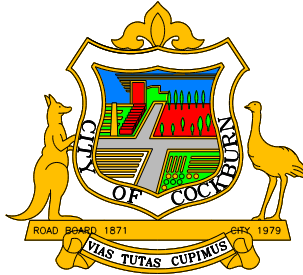


# **CITY OF COCKBURN**



## **ORDINARY COUNCIL**

## **AGENDA PAPER**

**FOR  
TUESDAY 18 DECEMBER 2001**



## CITY OF COCKBURN

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## CITY OF COCKBURN

### AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 18 DECEMBER 2001 AT 7:30 P.M.

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**1. DECLARATION OF MEETING**

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

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

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

**4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)**

**5. APOLOGIES AND LEAVE OF ABSENCE**

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

**Paul Fletcher** - Ordinary Council Meeting - 20 November 2001 - tabled a submission from the Davilak Avenue Residents Association regarding traffic movement on Davilak Avenue.

A letter dated 4 December 2001 advised that Council had deferred consideration of traffic management treatment for Davilak Avenue for a period

of three months pending the introduction of the 50km/h speed limit. With the Lakeside Cinema operation commencing on 1 December, it would be wise to revisit the traffic counts and vehicle speeds in the areas surrounding Manning Park during the 3 month period.

**Alan Cameron** - Ordinary Council Meeting - 20 November 2001 - requested that Council look into the signage to identify where St Paul's Estate is and that the reticulation be reinstated.

A letter dated 4 December 2001 advised that funds have been provided in the 2001/02 budget to upgrade the landscaping for the intersection of Forrest Road and Marshwood Retreat scheduled to be carried out in May/June 2002. The replacement of a sign on the entry wall will be looked at as part of this work. The installation of signs in Forrest Road and Phoenix Road will also be investigated as an alternative.

**7. PUBLIC QUESTION TIME**

**8. CONFIRMATION OF MINUTES**

**8.1 (Ocm1\_12\_2001) - ORDINARY COUNCIL MEETING - 20/11/2001**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 20 November 2001 be accepted as a true and accurate record.

**COUNCIL DECISION**

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

**9.1 (Ocm1\_12\_2001) - REQUEST FOR LEAVE OF ABSENCE - CLR L. HUMPHREYS (1705) (DMG)**

**RECOMMENDATION**

That Council grant Leave of Absence to Clr L. Humphreys for the period 27 December 2001 to 21 February 2002 inclusive.



**COUNCIL DECISION**

**Background**

Nil

**Submission**

In a letter dated 23 November 2001, Clr Humphreys requested that Council grant him Leave of Absence for the period from 27 December 2001 to 21 February 2002 inclusive, as he will be out of the State during that period.

**Report**

Nil

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

Nil

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

Nil

**10. DEPUTATIONS AND PETITIONS**

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

Nil

**12. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING**

### 13. COUNCIL MATTERS

#### 13.1 (Ocm1\_12\_2001) - PROPOSED POLICY SES4 "LEGAL REPRESENTATION - INDEMNIFICATION OF COSTS" (1157) (DMG) (ATTACH)

##### **RECOMMENDATION**

That Council adopt proposed Policy SES 4 "Legal Representation Indemnification of Costs" and relevant instrument of Delegated Authority for inclusion in the relevant Council Manuals.

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

##### **COUNCIL DECISION**

#### **Background**

This item was deferred from the November 2001 Council Meeting to enable further consideration of the proposed Policy, specifically in regard to the practical application of Clauses 6(2) and 10(i).

In 1999, following the suspension of the Council of the day, a Legal Representation Policy was adopted to provide for circumstances related to Inquiries into the City of Cockburn instituted under Part 8 Division 2 of the Local Government Act, 1995. That Policy has since been revoked and any subsequent claims emanating from those Inquiries are now considered independently by Council.

#### **Submission**

To adopt a Legal Representation Policy which is broadly based at offering assistance to Council representatives where indemnification of legal costs may be sought as a result of them being investigated by an Inquiry instigated pursuant to the Local Government Act, 1995.

#### **Report**

As a result of Council's consideration of claims from former elected members for reimbursement of legal costs incurred by them as a result of statutory Inquiries held into the City of Cockburn, Council resolved to investigate the adoption of a broader Policy which would cover

scenarios which could involve Council members or employees seeking legal assistance as a result of any statutory Inquiry which may be commenced, pursuant to the Local Government Act, 1995.

Subsequently, Council staff have liaised with Watts and Woodhouse, Solicitors and Legal Consultants, to draft a Policy embracing these circumstances which could be relevant to Council members and employees.

The draft and associated Delegated Authority to the Chief Executive Officer to approve limited advanced funding in urgent circumstances, are attached to the Agenda. The Draft Policy represents an amalgamation of Council's previous Legal Representation Policy and some suggested amendments and additions recommended by the Solicitors.

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

Key Result Area "Managing Your City" refers.

### **Budget/Financial Implications**

Costs associated with seeking legal advice in the drafting of the Policy are available within Council's Governance Operating Budget.

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

Nil

## **13.2 (Ocm1\_12\_2001) - PROPOSED PART REVOCATION OF MINUTE NO. 1366 (AGENDA ITEM 14.13) COUNCIL MEETING 20 NOVEMBER, 2001 (DMG)**

### **RECOMMENDATION**

That Council revoke sub-recommendation (4) of Minute No. 1366 (Agenda Item 14.13) as adopted by Council at its meeting of 20 November, 2001, as follows:-

*"(4) accept in principle the Draft Banjup Bridle Trail Plan and undertake and seek community comment, over a 60 day period and after Council consideration of the submissions and undertaking any required changes to the trail, the Plan will be submitted to the relevant State agencies for endorsement."*

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

**COUNCIL DECISION**

**Background**

At its 20 November 2001 Meeting, Council carried a 4-part recommendation relating to the keeping of horses in a Resource Zone and the development of a bridle trail in the area.

**Submission**

By letter dated 3 December 2001, a notice of intention to revoke sub-recommendation (4) of the Council decision was received with the required number of 4 signatures.

**Report**

The notice of intention to revoke the Council decision advised that the reason for seeking the revocation was as follows:-

*"In further discussions with affected land owners in the area, it has become apparent that the issues of keeping of horses in the Resource Zone and the development of bridle trails in the area, are separate matters which should be addressed independently.*

*Therefore, it is suggested that Council's communication with landowners, at this stage, should be confined to the issue of keeping horses in the area and that the bridle trails matter can be resurrected at a future date.*

*Accordingly, we suggest that the deletion of sub-recommendation (4) will clarify this intent and enable Council and landowners to be focussed only on the issue of keeping horses at this stage."*

The revocation notice has meant that sub-recommendation (4) has not been actioned pending Council consideration of the revocation.

The Local Government Act, 1995, provides that an absolute majority of Council (i.e. six) must support the revocation, otherwise the original Council decision stands.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

Nil.

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

Nil

**13.3 (Ocm1\_12\_2001) - ANNUAL REPORT 2000/2001 (1712) (DMG) (ATTACH)****RECOMMENDATION**

That Council accept the Annual Report for the 2000/2001 Financial year as presented in accordance with Section 5.54(1) of the Local Government Act, 1995.

**COUNCIL DECISION****Background**

Council is required to accept the 2000/2001 Annual Report to enable it to be available for the Annual Electors Meeting, scheduled to be held on Monday 4 February, 2002. The Act requires Council to accept the Report no later than 31 December, 2001. Elected Members were provided with a Draft Report, minus the Financial Report and Auditor's Report, in November for comment prior to finalising the Consolidated Report for acceptance at the December 2001 Meeting.

**Submission**

N/A

**Report**

The Annual Report for the 2000/2001 Financial Year is in conformity with the following requirements of the Act and contains:

- (1) Mayoral Report
- (2) Chief Executive Officer's Report
- (3) 2000/01 Principal Activities Report and assessment against performance.
- (4) Legislative Review Report / Competitive Neutrality Statement.
- (5) Financial Report

- (6) Auditor's Report
- (7) Overview of Principal Activities proposed during the 2001/02 Financial Year.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" and Council Policy AES1 refers.

**Budget/Financial Implications**

The cost of producing 300 copies of the Report (estimated \$6,500) is provided for in Council's Governance Budget.

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

Nil

**13.4 (Ocm1\_12\_2001) - PROPOSED BOUNDARY AMENDMENT - CITY OF MELVILLE (1113471) (DMG) (ATTACH)**

**RECOMMENDATION**

That, based on the result of the survey of affected residents of the area which indicates majority support for the proposal, Council inform the City of Melville that it is prepared to support the relocation of the District Boundary between the Cities of Melville and Cockburn to follow the northern side of the Farrington Road Reserve between North Lake Road and Kwinana Freeway.

**COUNCIL DECISION**

**Background**

This matter was deferred from the November 2001 Council Meeting, pending the undertaking of a survey of affected residents in the North Lake area on the proposal. A total of 116 survey forms were distributed on 23 November 2001, requesting feedback to be provided to Council by 7 December 2001. Respondents were requested to indicate either their support or opposition to the proposal.

Over the past 10 years, there have been numerous discussions held between the Cities of Cockburn and Melville over the potential to rationalise the northern/south boundary between the two Councils. The most recent effort, in 1997, resulted in the City of Cockburn

resolving to accept Farrington Road as the boundary, between the point where the current boundary adjoins Farrington Road from the west, eastwards along Farrington Road to the Kwinana Freeway, then southwards to the current boundary point.

This position was formed on the basis that the primary rateable landholding within the City of Melville (i.e. that parcel of land located to the immediate southwest of the Farrington Road/Kwinana Freeway intersection) was to be retained as bushland and would not be developed. Hence, planning staff from both Councils at that time formed the opinion that there would be no financial disadvantage to either Council by adopting the position taken by Cockburn. It is understood that the same position was to be recommended by Melville Council staff, however, that has not been ascertained as staff from both Councils who were previously dealing with this issue have since departed their employment.

In any case, the position was never accepted by Melville Council and consequently, nothing has progressed until this latest approach.

### **Submission**

To amend the current boundary to run from North Lake Road to Kwinana Freeway along Farrington Road and to consult with affected landowners, in accordance with the Council resolution, prior to the development of a formal proposal to the Local Government Advisory Board.

### **Report**

Survey responses received have provided the following results:

IN SUPPORT OF THE PROPOSAL	-	48
IN OPPOSITION TO THE PROPOSAL	-	25
RETURNED INCOMPLETE	-	1
NOT RETURNED	-	42
<b>TOTAL</b>		<b>116</b>

These figures represent a total response of 63%, of which 65% are in favour of the proposal and 34% against.

Since the 1997 consideration of this matter by Council, three important factors associated with the locality have developed. These are:

1. Stage one of the "Murdoch Chase" development has been completed. This development is wholly located within the City of Cockburn;

2. The remainder of land in that location previously understood to be favoured for retaining as bushland by the Government, has been approved for residential development. This parcel of land is entirely within the City of Melville and will be marketed with a new estate name;
3. Traffic volumes along Farrington Road have continued to increase.

Hence, the financial implications to both Councils will, in future, be minimal as the proposed boundary amendment and resultant land exchange will involve similarly rated parcels of land overall. By largely retaining the current responsibilities in regards to Farrington Road, there should be no confusion relating to the jurisdiction of each local government considering traffic management issues along the road.

Taking these issues into account, it is considered that the proposed boundary amendment will rectify the current anomaly in the boundary alignment, which is historically linked to previous land allotment boundaries and redundant road reserves. As these previously defined markings are no longer relevant, it is appropriate and equitable to consider a boundary amendment. The survey results indicate support from the majority of the people affected by the proposal.

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

Key Result Area "Planning Your City" refers.

### **Budget/Financial Implications**

Should the boundary amendment go ahead, there would be a short term loss to Council of around \$30,600 in rates income, until subdivision of the area adjacent to Murdoch Chase occurs, at which time rates income would be re-instated. However, this would be largely offset by Council's non-requirement to service the area, estimated at \$24,500 per annum, enabling resources to be diverted to other areas within Cockburn.

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

Nil

## **13.5 (Ocm1\_12\_2001) - APPOINTMENT OF AUTHORISED PERSONS PURSUANT TO THE CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978, THE DOG ACT 1976 AND THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 (1054) (LJCD)**

### **RECOMMENDATION**



That Council:-

- (1) appoints the persons herein mentioned as Authorised Persons for the purpose of Section 38 (3) of the Control of Vehicles (Off-Road Areas) Act 1978, Section 29 (1) of the Dog Act 1976 and Section 449 of the Local Government (Miscellaneous Provisions) Act 1960, to administer the aforementioned Acts within the district:

Angela Moss:	Matthew George Kaiser:
Linda May Windram	Brett Douglas Plant:
Douglas George Iddon	Andrew David McGarry:
George Charles Ward	Sue Jayne Evans:
Ian Hargense; and	

- (2) those persons mentioned herein be authorised as registration officers for the purpose of the Dog Act 1976.

