Project Participant. It should be noted that whilst each participant is severally liable for their share only, any default may have an impact on all participants if not resolved early.

2. The draft ‘Charge Agreement’ is between a project participant and WATC. Each project participant is required to sign its own agreement with WATC to promise to pay any outstanding monies of its “share” or a charge over its general funds as identified in the Secured Lending Facility Agreement.

As the Council is a party to these two agreements, it is required to sign both documents.

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

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

### **Budget/Financial Implications**

The Council’s estimated share of the \$2M lending facility is based on population percentages (census figures each 5 years) over the term of the loan. The Council’s share at the commencement of the loan will be:

<b>Participants</b>	<b>Pop Census 2001</b>	<b>% Share</b>	<b>Based on \$2M</b>
City of Canning	73,727	20.81%	\$416,200
City of Cockburn	66,417	18.75%	\$375,000
Town of East Frem	6,383	1.80%	\$36,000
City of Fremantle	25,199	7.11%	\$142,200
Town of Kwinana	20,812	5.88%	\$117,600
City of Melville	91,385	25.80%	\$516,000
City of Rockingham	70,306	19.85%	\$397,000
<b>TOTAL</b>	<b>354,229</b>	<b>100.00%</b>	<b>\$2,000,000</b>

### **Legal Implications**

Section 6.21(2) of the Local Government Act 1995 and Regulations 24H of the Local Government (Functions and General) Amendment Regulations 2000.



### Community Consultation

The business plan for the purchase of SMRC office accommodation was advertised in the West Australian Newspaper.

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

WA Treasury Corporation have offered the lowest borrowing rates.

## 17. COMMUNITY SERVICES DIVISION ISSUES

### 17.1 **(MINUTE NO 2654) (OCM 21/12/2004) - BEELIAR SOCCER CLUB - REQUEST FOR OFFICE SPACE (RA) (4619)**

#### **RECOMMENDATION**

That Council advise the Beeliar Soccer Club that it is not prepared to provide or allow for an office area within the Beeliar Community Centre for the use of the Club.

#### **COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr S Limbert that Council advise the Beeliar Soccer Club that it is prepared to provide for an office area within the Beeliar Community Centre for the use of the Club, subject to an agreement detailing the conditions of tenancy arrangements being prepared for endorsement at the February Council Meeting.

#### Amendment

MOVED Clr A Edwards SECONDED Clr S Limbert that Council:

- (1) advise the Beeliar Soccer Club that it is prepared to provide for an office area within the Beeliar Community Centre for the use of the Club, subject to an agreement detailing the conditions of tenancy arrangements being prepared for endorsement at the February Council Meeting; and
- (2) in the interim, provide access to the office for use during the registration period to cover the period of January/February.

**AMENDMENT CARRIED 8/0**

**AMENDED MOTION PUT AND CARRIED 8/0**



### **Explanation**

The Beeliam Soccer Club is one of the fastest growing soccer clubs in WA. It now has over 600 players registered as members. The City must do all it can to support this phenomenal growth and encourage its continuation. The club is trying to manage by holding meetings at members' houses and moving equipment and documentation around in the boots of members' cars. The Club has and will have a huge management issue with over 30 teams and numerous events each season. The limitations of the pitches are just a few of the management problems. The City must help this club establish itself and grow. There are many details to be considered in accommodating this arrangement and it will be necessary for a tenancy agreement to be prepared and accepted by Council.

### **Background**

The Beeliam Community Centre became operational on 25 November 2003. The community centre has steadily increased patronage to the level that it is now very well utilised by a range of community groups.

Since the development of the reserve in April 2003, the Beeliam Soccer Club have had virtually sole use of the ground.

The club used a sea container provided by the City prior to the club facilities being completed. The club provided temporary toilets and the City paid for them to be connected to the sewerage. In addition to the usual grassed areas, the City also provided two light towers.

### **Submission**

The Beeliam Soccer Club has written to Council seeking, amongst other matters, use of an office area within the Beeliam Community Centre. As this request by the club to seek to have office space within the facility is outside of Council policy and could be seen to set a precedent, it is necessary for Council to consider the matter.

### **Report**

The Fremantle Soccer Club approached the City in early 2002, seeking a ground on which to establish a presence. The proposed Beeliam Reserve on The Grange was suggested and agreed to by the soccer club as a suitable venue. The Beeliam Soccer Club was borne out of the Fremantle club and became established on the reserve.

The soccer club has grown rapidly and City records show the latest numbers for the club at 439 players of which 409 are juniors. This in itself has caused problems with the reserve being over used and damaged. As essentially the sole users of the reserve, the club will be required to monitor the use of the reserve to reduce damage. This may



well entail limiting the membership of the club. There are other junior soccer clubs in the area that in fact have room to accommodate more junior teams.

Currently the club has sole use of a storage area within the community centre of approximately 25m<sup>2</sup>. As they are the only club using the reserve, they effectively have sole use of the change/toilet rooms. Included in the season fee of \$2 per junior, is the use of the oval (with lights) storage area as described above, club change rooms and use of the kitchen on match days.

In summary, the club has, at a nominal fee, the use of an extensive new active reserve and significant areas within a new community centre. The City has at its expense, provided two substantial light towers and has placed on its 2004/05 budget, a further \$28,000 for an additional two towers. It can be fairly stated that this club has had substantially more support from the City than probably any other single club in the City.

The original concept for the Beeliam Community Centre was based on a design and intent that the facility be multi use, that is the areas that any user would have exclusive use of, would be limited to sections of storage space. The Council does not provide office space for any other club that uses a multi functional or City managed facility. To provide one club with this right would set a precedent and expectation from other clubs in the City that they too should also have an office space provided for the club. As there are currently 19 club facilities with future clubrooms planned, this would create a large financial cost to the City.

For a period, the Beeliam Soccer Club had security access to the foyer and meeting rooms in the facility. There have been a number of written complaints received from other users who complained that the toilets within the building had been left in a dirty state and that members of the soccer club interrupted activities of other groups while they were in progress. This has resulted in one group ceasing hire of the facility and another relocating to an alternative room within the centre creating loss of income for the City. Access to these other areas by the soccer club has created problems previously and this matter needs to be considered in relation to how the club accesses the facilities in the future.

Should Council wish to set this precedent, the most viable space would be to establish an office area within the current area designated as the activity and office area. This area is currently used by the Group Community Centre Project Officer who the Council is committed to providing office space to as she is currently partly funded by the developer for the reserve, the Property Resource Group. The Property Resource Group do not have an issue for the area to be pursued but believe the matter is one for Council to decide. This staff member has



the usual array of office equipment and keeps accounts bookings and other documents in the office.

The Group Activity/Office room within the Beeliar Community Centre was specifically designed as a space for the City's Social Services staff to provide counselling services, small group activities and as an office area for a Community Centre Officer. This design was considered appropriate because a staff member would always be present to facilitate the group or provide counselling services, so there would be no compromise in relation to security of the equipment and other materials held in the office section of the room. The Group Activities/Office area currently has a capacity for approximately 20 people seated for group activities, an office space and a counselling section.

The City's Youth Services staff has already used the Group Activity room to provide outreach counselling services and small group activities with young people in Term 2 of 2004. The Beeliar Resident's Action Group and the Developer have requested that the City's Youth Services Department increase their outreach and after-school activities from the Beeliar Centre due to a number of issues with youth. In addition to this, the City of Cockburn Atwell Family Support Service has booked the group activities space once per week to provide a pre-natal support group for pregnant women living in the area which is planned to start in December 2004, and also a group for isolated parents and individual community members in Term 1 2005. The City's Financial Counselling Services have also expressed an interest in using the room to provide Money Management workshops to local residents in Term 2 or 3 of 2005.

The Community Centre Project Officer and Social Services staff have identified that any reduction in the size of the Group Activity/office area would mean that it was no longer viable to hold any small group activities in the room as too few people would be able to attend the sessions. The other spaces within the centre are not designed to accommodate smaller group activities and are often not available during peak periods for usage. Therefore the consequence for the removal of a section of the group activities room as an office for the Beeliar Soccer cClub would result in these community services no longer being provided to local residents.

