

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 JUNE 2005 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 JUNE 2005 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor (Via telephone communication.)
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr K Allen	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr S. Hiller	-	Director, Engineering & Works
Mr M. Ross	-	Acting, Director, Planning & Development
Ms V. Viljoen	-	Personal Assistant, Executive Services
Mr A. Jones	-	Communications Manager

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm.

Mayor Lee advised the meeting that due to changes in the Local Government Meeting Regulations Councillors who were absent from council but were able to access a telephone, could still participate in the meeting and this would be the first time we have used such a facility. Deputy Mayor Graham will be participating via a telephone link to his hotel room in Sydney.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.



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

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

4 (OCM 09/06/2005) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised the meeting that he had received two written declarations of interest from Deputy Mayor Graham and Cllr Allen in relation to Item 14.11, which would be read at the appropriate time. In both cases Council had received a clearance by the Minister for them to participate in the meeting.

5 (OCM 09/06/2005) - APOLOGIES AND LEAVE OF ABSENCE

Cllr Linda Goncalves – Apology.

6 (OCM 09/06/2005) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Laurie Humphreys – Ordinary Council Meeting – 19 April 2005 asked whether Council could guarantee that if rubbish is being stored at Amcor, that it meets the stringent health requirements, such as leeching and covering. In response, the Director, Engineering & Works wrote to Mr Humphreys and advised that in respect to the storage of recycling materials, the City's Henderson landfill site and most other receipt sites, such as Amcor, operate under licences issued by the Department of Environment, to ensure that such materials are processed in a way that should not adversely affect the environment or public health.

Tonya Lamatoa – Ordinary Council Meeting – 17 May 2005 asked the following questions and received a written response from the Acting Director, Planning & Development as follows:

Q1. *Why has the Planning Department failed to consider the park on Haring Green and the Deli on Lydon Boulevard as facilities, when they are both within 800 metres of the PAW?*

A. The two nearest local parks are on Hault Mews and St Claire Gardens. Hault Mews is located approximately 160 metres east of the Road



Reserve. Closure of the Road Reserve will increase walking distance by 100m to 450m to this park, depending on exact locations. While some properties will have an increased walking distance with closure, these properties are still within 400 metres walkable distance to the St Claire Gardens park, where many of the potentially affected residents signed the initial closure petition.

The local deli is located along Lydon Boulevard at approximately 460m to the east of the Road Reserve. Closure off the Road Reserve will increase walking distance by around 270m to this shop depending on exact locations. The Road Reserve closure would still ensure the deli and access to local parks is still within 800 metres of affected properties.

It is also noted that Haring Green resident access remains unchanged to the park on Haring Green and the deli on Lydon Boulevard.

- Q2. *Why did the Council not refer to Section 6(b) which states that the public should be consulted by distributing letters to the homes of those likely to be affected by the closure, requesting comments on the closure proposal, and also Section 6(c) which states a sign should be erected advising of the proposal to close the walkway?*
- A. Section 6 of Council Policy APD21 requires Council to seek comments from people likely to be affected by the closure of a PAW and a sign being erected, but this was not followed when Council considered this matter. This was explained by Deputy Mayor Graham at the Ordinary Meeting on 17 May 2005, because the walkway was technically a road reserve rather than a PAW. It was accepted that in retrospect this land serves the same purpose as a PAW and therefore Council was willing to reconsider the matter, if possible by attempting to delay the closure and transfer of the road reserve land into the ownership of the adjoining landowners.
- Q3. *Why was the notice not posted also in the Cockburn Gazette , the most widely delivered and read paper in the area?*
- A. The City currently uses the Cockburn City Herald for planning public notices.
- Q4. *Why is there a discrepancy in the figures of households mentioned in Item 14.4 supporting the closure of the walkway?*
- A. There is no discrepancy in the figures on the number of households responding, but it is accepted that the percentage figures on closer examination didn't take into consideration the 18 households that were included in duplicated responses.

This changes the percentage response to 66.5% of households against closure and 33.5% supportive of closure. The statement made in the



report, despite the percentage change remains correct, in so far as more households are against closure than are in support of closure.