## COUNCIL DECISION

### Background

N/A

### Submission

N/A

### Report

The Control of Vehicles (Off-Road Areas) Act 1978, the Dog Act 1976 and the Local Government (Miscellaneous Provisions) Act 1960, stipulate that Council shall authorise personnel to carry out functions relevant to the Acts mentioned.

Due to the employment of new staff in the Rangers section, it has become necessary for Council to appoint duly authorised persons to administer the functions of the Acts aforementioned. Without such authorisation, it would not be possible for the Rangers to deal with complaints satisfactorily emanating from the beforementioned Acts nor accept the registration of dogs.

### Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

N/A

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

Nil

**13.6 (Ocm1\_12\_2001) - APPOINTMENT OF CASHIERS AS DOG REGISTRATION OFFICERS (1157) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council adopt Delegated Authority OLCS12 "Dog Act 1976 – Dog Registration Officers", as attached.

**COUNCIL DECISION**

**Background**

Section 3 of the Dog Act, 1976, requires "Registration Officers" to be authorised by Council to effect the registration of dogs pursuant to the Act. Currently, this power is conveyed to Rangers upon their appointment however, front counter staff, in their role of Cashiers who receipt Dog Licences, are not appointed as a matter of course.

**Submission**

N/A

**Report**

In order to overcome the necessity to appoint individual officers upon their employment to the City as "Registration Officers", it is proposed to delegate this authority to the generic class of employees, being "Cashiers". The Interpretation Act, sec 59(1)(d) enables Council this power.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

Nil

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

Nil

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES****14.1 (Ocm1\_12\_2001) - LOCAL GOVERNMENT ACT 1995 - FEES AND CHARGES - LICENCE STATEMENTS (3108) (VG)****RECOMMENDATION**

That Council:

- (1) impose a charge for the purpose of searching the licence history and providing a written statement for certain properties within the City of Cockburn; and
- (2) set a fee for such a search and written statement at \$50 per property per request, pursuant to Section 6.16 of the Local Government Act 1995.

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

**COUNCIL DECISION****Background**

Real Estate and Settlement Agents regularly request this information as part of their sale procedure to determine whether or not all building work has had approval of the local government.

**Submission**

At present there is no fee to cover this task which is not a required local government service.

**Report**

Section 6.16 of the Local Government Act 1995 allows a local government to impose and recover a fee or charge for any service it

provides or proposes to provide, other than a service for which a service charge is imposed. The fee is the same as for other similar charges made by other City of Cockburn services.

### **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."*

### **Budget/Financial Implications**

Cost recovery of service provided.

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

Nil

## **14.2 (Ocm1\_12\_2001) - PORT CATHERINE MARINA PROJECT - PROPOSED REALIGNMENT OF THE DISTRICT BOUNDARY (3209006) (SMH) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) write to the Local Government Advisory Board requesting that the district boundary for the City of Cockburn be amended:-
  1. to accommodate the proposed Port Catherine Marina Project which is to be developed in accordance with a State Development Agreement;
  2. in accordance with the submitted plans attached to the Agenda;
  3. under the informal assessment process contained in the Guidelines prepared by the Board; and
- (3) advise the Western Australian Planning Commission and Port Catherine Development Ltd of the Council's initiative accordingly.

**COUNCIL DECISION****Background**

The Council is aware of the background to the Port Catherine Marina Project.

The project is being undertaken under the terms and conditions of a State Agreement.

The Amendment (1010/33) to the MRS is currently being advertised to change the area of the coast to be utilised by the project from industrial zone and other reserves (including the Waterways Reserve west of the district boundary) to Urban. The public submission period closes on 1 March 2002.

Given that a large part of the MRS Amendment is outside the district, because the district boundary is the low water mark, the Council is unable to finalise an amendment to its local scheme, without this area being inside the district boundary.

If the boundary change was to follow the MRS Amendment and once finalised, a complementary amendment to the local scheme made, this sequential approach would take a number of years to complete. Such an approach would be a major and unnecessary impost on the developer on the assumption that the project was to proceed as planned.

The preferred course is for the MRS Amendment, the district boundary amendment and the local scheme amendment to be progressed in parallel, so that the combined time frame is substantially reduced.

**Submission**

On Thursday 22 November 2001, Mr Nick Perrignon, Mrs Martine White and the Director Planning and Development met with the Local Government Advisory Board to discuss the proposal.

The Board appeared to be supportive of proceeding with a pre-emptive change to the district boundary to accommodate the finalisation of an amendment to the district scheme, to facilitate the proposed marina.

## **Report**

The reason why this item is before the Council is because about 50% of the area of the proposed Port Catherine Marina is located outside the district boundary. This means that the Council cannot comply with the requirements of Section 35 of the Metropolitan Region Town Planning Scheme Act for the local scheme to be made consistent with the Metropolitan Region Scheme.

The only way the Council can legally comply, is for the district boundary to be amended such that it can contain the Port Catherine Marina Project, used as the basis to the MRS Amendment.

The maps attached to the report clearly identify the basis to and extent of the proposed boundary change.

Should the MRS Amendment be finalised and the project proceed in accordance with the State Agreement, then the boundary of the district must be changed.

However, should for some unforeseen reason the project not proceed, there would be no disadvantage to any person by the fact the boundary had been changed and it could be simply re-modified so that it follows the existing low water mark, as is currently the case.

Because of this, the proposed boundary change should be undertaken by the "Informal Assessment Process", which includes those of a minor nature and not requiring public submissions.

Moreover, both the Environmental Assessment for the project and the MRS Amendment (1010/33), together with the local scheme amendment and the proposed structure plan, all involve processes that involve public submissions. Given this, the boundary change is a consequence of other processes rather than being a process itself.

In an endeavour to minimise the time involved in the preparation, initiation, advertising and finalisation of the necessary scheme amendments, it is important to make the request to the Local Government Advisory Board to change the district boundary as soon as possible.

## **Strategic Plan/Policy Implications**

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

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
3. Conserving and Improving Your Environment
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

### **Budget/Financial Implications**

N/A

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

Nil

### **14.3 (Ocm1\_12\_2001) - DISTRICT ZONING SCHEME NO. 2 - AMENDMENT NO. 232 - DEVELOPMENT AREA NO. 11 - PORT CATHERINE MARINA (92232) (SMH)**

#### **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. 2

AMENDMENT NO. 232

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

1. reclassifying the land on the Scheme Map known as Port Catherine located on the Spearwood coast between the South Fremantle Power Station and Coogee Beach, the subject of Metropolitan Region Scheme Amendment No. 1010/33, from Residential (R15) and various Metropolitan Region Scheme Reserves to Development Zone Development Area (DA11) as depicted on the amendment map;

2. adding to the Ninth Schedule - Development Areas in the Scheme Text, Development Area (DA11):-

<b>NINTH SCHEDULE</b>		
Ref No.	Area	Provisions
DA11	Port Catherine	<ol style="list-style-type: none"> <li>1. An adopted Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.</li> <li>2. The provisions of the Scheme shall apply to the land use areas created under the Structure Plan.</li> <li>3. The local government may adopt Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts is to be in accordance with the adopted guidelines in addition to any other requirements of the Scheme, and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail.</li> <li>4. No subdivision or development will be supported within the Development Area until the Structure Plan has been approved by both the WAPC and the local government.</li> <li>5. Development of Shops (retail uses), Commercial Uses and Tourist Facilities within the Development Area shall be in accordance with the approved Structure Plan.</li> <li>6. The Structure Plan is to provide for public access to the coast and waterways and provide for a continuous dual use path along the foreshore connecting into the existing pathway system.</li> <li>7. The Structure Plan shall retain existing remnant vegetation within the Development Area as appropriate, particularly on the coastal dunes adjoining the coastline.</li> <li>8. Provision shall be made for accessing a possible future commuter railway station on the railway reserve on the north boundary of the Development Area.</li> </ol>



- (2) advise the proponent, Port Catherine Developments of the Council decision and request that the company prepare the amending documents accordingly;
- (3) upon receipt of the amending documents, prepared to the satisfaction of the Director of Planning and Development, the documents be signed and the WAPC be advised of the Council decision;
- (4) forward a copy of the signed document to the Environmental Protection Authority in accordance with Section 7 (A)(1) of the Town Planning and Development Act;
- (5) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, forward copies of the signed documents to the Western Australian Planning Commission requesting consent to advertise be granted;
- (6) notwithstanding (5) 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 or Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act; and
- (7) modify the recommendations to the Hon Minister for Planning in respect to the final adoption of proposed Town Planning Scheme No. 3, to include the Development Zone for Port Catherine as described in (1) 1. of the recommendation except that the Development Area is identified as DA22, and include the Development Area, DA22, in Schedule 11 as described in (1) 2. of the recommendation.

## COUNCIL DECISION

### Background

The Metropolitan Region Scheme Amendment No. 1010/33 has been published for public submissions. The public submissions period closes on 1 March 2002.

Amendment No. 1010/33 creates an urban zone over the Port Catherine Marina Project Area and is based on the most recent proposed structure plan for the development.

Although the proposed structure plan has not been submitted to either the WAPC or the Council for adoption, it has formed the basis of a comprehensive environmental review undertaken by the proponent which has been assessed by the EPA under Section 38 of the EP Act.

The Council is required to amend its scheme under Section 35 of the Metropolitan Region Town Planning Scheme Act to make its scheme consistent with the MRS.

It is important, in an endeavour to minimise the overall processing time, that the MRS and local scheme amendments be undertaken at the same time. The Council has in the past supported this principle.

In parallel to this, the Council has been requested to initiate a change to the district boundary so that the amendment, when finalised, will be wholly located within the district.

The Council previously initiated an amendment to District Zoning Scheme No. 2 (Amendment No. 173) which was abandoned to allow the Development Area (Amt. 192) and Developer Contributions (Amt. 193) to proceed. These Amendments are now finalised.

### **Submission**

The proponent has requested that the Council proceed with the amendment to its local scheme, to be consistent with the MRS.

### **Report**

When Town Planning Scheme No. 3 was finalised ready for public advertising, the WAPC requested that the proposed Port Catherine Marina Project be deleted from the Scheme Map and that the Scheme Map be made consistent with the MRS.

In respect to the Southern Harbour Project however, where the MRS had already been amended, the Council was permitted to leave this project area in TPS No. 3. The Southern Harbour Project is different from Port Catherine in that it is a 'public work' which excludes the Council from the development approval process.

Now that MRS Amendment No. 1010/33 has been advertised, there will be a need for the local scheme to be made consistent following, but not before the MRS is finalised.

To expedite the finalisation of the TPS Amendment No. 232, it is highly desirable and appropriate for it to be advertised in parallel, so that its

advertising period closes on or before 1 March 2002. To achieve this, the Council would need to initiate the amendment in December 2001.

Based on an interpretation of Section 6 of the Town Planning and Development Act, there does not appear to be any impediment to the Council initiating Amendment 232 prior to the Council boundary being changed. However, it may be that the boundary needs to be changed before the amendment is finalised.

The proposed amendment is for a Development Area (DA11) to apply to the whole of the project area. Development Areas also form part of TPS No. 3 and therefore, this amendment is consistent with the provisions of the proposed Scheme.

Before any subdivision or development can take place within the Development Area, the Structure Plan must be adopted. Once adopted (or formally amended) all subdivision and development must accord with the plan.

The initiation of the amendment is being recommended because:-

- the development is being undertaken under a State Development Agreement;
- the local scheme must be consistent with the MRS;
- the indicative Structure Plan is generally acceptable as the basis for an amendment;
- public submissions can be made;
- all subdivision and development is subject to the adoption of the Structure Plan;
- the district boundary requires to be changed before finalisation;
- the amendment to DZS No. 2 is consistent with the provisions of proposed TPS No. 3;
- a tandem process is more time effective.

There should be no logical reason as to why the WAPC should not recommend to the Minister that the amendment be advertised.

Because the project has been assessed under Section 38 of the EP Act, and the MRS was approved by the EPA to proceed to advertising, it is highly unlikely that Amendment No. 232 will require environmental assessment.