The Beeliar Community Action Plan also identified that teenage boredom was in the top 5 areas of weaknesses for Beeliar. As a result of this, the City's Youth Services Department identified that they would endeavour to provide an outreach counselling and small group program from the Beeliar Centre once per week to assist in addressing this identified community need.

In consideration of whether the City should enter into a rental agreement with the Beeliar Soccer Club, it is important to note that the Beeliar Soccer Club has a poor credit rating with the City. For example,



the Beeliar Soccer Club is currently 30 days in arrears for payment of hall hire fees for the Beeliar Community Centre main hall area for the amount of \$411.84, and they also failed to pay for the 2004 winter season ground hire fees until they were 60 days overdue.

The result of this is that a separate area would need to be created so that the club and general members of the club did not have access to the staff space. An area of approximately 10m<sup>2</sup> with access from the outside has been costed at \$10,000. The relatively high cost is in part due to the size of the project and the difficulty in getting builders at this time due to the building boom.

As described above, the Beeliar Soccer Club already has had substantial assistance from the City. This combined with the fact that the provision of office space is not usually provided in this circumstance, justifies the club paying for the cost of the works including the provision of communication services and equipment. The community facility is very new and of a high standard and to ensure that this is maintained, it is expected that the City would carry out the work on behalf of the soccer club. Financial viability to repay this debt is questionable due to previous credit history with the City. An appropriate rental fee given that the room was constructed by the club would be \$50.00 plus all outgoing costs per week.

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

Managing the City in a competitive, open and accountable manner.  
Facilitating a range of services responsive to community needs

### **Budget/Financial Implications**

There are no funds available on the budget for this project.

### **Legal Implications**

N/A

### **Community Consultation**

Not usually considered necessary for a relatively small project such as this. There has been some concern expressed by other users of the facility about the activities of the soccer club. There may well be some concern expressed by other clubs on the level of support the City provides this club and that the club is also provided with an office.

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

Nil.



**17.2 (MINUTE NO 2655) (OCM 21/12/2004) - CITY OF COCKBURN STRATEGIC PLAN FOR SENIORS (GB) (8420) (ATTACH)**

**RECOMMENDATION**

That:

- 1) Council receive the City of Cockburn Strategic Plan for Seniors Report; and
- 2) the recommendations contained in the report be considered as part of the Review of the Corporate Strategic Plan in 2005.

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr S Limbert that:

- (1) Council receive the City of Cockburn Strategic Plan for Seniors Report;
- (2) the recommendations contained in the report be considered as part of the Review of the Corporate Strategic Plan;
- (3) a full-time senior's position be considered as part of the 2005/06 budget; and
- (4) the Seniors Report and recommendations be broadened to be inclusive of residents aged 50 and over.

Amendment

That point (4) be amended to read:

- (4) the Seniors Report and recommendations be broadened to include people 55 years and over or under 50 years and on the HACC Program.

**AMENDMENT CARRIED 5/3**

**AMENDED MOTION PUT AND CARRIED 6/2**

**Explanation**

The seniors position needs to be full-time rather than part-time as it is a very large project and needs this level of resources to be allocated. The issue for seniors are urgent so the position needs to be provided next financial year. The position needs to be full-time to provide the scope for the officer to deal with the volume of requests and projects that the community identifies as well as to implement the recommendatinos contained within the report. A full-time position will





also provide better customer service because they will be contactable 5 days per week.

The report needs to be inclusive of residents aged 50 and over because there needs to be a greater level of prevention to provide the opportunity for seniors to stay active and healthy and this early intervention reduces the likelihood of future health issues.

## **Background**

In response to community requests for Seniors services Council allocated funds for the 2003/04 financial year to develop a Strategic Plan for City of Cockburn seniors services.

Submissions were sought to develop the Plan for Seniors aged over 65 in the Cockburn District. The Strategic Plan was to outline current seniors community services, senior citizen's groups, and accommodation facilities, and identify current and future needs for services for senior's living within the Cockburn District. The City selected Bertram Healthcare Consulting to conduct the study from a number of submissions received.

The following strategies were employed to achieve the overall objective:

- Identify, collate and, map information on currently available community services for seniors, senior citizen's groups, and accommodation services for Senior's (predominantly aged over 65) in the Cockburn District.
- Conduct a community consultation and demographic analysis to identify current and future needs for Senior's in the Cockburn District.

Develop recommendations and a Forward Plan outlining the required type and location of future community services for senior's, senior's citizen's groups, and accommodation services for senior's over the next 10 year period.

## **Submission**

N/A

## **Report**

The 2001 Australian Bureau of Statistics census data shows that 9% of City of Cockburn residents are aged 65 and over or 6700 persons. Population projections from the Department of Planning and Infrastructure show that by the year 2016, 14.5% of Cockburn residents



will be aged 65 and over or 11,300 persons. This is almost double the current number of seniors in a 15 year period.

Bertram Healthcare have found that a significant percentage of growth is expected in Beeliar, Munster, Success, Banjup, Bibra Lake and Coogee. By contrast, growth in older established areas such as South Lake, Hamilton Hill and Coolbellup is either stable or negative.

The final report was completed on the 30 June 2004, and the following recommendations have been made by Bertram Healthcare Consulting.

### Recommendations

That the Council of the City of Cockburn adopt the following recommendations as soon as possible:

1. Identifies incentives for residential accommodation providers and developers, to assist these organisations in developing facilities within the areas identified of greatest need.

As demonstrated in the map of current accommodation facilities for Cockburn seniors, the majority of facilities are represented in the mid to North-Western quadrant of the City of Cockburn locality. It is important that current or potential providers/developers are encouraged and assisted in planning for development in areas of greatest accommodation need and in those suburbs that have been identified as high growth. Incentives such as land assistance, low interest loans, rates assistance, capital costs assistance, volunteer support, education and training program assistance, infrastructure cost assistance or staff scholarships, would certainly improve the attractiveness of their investment in this area.

**Officer's comment:** Incentives provided to developers and aged care providers would not benefit Cockburn residents as much as a joint partnership arrangement. It would be preferable to enter into a partnership arrangement with a developer or aged care provider rather than providing incentives, because any profit generated would be equally distributed to each partner and could then be used by the City to fund other community projects. It is therefore recommended that Council not support this recommendation.

**Officer's alternate recommendation 1:** That Council not support recommendation number 1

2. Convenes a group of current and potential aged care providers and developers to meet on a regular basis, facilitate maximum communication and coordinate the delivery of aged care services.



Aged Care providers are not always aware of areas of need and do not always have access to strategic plans and meaningful data to assist them in planning for the future. There is often overlap and duplication in the provision of services, which was identified by providers in the survey and focus groups.

**Officer's comment:** This is a specialised task that would need to be undertaken by the new senior's officer position (see recommendation number 9). As the report outlines there is a demonstrated need for accommodation facilities in the South Eastern corridor it is suggested Council be supportive of adopting the recommendation.

3. Develops a Structure Plan for the Cockburn localities, that identifies and earmarks a minimum of two 8 – 10 hectares of broad acre parcels for retirement villages and residential aged care facilities, possibly in the South Yangebup/Northern Beelihar and Eastern Banjup areas.

It is estimated that 8 – 12 hectares of land are required to build 250 independent living units and a 110-bed residential aged care facility. It would be very useful for the Council to have ready access to land availability, for planning purposes or when negotiating with aged care providers and developers to build in the area.

**Officer's comment:** Strategic Planning Services has stated that Southern Suburbs Stage Three Structure Plan provides a realistic opportunity to allocate an 8-10 hectare site for residential aged care facilities. The City has not yet been able to identify a second opportunity at this stage. The City is also only able to liaise with and encourage developers to identify appropriate sites for the location of the aged care facilities in structure plans. This recommendation would need to be done conjointly with recommendation number 4, because if there was no aged care provider in a position to develop the facility then the developer would have to reallocate the land for residential or other purposes.