Q5. *Where is the proof of burglaries and antisocial behaviour in our walkway? Why has the Council not considered some of the alternative strategies listed in the PAW Policy Section 2 (f).*

A. It was not possible without extensive surveillance of the PAW to substantiate the residents' claims of nuisance, but then there was nothing to suggest that their concerns are without foundation or are not genuine.

7 (OCM 09/06/2005) - PUBLIC QUESTION TIME

Mr Renner – Ratepayer, Spearwood - advised the meeting that he was unable to locate a hard copy of the Agenda Papers at the Library.

Mayor Lee advised that the Agenda Papers should have been available last Friday and requested the Director, Administration & Community Services to look into the matter.

Mr Renner also referred to an article in the newspaper about Security patrols. Mr Renner has only seen two Security cars in six months. He cited the graffiti and scratched windows at the library, and felt these buildings needed to be checked by Security.

Mayor Lee thanked Mr Renner for his comments.

Colin Crook, Ratepayer, Spearwood - asked why Council had helped to fund a newsletter put out by the Coogee Beach Progress Association when that group has sufficient funds of its own. He asked whether the Councillors who voted for the donation knew where the funds were being spent. It was allegedly to help sponsor the March newsletter which has a circulation of 1,450. He understood the money was spent on the April issue.

Mayor Lee advised that Council would not fund any politically inclined newsletter. Mayor Lee thanked Mr Crook and took his question on notice.

Robyn Scherr, Coogee - Would like to know when there will be a full disclosure of all expenditures and donations in the local Council elections, including those that were promised.

Mayor Lee advised that although political questions would not be answered, any and all donations made to himself and fellow Councillors would be made in full accordance with the law.



Leanne Chaproniere, Manager, Gateways Shopping Centre and Ratepayer – requested Item 17.1 be postponed – using City of Cockburn Local Laws 2000, Part 10, Traffic & Vehicles, regarding a registered parking station for the shopping centre. Ms Chaproniere sent an email to all Elected Members outlining what the centre would like to do. Under the Act Council may allow the centre, by way of a written agreement, to become a parking station. Ms Chaproniere requested Council postpone a decision until next month's meeting.

Andrew Sullivan, Spokesman, Coogee Coastal Action Coalition – referred to Item 14.11 Port Coogee Structure Plan. Mr Sullivan believed with the amount of public interest in this issue that Council should have put it out for public comment. It is a revised plan, and 4,000 people commented on the original plan. The community has never been shown the full structure plan, rather just a single plan, since 2003. Mr Sullivan asked whether the Councillors had seen a full version of the Revised Local Structure Plan when they are making a decision tonight. The changes are minor and do not address the many concerns that the community and the Council had last year. For example, commercial floor space on the southern spur is not guaranteed. Can the Council keep saying to the community that it is going to be just like Hillarys and offer that idea but still not be able to tell exactly how much commercial space will be provided. Council was concerned about the parking for the marina, but it is not in the revised plan – there are 6-8 bays designated for parking on the connection to the island for marina parking which does not seem enough for 303 boat pens. If Council was concerned about it before why has it not modified the plan to make sure parking is available. Council was also concerned about parking for all the visitors that were going to come to the marina village. Again, this is not in the revised plan. Council was also worried about the 4 lane super highway that was going to run through Coogee; this is still on the plan, but where are the change?. If they are going to build Stage 1 at the back of Port Coogee, Main Roads will want to build Stage 2 that will cut Coogee off from the beach, so why has this not been changed?

Mayor Lee thanked Mr Sullivan and advised that the Acting Director for Planning & Development would respond to the questions raised.

Colin Crook, Spearwood – read out a letter from the Friends of Dubove Reserve regarding Item 17.2 – Pet Park.

This issue first came to the attention of our Group when \$25,000 was specifically put on the budget to erect a 1 hectare "Doggie Park at Dubove Reserve". A petition containing 83 signatures totally rejecting the idea was tabled at the December 2004 OCM.

Since that time the process has apparently turned up a total of 183 objections to a Pet Park anywhere, and 21 letters of support from people living in unspecified areas. We would like to know who the people are who want a Pet Park, and whether they live in Spearwood. Also we would like more information on the three other petitions, besides our own, such as who



they were addressed to and why they were never put in front of Council.