To ensure that the amendment initiated to DZS No. 2 by the Council is not overtaken by the finalisation of proposed TPS No. 3, the Council should recommend to the Minister when TPS No. 3 is referred for final approval so that it can be incorporated and thereby avoid the necessity

to initiate an amendment to the proposed scheme. The provisions in the two schemes are similar and therefore this can be easily provided.

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

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

2. Planning Your City

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

3. Conserving and Improving Your Environment

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

### **Budget/Financial Implications**

N/A

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

Nil

**14.4 (Ocm1\_12\_2001) - METROPOLITAN REGION SCHEME PROPOSED AMENDMENT NO. 1010/33 - PORT CATHERINE - SUBMISSION (9101033) (SMH) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) receive the report; and
- (2) lodge a submission on the proposed MRS Amendment 1010/33 based on the report and the attachment.

#### **COUNCIL DECISION**

## **Background**

The proposal to build a marina on Owen Anchorage, known as Port Catherine, has been discussed over many years.

Following the adoption of a State Development Agreement and the identification of a proponent, Port Catherine Developments (Australand Ltd), the project has been moving forward, with the recent completion of the environmental review which is currently on public exhibition.

At the same time, the WAPC has advertised the MRS Amendment No. 1010/33 for public comment. The public comment period closes on 1 March 2002.

The MRS amendment proposes to rezone land and reserves within the Port Catherine project area to "Urban".

The Urban zone applies to both the land and water areas of the Port Catherine project.

## **Submission**

Extracts from the public amendment document are attached to the Agenda.

## **Report**

The MRS Amendment 1010/33 is fully supported from a land use planning and development point of view.

The concept plan for the proposed project is generally acceptable and incorporates many of the principles being promoted by the Council, particularly the retention of public access to the foreshore and the protection of Coogee Beach as a popular swimming area.

The concept plan does not in itself form part of the amendment, but has been used as the "footprint" upon which the amendment has been based.

However, there are some concerns that have been identified that should form the basis of a submission to the WAPC, namely:-

### *1. Relationship to the Concept Plan*

The proposed Urban zone does not exactly fit the shape of the concept plan for the marina in respect to:-

- (1) the seawalls along the western and southern edge of the marina; and

- (2) the alignment of the Urban zone to the Primary Regional Road Reserve and the location of the westerly road connection.

The concept plan and Urban zone should be made consistent.

2. *Dunal Impact*

The proposed Urban zone south of the marina and west of the existing Cockburn Road Reserve intrudes on the dunal system adjacent to Coogee Beach and therefore should be retained as region parks and recreation reserve.

3. *Industrial Zone*

The proposal to replace the existing Fremantle to Rockingham Highway Reserve north of the project area from road reserve to industry is contrary to the principle of proper planning and contrary to the Region Parks and Recreation Reserve (Lot 52) as contained and approved in District Zoning Scheme No. 2.

This region parks and recreation reserve was a fundamental part of the Coogee Master Plan adopted in 1988 and was included as an open space buffer between the residential to the south and the industrial uses to the north of the railway reserve.

To propose to zone this land Industry is totally unacceptable and should be included in the parks and recreation reserve.

The Council is opposed to any additional industrial land being established on the coast.

4. *Parks and Recreation Reserve*

The proposal to include the existing parks and recreation reserve in the industry zone is a consequence of the decision to convert the road reservation to industry.

This proposal is not based on the need for industrial land and therefore, should be retained as parks and recreation reserve.

This proposal is totally unacceptable as the Council is opposed to the provision of additional industrial land on the coast.

Lot 52 is reserved as parks and recreation reserve under the Council's District Zoning Scheme No. 2, this proposal is inconsistent with this.

The proposal to make the dual use path parks and recreation reserve along the southern edge of Lot 52 against the railway

line is supported, but is totally inadequate as a separation distance between the future Port Catherine Marina residential estate and future industry.

The submission is supported by a map which illustrates the objections raised in respect to proposed MRS Amendment 1010/33.

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

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

#### 2. Planning Your City

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

#### 3. Conserving and Improving Your Environment

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

### **Budget/Financial Implications**

N/A

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

Nil

## **14.5 (Ocm1\_12\_2001) - AUTHORISED PERSON PURSUANT TO SECTION 245A OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960, PRIVATE SWIMMING POOLS (3211) (VG)**

### **RECOMMENDATION**

That Council:

- (1) authorise Desmond John Worthington to carry out the powers and duties given to an Authorised Person contained in Section 245A of the Local Government (Miscellaneous Provisions) Act 1960; and
- (2) issue to Desmond John Worthington, a Certificate of Authorisation relating to (1) above as required by Section 9.10 (2) of the Local Government Act 1995.

**COUNCIL DECISION**

**Background**

Mr Worthington has recently been employed by Council as a Building Surveyor and part of his duties will include inspection of Private Swimming Pools and this function requires Council to authorise a person to do so.

**Submission**

N/A

**Report**

Mr Worthington has the appropriate qualifications and experience to be authorised by Council.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil

**14.6 (Ocm1\_12\_2001) - REVISED MULTI STOREY ACCOMMODATION UNITS (9) - LOT 4; 3 ROCKINGHAM ROAD, HAMILTON HILL (2212275) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) approve the proposed Multi Storey Accommodation Units (9) on Lot 4 (No 3) Rockingham Road Hamilton Hill, in accordance with the plans received on 30 October 2001, subject to the following conditions:-

1. Standard conditions contained in Council Policy APD17



as determined appropriate to this application by the delegated officer under clause 7.6 of District Zoning Scheme No.2;

Special Conditions.

1. All units except for the ground floor units must include the installation of a clothes drier with the laundry. No clothing can be dried on the open balconies at any time.
  2. The bin store area being relocated to the front yard area along Rockingham Road.
  3. Balconies on the south side incorporating visual deflectors to avoid overlooking of adjoining residential developments.
  4. Measures being undertaken to the satisfaction of the City to further break up the facade bulk through use of colours and building detailing.
- (2) issue a form 2 Notice of Approval to the applicant; and
- (3) notify those who made submissions accordingly.

**COUNCIL DECISION**

**Background**

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

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

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

The Council, at its Ordinary Meeting on 18 September 2001, refused the same proposal for Multi Storey Accommodation Units (26) (revised plans received on 18 July 2001), for the following reasons:-

- “1. *The proposed development is totally out of context with the density, height and scale of existing development in the locality.*
2. *The proposed development would adversely affect the amenity of the area due to the potential visual impact, building height and scale.*
3. *The proposal would detract from the heritage significance of the Newmarket Hotel, which is a place of high conservation importance and registered on the Municipal Inventory of Heritage Places.*
4. *The development fails to comply with the standards of District Zoning Scheme No 2.”*

### **Submission**

The applicant seeks approval from the Council to construct a 5 storey multiple unit development incorporating the following components:-

- 9 apartments including level 4 and top level penthouse apartment;
- 8 of the apartments are two levels in construction with a top level penthouse (ground floor living and top floor bedrooms). This gives the false visual impression that the development is larger in size than in reality;
- Ground level carpark – 15 bays of which at least 2 bays could be reserved for visitors;
- Vehicle access is via a rear laneway, while pedestrian access is via Rockingham Road.

### **Report**

The proposed development has been totally redesigned to address concerns which lead to the previous proposal being refused by the Council. The owner consulted with City Officers where agreement was reached on a Residential Density Coding of R100 to apply to the site. This became the basis upon which the application was prepared and compliance with the standards that apply to that density coding was generally achieved.

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

### Public Comments

At the close of the 21-day submission period, 6 submissions were received from surrounding neighbours. Three submissions objected to the proposal and 3 submissions raised no objections. Submissions of objections raised the following concerns:-

- Not enough visitor parking
- Too high and overshadow nearby buildings
- Blocks views
- Reduce privacy
- Looks out of place with existing colonial – federation buildings
- Design more suited to South Perth
- Traffic congestion in the R.O.W
- No information provided about the south elevation

In comparison, 8 submissions objected to the previous proposal and 2 raised no objections. The revised proposal has attracted a more balanced response from submissions received, yet there are still concerns raised that could be addressed as a condition of approval to ensure the development is more compatible with the surrounding neighbourhood. The concerns are discussed in more detail as follows:-

### Height and Scale of the Proposal

The revised development is 16.0 metres tall which is almost half the height of the previous proposal or 13.0 metres lower. The revised proposal includes 5 levels instead of 9 with the earlier proposal.

The height and scale of the proposed development is more in conformity with the 3 level townhouses to the rear and 2 level Newmarket Hotel nearby. The proposed development, by comparison, is 2 floors taller than the rear townhouses and is therefore not out of scale with surrounding buildings.

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

### Plot Ratio and Density

The plot ratio of the development is 1.1:1. Plot ratio is the gross total of the areas of all floors to the area of land within the site boundaries excluding non-habitable areas (ie-parking area, lobbies, lifts etc.).

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

### Streetscape

The proposed building form is relatively simple in design, which uses tilt up wall construction. The Rockingham Road elevation incorporates

the use of balconies, which help to break up the building bulk. The elevations should include more detailed fenestration.

#### Newmarket Hotel

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

#### Surrounding Land Use

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

#### Building Setbacks, Landscaping

The Scheme requires a minimum front setback of 11.5 metres from the front boundary to Rockingham Road as opposed to the 6.36m front average setback provided. This reduced setback, if approved, would require the Council to exercise discretion to vary Scheme requirements. There is no opportunity to create an active street frontage since the design is based on a residential not commercial type of development. The design does however, allow for street surveillance from the extensive use of balconies overlooking the pedestrian level on Rockingham Road.

#### Vehicle Access

Vehicle access is proposed via a shared laneway that links with Rockingham Road to the rear townhouses and the Newmarket Hotel development. The parking configuration requires vehicles to reverse into the shared laneway. The orientation of parking would not adversely impact on the function of the laneway, as this is a common situation with ROW's throughout Perth's older suburbs. Warning signs should be erected on the elbow of the laneway to warn motorists and pedestrians of vehicles reversing. The depth of the garages could be adjusted if required to provide for improved sight lines for vehicles. This is a matter that can be dealt with as a condition of approval.

#### Easement

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

Car Parking

The applicant has provided 15 car-parking bays at ground level, accessed to Rockingham Road via a shared laneway. The Residential Planning Codes require car parking at the rate of 0.35 spaces per dwelling unit plus 0.015 spaces per square metre of plot ratio floor area to a maximum requirement of 3 car spaces per dwelling unit. A total of 17 bays are required as opposed to 15 bays provided. At least 2 bays must be permanently set aside for visitor parking.

Each of the 9 units will have at least 1 car bay each, which satisfies the minimum requirements of the Codes. The minor shortfall of 2 bays requires the exercise of discretion by the Council in any approval of the revised proposal.

Overshadowing

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

WA Planning Commission

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

Town Planning Scheme No 3 (proposed)

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

Conclusion

The application has been substantially redesigned to address the City's concerns regarding building height and scale, which led to the refusal of the previous proposal. The new proposal is justified on planning grounds and is recommended for approval.

**Strategic Plan/Policy Implications**

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

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

### **Budget/Financial Implications**

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

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

Nil

## **14.7 (Ocm1\_12\_2001) - CLOSURE OF PORTION OF COCKBURN ROAD JERVOISE BAY PURSUANT TO SECTION 58 OF THE LAND ADMINISTRATION ACT 1997 (450002) (KJS)**

### **RECOMMENDATION**

That Council request the Department of Land Administration to close portion of Cockburn Road, Henderson from a point approximately 500 metres north of the intersection with Stuart Drive to a point approximately 200 metres south of Stuart Drive.

### **COUNCIL DECISION**

### **Background**

This matter was considered by Council at its meeting on 16 October 2001 and Council resolved the following:-

*"That Council request the Department of Land Administration to:-*

- (1) close portion of Cockburn Road, Henderson from a point approximately 500 metres north of the intersection with Stuart Drive to a point approximately 200 metres south of Stuart Drive subject to there being no objection received as a result of the proposal being advertised in the local newspaper;*
- (2) include the closed road land into the adjoining land holdings."*

### **Submission**

Landcorp requested the closure of this portion of Cockburn Road.

## Report

The Land Administration Act requires that a local government advertise in a local paper, proposed road closures and then to allow at least 35 days for the receipt of objections.

Following advertising of the proposal in the Herald, one objection was received. Issues raised in the objection were that the road in its current location, offers a scenic backdrop whilst the diversion of the road undertaken by Main Roads offers very little in the way of interest. The author makes the point that the deviation of Cockburn Road *"is a great blow to aesthetics of Perth and will be a great loss for the tourist industry in years to come."*

The respondent is correct in pointing out that within Cockburn, before the deviation, 5.8 kilometres of the coastal road had views of the ocean, now there is only 3.4 kilometres of road with ocean views.