The report outlines that there is a demonstrated community need for accommodation facilities and specifically for the "ageing in place" model. This "ageing in place" model requires a large land site as it includes low care, medium care and high care accommodation facilities and services for seniors. This model allows a person to remain in the same complex as they age and consequently require more in home support or care. It also allows couples to stay together even if they have different support needs. As there is such a large land allocation required it is important for the City to do what is possible to facilitate this process before all the development is complete and there is no longer an opportunity available. As this is a community need it is suggested Council be supportive of adopting the recommendation and that consideration of these issues be taken up by planning.



4. Recommends to aged care providers, that they develop two new residential aged care accommodation facilities, one in South Yangebup/Northern Beeliar and the other in Eastern Banjup.

The majority of residential aged care facilities are currently located in the mid to North-Western quadrant of the City of Cockburn. Analysis of the map Accommodation facilities for Cockburn seniors, demonstrates that the South East and South West suburbs of Banjup, Atwell, Wattleup, Beeliar, Munster, Success and Yangebup, have either no facilities or are significantly under represented.

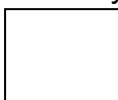
**Officer's comment:** This is a task that would need to be undertaken by the new senior's officer position (see recommendation number 9). This recommendation would need to be completed conjointly with recommendation number 2 and 3, because it is pointless for a developer to allocate land within the structure plan if there is no Aged Care provider in a position to develop a facility on that site within the required time frame. As the report outlines that there is a demonstrated community need for accommodation facilities and specifically for the "ageing in place " model in the South Eastern corridor that requires 8-10 hectares of land and it is feasible to do this conjointly with the previous recommendation it is suggested Council be supportive of adopting the recommendation.

5. Recommends to providers of aged care residential accommodation and developers that the proposed aged care residential facilities or retirement village fits identified criteria.

The supply of residential care places is currently managed by the Commonwealth Department of Health and Ageing. As stated in the Hogan Report (2004), from 1985 to 2001, the arrangements provided for 40 high care places, 50 low care places and 10 Community Care packages for every 1000 people aged 70 or over.

Dementia becomes increasingly prevalent in the population as the population ages and analysis of the demographic profile and projected figures for the City of Cockburn, indicates there will be a potential sub-group of up to 700 people with Dementia by the year 2016. (See *Demographic Profile*)

**Officer's comment:** This is an ongoing process that would need to be undertaken by the new senior's officer position (see recommendation number 9). As the report outlines that there is a demonstrated community need for accommodation facilities in the south east corridor and specifically for the "ageing in place " model. This "ageing in place" model includes low care, medium care and high care accommodation facilities and services for seniors. This model allows a person to remain in the same complex as they age and consequently require more in home support or care. It also allows couples to stay together even if they have different support needs. Aged care providers also need to



cater for all seniors including those with dementia, so it is suggested Council be supportive of adopting the recommendation.

6. Applies for Community Aged Care Packages, expands their HACC program and explores other means of innovative care delivery

It appears that the majority of older Australians may prefer to remain in their own homes supported by a range of services rather than enter residential care. Moreover older people's preferences appear to be moving towards the use of formal rather than informal care in their homes as suggested in the Hogan Report (2004). These views were reinforced in the focus group outcomes. (See Think Tank and Focus Group outcomes)

To reflect this trend, we recommend that care-in-the-home programs should be expanded and submissions for additional Home and Aged Community Care (HACC) Funding and Community Care Packages funding be sought. The increasing significance of community care provision, at home respite and the like has been recognised by the Commonwealth Department of Health and Ageing and the ratio of community care packages to residential places is continually under review. Further adjustments were made in 2001 to increase the number of Community Care Packages.

**Officer's comment:** This recommendation entails applying for State or Commonwealth funding to expand existing Council managed services to meet growing community needs. As the report outlines that there is a demonstrated community need for in home care services it is suggested Council be supportive of this recommendation.

7. Forms joint ventures with developers and Department of Housing and Works, to assist in developing retirement villages and low cost housing for seniors, who require independent living accommodation

Strong responses were received from participants in the Think tank, focus groups and the survey regarding the need for low cost housing in the Cockburn localities. It is recommended that the City of Cockburn meet with the Department of Housing and Works on a regular basis, to advocate for the provision of housing for Seniors and establish dialogue regarding possible future joint ventures.

**Officer's comment:** This is a new process that will have unknown financial consequences and so it would require further investigation by the new senior's officer position prior to a commitment being gained by Council (see recommendation number 9). It is therefore recommended that Council not support this recommendation until further investigation is undertaken.



**Officer's alternate recommendation 7:** That Council not support recommendation number 7

8 (a) Develops a 5-year Capital Works program to upgrade an existing facility in the north western quadrant of Cockburn dedicated to social and recreational activities for seniors

8 (b) Develops a 5-year Capital Works program to build a new facility in the south eastern quadrant of Cockburn (Hammond Rd South, Success or Beeliar West) dedicated to social/recreational activities and allied health services for seniors

By 2016, the population of Cockburn seniors is projected to double, increasing to 11 800 residents over 65. By 2016, an additional 5000 seniors will be living in Cockburn needing to access services that meet their social, recreational and medical needs.

In the north west and north eastern quadrant of Cockburn, many of the hall facilities used by senior groups appear to be old and inadequate for use by current and future senior residents. Focus groups and phone interviews to social clubs raised this issue describing the poor condition of Jandakot Hall, Joe Cooper Recreation Centre, Centenary Hall, the Lesser Hall, Spearwood and the Old Council Chambers owned by the Main Roads Department. Groups highlighted the need for new kitchens, more storage, disability access, toilet grip rails and secure parking. Many groups also highlighted the physical strain required to set up and pack away equipment to make way for other groups. Given that by 2016, the largest group of senior residents in Cockburn will be located in Hamilton Hill and Spearwood, highlights the need for a purpose built facility to meet the recreational and social needs of seniors in the future

Future population projections in the South-Eastern quadrant of Cockburn highlight a strong case for a new facility to house the essential services required to meet social, recreation and allied health needs of senior residents living in this location. A significant part of this growth will be occurring in the newer suburbs such as Beeliar, Success, Atwell, Coogee, Munster and Banjup.

**Recommendation 8 (a) Officer's comment:** The upgrade of an existing facility in the North West quadrant would need to be investigated further. However, the current dedicated senior's facility in Young Place Hamilton Hill is ageing and will require an upgrade over the next 10 years. Prior to considering the listing of the upgrade of a facility on a forward plan a review of the current management and viability of the dedicated senior's centre in Young Place Hamilton Hill should be conducted. This review would need to be undertaken by the new senior's officer position (see Recommendation number 9). As there is a requirement for Council facilities to be maintained in an



appropriate and adequate condition, it is therefore suggested Council support the alternate recommendation.

**Officer's alternate recommendation 8(a):** That Council review the current management and viability of the dedicated senior's centre in Young Place Hamilton Hill prior to consideration of listing an upgrade of a facility in the North West quadrant in the 10 Year Forward Plan.

**Recommendation 8 (b) Officer's comment:** The construction of senior's facilities in the South Eastern quadrant is already under consideration in forward planning. It may also be possible to collocate the Cockburn Bowling Club or other similar facility with the senior's centre so that it creates economies of scale and therefore makes them both more viable. As the report outlines that there is a demonstrated community need and future need for a purpose built single use senior's recreational facilities in the South East quadrant it is suggested Council support the recommendation.

9. Provides a central contact person, a Seniors' Officer, to coordinate activities and provide current information to all seniors

Providing a central contact person reflects a growing trend across leading metropolitan local governments such as Armadale and Melville. Strong responses were received from participants in the Think tank, focus groups and the survey regarding the need for a central person to provide a 'one stop shop' for information. This would address the ad hoc nature of information available to seniors and provide a valuable service to all seniors groups including the active, frail, ethnic groups, Aboriginal & Torres Strait Islanders. This officer would also play a key role in strengthening cross-functional activity across Council departments to solve issue relating to seniors.