Tonight you are to make a decision on a 3,115m Pet Park situated in the north-east corner of McFaul Park, mainly because there has been only one objection raised.

We would like to know if the matter of insurance and liability was considered when this project was recommended by the Officer and what safety measures are available should problems arise with uncontrollable dogs.

We consider the Officer's Report to be lacking in detail. For instance, why are the petitions not included in the Agenda Attachments and when were they received?

Mayor Lee thanked Mr Crook for his comments and as the matter was subject to debate at the meeting, if the answers are not provided in debate then the letter would be answered in writing.

Mrs Washborne, Spearwood – Item 17.2 stated there was only one objection in the McFaul Park, however she understood there had been a petition which a lot of people signed.

The Director, Administration & Community Services advised that Council had not received a petition regarding McFaul Park.

Mrs Washborne asked whether dogs would be restricted to the exercise area proposed.

The Director, Administration & Community Services advised that there would be no changes to the current arrangements.

Mayor Lee thanked Mrs Washborne for her comments.

Robyn Scherr, Coogee - regarding Port Coogee Structure Plan. The marina has 300 pens and a town wharf with restaurants, but these have still not been procured for the public. Mrs Scherr believed a revised plan was needed and Council should take the time to revise it properly in consultation with the community. It would be tragic if Council were to rubber stamp everything the developer wanted but ignored community needs to make it better. Mrs Scherr urged Council to defer their decision. We are concerned that future generations get the best use of a wonderful asset and that it is not squandered. If you are talking about a revised plan then truly revise it and take time to consider it and come up with the best and of benefit to everybody, not just the developers.

Mayor Lee thanked Mrs Scherr for her comments.



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 2818) (OCM 09/06/2005) - SPECIAL COUNCIL MEETING - 10/05/2005

RECOMMENDATION

That the minutes of the Special Council Meeting held on Tuesday, 10 May 2005 be adopted as a true and accurate record.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr V Oliver that the Minutes of the Special Council Meeting held on Tuesday, 10 May 2005 be adopted as a true and accurate record.

CARRIED 9/0

8.2 (MINUTE NO 2819) (OCM 09/06/2005) - ORDINARY COUNCIL MEETING - 17/05/2005

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Tuesday, 17 May 2005, be adopted as a true and accurate record.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr T Romano that the Minutes of the Ordinary Council Meeting held on Tuesday, 17 May 2005 be adopted as a true and accurate record.

CARRIED 9/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 09/06/2005) - DEPUTATIONS AND PETITIONS

Cllr Amanda Tilbury tabled a petition for the closure of Ramsay Place walkway due to trail bikes and vandalism. Currently there are undesirable elements which include trail bike riders and pedestrians who stray onto the petitioners' properties.



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

Nil

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

Nil

13. COUNCIL MATTERS

13.1 (MINUTE NO 2820) (OCM 09/06/2005) - MEMBERSHIP AND REPRESENTATION TO THE AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION - W.A. BRANCH (1701) (DMG) (ATTACH)

RECOMMENDATION

That Council:-

- (1) nominate Councillor _____ as a delegate to the Australian Local Government Women's Association; and
- (2) obtains membership of the Association as an Associate Member.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr I Whitfield that Council:

- (1) nominate Clr Val Oliver as a delegate to the Australian Local Government Women's Association; and
- (2) obtain membership of the Association as an Associate Member.

CARRIED 9/0

Explanation

Councillor Val Oliver has been a member of the Steering Committee which oversaw the establishment of the Association. Since her re-election to Council, Clr Oliver has expressed her wish to continue her involvement with the Local Government Women's Association.



Background

The Australian Local Government Women's Association W.A. Branch, was officially launched in 2004. Councillor Oliver has been a member of the Steering Committee which oversaw the establishment of the Association. Since her re-election to Council, Councillor Oliver has expressed a wish to continue her involvement with this organisation. Until now, this has been in a private capacity using her own resources.

Submission

To nominate a Councillor as a Council delegate to the Association and subscribe to the Association as an Associate Member.