The Jervoise Bay Development could not have been undertaken without the re-routing of Cockburn Road. It is considered that the benefits of the Jervoise Bay Development outweighs the minor loss of the scenic value of Cockburn Road.

## Strategic Plan/Policy Implications

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

### 2. Planning Your City

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

## Budget/Financial Implications

N/A

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

Nil

**14.8 (Ocm1\_12\_2001) - PROPOSED STRUCTURE PLAN AND SUBDIVISION LOTS 15, 16 AND 17 ROCKINGHAM ROAD, MUNSTER - OWNER: B & Y RADONICH & I RADONICH - APPLICANT: TAYLOR BURRELL AND URBAN FOCUS (115946) (AJB) (MAP 9) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the proposed Structure Plan for Lots 15 - 17 Rockingham Road Munster (Plan 4), as the basis for responding to the Department for Planning and Infrastructure on applications for approval to subdivide Lots 15 - 17 Rockingham Road, Munster;
- (2) forward a copy of the Structure Plan to the Department for Planning and Infrastructure for endorsement;
- (3) agree to cash-in-lieu of open space for Lots 15 - 17 Rockingham Road subject to the provision being calculated in accordance with Policy APD28 "Public Open Space Credit Calculations" and such funds to be paid to Council's POS Trust Fund Account for the purpose of works within and around Market Garden Swamp No. 3 by Council in accordance with an adopted Management Plan, subject to Ministerial approval; and
- (4) advise Taylor Burrell, Urban Focus and Mr Y Radonich accordingly.

**COUNCIL DECISION**

**Background**

In July 1995, Taylor Burrell made application for approval to subdivide 12 - 17 Rockingham Road, Munster for residential purposes. (WAPC Ref: 98116). At its meeting held on 5 September 1995, Council resolved to support the future residential subdivision of the land subject to the preparation of an overall Structure Plan, finalisation of MRS Amendment 939/33A to rezone the land Urban and finalisation of Amendment No. 76 to District Zoning Scheme No. 2 to rezone the land Residential R20.

Amendment No. 76 was granted final approval on 6 March 1998.

Negotiations regarding drainage, environmental issues, POS and subdivision design principles resulted in a draft modified layout being



prepared in August 1998. However, the plan was never formally lodged due to legal action between the owners of Lots 15/16 and Lot 17.

The application on WAPC Ref. 98116 for Lots 12 - 17 Rockingham Road was not determined. A new application on WAPC Ref. 112031 for Lots 12 - 14 was subsequently lodged by Taylor Burrell with the Planning Commission and approved in November 2000. The approval plan of subdivision showed the proposed subdivision of the balance Lots 15 - 17 in outline form.

The subdivision application by Taylor Burrell for Lots 15 and 16 Rockingham Road on WAPC Ref. 115946 was lodged in February 2001. The plan shows in outline form the subdivision of Lot 17.

### **Submission**

The Western Australian Planning Commission has requested Council's comments on the proposed plan of subdivision for Lots 15 and 16 Rockingham Road, Munster.

### **Report**

As noted in the background, there is a long history of applications for subdivision approval for the subject land which has involved amendments to the MRS and DZS No. 2, wetland and buffer definition and the processing of a Structure Plan.

The subdivision application for Lots 15 and 16 was lodged with the Commission in February 2001 (Plan 1 in the Agenda attachments). Processing of the application necessitated its referral to the owner of Lot 17 as a revision to the Munster (Cell 5) Structure Plan.

Issues that have arisen through the processing of the Structure Plan and subdivision application for Lots 15 and 16 are as follows.

#### *1. Buffer definition - Market Garden Swamp No. 3 (MGS 3)*

Proposals for Lot 17 were not based on a detailed field survey to define the extent of Market Garden Swamp No. 3 and its buffer. This has been subsequently undertaken by Council's Environmental Services Officers and is more extensive than that shown on Plan 1.

Accordingly, the western portion of the subdivision for Lot 17 will require modification.

#### *2. East-west Link Road (Howe Street extension)*

Structure planning for the area has determined the need for an east-west connecting road from the Howe Street/Rockingham Road intersection to MGS 3, generally along the northern boundary of Lot 17.

Urban Focus, on behalf of the owner of Lot 17, submitted that in terms of fairness and equity, the east-west road should straddle the boundary of Lots 17 and 18.

Whilst Section 28A of the Town Planning and Development Act does allow for the provider of a road on a common boundary to claim half the cost of the road from the adjoining owner as and when that land is subdivided, it is considered that the submission by Urban Focus to locate the road equally on both lots is a fairer solution as it equalises the lot yield in both Lots 17 and 18.

### 3. *Public Open Space Calculations*

The original plan of subdivision for Lots 12 - 17 Rockingham Road was lodged with the Planning Commission in September 1995 (Plan 2 in Agenda attachments).

As noted in the background, the subdivision for Lots 12 - 14 was approved in November 2000 (Plan 3 in Agenda attachments) and the subdivision application for Lots 15 - 16 lodged in February 2001.

At the time of preparing the original Structure Plan (Plan 2) and the lodging of the application for Lots 12 - 14 (Plan 3), 100% of the buffer area was taken into account as part of the 10% POS requirement. Subsequently, through the "Liveable Neighbourhoods", it was determined that only a portion of buffer areas would be considered as part of the 10% open space requirement for applications submitted under the "Liveable Neighbourhoods" design codes. However the situation in regard to non Liveable Neighbourhoods applications such as for Lots 15 - 17 was not clear.

On 15 May 2001, Council adopted Policy APD28 which formalised Council's position on public open space credits which provided that up to 50% of buffer areas could be credited against the 10% POS requirement, subject to this not exceeding 20% of the total POS area. The policy applies to both Liveable Neighbourhoods and non Liveable Neighbourhoods applications.

This change in treatment of the buffer area as part of the POS requirement, has a significant impact on the proposed subdivision of Lot 15 - 17. In respect to Lot 15 - 16, Taylor Burrell originally calculated the total POS requirement to be 0.4237 Ha. which was satisfied by the proposed buffer area which is shown on Plan 1.

By comparison, the methodology of the "Liveable Neighbourhoods" and Council Policy APD28 results in a total area of 8384m<sup>2</sup> (4092m<sup>2</sup> uncredited buffer and 4292 10% POS). This represents 19% of the property. Lot 17 is similarly affected.

The owners have submitted that the increase in POS is unsustainable.

Council has 3 options in dealing with the open space issue, being:-

1. Assess the POS in accordance with the old standards - ie accept the buffer in total satisfaction of the 10% POS requirement.
2. Require compliance with Council Policy APD28 "Public Open Space Credit Calculations" resulting in the provision of the buffer and land for the balance of the 10% POS.
3. Require compliance with Council Policy APD28 "Public Open Space Credit Calculations" and require the provision of the buffer with appropriate credits and cash-in-lieu for the balance POS.

Subdivision and development standards are modified from time to time and the treatment of proposals that are in the system at the time of change is a difficult issue, particularly when the issue is a matter of policy rather than law.

It is considered that Option 3 is the most appropriate approach for the following reasons:-

- The Lots 15 - 17 form part of a Structure Plan that was previously adopted by Council.
- The subdivision application for Lots 15 and 16 was lodged prior to Council adopting APD28 but subsequent to the "Liveable Neighbourhoods" Codes.
- The provision of additional land for POS will have a significant financial impost on the land.
- Under Option 3, the subdivision is being assessed in accordance with Policy APD28, but Council is using its discretion in accepting cash-in-lieu which it might not otherwise do. Accordingly this is seen very much as a compromise solution for Council and the proponents.
- Will not be a precedent for other requests for cash-in-lieu given there are no other lots in this location which are included in the structure plan area or subject to a current subdivision application.
- The funds can be used by the Environmental Management Services to undertake works in and around MGS 3 which are over and above those done by the developers.

It should be noted that under APD4 "Public Open Space", there is a presumption against cash-in-lieu of POS except under 3 situations which do not include the circumstances of this application. There is however, a strategy for the expenditure of the funds being works within

and around MGS 3 which partially satisfies point (4) of Policy APD4 which refers to funds being expended in accordance with a Structure Plan endorsed by the Council and the WAPC. Under the circumstances, it is recommended that Council agree to cash-in-lieu of POS and seeks approval of the Department for Planning and Infrastructure.

A Structure Plan has been prepared by Strategic Planning Services to reflect the recommended response to the above issues and is included as Plan 4 in the Agenda attachments. This has been discussed with the owner of Lots 15 and 16 and consultants for the owner of Lot 17. Understandably they have a strong preference for Option 1 in respect to the treatment of POS, but prefer recommended Option 3 to No. 2 which they describe as a "double whammy".

It is recommended that the Structure Plan shown on Plan 4 in the Agenda attachments be adopted by Council as the basis for responding to the Department for Planning and Infrastructure on applications for approval to subdivide Lots 15 - 17 Rockingham Road, Munster.

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

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

#### 2. Planning Your City

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

#### 3. Conserving and Improving Your Environment

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

The Planning Policies which apply to this item are:-

- SPD4 'Liveable Neighbourhoods'
- SPD5 Wetland Conservation Policy

- APD4 Public Open Space
- APD6 Residential Rezoning and Subdivision Adjoining Midge Infested Lakes
- APD16 Standard Subdivision and Strata Conditions and Reasons for Refusal
- APD20 Design Principals for Incorporating Natural Management Areas Including Wetlands and Bushlands in Open Space and/or Drainage Areas
- APD28 Public Open Space Credit Calculations
- APD30 Road Reserve and Pavement Standards

### **Budget/Financial Implications**

Cash-in-lieu funds will be held in the POS Reserve Account and used for future works in and around Market Garden Swamp in accordance with Clause 20C of the Town Planning and Development Act.

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

Nil

## **14.9 (Ocm1\_12\_2001) - ADOPTION OF FORMS - CITY OF COCKBURN HEALTH (EATING HOUSES) LOCAL LAWS (1149) (WJH) (ATTACH)**

### **RECOMMENDATION**

That Council adopts the forms which are attached to the Agenda, for the purposes as described in the City of Cockburn Health (Eating Houses) Local Law 2000.

### **COUNCIL DECISION**

### **Background**

The City of Cockburn Health (Eating Houses) Local Law 2000 was adopted by Council on 15 August 2000 and published in the Government Gazette on 2 February 2001. The Local Law provides for Council to produce forms from time to time. Review of Council records indicates that no forms have been adopted under this Local Law.

### **Submission**

N/A

## Report

In order to facilitate the licensing and registration requirements of the City of Cockburn Health (Eating Houses) Local Law 2000, it is necessary to provide forms. It is recommended that the forms as attached to the Agenda be adopted by Council.

## Strategic Plan/Policy Implications

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

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

## Budget/Financial Implications

N/A

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

Nil

### 14.10 (Ocm1\_12\_2001) - SMRC REGIONAL COMMUNITY GREENHOUSE GASES PROJECT (9132) (PS) (ATTACH)

#### RECOMMENDATION

That Council:

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

variations as required to the Draft Project Participants' Agreement and arrange for the document to be executed.

## **COUNCIL DECISION**

### **Background**

The City of Cockburn has been progressing towards the implementation of the Cities for Climatic Protection Program. Milestone 1 was completed in late 1999, followed by the completion of Milestone 2 in December 1999. With the completion of Milestone 2, Council accepted a recommendation for a 20% reduction on 1996 levels of greenhouse gas by 2010 on both corporation and community targets.

The completion of Milestone 3 requires Council to complete a Local Action Plan for both the community and the corporation. The Corporate Local Action Plan was completed and adopted at the November Council meeting. The community component of the Local Action Plan will be based on a regional approach with all other members of the Southern Metropolitan Region of Councils (SMRC). This was agreed to at the November 2000 Council meeting whereby the Council accepted the following recommendations :

- Adopt the Draft Regional Community Greenhouse Strategic Plan.
- Agree to a regional approach to the implementation of the Regional Community Greenhouse Strategic Plan.
- Support the development of a regional coordinator position to implement the Regional Community Greenhouse Strategic Plan.
- Agree to provide proportional funding of a regional coordinator, subject to all the other member councils committing to the position, and to modify the Principal Activity Plan allocation for the Environmental Management Services.

Since then, the SMRC have further refined the project and the role of the future Regional CCP Coordinator. Development of the project has occurred with CCP officers from all Local Government Authorities within the SMRC.