Awareness and access to information for seniors was an issue expressed by about a third of the respondents in the surveys and focus groups. Focus groups and phone interviews revealed there are still many lonely seniors who would be accessing services if they knew about them. This included awareness and access to current services, handy to know information and events for seniors. Several requests were made for a booklet on services for seniors and information on senior events.

**Officer's comment:** The implementation of the recommendations, of which a large number are ongoing would require a dedicated new senior's position. As the report outlines that there is a demonstrated community need and future need for a central contact person, and there is also a requirement for a large human resource allocation to implement the recommendations and coordinate the ongoing tasks contained in the report. It is suggested Council be supportive of this recommendation. A part-time ongoing position would therefore need to



be listed for consideration in the 2005/06 Budget, with the view to increasing this to a full-time position if the need arises.

10. Develops a 'Preparing for Retirement' program that prepares seniors approaching retirement

This strategy was strongly advocated at the Think tank and builds on the above recommendation of coordinating and disseminating information to the right people at the right time. It pro-actively targets people entering retirement to equip them with the skills and knowledge to help deal with issues such as grief over loss of income, potential loneliness from loss of friends, lack of family support and depression. All these issues are prevalent in the Cockburn senior population.

**Officer's comment:** This is a specialised task that would need to be undertaken by the new senior's officer position. As the report outlines that there is a demonstrated community need for information on planning for retirement then it is suggested Council be supportive of this recommendation.

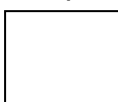
11. Incorporate a 'Healthy Ageing' component into Cockburn's Healthy Lifestyle and Physical Activity Strategic Plan which focuses on strengthening the mental, emotional and physical status of the senior community

This strategy reflects common practice across the state and nation for 'the maximisation of health and wellbeing and the prevention of illness for seniors'.

*(WA Generations Together: Active Aging Strategy).* Aged care policies and plans all support principles of positive/active ageing, falls prevention, transitional support, intergenerational activity and preventative health and ageing.

This recommendation builds on recommendations 9 and 10, to pro-actively address senior issues and increase sense of wellbeing (thereby reducing the burden on community support services). Think tank participants highlighted the need for council to provide more recreation and physical activities for seniors to strengthen mobility, cardiovascular systems and to keep lonely seniors engaged with the community. Feedback from the surveys and focus groups indicated the main barriers to participation in physical activity were cost, transport, or not knowing what the activities were and/or where the activities were located.

**Officer's comment:** The Physical Activity and Health Strategic Plan is already underway and this matter will be addressed as part of the process. Once the report is complete the recommendations from the plan will be considered by Council. As the report outlines that there is a





demonstrated community need for preventative health and fitness strategies for seniors it is suggested Council be supportive of this recommendation.

12. Investigates and supports the adoption of innovative solutions to provide more home based services and medical support that is affordable to all seniors

This recommendation is aimed at developing one off assistance and cost effective solutions to support the government's policy of independent living and reduce reliance on government funding. Cockburn's consultation findings consistently highlighted the need for more home support services reflecting the nation's shortfall in HACC funded services combined with an increase in demand. About 40% of survey respondents indicated there weren't enough home support services to remain at home. Phone interviews and focus group feedback also highlighted a shortage of home support, respite and transport services for non-eligible and eligible HACC funded clients.

Seniors who are healthy/poor or unhealthy/asset rich, are not eligible for HACC services and consequently can't afford home support, respite or transport services delivered by private providers. This greatly affects their ability to function independently and to remain living in their own home. In the long term by providing support to seniors so that they can 'age in place' remain in their own home should lessen the demand for high and low residential care.

The consultation findings also highlighted a lack of access to appropriate and affordable medical services. The findings revealed a lack of -: (1) GP's who are willing to make visits in the home, nursing homes or hostels and (2) affordable medical services such as podiatry, physiotherapy and psychological counselling. This issue is compounded by the current lack of dedicated resources by any organisation to advocate on behalf of seniors and aged care accommodation providers. This issue will grow in intensity and needs serious investigation.

**Officer's comment:** This is a specialised task that would need to be undertaken by the new senior's officer position. As the report outlines, there is a demonstrated community need for in home help for the well aged or for seniors who do not meet the HACC state government criteria or who are on waiting lists, and there is also a need to facilitate increased access to medical services. The type of support provided to this gap group would need to be investigated by the senior's officer, and then each possible solution would need to be considered individually.

**Officer's alternate recommendation:** That the new senior's officer position investigate solutions that will increase home based services and medical support to senior's prior to consideration by Council.



13. Establishes regular consultation processes, to increase senior participation in decision making

From a corporate governance perspective, regular consultation reflects nation wide best practice in local government. 'Local governments that inform, consult and listen to their local communities, and communities which are engaged and participate in their governance, make for healthy democracies and involved citizens' (*Victorian Local Governance Association, 2001*). Consultation and continuous improvement are core themes of the Best Value Victoria Principles legislation that has recently been introduced in all Victorian local governments. Think tank and focus group feedback highlighted the need for more opportunities to consult with seniors. Processes such as regular surveys, think tanks and utilising a Seniors Advisory Group will help City of Cockburn connect with this increasingly significant demographic providing ongoing opportunities for seniors to contribute to the governance of their municipality.

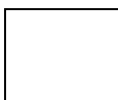
**Officer's comment:** This is an ongoing process that would need to be undertaken by the new senior's officer position. As the report outlines that there is a demonstrated community need for increased consultation and participation in decision making processes it is suggested Council be supportive of this recommendation.

14. Advocates and works with Transperth and other stake-holders to ensure bus/train routes are restored in, or introduced to, areas of greatest need

This issue was highlighted consistently and passionately by many Cockburn seniors and service providers in the consultation findings. About half of the survey respondents indicated the current transport system does *not* meet their needs.

All focus groups raised the issue of transport as an area to improve. Feedback highlighted examples of bus routes not supporting seniors' needs and not being accessible. For example, some seniors are unable to access direct bus routes to Fremantle or Armadale. Some seniors have to go via Fremantle to attend programs at the Jean Willis Centre, Hamilton Hill. The 510 bus has recently been removed from the route past Lakeside Village, North Lake cutting off access to vital services for these residents.

**Officer's comment:** Community concern with access to public transport is a perpetual issue that has been identified in numerous Social Services community consultations. As the advocacy process regarding public transport is ongoing this would need to be undertaken by the new senior's officer position. As the report outlines that there is a demonstrated community need for improved public transport across the district it is suggested Council be supportive of the recommendation.



15. That the City of Cockburn addresses the critical availability of small buses available for 'door to door' seniors' outings

Feedback from some seniors in the surveys and focus groups highlighted an issue with unequal access to council buses for social purposes. Apparently one senior citizen club has exclusive use of a bus donated by Council. Anecdotally other groups have said that they are unable to use the bus. Another social group indicated they may lose access to a bus because they are not eligible for HACC funding. Some of these groups expressed frustration at being too small to gain 'incorporation' or funding.

**Officer's comment:** The City could apply for Lotterywest funding for a Community bus that would remain under Council control. The booking of the bus is an ongoing task that would need to be undertaken by the new senior's officer position. As the report outlines that there is a demonstrated community need for increased access to small buses for senior's outings it is suggested Council be supportive of the alternate recommendation.

**Officer's alternate Recommendation:** That the Council apply for a Lotterywest grant to purchase a community bus for hire by seniors and community groups.

- 16 (a) Holds a series of forums with Cockburn social groups, to facilitate communication, cooperation and collaboration with the purpose of minimising social isolation, providing access to wider range of people, activities and resources and gaining leverage for buying/funding power
- 16 (b) In collaboration with senior groups, develops a Code of Conduct for social and recreation groups using council facilities

The consultation shows that there are opportunities for senior social groups to share resources and attend each other's social group functions. Feedback indicates seniors need more than one social outing a week. There is a need for groups to work together to save money and share resources such as bingo machines or carpet bowling equipment. There are opportunities for groups to work on joint projects that make a real contribution to society which require take home activities (ie knitting for the homeless youth). Seniors need activities that give them something to do that makes a real 'valued' contribution.