Report

As a Council delegate, the Councillor will be eligible to claim expenses incurred in servicing the organisation, in accordance with Council Policy. An information brochure outlining the Association's aims and activities is attached.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Funds available within the Governance (Elected Members) area of the budget to cover minor subscription and reimbursement expenditure.

Legal Implications

Nil.

Community Consultation

N/A

Attachment(s)

Information Sheet – Australian Local Government Women's Association W.A. Branch.

Advice to Proponent(s)/Applicant

N/A

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

Nil.



13.2 (MINUTE NO 2821) (OCM 09/06/2005) - CODE OF CONDUCT - ELECTED MEMBERS AND STAFF (1054) (DMG) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

MOVED Cllr A Tilbury SECONDED Cllr I Whitfield that Council defer this matter until the July 2005 Ordinary Meeting of Council.

CARRIED 7/2

Explanation

So that Council can consider changing the last paragraph of Section 3.7 (page 4) of the Code of Conduct for Elected Members and the last paragraph of Section 3.8 (page 3) of the Code of Conduct for Staff to include a monetary limit of, say, \$20.00 on the value of the hospitality provided which does not require recording, because it is considered that where people are being provided with a substantial meal and beverages, these should be recorded.

Background

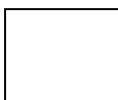
Pursuant to Sec. 5.103 of the Local Government Act, 1995, Council is required to adopt a Code of Conduct to be observed by Elected Members and employees. In addition, Council is required to review the Codes within 12 months of its Ordinary Elections.

Submission

To adopt amendments to the Codes which are currently applicable to the City of Cockburn, as identified in the attachments.

Report

When this matter was previously reviewed following the 2003 Council elections, it was reported that the Code of Conduct provisions of the Local Government Act, 1995, were under review, primarily to incorporate more enforceable procedures for non-compliance or breaches of the Code. This process has now developed to a stage where significant changes to the Local Government Act are proposed, the effect of which the review requirements of Council's current Codes are, and will remain, applicable.



During 2004, the “token gift” provisions of Council’s Codes were publicly questioned as to their application. Subsequent to these queries, clarification was sought, and obtained, on the validity of Council’s processes in this regard.

While this clarification also verified the integrity of Council’s systems and the application of Code requirements, it was suggested that a review of the “token gifts” provisions of the Codes would overcome any misunderstanding in the future.

In essence, there are two separate obligations placed on Elected Members and staff in the accepting and/or declaring of gifts. Under the Code, “token gifts” offered by persons undertaking business with Council may be accepted, provided the value of the gift is within the limits designated by Council.

Upon the acceptance of such token gifts, details are to be provided to the CEO, following which they must be entered into a Register kept for recording purposes, unless the gift involves the provision of hospitality, which includes entertainment, food and/or refreshments and promotional mementoes. All other token gifts received must be recorded. In addition, gifts which exceed the value determined by Council cannot be accepted. However, any number of individual gifts can be received from the same person or persons provided they are within the monetary limitation.

Under the provisions of the Local Government Act, 1995, the receiving of gifts is treated in a significantly different manner. Each year, Elected Members and specified staff are required to complete an annual Return of their financial interests in a prescribed form. One of the matters to be disclosed relates to the receipt of gifts. The difference between gifts in this situation and that which applies to the Code of Conduct is that gifts do not have to be disclosed in this return if they do not amount to \$200 (cumulative) for the relevant financial year or are received by a relation. Token gifts totalling an individual or cumulative value of \$200 or more during the financial year, are required to be recorded in the Annual Return, irrespective of whether they are of a hospitality or material nature.

In this regard, it is recommended that the value provisions of the Codes be increased to \$200 and that the recording of such gifts, relative to hospitality, in a register not be required.

This is recommended because the declaration provisions of financial interests requires the recording of gift(s) beyond \$200 in total to be declared in the Financial Interests Returns of Elected Members and staff each year.



Such gifts, whether hospitality or otherwise, are then available for public inspection in any case. Therefore, if relevant, these gifts will be transparently declared in one return as part of either the Financial Interest provisions process, or the token gift requirements of the Code. To confuse this system by having differing standards appears unnecessary and could lead to the misunderstanding of each process.

Strategic Plan/Policy Implications

Key Result Area “Managing Your City” refers.