### **Submission**

SMRC has forwarded to Council, a project participants' legal agreement which details Council's financial obligation to make a proportional contribution to fund a Regional Coordinator.

## Report

The Regional Community Greenhouse Gases Project is centred on the implementation of the Regional Community Greenhouse Strategic Plan. This plan was adopted by Council in October 2001. The project will be for a two year period expiring on 30 November 2003. The project will be reviewed on 30 June 2003, to examine the effectiveness of the project and consider extending the project into future years.

The tasks to be undertaken within the two years of the project include;

- Reduce energy consumption within the business sector, form partnerships with key industry groups,
- Community Education /Promotion within the community,
- Examine the reducing of energy consumption within the street lighting sector,
- Encourage the community to buy 5 star rating appliances.

A Regional CCP officer will be employed to undertake these tasks and will be responsible for the following duties:

- oversee the implementation of the Regional Community Greenhouse Strategic Plan,
- implement projects outlined in the annual action plan and identify possible future projects,
- prepare grant submissions to assist in undertaking projects

SMRC has prepared a Draft Project Participants' Agreement which details Council's financial responsibility. A copy of the Agreement is included in the Agenda attachments.

The adoption of the agreement will allow the appointment of a Regional CCP officer in February 2002.

Signing the project agreement will allow the City of Cockburn, and other SMRC councils, to commence the implementation of greenhouse emission saving measures in the community. These activities, coupled with the City of Cockburn's Corporate Local Action Plan, will result in a reduction in greenhouse emissions within the City of Cockburn.

## Strategic Plan/Policy Implications

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

### 2. Planning Your City

- *"To foster a sense of community within the district generally and neighbourhoods in particular."*



### 3. Conserving and Improving Your Environment

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

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

An amount of \$18,000 was allocated in the 2001/2002 Environmental Services budget for this project. A further \$18,000 will need to be allocated in the 2002/2003 budget.

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

Nil

#### **14.11 (Ocm1\_12\_2001) - FINAL ADOPTION - SCHEME AMENDMENT NO. 231 PROPOSED TEXT AMENDMENT TO TOWN PLANNING SCHEME - DISTRICT ZONING SCHEME NO. 2 (92231) (MR)**

##### **RECOMMENDATION**

That Council:

- (1) grant final adoption to the following amendment:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME CITY OF COCKBURN - DISTRICT ZONING SCHEME NO. 2.

AMENDMENT NO. 231

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

Amending the Scheme Text as underlined below:-

*"5.1.3 (b) the erection on a Lot of a single house, two grouped dwellings, including ancillary outbuildings which comply with the provisions of the Residential Planning Codes or Detailed Area Plan, in a zone where the proposed use is designated with the*

*symbol "P" in the cross-reference to that zone in the zoning table, provided the Place is not included in the Heritage List referred to in Clause 5.8.1;"*

*"5.3.5 (2) (a) where land is within a Development Area in the Scheme, the local government may vary the minimum open space provisions of the Residential Planning Codes within an area of a structure plan or any part of the area stipulated in a structure plan, in accordance with development guidelines or detailed area plan forming part of the structure plan." (this clause has been adjusted to comply with the direction given by the Minister)*

*"8.2.16.1 Notwithstanding clause 5.3, where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a detailed area plan may be prepared by:-" etc.*

*"8.2.16.2 Where the Council has discretion under the Residential Planning Codes a detailed area plan may include variations to the provisions of the Codes and include details as to:- " etc.*

- (2) forward a copy of the signed and endorsed Scheme Amendment documents to the Western Australian Planning Commission seeking endorsement from the Minister.

## COUNCIL DECISION

### Background

Council, at its Ordinary Meeting held on 21 August 2001, decided to initiate Amendment 231 to the City of Cockburn Town Planning Scheme – District Zoning Scheme No 2 ("DZS2"). For further background refer to OCM21/8/01 item 14.12.

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

No response was received from the Commission.

The EPA advised that under Section 48A of the EPA Act, the amendment was “not assessed” and the amendment was advertised in accordance with the Regulations for not less than 42 days.

### **Submission**

The City was approached several months ago by the developers of Development Area 10 south of Bartram Road, Atwell. The developers were preparing “Development Guidelines” to administer residential development within the new subdivision and asked if the Council could vary open space requirements for single houses under the Residential Planning Codes. The developers believe the smaller cottage size lots for example, will need flexibility in applying open space requirements less than the 50% minimum standards of the Codes applying to the R15-R60 Coded land.

The “Development Guidelines” were later changed to “Detailed Area Plans” so they could be adopted pursuant to provisions of DZS2. It was established that the Scheme provisions needed to be further clarified to give precedence to the Detailed Area Plans over the R-Codes where required. The City believes the R-Codes are still a useful document to be applied generally to residential land in the district but it has limitations where residential subdivisions are proposed based on “Liveable Neighbourhoods” principles.

Recent interest has also been shown from another developer who is similarly awaiting the outcome of this Scheme Amendment to facilitate the envisaged development.

### **Report**

At the close of the advertising period, there were no submissions received.

The purpose of the Scheme Amendment is to modify the Scheme Text – R Code and Detailed Area Plan provisions to enable the City to:-

1. Approve as of right new development standards for precincts such as small lot area contained within Detailed Area Plans or particular development requirements consistent with the Scheme.
2. Avoid requiring individual applications for development approval to vary the R-Codes, where discretion is required relative to building setbacks or other provisions, where consistent with Detailed Area Plans;
3. Provide greater flexibility in applying standards that are relevant to energy efficiency through orientation, location and design of building and the spaces between buildings.

4. Provide greater certainty for developers and prospective purchasers of the specific provisions of Detailed Area Plans and could potentially avoid having to refer to separate planning standards being the Detailed Area Plans and the R-Codes and;
5. Apply clause 8.2.16 of the Scheme for Detailed Area Plans the way in which they were intended to be used. That is to enhance, elaborate or expand on the detailed provisions in a Structure Plan.

The Scheme Text changes sought, are an enhancement of the R-Codes at a local level in respect of land within a Development Zone. The Scheme Amendment complies with State Policy and practice.

It is recommended that the Council adopt the Scheme Amendment and forward the completed documents to the Commission requesting the final endorsement of the Minister for Planning and Infrastructure.

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

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

2. Planning Your City

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

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

The Scheme Amendment documents are being prepared in-house where costs incurred relate to the administration, advertising of the documents and reporting to the Council.

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

Nil

#### **14.12 (Ocm1\_12\_2001) - REVOCATION OF PLANNING APPROVAL - FUNCTION CENTRE - LOT 9 (NO. 220) WATTLEUP ROAD, WATTLEUP - OWNER/APPLICANT: V LOMBARDO (4412312) (MR)**

#### **RECOMMENDATION**

That Council:

- (1) revoke the planning approval granted by the Council at its Ordinary Meeting on 18 July 2000 for a Function Centre - Lot 9

(No 220) Wattleup Road Wattleup, pursuant to Clause 6.3.5 of the City of Cockburn Town Planning Scheme – District Zoning Scheme No 2 subject to (2) and (3) below;

- (2) notify the owner of the Council's decision and inform the owner of the opportunity to give reasons, within 14 days of the date of the Council decision, explaining why the approval for the function centre should not be revoked;
- (3) should the owner not respond within the 14 day period as provided for in recommendation (2), the Director of Planning and Development is to proceed with the revocation in accordance with the Council decision however, should a written response be received from the owner in accordance with recommendation (2) above within the period specified, then the matter is to be referred to the Council for its consideration; and
- (4) advise the WAPC and Council's solicitor of the Council's decision in the event that the Director of Planning and Development revokes the planning consent for the function centre as provided for in recommendation (3).

## **COUNCIL DECISION**

### **Background**

In November 1993, Council approved a dive training resort on the site.

In February 1999, Council received a complaint about illegal earthworks occurring on the subject property. Investigations revealed the owner was preparing to use the lot for a function and conference centre. The owner was asked to apply for planning consent to operate the proposed use.

Council refused the function centre proposal at its Ordinary Meeting of 11 May 1999. The applicant re-applied for the same use in October 1999. This application was also refused by Council, at its Ordinary Meeting held on 21 December 1999. Item 13.20 of that agenda, detailed that two functions were held at the site on the weekend of 30 June and 1 July 2000, despite no planning consent being issued for that use.

Council approved a function centre at its Ordinary Meeting on 18 July 2001. The approval was based on a function centre to cater for small business lunches and seminars. The hours of operation were

approved from 8am to 7pm seven days a week. The functions were to cater for 30 people. At the time of considering the application, the City received submissions from nearby affected owners opposing the proposal. Functions were being operated by the Australian Mating Club and illegal adult events were being held at the premises at various evening hours.

The City subsequently received various resident complaints mid to late last year regarding non-compliance with conditions of approval relative to hours of operation. Evidence was collected during three dates using two Undercover Police Officers and Council Officers last year. The information collected was used to successfully prosecute the operator at the Fremantle Court of Petty Sessions on 3 October 2001. The operator had earlier vacated the premises and is no longer occupying the land.

Prosecution was achieved by serving 3 charges under s 178(4) of the Health Act 1911, for using a public building without a certificate of approval and 3 charges under section 10(4)(a)(i.) of the Town Planning and Development Act 1928, for a breach of condition – hours of operation. The Magistrate imposed a global penalty of \$2,000 with costs of \$857.70 on the Town Planning and Development Act charges. The operator was also fined \$1,000 with costs of \$857.70 on the Health Act charges.

The function centre advertisements of new events feature on the Club's website. The function centre use is continuing at various evening hours in contravention of the approval with excessive noise levels, which is the source of continual disturbance to local residents.

In December 2000, the *Hope Valley Wattleup Redevelopment Act* was gazetted. The land is within the redevelopment area and is therefore repealed from the City's Town Planning Scheme and the Metropolitan Region Scheme.

An application was lodged by the owner - Mr Vince Lombardo in March 2001, for the function centre to be expanded from 30 people to 100 people and the hours of operation from 7am to midnight. The City advised the Western Australian Planning Commission that it did not support the proposal. On 3 December 2001, the Commission issued a refusal decision for the following reasons:-

- “1. *The proposal is inconsistent with the amenity of the surrounding area by reason of the proposed hours of operation and the off-site impacts of functions at the premises.*
2. *The proposal is premature in respect of its potential service to the future industrial development in the area the subject of the Hope Valley-Wattleup Redevelopment Act.*

3. *The proposal has the potential to prejudice the orderly and proper planning of the abovementioned area.”*

### **Submission**

Further complaints have been received from adjoining owners about the operation and the continued use of the premises.

### **Report**

On 11 December 2001, Council's solicitors advised that the further complaints by the neighbours would need new evidence to be collected and the commencement of a fresh legal action, that could be made against the owner and new operator. This will be time consuming and expensive.

Although the land is within the Hope Valley Wattleup Redevelopment Area, the City's solicitor has advised that because the Council issued its approval prior to the Redevelopment Area being excised from the DZS2, the Council is still obliged to follow through with compliance with its conditions of approval. This is despite Council having fulfilled its obligations in the investigation and prosecution of the former operator for non-compliance with legislation. As the Western Australian Planning Commission is the responsible authority for issuing planning approvals within the Redevelopment Area, it is more appropriate for the Commission to take on the responsibility for dealing with this on-going matter.

Since it was approved, the function centre has been an on-going concern to local residents and the Council regarding compliance with conditions of approval. The Council has pursued legal avenues, which has not resulted in satisfactory or conclusive outcomes.

To assist in resolving this matter, it is necessary for the Council to revoke its planning consent for the use of the property as a Function Centre issued on 18 July 2000, under clause 6.3.5 of the Council's Scheme. Prior to revoking the function centre approval, it is necessary from a natural justice point of view, to allow the owner the opportunity to give reasons within 14 days of the date of the Council decision, why the approval for the function centre should not be revoked. If a response is received from the owner within this period, then the matter should be referred back to the Council for its consideration. If no reply is received within 14 days, the Director Planning and Development could revoke the approval.

This will conclude the Council's involvement in respect of planning approval breaches and send a strong message back to the owner and new operator, that it is not prepared to tolerate the continued breach of the Council's Scheme. The Commission must then control any new function events pursuant to the Redevelopment Act. The Commission

has the power to effectively control the matter as if it were the local government.

The City will continue to be responsible for health (noise) and building matters relating to the land.

If the Council revokes its approval, there will be no approval applying to the land and therefore the owner will be required to make a fresh application to the Western Australian Planning Commission under the provisions of the Hope Valley-Wattleup Redevelopment Act.