Anecdotal evidence revealed an exclusive membership culture in a small number of social groups with rejections being made on the grounds of physical or financial status. If this is the case, these actions are in breach of anti-discrimination laws. Educating senior groups on legal issues and the development of a Code of Conduct would reduce the likelihood of these instances occurring.



**Officer's comment:** As Cockburn's Community Development Strategy and the report outlines that there is a demonstrated community need for coordination of senior's recreational groups and for a code of conduct to be developed it is suggested Council be supportive of the recommendation. This is an ongoing process that would need to be undertaken by the new senior's officer position.

17. Includes requests by seniors, as identified in the consultation phase, for road and footpath improvements in the Engineering Services Capital Works program

Poor condition of some roads and footpaths were topics expressed strongly by seniors in the consultation strategy. About 35% of survey respondents indicated the roads and footpaths were inadequate for their needs. Several requests were made to build more kerbs for gophers and shop riders, road crosswalks, footpath signage for dual usage, wheelchair access, Acrod parking, rest benches and sheltered bus stops. Specific examples are provided in the forward plan.

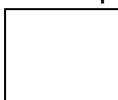
From both a public health and safety and a public liability perspective, these issues need to be taken seriously and included in the Capital Works plan.

**Officer's comment:** Including these requests is part of the City's normal budget process and it is suggested Council be supportive of this recommendation.

18. Develops a 'Safe & Secure Seniors' strategy, which builds on the Safer City Service and focuses on preventing crime, fire and injury affecting older people

Safety and security issues are generic issues impacting on the community across the nation and were repeatedly expressed by Cockburn seniors and service providers in the consultation strategy. Seniors are a natural target for crime and according to consultation feedback some seniors are even frightened to answer the door or walk down the street or talk to anyone about financial advice in case they are 'ripped off'. Cockburn has some very good initiatives via the Safer Senior Service however anecdotal evidence suggests that awareness of this service is not widespread. The introduction of community patrols will also improve community security. This recommendation is building on what is already being done and with a new focus on financial security and service agency partnerships.

**Officer's comment:** The report outlines that there is a demonstrated community need for a safe and secure senior's strategy. This can be incorporated into the overall City of Cockburn Community Safety and Crime Prevention Strategy and it is therefore suggested Council be supportive of this recommendation.



19. Continues to support and facilitate learning opportunities for seniors

Ongoing learning for seniors is vital to their wellbeing and connection to the community. This recommendation builds on the Government's Active Ageing Strategy and *The State Aged Care Plan for Western Australia 2003-2008 (WA Aged Care Advisory Council)*. Both plans have placed high priority on 'employment and learning and supporting professional development, education and training of the senior population.'

**Officer's comment:** This is an ongoing process that would need to be undertaken by the new senior's officer position. As the report outlines that there is a demonstrated community need for the facilitation of learning opportunities for seniors it is suggested Council be supportive of the recommendation.

20. Continues to support and expand services positively received by seniors and service providers

These include:

- HACC funded programs from Cockburn Community Care;
- Training for Carers and Aged Care casual staff
- Transport support;
- Safer City Program;
- Mobile library service;
- Indigenous and CALD programs;
- Senior activities at the South Lake Leisure Centre;
- Engineering department response rate to maintenance issues;
- Social and recreation groups.

It makes logical sense to deliver and expand services positively received and appreciated by seniors in the Cockburn community. Not surprisingly, the above programs correlate with and address key issues raised in the consultation. These include need for more home support service hours, transport shortage, safety and security perceptions, more programs for ethnic seniors, and support for social and recreation needs.

**Officer's comment:** As the report outlines that there is a demonstrated community need for the continuation and expansion of the existing community services it is suggested Council be supportive of this recommendation.

In summary, the report and recommendations were of a high quality, based on sound research, demographic analysis, and comprehensive community consultation. See attachments for the executive summary, recommendations, and a detailed matrix.



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

Facilitating the needs of your community

### **Budget/Financial Implications**

The implementation of the recommendations will have financial implications that will need to be investigated in detail. The initial budget consideration is a part-time Seniors officer for the 2005/2006 financial year estimated at \$32,103 per annum for a 23 hour per week position. Please see attached seniors plan matrix for cost estimates.

### **Legal Implications**

N/A

### **Community Consultation**

The consultancy included a comprehensive community consultation process that comprised of focus groups, surveys and a think tank for service providers. A total number of 58 people attended the focus group sessions, 135 survey responses were received and 30 service providers attended the think tank session.

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

Nil.

### **(MINUTE NO 2656) (OCM 21/12/2004) – EXTENSION OF TIME**

#### **COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr M Reeve-Fowkes that pursuant to Clause 4.13 of Council's Standing Orders, Council grant an extension of time for up to 1 hour, to enable the unresolved business of the meeting to be considered.

**CARRIED 8/0**



**17.3 (MINUTE NO 2657) (OCM 21/12/2004) - BUSH FIRE ADVISORY COMMITTEE MEETING - 2 DECEMBER 2004 (1550) (RA) (ATTACH)**

**RECOMMENDATION**

That Council receives the Minutes of the Bush Fire Advisory Committee dated 2 December 2004, and adopt the recommendations contained therein.

**COUNCIL DECISION**

MOVED Mayor S Lee SECONDED Cllr S Limbert that the recommendation be adopted subject to the withdrawal of Item 12.1 which is to be considered separately.

**CARRIED 7/1**

**Background**

The Bush Fire Advisory Committee conducted a meeting on 2 December 2004. The Minutes of the Meeting are required to be presented to Council and its recommendations considered by Council.

**Submission**

The Minutes of the Bush Fire Advisory Committee Meeting is attached to the Agenda. Items dealt with at the Committee Meeting form the Minutes of that Meeting.

**Report**

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

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

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

Committee Minutes refer.



**Legal Implications**

Committee Minutes refer.

**Community Consultation**

Committee Minutes refer.

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

Committee Minutes refer.

**(MINUTE NO 2658) (OCM 21/12/2004) - ITEM 12.1 - COCKBURN INCIDENT CONTROL BUS (1550) (DJ)**

**COUNCIL DECISION**

MOVED Mayor S Lee SECONDED Cllr S Limbert that this matter be deferred pending receipt of further additional information.

**CARRIED 6/2**

**Explanation**

Council is not sure of the value of the asset and how much Council has spent on it recently and it should be given more consideration before disposing of this asset.

**DECLARATION OF INTEREST**

**Mayor Lee** declared a financial interest in Item 17.4. The nature being that he was a recipient of an electoral gift from the tenderer.

AT THIS POINT THE TIME BEING 9.08PM, MAYOR LEE LEFT THE MEETING. DEPUTY MAYOR GRAHAM ASSUMED THE PRESIDING MEMBER'S POSITION.

**17.4 (MINUTE NO 2659) (OCM 21/12/2004) - RECREATION RESERVE - PORTION LOT 393 BAKER COURT, NORTH LAKE (1100097) (RA) (ATTACH)**

**RECOMMENDATION**

That Council:-

- (1) not accept the tender from the Cockburn Ice Arena Pty Ltd seeking to lease a portion of lot 393 Baker Court North Lake.





- (2) request administration to negotiate terms and conditions with the tenderer Cockburn Ice Arena Pty Ltd and prepare a report for consideration by Council on the outcome of the negotiations.

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr A Tilbury that Council defers consideration of this item to the February 2005 Council Meeting, to enable more detail to be provided regarding the financial analysis of the proposal and its community benefit potential.

**CARRIED 6/1**

**Explanation**

The report is lacking important information relative to financial analysis and community benefit. In order for this information to be sourced and provided to members, it is recommended that the item be deferred for further consideration in February 2005.

**Background**

Council, at its meeting of the 16<sup>th</sup> September, 2003, resolved to accept the Management Order with the power to lease for lots 122 and 393 Baker Court, North Lake. This land is currently owned by the Western Australian Planning Commission and leased by the City of Cockburn at a peppercorn rent. The W.A.P.C. have sought to relinquish this land to the City.

In accordance with the head lease which still stands the Council at its meeting of the 16<sup>th</sup> March, 2004, resolved to call tenders for the sub lease of a portion of Lot 393 Baker Court. The area of land in question is shown on the attached plan.

**Submission**

In response to the request for tender for a portion of Lot 393 Baker Court, North Lake, one tender was received from the Cockburn Ice Arena Pty Ltd.

**Report**

The request for tender was advertised in the West Australian on Saturday 31<sup>st</sup> July, 2004 and closed on the 2<sup>nd</sup> September, 2004. One tender was received from the Cockburn Ice Arena Pty Ltd.



The tender satisfactorily met the set tender compliance criteria.

The qualitative criteria and weighting for the assessment was agreed by Council at its meeting of March 2004 and is as follows:

- Recreation and leisure value of the proposal to the region. 40%
- Financial capacity in undertaking the development 30%
- Capacity in operating the facility. 30%

The results of the assessment were:

	Non cost criteria	Cost criteria	Assessment score
Cockburn Ice Arena Pty Ltd	71%	-	71%

The Manager Finance and the Manager Community Services carried out the assessment with the average score provided.

**Discussion**

The proponent has been operating the Cockburn Ice Arena for 9 years from premises in Cocos Drive, Bibra Lake. It is evident that sports ice skaters based at this facility have been highly successful at State and National competitions.

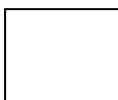
Following is an overview of the proposed facility provided by the proponent.

***“Preliminary floor plan and site layout.***

*The proposal features a double Olympic size ice surface each of 60x30m in two separate halls. The building construction is from whit coolroom panel with a white roof. There are ancillary areas including café, off ice training room, various change rooms, offices for the use of sporting associations, a skate shop, reception and engine room areas and on site car park which will initially hold 130 vehicles. Please refer to the drawing supplied.*

*The concept calls for the curt and recess of the development into the hillside with the whole development facing Bibra Drive. The utilisation ratio of the site is very good allowing for the venue to be clear of pylon and power lines on the northern side of the site and set back as far as possible from the Roe Highway on the south side yet not precluding further development on the south side in the future.*

*The development fully utilises the east west aspects of the site with the building being at the rear (as viewed from Bibra Drive) with car parking in front. The car park will be about 2 metres below the building datum*



level. So the building will be the main feature of the site as viewed from Bibra Drive. The development will not be significantly visible from Farrington Road. Further parking areas are available to be developed on the south side of the site as requested.

Extensive re-vegetation with native (to the local area) species of trees and shrubs will complete the aesthetic appearance of the development. The planning of the development allows for all human traffic areas to be clear of re-vegetated areas, thus ensuring the probability of the fastest possible and successful landscaping plan.

Finally, having its own entrance off the short access road leading from Bibra Drive and the possibility of a separate exit onto Bibra Drive ensures easy access and egress from the site with minimal impact on traffic on Bibra Drive. No backups of traffic on Bibra Drive will occur. The whole site will be fenced and a live on site caretaker installed (as is now the case in Barrington Street) to provide security and ensure the early opening required by elite athletes commencing training as early as 5am.

There are no noise issues from the equipment in use of the style of operation of the venue as is evidenced by the current operations at Barrington Street.

#### **Value and building program.**

The value of the development is anticipated to be in the region of \$2.5m including fit out. Stage one (surface one) would be ready for opening approximately 12 months from when construction commences. Stage two involves the closing of Cockburn Ice Arena in Barrington Street and transfer of the refrigeration equipment to the new premises for the second ice surface. The timing on this has to remain flexible as the operator wishes to ensure that the public opening response to the new venue is maximised in the first 3 to 6 months of operation. This extra revenue is required to offset some of the removal costs.

To avoid closing down our elite sports program in the transition, both the new and old rinks will need to be open simultaneously for a short time – not a desirable situation. To open both new surfaces together would result in either displacement of the elite athletes for a period of 6 months allowing for the recovery of the equipment at Barrington Street or forgoing the benefit of the opening surge to finances (in order to allow the public unrestricted access when first open – which would disrupt the elite figure skating program) worth up to \$200K in the first 6 months – money need to pay for the removal.

#### **Operating concept.**

The venue will open nominally from 6am to 10pm 7 days per week. And support a mix of public and private access sessions. However, it



*is necessary to be totally closed during the day on some days for maintenance and to allow staff to attend to various business matters. We also close over Christmas and Easter.*

*Currently we close on Wednesdays until 4pm. On some nights – Sundays, Mondays and possible other weekday night operations will cease before 10pm. (Sundays in summer finish at 6pm).*

*Surface #1 will support all activities – public skating, ice hockey, aussieskate development and other activities as ice shows.*

*Surface #2 is for serious figure skaters only. By splitting this way R2 can be maintained at a thinner ice level with warmer ice, which is required for figure skating, whilst deeper hard ice, which is essential for ice hockey and public skating, can be maintained on R1.*

*This split will provide increased access for hockey skaters on R1 by removing figure skaters to R2. It also simplifies cleaning, maintenance and oversight of operations from a duty of care perspective. It is also cheaper to provide R2 if no hockey nets or rubber matting is required and means that only one set of change rooms is required.*

*The venue will be constructed with two main halls allowing for independent programming to take place. Rooms for various ice sports will be provided down the centreline of the two surfaces allowing the various sports to each have a room on site exclusively for their own use. This will be provided free of charge if it is kept clean and tidy by the administrators of the sporting bodies.*

*Also provided are coaching rooms and other areas which have been proven to be needed in the current venue. Both surfaces will have a grandstand capable of supplying the seating needed for their respective users. R1 have the most seating which is required for hockey games, ice shows and figure skating competitions. R2 will have limited seating to supply the needs of smaller local figure skating competitions.”*

### **Lease**

The proponent has sought a land lease fee of \$10,000 plus C.P.I. from the date of the certificate of practical completion of the facility with an additional fee of 5% (plus (G.S.T.) on all gross turnover (excluding G.S.T.) exceeding \$1,500,000 pa. The turnover figure is to be adjusted annually in line with the C.P.I.

Several lease term options have been proposed. A fixed term of 35 years. Alternatively an initial term of 21 years with an option of a further 14 years with an opportunity to be included in the lease, which allows for a further extension to the lease of either 10 years or 21 years.



The proponent has argued in the submission that the provision of an ice arena such as that proposed service a significant community benefit and ought not be considered solely on commercial grounds.

To assist Council in its deliberations an independent management consultant experienced in business financial analysis has been contracted to review the finances of the current Cockburn Ice Arena, other similar facilities in the country and analyse the forecast finances of the proposed facility. On the understanding that this Financial Review and Analysis was produced on the basis it would be Commercial in Confidence the proponent Tom Barrett has provided access to the accounts of the Cockburn Ice Arena. A copy of the "Commercial in Confidence" report prepared by the Consultant Con O'Brien is attached under separate cover.

In summary the O'Brien report salient conclusions are:-

*"The proposed venture would not be regarded by a disinterested investor as having the potential to generate an appropriate return on investment when compared with more conventional forms of equity investment."*

*"Given the major investment proposed for the venue and short-term likelihood of operating losses, the community benefit potential of this venture should be given priority unless and until its annual operating revenue exceeds \$1.3 million."*

*"As stated above, short-term profitability is unlikely. Therefore a reasonable lease term should not be regarded as inappropriate if the promoter is to eventually recover invested funds and to receive an adequate degree of financial return on the commitment."*

It is usual practise where a company or individual has invested a substantial sum in a business venture on leased land to have a clause which permits, subject to the agreement of the lessor, for a tenant to sub lease or sell the lease to another party. As the land in question is public land and that the lease may be discounted in recognition of perceived community benefit of the service provided it is reasonable and prudent that there be a clause which guards against a substantial profit being made with the subleasing or on selling of the lease. It is proposed that a clause be inserted in the lease that permits the Council to renegotiate the terms and conditions of the lease should the lessee seek to transfer his interest.

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

Managing the City in a competitive open and accountable manner.