**Strategic Plan/Policy Implications**

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

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

**Budget/Financial Implications**

The cost of preparing a second prosecution for breach of planning approval would be over \$7,000.

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

Planning approvals for the affected land are now controlled under the provisions of the Hope Valley-Wattleup Redevelopment Act, which are administered by the Western Australian Planning Commission.

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

**15.1 (Ocm1\_12\_2001) - BUDGET REVIEW - PERIOD ENDING 31 OCTOBER 2001 (5402) (ATC) (ATTACH)**

<b>RECOMMENDATION</b>			
That Council amend the Municipal Budget for 2001/02 as follows:			
<b>A/c No.</b>	<b>Description</b>	<b>Current Budget</b>	<b>Proposed Budget</b>
NEW	Perth Bicycle Network Contribution - Beeliar Drive DUP	0	(50,000)
510460	Bus Shelter Maintenance	26,000	52,000
NEW	Lydon Bld, at #'s 109/111 - Replace brick paving with asphalt	0	12,500



680407	Bullfinch St (Spearwood/Phoenix) - Slab replacement footpath	52,300	41,000
680411	Etherington Ave (Hobley/#17) - Slab replacement footpath	12,000	0
695310	Curlew Way - Complete cul-de-sac	8,438	4,438
695504	Forrest Road (Frederick/Clara) - Road treatment	4,952	11,400
605532	Glen iris Drive near Bunker Gardens - Road treatment	16,589	1,500
695353	Glenister Road (Offley/Janson) - Road treatment	4,730	2,000
695608	Russell Road - Passing lane at Moylan Road	40,000	10,000
695317	Spearwood Avenue/Doolette Street - Intersection treatment	29,918	70,000
680319	Interim Reserve (Angus/Doolette) - New footpath	11,400	5,100
695607	Jandakot Road (Fraser/Warton) - Shoulders/resurface	100,000	108,000
NEW	Beeliar Drive (Dunraven/Spearwood) - Dual Use Path Stage 1	0	50,000
NEW	Vodice Street - Replace slab footpath	0	10,500
NEW	Tomislav Place - Replace slab footpath	0	6,000
870112	Directional Signs	0	(8,200)
8248B	Hilux Ute - Building Maintenance Supervisor	6,504	11,504
125720	Computer Equipment	187,395	209,943
125381	Software Development	24,227	25,529
125230	Communications Expenses - IT	32,600	38,270
140200	Human Resources - Salaries	188,700	204,590
880461	Employment Scheme Funds	63,989	69,639
880030	Training Subsidies	0	(1,250)
500474	Town Planning Scheme 3 Public Consultation	58,755	38,755
NEW	Atwell Changerooms - Safety rail to front walkway	0	2,800
NEW	Fuel Management System	0	18,000
580727	Admin. Centre - Upgrade airconditioning heaters/ducts	15,790	7,000
580619	Davilak Pump Building - Refurbish external	3,000	1,000
580600	Admin. Building - Extend and upgrade existing surveillance	30,000	35,830
1654654	Dog pound	4,000	8,000
160500	Fire & Emergency Services contribution	304,500	309,900
8284	1AFM129 Leyland Bus	7,266	17,000
110280	Elected Members' Printing and Stationery	3,500	3,100
105031	General (United) Grant	(985,000)	(1,023,000)
105030	General (United Roads Grant	(725,000)	(739,300)
730106	Non-Compliant Building Assessment Fees	0	(1,200)
315030	CSRFF Grant Coastal Motorcycle Club	0	(2,891)
NEW	Wattleup Community Projects	0	(3,000)
545141	Coastal Motorcycle Club Lease Revenue	(4,200)	(1,316)
315589	CSRFF Grant Coast Motorcycle Club	0	2,891
315507	NAIDOC Week	10,447	5,000
NEW	Grant to City of Cockburn RSL	0	5,000
NEW	Grant to Bibra Lake Primary School	0	530

296500	Donations to Schools	2,000	3,650
315547	Donations General	4,000	4,400
555310	Reimbursement management agreements	0	2,000
485090	Rubbish Tip Fees	(2,450,000)	(2,175,000)
485465	Leachate Treatment	146,438	121,438
485470	Waste Transfer Station	250,000	0
481100	Bin Delivery/Service Revenue	0	(5,760)
620100	Photocopying Revenue	0	(1,200)
620270	Success Library - Electricity and Water	1,000	2,400
620370	Photocopying Expenses	0	2,500
497804	Denis De Young Reserve - Relocation of Bibra Lake Pony Club	69,964	83,964
575191	Croatian Club contribution towards Lot 14 Progress Drive	0	(33,351)
720601	Manning Reserve Lookout	0	2,000
110065	Advertising Rebate WAMA	0	(15,000)
725091	Naval Base Leases	(43,000)	(47,400)
<b>TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL</b>			

### COUNCIL DECISION

#### 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 2001 to 31 October 2001 is attached to the Agenda.

#### Strategic Plan/Policy Implications

N/A

#### Budget/Financial Implications

A number of amendments to the Budget are recommended.

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

Nil

**15.2 (Ocm1\_12\_2001) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)****RECOMMENDATION**

That Council receive the List of Creditors Paid for November 2001, as attached to the Agenda.

**COUNCIL DECISION****Background**

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

**Submission**

N/A

**Report**

N/A

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil

**15.3 (Ocm1\_12\_2001) - REVIEW OF CORPORATE STRATEGIC PLAN (2227) (ATC) (ATTACH)****RECOMMENDATION**

That Council:

- (1) adopt the minor amendments to the wording of the Corporate

- Strategic Plan as attached to the Agenda; and
- (2) consider the inclusion of Value Statements in the Corporate Strategic Plan at a future meeting of Council.

## COUNCIL DECISION

### Background

Under the provisions of Policy SC5, Council is required to review the Corporate Strategic Plan in December of each year.

### Submission

NA

### Report

The Corporate Strategic Plan has been reviewed by the Chief Executive Officer and Directors to ensure that the statements made in the Plan were still relevant. While the intent of the Plan was considered to still be appropriate, it is considered that there is a need to make minor changes to some of the wording.

The words *Our Key Result Areas* need to be changed to *Our Visions* to ensure consistency as the word *Vision* is used throughout the document except for this one area. The use of the word *Objectives* shown under each of the Vision Statements should read *Commitments*. The word *Objectives* is already used in the Principal Activities Plan and therefore to use the same word in both Plans is cause for some confusion.

Some changes are proposed in the wording of the *Our Vision for the Future* section, mainly to reflect Council's need to build on the solid foundation its history has provided *to be a competitive organisation committed to quality service*. This statement is displayed in the public areas of Council's Administration Building. Some other minor changes have been proposed to reflect current positions eg. revised population figures.

It is proposed that three additional commitments be added to the *Managing Your City* Vision. These are in regard to the provision of effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way, the provision of a professional and well trained workforce that is responsive to the

community's needs, and the management of a fleet of plant and vehicles that contribute to the efficient operation of Council's Services. Without these additions, Services such as Health, Building, Human Resources and Fleet Maintenance cannot be directly related to the Corporate Strategic Plan. An additional commitment is also proposed to be added to the Vision *Conserving and improving Your Environment* regarding management of the City's waste stream in an environmentally acceptable manner to provide a link for Waste Services.

It is proposed that an additional point be added under the section "What will make our City Attractive" which refers to the natural environment. Under the "Historical Perspective" section, a reference to where the name "Cockburn" came from has been included.

Revised wording for each section of the Corporate Strategic Plan is attached to the Agenda. The proposed changes are shown in italics.

#### Corporate Values Statements

It is proposed that a Corporate Values Statements be added to the existing Corporate Plan. These statements could read as shown in the attachment to the Agenda.

If Council agrees to the inclusion of such statements, then it is proposed that the statements be taken back to staff for input before a final decision is made in regard to their content. It is considered that the statements made should reflect the values of both Elected Members and Staff.

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

Policy SC5 - Corporate Strategic Planning Process is relevant.

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

N/A

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

Nil

#### **15.4 (Ocm1\_12\_2001) - REPORT ON FINANCIAL STATEMENTS (5505) (NM) (ATTACH)**

##### **RECOMMENDATION**

That Council receive the Report on the Financial Statements for the first triennial period ending 31 October 2001.

**COUNCIL DECISION****Background**

Section 6.4 of the Local Government Act 1995 requires the City to prepare financial reports as are prescribed. Regulation 34 (1) (b) of the Local Government (Financial Management) Regulations 1996, prescribes that a local government is to prepare either quarterly or triennial financial reports. Council has elected to receive triennial financial reports, which are due for periods ending 31 October, 28 February and 30 June.

Further, Regulation 34 (1a) allows Councils 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.

**Submission**

N/A

**Report**

Attached to the Agenda are the following financial reports for the period ending 31 October 2001.

**Operating Statement**

The Operating Statement details income and expenditure by program and compares it to the adopted budget on a pro-rata basis. As at the 31<sup>st</sup> October, income and expenditure to date should approximate 33% of budget (ie. 4 out of 12 months), except where it is raised or incurred in a seasonal pattern eg. rates, dog registrations etc.

Overall, Council's expenditure is on target (at 33%) with any variation of a permanent nature being addressed in the budget review subject of Item 15.1 of this Agenda. A significant variation has occurred in relation to the delay in the operational start date of the Waste Transfer Station. This saving should be used to off-set the reduction in tip fee revenue as proposed in the budget review.

Council's income is well ahead of the pro-rata budget (at 88%), which is traditionally the case due to the raising of rates income at the start of the year. A significant variation has been determined in the area of

rubbish tip fee revenue as previously stated. This is addressed in the budget review.

### Municipal Summary

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

Also included in this statement is a 'Projected Budget' column that incorporates the changes proposed in the budget review. This addresses the requirement of Regulation 35 (1) (e) of the Local Government (Financial Management) Regulations, to provide financial projections that factor in the effects of any permanent significant variations.

The capital works budget is generally on target with no significant variations identified. Any variations to the pro-rata budget are due to the timing and programming of the works.

### 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.

### Restricted Trust Analysis

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

### Investments Report

Council's Investments Policy (Corporate Policy - CFCS1) requires a report to be submitted to Council with details of the investment portfolio including performance figures and the extent of exposure to categories restricted by the Policy.

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

N/A

### **Budget/Financial Implications**

The October Budget Review addresses all significant variations of a permanent nature identified as at the 31<sup>st</sup> October, 2001.

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

Nil

## 16. ENGINEERING AND WORKS DIVISION ISSUES

### 16.1 (Ocm1\_12\_2001) - GATEWAYS SHOPPING CENTRE - OUTLET DRAINAGE (5515217; 106304) (BKG)

#### RECOMMENDATION

That Council:

- (1) approve the proposals from Perron Group for the outlet drainage from Gateways Shopping Centre as detailed on Gutteridge Haskins & Davey Pty Ltd drawings 5688-04-C01 and C02 revision A;
- (2) agree to:-
  - (a) the acquisition of extra land from Gold Estates from under the powerlines to accommodate two separate drainage basins, one for Council and one for Gateways;
  - (b) the creation of the two lots by subdivision;
  - (c) the construction of the two basins and associated fencing, pipework etc including blocking of existing side entry pits which discharge into the outlet chain in Ellesmere Circle;
  - (d) the creation of an easement in favour of Gateways over the outlet drainage pipe within the public road reserve;
  - (e) a contract between the City and Gateways over the responsibilities on maintenance of the outlet pipe within the public road reserve;
  - (f) support the subdivision conditions for the creation of the new basins;
- (3) confirm that Perron Investments will undertake all the work outlined in (1) and (2) at no cost to Council; and
- (4) agree that the drainage from the total site (15.6 hectares impervious area) being allowed to discharge into this drainage sump.



**COUNCIL DECISION****Background**

In 1998, G.B Hill Consulting Engineers, on behalf of Gold Estates, constructed a pipe from Wentworth Parade to a drainage basin underneath the powerlines in Alabaster Drive, Success. The land on which the basin is constructed, was ceded to Council by Gold Estates for the disposal of stormwater drainage from the surrounding roads.

In early 1999, it came to the attention of the Director - Engineering that this pipe was being used for the discharge of water from the Gateways Shopping Centre.

When the subdivision plans were examined, it showed the pipe starting on the verge of Wentworth Parade but it did not state it was to take all the stormwater from the shopping centre.

The Director - Engineering informed Gold Estates it was unacceptable for stormwater from the shopping centre to be discharged into a Council owned drainage basin.

**Submission**

A letter has been received from the owners of the Gateways Shopping Centre, the Perron Group, outlining a proposal to create another drainage basin in Alabaster Drive to accept the stormwater from the Gateways Shopping Centre.

**Report**

In July 1999, the Director - Engineering wrote a letter to G.H.D. the Consulting Engineers for Gold Estates. This letter stated that in Cockburn, surface water disposed from private property is the responsibility of the owner or developer of the property and requested G.H.D. supply information outlining how approval was granted.

The approval still has not been clearly established.

However, a solution was recommended by obtaining more land adjacent to the existing drainage basin in Alabaster Drive. A new drainage basin would be constructed that could accept the stormwater from the surrounding road system.

The land and the existing basin would be transferred to the ownership of the Gateways Shopping Centre. The water from the shopping centre would be discharged into this basin.

The pipe from the shopping centre that goes down Ellesmere Circle and Sciano Avenue would also be the responsibility of the shopping centre. An easement will be placed over the pipe. The Gateways Shopping Centre was sold by Gold Estates and bought by Perron Group in 2001.

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

One of the objectives of the Strategic Plan is to construct and maintain roads (this includes drainage) which are the responsibility of the Council in accordance with recognised standards and are convenient and safe for use by vehicles, cyclists and pedestrians.

### **Budget/Financial Implications**

It is recommended that all the proposals in the recommendation are undertaken by the Gateways Shopping Centre owners, Perron Group, at no cost to Council.

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

Nil

## **16.2 (Ocm1\_12\_2001) - NEW COUNCIL POSITION STATEMENT - PSEW14 "UNKEMPT VERGE MOWING" (4700) (AC) (ATTACH)**

### **RECOMMENDATION**

That Council formally adopts Position Statement PSEW14 "Unkempt Verge Mowing" as attached to the Agenda.

### **COUNCIL DECISION**

### **Background**

Requests are frequently received during spring and summer, for the City to mow unkempt verges adjacent to residential properties. There was no formal approval in place authorising this service to be provided. However, approval for the mowing of unkempt verges on selected arterial roads and in areas zoned deferred urban, commercial and rural, had formally been approved each year through the budget process.

**Submission**

N/A

**Report**

To enable Officers to provide a definitive response to requests from residents/ratepayers requesting the City to mow unkempt verges, a Position Statement has been prepared. The Position Statement details recommendations and describes the type, standard, and frequency of service delivery for the mowing of unkempt road reserves in areas zoned residential, areas zoned deferred urban, commercial and rural, and along selected arterial roads.

**Strategic Plan/Policy Implications**

One of the objectives of the Corporate Strategic Plan *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

**Budget/Financial Implications**

Cost allocations have been allowed for in current budgets for the mowing of unkempt road verges in areas zoned deferred urban, commercial and rural and along selected arterial roads, to the standard and frequency of service delivery described in the Position Statement recommendation.

Budget allocations do not currently exist for the mowing of unkempt verges adjacent to residential properties. An additional cost allocation estimate of \$10,000 to \$15,000 per year will be required in the Parks Maintenance Budget for the provision of a single cut per year across the City. Should the Council wish to provide more than one cut per year, the cost allocation required will increase proportionately by \$10,000 to \$15,000, for each cut provided.

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

Nil

**16.3 (Ocm1\_12\_2001) - HENDERSON LANDFILL DISPOSAL RATES REVIEW (4900) (RNJ)****RECOMMENDATION**

That Council, pursuant to Sections 6.17 - 6.19 of the Local Government Act 1995, adopt the new schedule of charges and fees applicable to the entry and use of Henderson Landfill Facility for the

disposal of waste effective from 21st January 2002.

**Schedule of Fees and Charges  
Henderson Landfill Site**

The following fees include a Landfill Levy of \$3.00 per tonne which the City is required to collect for the Department of Environment on each tonne of waste disposed at Metropolitan disposal sites and 10% GST.

**TRAILERS: Volume of Waste**

- |   |                |
|---|----------------|
| • Per car, utility or trailer not exceeding 1m <sup>3</sup> | <b>\$18.00</b> |
| • 1 - 2.5m <sup>3</sup>                                     | <b>\$36.00</b> |
| • Exceeding 2.5m <sup>3</sup>                               | <b>\$70.00</b> |

*Note: Ratepayer tipping fees as per Council Position Statement PSEW1 provides that tip passes be available for sale at the Administration Office to residents of the City of Cockburn at a discount rate of \$7.50 per voucher.*

<b>TRUCKS:</b>	<b>Minimum Per Load</b>	<b>\$/Tonne</b>
• <b>Clean Fill</b> - Sand, limestone, topsoil free of Building materials - Max 100 tonne per day	\$18/load	<b>\$4/tonne</b>
• <b>Building &amp; Demolition Waste</b> (Off Liner) including bricks, concrete, sand (not gyprock or timber).	\$18/load	<b>\$13/tonne</b>
• <b>Putrescible Waste</b> (On Liner) - Domestic and general waste, plaster, timber, steel, other building material.	\$51/load	<b>\$45/tonne</b>
• <b>Sludge</b>	\$51/load	<b>\$48/tonne</b>

• **Asbestos**

The Henderson Landfill Site is only authorised by the Department of Environment to accept a maximum of **1 cubic metre** of asbestos waste. Applicable Tip Fee plus **\$50 Burial Charge** for Commercial. *Domestic disposal, relevant tip fee only.* Asbestos must be securely wrapped and sealed in builders plastic.

- When weighbridge is not in use for putrescible and non-putrescible solid waste:
  - ◆ In non-compactor truck \$20/wheel
  - ◆ In compactor truck \$38/wheel
- Rates for the disposal of environmentally sensitive, extraordinary or Class II waste is by negotiation

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

**COUNCIL DECISION**

**Background**

Council last reviewed waste disposal rates at the Henderson Landfill in December 1999, other than for the introduction of GST in August 2001.

In the past 2 years, landfill charges for disposal at Canning, Cardup and Rockingham have risen significantly. The current entry charges have at the Henderson Landfill Site therefore been reviewed.

### **Submission**

N/A

### **Report**

At its November 2001 meeting, Council approved increased entry fees for trailers at the Henderson Landfill Site. All entry charges have now been reviewed and increases have been proposed to reflect market rates.

Increases proposed amount to a general rise of 5%, depending on the waste stream, which reflects the current market prices at other metropolitan landfills.

Mixed and putrescible waste charge is proposed to increase \$2 to \$45/tonne to cover the higher costs of disposal and treatment of waste placed on the lined cells.

The current \$4/tonne rate for disposal of clean fill will be maintained to attract a regular supply of cover material for the lined site as stockpiles of cover material within the Henderson site are limited.

The disposal charge for Building and Demolition Waste is proposed to be increased by \$1 to \$13/tonne to reflect the current market rate.

Trailer entry fees for non-residents were increased at the November Council meeting.

Disposal fees within the Perth Southern Region reflect the current and future costs of land and site development to meet strict licence conditions and increasing disposal and handling costs. It is also important that disposal fees at Henderson Landfill are in line with these market rates.

The recommendation represents a consolidation of all charges at the Henderson Landfill Site.

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

Strategic plan requires waste services to maintain and develop the Henderson Waste Disposal site.

**Budget/Financial Implications**

The effect of these increased charges are not known. However they should allow tip fees to more closely match the amended budget figure as set out in item 15.1 of this Agenda.

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (Ocm1\_12\_2001) - INFANT HEALTH CLINICS (8210) (GB)**

**RECOMMENDATION**

That Council contribute a further \$17,000 to the \$40,000 it has already committed to the upgrade of the Jess Thomas Pre-School to serve as a two nurse Infant Health Clinic, with funds to be drawn from the Community Recreation Facilities Reserve Fund.

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

**COUNCIL DECISION**

**Background**

Council has previously made a commitment to demolish the three Health Clinics located in Redmond Road Hamilton Hill, Cordelia Avenue Coolbellup and March Street Spearwood, which are of an old design and have limited usage. These buildings were developed in the late 1960's and are small stand-alone buildings that have had regular maintenance but no structural or significant alterations. The Health Department, which provide the staff for the services and some of the funding for construction and major modification for the buildings, are committed to contribute toward the cost of upgrading a centralised facility at the Jess Thomas Pre-School. The Spearwood Primary School, which used the Pre-School, has already vacated the building.

**Submission**

N/A

## Report

An architect has been appointed who has completed the design work and documentation and provided a cost estimate of the work of \$96,800 inclusive of fees. The Health Department has agreed to commit \$40,000 toward the project in 2001/02 and subject to the availability of funds, may be able to contribute a further \$8,000 in 2001/02 or 2002/03.

Council committed at its meeting of 15 August 2000, to contribute \$40,000 toward the modification of the new building.

For the overall project to proceed, it requires a further \$17,000 in addition to the \$40,000 already committed by Council to the modification of the Jess Thomas Pre-school. These funds are available in the Community/Recreation Facilities Reserve Fund. A portion of these additional funds (\$8,000) may be recouped from the Health Department.

## Strategic Plan/Policy Implications

Key Result Area "To deliver services and to manage resources in a way that is cost competitive without compromising quality".

## Budget/Financial Implications

These funds are available in the Community/Recreation Facilities Reserve Fund. A portion of these additional funds (\$8,000) may be recouped from the Health Department.

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

The provision of Child Health Clinics is a joint responsibility between the State and Local Government. The proposal is mutually agreed to meet the needs of both parties.

## 17.2 (Ocm1\_12\_2001) - LEN PACKHAM RESERVE BUILDING (4612) (RA)

### RECOMMENDATION

That Council:

- (1) call for registrations of interest from sporting clubs interested in entering a lease agreement for the use of the Len Packham Reserve Building for a period of up to 3 years, with Council having the option to terminate the lease after 2 years if it so desires;
- (2) provide delegated authority to a committee comprised of

Elected Members ..... and ....., Manager Community Services and Recreation Services Coordinator, using the established selection criteria to determine the organisation which is entitled to enter a lease agreement for the use of the Len Packham Reserve Club Rooms; and

- (3) advise the Burdiya Aboriginal Corporation that it is required to relinquish its use of the Len Packham Reserve Building and it is welcome to submit a registration of interest as per the conditions described in (1) above for the lease of the property.

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

### **COUNCIL DECISION**

#### **Background**

Council at its meeting of 20 November 2001, resolved to “*defer the matter until such time as a report has been received from the proposed Coolbellup Precinct Committee as to the future use of the Len Packham Reserve and a report be presented to the next Council Meeting.*”

As there is in fact, no Coolbellup Precinct Committee established and there was a requirement to report back to the next meeting of the Council, a meeting was convened with those currently using the reserve and those with an interest in the area. Councillors Oliver, Edwards and Waters attended the meeting.

The Coolbellup Junior Soccer Club and the Bibra Lake Soccer Club currently use Len Packham Reserve as a home ground. Both clubs use the field during the winter season. Coolbellup has made application to use the fields during the 2001/02 summer season for the purpose of running workshops to expand its operations.

As of the winter 2001 Season, Coolbellup Junior Soccer Club had 40 junior players. Bibra Lake Soccer Club had 16 senior players.

There are currently no formal arrangements in place regarding the use of the Len Packham Reserve building.

The Burdiya Aboriginal Corporation has, for several years, had an informal arrangement for the use of the Len Packham Reserve building. The Suburban Christian Fellowship (Inc), a group closely



associated with the Burdiya Corporation, has an interest in entering a lease/license agreement for the use of the Wattleup Hall.

### **Submission**

The Western Knights Junior Soccer Club, the Fremantle City Soccer Club and the Coolbellup Junior Soccer Club have recently written to the City expressing an interest in entering a lease for the use of the change rooms at Len Packham Reserve.

Fremantle City Soccer Club is currently based at Ken Allen field in Hilton. The Western Knights Junior Soccer Club is based at Bruce Lee Reserve in Beaconsfield.

Correspondence has been received from both the Coolbellup Junior Soccer Club and the Bibra Lake Soccer Club indicating that they are in favour of Fremantle City Soccer Club moving their operations to Len Packham Reserve.

The Junior Soccer Association (J.S.A.) has forwarded information outlining the J.S.A. by-laws indicating specifically by-law 9 b) *“Sharing of grounds between affiliates will not be permitted, except with the express written permission of the JSA Council, each of the affected Affiliates and, where applicable, the relevant local authority or owner of the ground.”* In effect this precludes the Western Knights Junior Soccer Club from applying as both they and the Coolbellup Junior Soccer Club are Affiliates of the J.S.A.

### **Report**

The maintenance budget for 2001/02 for the Len Packham Clubrooms is \$10,610 (including depreciation), \$6,831 (excluding depreciation).