Facilitating a range of services responsive to the community needs.



Council Policy AFCS2 requires us to use the GRV or UV value of the land as the basis of determining the annual lease rental of Council controlled land with each case considered on its merits.

### **Budget/Financial Implications**

There will be some income generated for the City through the lease fee payable by the proponent.

Under the Council Policy the indicative GRV for the land provided by the Valuer Generals Office is \$250,000 which calculates to a rate of approximately \$15,000 pa.

Should the recommended lease fee base of \$10,000 pa be accepted plus an additional fee equivalent to the rates be payable the total income from the lease would be approximately \$25,000. This fee would increase in value over time in accordance with the terms of the lease and the GRV rate.

### **Legal Implications**

Requirements of the Local Government Act, 1995, in relation to the disposal of land have been adhered to.

### **Community Consultation**

In accordance with the requirements of the Local Government Act, 1995, sec. 3.59 the availability of the land for tender has been called by public notice.

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

Nil.

AT THIS POINT THE TIME BEING 9.12PM, MAYOR LEE RETURNED TO THE MEETING AND RESUMED THE PRESIDING MEMBER'S POSITION.

## **18. EXECUTIVE DIVISION ISSUES**

Nil

## **19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**



**19.1 (MINUTE NO 2660) (OCM 21/12/2004) - PROPOSED AMENDMENT TO TOWN PLANNING SCHEME NO. 3 - COMPULSORY RAINWATER TANKS AND REBATE POLICY (6605) (SMH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) not initiate an Amendment to Town Planning Scheme No. 3 to make it compulsory for all new dwellings to install rainwater tanks;
- (3) not prepare a Policy to provide for a rebate to encourage existing homeowners to install rainwater tanks;
- (4) investigate the potential for a preferential supply arrangement with a local supplier that affords ratepayers the ability to purchase rainwater tanks at lower costs than currently exist; and
- (5) refer this item for review as part of the sustainability initiatives to be incorporated into the Strategic Planning exercise in 2005.

**COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Mayor S Lee that this matter be deferred to the Ordinary Council Meeting in January 2005 to allow Clr Allen to raise.

**CARRIED 7/1**

**Explanation**

As this issue was a Notice of Motion from Clr Allen, he is the only one that can raise the issue. Therefore Council should defer the matter until January and Clr Allen's return.

**Background**

At the Council meeting held on 15 April 2003, the following item was listed under "Matters To Be Noted for Investigation Without Debate":-

"Mayor Lee requested officers to investigate the feasibility/legality of requiring that all new residences within the City of Cockburn, be provided with water tanks to complement the existing potable water supply. The report is to include details of the existing government



rebates etc for provision of water tanks, type/size of tank required in relation to lot size etc.”

A report was presented to the Council meeting held on 20 May 2003, and the Council resolved:-

*“That Council:*

- (1) receive the report; and*
- (2) not pursue the matter of requiring that all new residences within the City of Cockburn install water tanks to complement the existing potable water supply. MOVED Cllr M Reeve-Fowkes SECONDED Mayor S Lee that this matter be deferred to the Ordinary Council Meeting in January 2005 to allow Cllr Allen to raise.”*

### **Submission**

In an email received on 9 December 2004, the Mayor requested that an item be prepared for the December meeting of Council in accordance with a request from Cr Allen to the Mayor as a Notice of Motion:-

*“Can you organise on my behalf a recommendation or notice of the following Change to TPS to make “rainwater tanks compulsory from \_\_\_\_\_ in all new homes. For all existing homes, council offer a rebate of \$40 towards the purchase of a rainwater tank. Or something along these lines.*

*It’s felt that Cockburn Council should take a lead in the prevention of excess water within the home system.*

*(Unit development may be exempted)”*

Subsequently, the following notice was prepared by Council Staff and approved for submission by Councillor Allen.

### **“Notice of Motion**

That Council:-

- (1) initiate an Amendment to Town Planning Scheme No. 3 to make it compulsory for all new dwellings to install rainwater tanks, effective from the date of gazettal of the amendment.
- (2) prepare a Policy to encourage existing homeowners to install rainwater tanks by providing a \$40 rebate paid by the City.





- (3) instruct the Director Planning and Development to prepare the scheme amendment for the consideration of Council at its next meeting and prepare a draft policy for consideration of the next meeting of the Delegated Authority and Policy Committee. “

## Report

A copy of the report prepared in support of the report presented to the Council on 20 May 2003, is attached to the Agenda.

The contents of the report continue to apply.

In the publication “*Guidance on the Use of Rainwater Tanks*” published by ‘enhealth’ Australia’s peak Environmental Health Organisation, it states.

*“Although the most common use of rainwater tanks is to supply drinking water, there has been much debate over the suitability of using household tanks for this purpose. This debate has tended to be focused in the major urban centres where high quality mains water is available. In rural and remote parts of Australia, use of rainwater tanks to supply drinking water has been a long-standing and often essential practice.*

*The decision about how to use rainwater is a matter of personal choice. In making this decision, it should be recognised that, although the risk of contracting illness from rainwater supplied from well-maintained roof catchments and tanks is low, the quality of water from household tanks is not as consistently high as that provided by well-managed urban water supplies. Microbiological quality is not as reliable as mains water, particularly after rain events. In addition, there are a few areas where impacts from major industrial emissions (for example, Port Pirie, South Australia) mean tank rainwater is not suitable for drinking and food preparation. The impacts on rainwater of very large densities of traffic, and other emissions, in Sydney and Melbourne are yet to be determined.*

*One option to decrease any potential risk from tank rainwater is to minimise oral exposure by limiting use of the collected water to supplying hot water services, bathing, laundry, toilet flushing or gardening (that is, not for drinking or food preparation).*

*The water quality requirements for non-potable uses are lower than those for drinking water. Guideline values cited in the Australian drinking water guidelines are based on a daily consumption of 2 L of water per day for an adult and 1 L for a child.”*

The Water Corporation website which promotes the rainwater tank waterwise rebate scheme refers to the ‘enhealth’ guidelines.



The guidelines make reference to the fact that rainwater tanks may not be suitable for areas impacted on by major industrial emissions, such as Port Pirie in South Australia. Although there is no evidence that the Kwinana Industrial Strip may affect the quality of water collected from roofs in the Kwinana and Cockburn districts, the Kwinana Strip is designated as a heavy industrial area, around which an air quality buffer has been established. The State Government is concerned about people living within the buffer to such an extent that they are actively purchasing residential properties in Hope Valley and Wattleup townsites with a view to relocating people out of the area. This may give an indication of the likely impact that the Kwinana Strip, Cockburn Cement and the Henderson Industrial Area could have on residential areas located on the leeward side of these large industrial activities. Therefore, due care should be taken in respect to making rainwater tanks compulsory in the suburbs of Munster, Beeliar, Success and Hammond.

The proposal is to amend the scheme, which is currently the only way of making rainwater tanks compulsory through the planning approval process.

The options are to add a new clause 5.8.2 or 5.8.7 Rainwater Tanks.

The clause has to be written to require the installation of a rainwater tank of a minimum size and that care be taken not to promote its use as an alternative drinking water source.

The other part of the suggestion is to provide a \$40.00 incentive for existing homeowners to voluntarily install rainwater tanks. This would be provided for by way of a Council policy.

In New South Wales, the government has introduced a compulsory building licence environmental performance system called "BASIX". To achieve an acceptable score in respect to water efficiency, a rainwater tank is required to be installed of at least around 5,000 litres and be plumbed for laundry, toilet and garden purposes. It is understood that drinking water is not prohibited.

This gives some guide as to the likely size of tank required and the use of the water for domestic purposes.

In addition, the State Government, as part of its State Sustainability Strategy, is investigating the suitability of introducing BASIX or another variation of it into the building licence system in Western Australia. Therefore, the requirement for rainwater tanks could be achieved through this means.

Based on the Council report of 20 May 2003, together with the foregoing observations, the potential cost to Council and the fact that it duplicates an existing State Government incentive, it is not



recommended that the Amendment or the incentive scheme be pursued by the Council.