The two incumbent clubs are using the Len Packham reserve under the standard ground allocation agreement. The current clubs using the facility have indicated an interest in continuing under the current arrangements and Council has some obligation to allow for the clubs to continue at the ground. The selection criteria provided below requires that any lessee must allow, in some form, for the current clubs to continue to use the facility. Council also has the option of leaving the status quo in place.

Due to future developments in the Len Packham/Coolbellup Shopping Centre precinct, a long-term lease/license agreement has the potential to be restrictive for any such developments.

The soccer clubs have expressed an interest in a lease for the Len Packham clubrooms. It is possible that other clubs within the City of Cockburn or clubs in the region, may wish to express an interest in

obtaining a license/lease agreement for the use of the Len Packham Reserve Clubrooms.

Since the Council meeting of 20 November 2001, the Colo Colo Soccer Club based at Fremantle Park in Fremantle, has also indicated an interest in the use of the Len Packham Reserve.

A set of selection criteria will be required to be able to make a fair and objective decision to award a Licence Agreement to any club which makes such an application.

It is proposed that the selection criteria include:

1. Willingness for the club name if required, to be altered to reflect the area in which the facilities are located.
2. The club is demonstrably financial and viable.
3. Adherence by the club to all by-laws and regulations for the relevant parties and associations for the clubs sport(s).
4. A demonstrated commitment to work collaboratively with sporting clubs currently using the facilities.
5. A demonstrated majority of current club members are residents in the City of Cockburn.
6. A proven track record in the management and development of a sporting club.
7. Willingness and ability for the club to manage and maintain the facility to a high standard.

Under section 3.58 of the Local Government Act and the Local Government (Functions and General) Regulations 1996 section 30, Council has the power to enter a lease agreement without going through a tender process provided that the objects of the association are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of the association are not entitled or permitted to receive any pecuniary profit from the body's transactions.

As there is some interest in the premises, the best option is to invite expressions of interest from all sporting clubs within the local districts. This will provide for a transparent and objective process. The clubs interested in the lease arrangement are keen to have a quick decision to allow them to plan for next year. To achieve this end, it is proposed that a Council committee be established to assess and select the club(s) which best meets the selection criteria, to enter a lease agreement for the use of the Len Packham Reserve.

### Strategic Plan/Policy Implications

Key Result Areas "Facilitating the needs of your community" and "Maintaining your Community Facilities" refer.

### Budget/Financial Implications

Council's Municipal funds would benefit due to the annual cost of maintenance for the facility, currently at the amount of \$6,831, being transferred to the Licence Holder.

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

Nil

## 17.3 (Ocm1\_12\_2001) - DENTAL HEALTH CLINIC (2201726) (RA) (ATTACH)

### RECOMMENDATION

That:

- (1) Council is prepared to allocate an area of land of up to 2000m<sup>2</sup> located within the Civic Centre site, on the corner of Rockingham Road and Coleville Crescent Spearwood, to Health West at a price determined by the Valuer General, provided that this price is acceptable to the Chief Executive Officer;
- (2) the area of land sold to be in accordance with the attached plan for the site;
- (3) Council advise Health West that, in accordance with District Planning Zoning Scheme 2, Council planning approval is required prior to construction of the Dental Health Clinic proceeding;
- (4) income generated from the sale of the land be transferred into Council's Land Reserve Fund; and
- (5) prior to allocation of the land for the Dental Clinic, a master plan be developed for the Civic Centre site which provides for the placement and orientation of the new Dental Health Clinic to form a Civic Precinct.

### COUNCIL DECISION

## **Background**

The Civic Centre site has a long history. The majority of the site was transferred to the City by the Spearwood District Fruit Growers and Market Gardeners Association for the sum of £500 in 1963. The dealing was subject to allowing the Spearwood Rovers Soccer Club the continued use of its playing area on the site and the City was to construct a hall on the land for community use purposes.

The City purchased 5 acres of land which presently accommodates the Civic Centre Halls and the Spearwood Rovers Soccer Club relocated to Beale Park in the early 1970's.

The Civic Centre land is held by Council in fee simple and is shown as Council use under the TPS2. The legal opinion on this matter is that the land can be used for a Civic Building which means it can be used by a Government Department, an instrumentality of the Crown or by Council or for administrative or like purposes. Accordingly, the land can then be used for a dental clinic.

## **Submission**

A submission has been made by the Health Department of Western Australia (Health West) seeking sites and Council support for the establishment of a Dental Health Clinic in the City. The Department has had some discussion with the Education Department to establish the clinic in Coolbellup on the Koorilla Primary School site. The Health West now has a preference for such a facility to be placed in the Phoenix/Council central precinct as it has good public transport and is of a more strategic City Centre location. There are clinics established or being established in the regional centres of Rockingham, Armadale and Fremantle.

The Minister of Health has given the direction for the Dental Health Clinic to be established as a matter of priority.

## **Report**

The Health West has shown an interest in acquiring land on the Civic Centre site, either through purchase or at a peppercorn rental, to construct a customised Dental Health Clinic. There appears to be some advantages for the City in pursuing this opportunity:

- Dental Health Clinics are located in significant centres as they provide a service to a broad catchment area. The location of a dental clinic in this precinct reinforces this centre as one of commercial and service significance.

- The Dental Health Clinic attracts approximately 150 people per day and hence, has some commercial spin off effect for the viability of the commercial services that operate in the precinct. In addition, there will be a permanent staff of 15 to 25 based in the Clinic.
- The original purposes for which the City acquired the land was for civic/community services.
- The clinic is State funded and provides a service for those on a pension or pension card.
- The State Government will construct a new facility that can be designed to integrate with the future plans for the precinct and be in architectural sympathy with the existing buildings.
- The Dental Health Clinic will be the only State Government funded service of any significance in the Spearwood area.
- Should the sale of any precinct land go ahead, the income generated could go toward the purchase of more land in the area for some long-term community benefit.

The usual practice for the State Government in purchasing land, is the purchase price is determined by the Valuer General. Whilst a valuation has not been sought, the understanding from independent advice is that the 2000m<sup>2</sup> sought has a value in the vicinity of \$350,000.

Under Part 6 30 (2) (c) of the Local Government (Functions and General) Regulations 1996, the sale of land to a Government Department or Instrumentality is exempt from 3.58 of the Local Government Act. That is Council is not required to go to tender for the sale of the land.

There are several options open to Council in respect to the location of the Dental Health Clinic on the site:

- The option preferred by administration and Health West is a site on the North east corner of the Civic Precinct with Health West purchasing the land from Council.
- The land required by Health West is available within the area currently leased by the bowling club but unused by them. Health West have viewed this area but see it as less attractive as it is some distance from the main Phoenix precinct. Council would also need to negotiate with the Bowling Club for an alteration to the lease to acquire the land.
- It may be possible for the main hall of the Civic Centre to be modified to form a Dental Health Clinic with Health West leasing the portion of the building from Council. Health West has advised that

they are willing to purchase the land or lease the land at a peppercorn rental. Should Council choose the lease option it is proposed that Health West be required to fund the cost of the modifications of the main hall and Council enter a long-term lease for the use of the building. Health West have not had the opportunity to price the cost of modifying the building and it may well be that this option would be more expensive than constructing a new purpose built facility. It is suggested that should this option proceed the design of the modification allow for the lesser hall to be retained for use by Council and the community. The Civic Centre had an operating deficit of \$60,741 in 1999/00 and \$54,472 in 2000/01. It is acknowledged that this is politically a difficult option. Further, it is unlikely to be one that Health West would be keen to follow up due to the unknown costs associated with modifying the building to suit its needs and the tight time frame imposed by the Minister for Health.

An important consideration for the recommended option for the sale of the land, is for new facilities constructed to have the orientation and aesthetics to match the future development of the site to form a 'Civic Square' or Precinct. It is recommended that a master plan for the Civic Precinct be prepared prior to the final site for the Clinic being agreed. It is proposed that Health West be required to adhere to Council's design requirements for the site.

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

Key Result Areas "To facilitate and provide an optimum range of community services" and "To ensure that the development will enhance the level of amenity currently enjoyed by the community" refer.

### **Budget/Financial Implications**

The effect of the sale of this land is that Council will be liquidating an asset. It is recommended that the funds generated be expended on the purchase of land.

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

The proposed sale of the land is to a State Government Department to provide a public service.

## **17.4 (Ocm1\_12\_2001) - RENEWAL OF USER MANAGEMENT/LEASE AGREEMENTS - CLUB/CHANGE ROOMS (1953) (RA)**

### **RECOMMENDATION**

That Council:-

- (1) enter into new User Management Agreements for the following club/change rooms with the organisations identified for a period of 2 years:
  - Nicholson Reserve Club Rooms with the Yangebup Junior Sports Association;
  - Meller Park Club Rooms with the Meller Park Management Committee Inc
- (2) advise the following groups that if they wish to continue to hold a liquor license for the premises they currently occupy, they will be required to enter a lease agreement for 5 years:
  - Coolbellup Sporting Association for Tempest Park (Tom Greengrass Pavilion) ;
  - Goodchild Management Committee for Goodchild Park Club Rooms.
- (3) give future consideration to the development of a position statement in relation to arrangements for club/change rooms.

## COUNCIL DECISION

### Background

Council has a number of User Management Agreements with Sporting Clubs and Associations for the management of designated club/change rooms. A number of these agreements have expired and require renewal.

### Submission

N/A

### Report

Under section 3.58 of the Local Government Act 1995 and provisions Part 6 30 (2)(b), Council is not required to tender or give public notice for the “disposal of land” which includes leases which relate to recreational or sporting uses. There is however, a requirement for Council to agree to such arrangements being established or continued.

The User Management Agreements were previously established for

- Tempest Park (Tom Greengrass Pavilion) with the Coolbellup Sporting Association;
- Nicholson Reserve Club Rooms with the Yangebup Junior Sports Association;
- Goodchild Park Club Rooms with the Goodchild Management Committee;
- Meller Park Club Rooms with the Meller Park Management Committee Inc.

A number of associations that use Council clubrooms have liquor licenses. Council practice has been to only approve liquor licenses for club facilities that are used primarily by seniors as the tone of such facilities changes to sport and social activities. The argument put forward is that the license provides an opportunity to raise funds and provide social activities. It is not unreasonable to suggest that an association of seniors should take a higher level of responsibility for the facilities they use, particularly if they are using a Council asset for social activity. It is suggested that the Coolbellup Sporting Association (Inc) and the Goodchild Park Management Committee, as they have liquor licenses, be required to enter lease agreements with the City for the use of the Tom Greengrass Pavilion and Goodchild Club Rooms respectively. Whilst there will be little additional cost to the respective associations, a lease agreement more clearly places legal responsibility on the association for the operation of the facility.

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

Key Result Area "To deliver services and to manage resources in a way that is cost competitive without compromising quality" refers.

### **Budget/Financial Implications**

The renewal of the User Management Agreements will result in a continuation of the status quo and hence have no change to the current budget.

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

Provision of sporting facilities and their management is clearly in the domain of Local Government.

## **18. EXECUTIVE DIVISION ISSUES**

Nil



**19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

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

**22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

**23. CONFIDENTIAL BUSINESS**

**23.1 (Ocm1\_12\_2001) - CONTRACT OF SERVICE - R.W. BROWN - CHIEF EXECUTIVE OFFICER (003) (ATC)**

**RECOMMENDATION**

That :

- (1) Council enter into a five(5) year performance based contract (agreement) with the Chief Executive Officer, Mr R.W. Brown, and the agreement (as circulated under confidential cover), be executed accordingly; and
- (2) the operative date of the negotiated cash component of the salary be as from the pay period commencing 10 October 2001.

**COUNCIL DECISION**

**Background**

Council is to review the remuneration of the Chief Executive Officer.

The Local Government Act 1995 allows for Council to enter into contracts of employment to a maximum of five(5) years.

**Submission**

Nil

**Report**

Independent advice has been received from Gerard Daniels Australia on an appropriate salary package for the Chief Executive Officer.

Following the performance review of the Chief Executive Officer by the members of the Internal Audit Committee, that independent advice was discussed.

The members of the Committee expressed the view that Council should be given the option to enter into a five(5) year performance based contract with the Chief Executive Officer. Mr Brown was agreeable.

The proposed contract has been vetted by Council's legal adviser, McLeod & Co.

Should Council elect not to enter into the contract, it will be necessary for discussions relating to a remuneration review to be held.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

Funds are available in Account 116200.

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

Nil

**24. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)**

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

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

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

**25. CLOSURE OF MEETING**