There may be however, options for the City to enter into a preferential supply arrangement with a tank supplier that could reduce the current tank purchase price for local ratepayers. This would need further research but has the potential of achieving the same outcome as an additional rebate.

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

Nil.

### **Budget/Financial Implications**

If the suggested Amendment was to be implemented, the following financial implications could apply.

Currently there are around 1300 single dwellings being constructed in Cockburn each year.

If it is compulsory that each dwelling install a 5000 litre rainwater tank, based on 1300 tanks being installed each year, it would mean:-

- |   |                     |
|---|---------------------|
| • City cost   | Nil                 |
| • State Incentive Scheme \$150/tank                             | \$195,000 per annum |
| • State Incentive Scheme with plumbing \$300                    | \$390,000 per annum |
| • Cost to Owners 4500 litre (installed) \$2,800 ea<br>(plumbed) | \$3,640,000         |

This is based on the assumption that despite the rainwater tanks being compulsory in the City of Cockburn, property owners would continue to be eligible to claim a rebate from the State Government under the rebate scheme.

It can be seen this approach would be at no cost to the City.

However, the State could be required to pay between \$195,000 to \$390,000 per annum in rebates depending upon the tank being either installed with no connection to the laundry or toilet, or with a pump and connection to the laundry and toilet.

The cost of a 4,500 litre (1000 gallon) is around \$870 - \$890 with around \$2000 of plumbing costs to connect into the house system.

The additional cost to the construction of 1300 houses with plumbed rainwater tanks could be in the order of \$3.6 million.

If the suggested incentive scheme is implemented at a cost of \$40 per dwelling, it could be a cost to the City of \$96,000 if say 10% of all



dwellings in the district took advantage of the scheme and based on there being around 24,000 dwellings in the district (June 2004), it could cost:-

- |   |             |
|---|-------------|
| • City cost (ie 2400 rebates per annum)                     | \$96,000    |
| • State Incentive Scheme \$150/tank                         | \$360,000   |
| • State Incentive Scheme with plumbing \$300/tank           | \$720,000   |
| • Cost to owners 4500 litre (installed) \$2800<br>(plumbed) | \$6,720,000 |

Even with the State Incentive Scheme, the suggested \$40 incentive would have minimal impact on the cost of this initiative.

To put the State's rebate scheme into perspective, the following is understood to be the situation based on enquiries with the Water Corporation (WC):-

1. The rebate scheme commenced in February 2003 (ie. 22 months)
2. Water saving incentives for which a rebate can apply:-
  - soil wetter
  - washing machines
  - bores
  - rainwater tanks.
3. The WC is receiving about 420 enquiries per day in respect to the incentive rebate scheme.
4. As at 13 December 2004, there had been 5,177 rainwater tank rebates issued by WC for the whole of the state. Rebates only apply to households that are connected to scheme water. (ie 235 rebates per month).

If a population of 1.2 million generates 5,177 rebates, which is less than 0.5%, then it could be expected that a population of 76,000 in the City of Cockburn would more realistically be around 325 rebates per year, rather than the 10% used for indicative costing purposes. The likely level of interest is difficult to estimate.

If this were to be the case, however, then the costs could be:-

- |   |           |
|---|-----------|
| • City cost (ie 325 rebates per annum)                  | \$13,000  |
| • State Incentive Scheme 150/tank                       | \$48,750  |
| • State Incentive Scheme with plumbing \$300/tank       | \$97,500  |
| • Cost to owners 4500 litre (installed, plumbed)\$2,800 | \$910,000 |



To make the \$40.00 available as a rebate, there would be a need to raise the source of funds through the general rates. In other words the recipient is paying for the rebate through the property rate.

### **Legal Implications**

If the Council is to make the installation of rainwater tanks compulsory and they are used as an alternative source of drinking water, then legal advice should be sought, to ensure that the Council is protected against any claims for compensation arising from an illness or diseases contracted from drinking rainwater from a compulsorily installed tank.

In addition, the Development Services Department currently does not apply the R-Code setback to rainwater tanks associated with the construction of a dwelling. This allows, therefore, for tanks to be located in small spaces such as a side setback.

### **Community Consultation**

There has been no community consultation in respect to this proposal.

However, if the Council resolved to proceed with a scheme amendment to make the installation of rainwater tanks compulsory, then public comment would need to be sought. This could be achieved through the Strategic Planning exercise to be undertaken in 2005 via comment on a 'sustainability' plan.

Should the \$40 incentive scheme be pursued, then Council could choose to seek public comment or not before considering and adopting a suitable policy.

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

The Amendment would be contrary to the State's position of making the installation of rainwater tanks voluntary. The suggested Amendment proposes to make the tanks mandatory. The incentive scheme is also a duplication of an addition to the State Government's (Water Corporation) waterwise rebate scheme.

## **20 (OCM 21/12/2004) - NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**

### **TRAFFIC FLOW PLAN – JANDAKOT (DEPUTY MAYOR GRAHAM)**

That Council:

- (1) direct the CEO to present a report to the February 2005 Ordinary Council Meeting, recommending a process for the development of a



plan ("the Plan") to address:

- a) the impacts of future traffic flows on the roads listed in clause (2) below; and
  - b) possible treatments that may be required to minimise any disruptions to residents of those roads.
- (2) the Plan is to cover the impacts of increased traffic and possible treatments on:
- a) Berrigan Drive and surrounding roads in Jandakot due to the construction of Roe Highway Stage 7;
  - b) Jandakot Road due to the proposed large residential subdivision to be built east of Warton Road; and
  - c) roads in the Jandakot and Success area due to the construction of the Cockburn Railway Station with its associated Park 'N' Ride facility.
- (3) the report is to be prepared taking into account that Council's preference is for the Plan to be presented to Council in June 2005; and
- (4) forward a copy of this motion to the Jandakot Progress Association Inc.

**Explanation:** The Jandakot Progress Association Inc. by email dated 16 November 200 to Deputy Mayor Graham, has identified a traffic management issue that will affect its locality. It has canvassed a number of alternative options to address the issue. Council recognises that traffic flows will change in the Jandakot area soon as a result of anticipated changed traffic flows. It therefore requires its CEO to provide advice regarding a process for the development of a plan to address the issue.

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



21.1 **(MINUTE NO 2661) (OCM 21/12/2004) - DELEGATED AUTHORITY - SECTION 374(1B) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 (3108) (JW)**

**RECOMMENDATION**

That Council delegate its authority to approve or to refuse to approve plans and specifications under Section 374(1b) of the Local Government (Miscellaneous Provisions) Act 1960, to Council's Building Surveyor, Lyn Barradeen.

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 8/0**

**Background**

Mr Lyn Barradeen is due to commence casual employment with the City of Cockburn on 5 January 2005, to assist while the Senior Building Surveyor, Mr Mike Ward is on long service leave. Part of Mr Barradeen's duties is to approve or refuse building plans and specifications under delegated authority of Council.

**Submission**

N/A

**Report**

Mr Barradeen has the necessary Local Government Qualifications to accept this delegation.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

The casual appointment was anticipated and provisions included in the current Building Service Budget.

**Legal Implications**

Nil



**Community Consultation**

Nil

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

Nil.

**22 (OCM 21/12/2004) - MATTERS TO BE NOTED FOR INVESTIGATION WITHOUT DEBATE**

Deputy Mayor Graham requested that a report be provided to a future Council meeting regarding whether Council should lodge an expression of interest with the Commonwealth Government for the establishment of an Australian Technical College within the City of Cockburn.

**23. CONFIDENTIAL BUSINESS**

Nil

**24. (MINUTE NO 2662) (OCM 21/12/2004) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

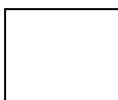
That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (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 Cllr A Tilbury SECONDED Cllr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**





**25 (OCM 21/12/2004) - CLOSURE OF MEETING**

**Meeting closed at 9.18pm.**

**CONFIRMATION OF MINUTES**

I, ..... (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: ..... Date: ...../...../.....