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

N/A

Attachment(s)

- (1) Correspondence – McLeods – Opinion on Code of Conduct and Gifts.
- (2) Correspondence – Department of Local Government and Regional Development.
- (3) Draft Codes of Conduct – Elected Members and Staff.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 2822) (OCM 09/06/2005) - REQUEST TO CLOSE PORTION OF BURGUNDY CRESCENT, SPEARWOOD (450163) (KJS) (ATTACH)

<p>RECOMMENDATION That Council:</p> <p>(1) not proceed with the closure of portion of Burgundy Crescent,</p>



- Spearwood;
- (2) advise the proponent of Council's decision.

COUNCIL DECISION

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

CARRIED 9/0

Background

Burgundy Crescent is a road reserve 20 metres wide containing a formed bitumen road and footpath which runs off Lancaster Street. The street gives access to the Phoenix Shopping Centre, a small commercial complex and residential strata units.

Submission

Savills, on behalf of the owners of the Shopping Centre, Volley Investments Pty Ltd, have written to the City requesting closure of a portion of Burgundy Crescent and the inclusion of the closed portion into the Shopping Centre Lot 63.

Report

Reasons given why the proponent seeks the road closure and inclusion into the shopping centre are that the shopping centre reticulate the garden area on the eastern side of Burgundy Crescent and as a result of a recent Development Approval, have agreed with Council to establish a garden in front of the units at Burgundy Crescent to assist shield the residents from the view of the shopping centre by providing fully maintained and reticulated garden beds.

The City's Manager Parks has no objection to the establishment and maintenance of the landscaping within the current road reserve. There appears to be no impediment to the shopping centre to establish and maintain the landscaping in the road reserve.

The owners of the 21 units at 3 Burgundy Crescent were contacted to ascertain their views on the road closure and inclusion. The majority of respondents either opposed the closure or wanted more information.

The concern raised by the owners of the units was that once the road land was owned by the shopping centre, the shopping centre would be



able to extend the concrete upper level parking area. This would result in the upper deck parking area being much closer to the units. The belief was that noise, fumes and disturbance from the car park would increase as the separation between the car park and the units decreased.

The proponents in discussions with Council officers indicated that expansion by the shopping centre would take place within a few years. Although the current building plans do not include expansion into the subject land, if the owners of the shopping centre were able to purchase the road reserve, the upper deck could be extended to create more parking bays.

It is recommended that Council not proceed with the proposed closure of portion of Burgundy Crescent because the partial road closure would facilitate the extension of the deck parking area which would adversely affect the amenity of the adjacent residential units at 3 Burgundy Crescent due to the height and scale of the encroaching development.

Furthermore, the shopping centre expansion approval granted by Council at its meeting on 16 November 2004 maintained the existing accessway link to the main entrance from Rockingham Road to the southern carpark deck and maintained the current Burgundy Crescent road reserve in-situ. The partial closure of Burgundy Crescent is ad hoc, and therefore not critical to facilitate the expansion of Phoenix Park Shopping Centre based on the current approval.

If however a proposal to close portion of Burgundy Crescent was made by the owners of Phoenix Park that included the redevelopment of the adjacent development at 3 Burgundy Crescent by agreement between land owners, this would be an acceptable arrangement.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A.

Legal Implications

Nil.



Community Consultation

Of the 21 unit owners at 3 Burgundy Crescent who were sent a questionnaire (plus reply paid envelope) 4 opposed the closure, 1 supported the closure and there were 11 requests for additional information.

Attachment(s)

Site map.

Advice to Proponent(s)/Applicant

The applicant has been advised that this matter will be referred to the June Meeting of Council.

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

Nil.

14.2 (MINUTE NO 2823) (OCM 09/06/2005) - CLOSURE OF PORTION OF NORTH LAKE ROAD ADJOINING LOTS 50 AND 51 NORTH LAKE ROAD, JANDAKOT (450010) (KJS) (ATTACH)

RECOMMENDATION

That Council:-

- (1) request that the Minister for Planning and Infrastructure close portion of North Lake Road adjoining Lots 50 and 51 on Diagram 51886 and 51887 respectively pursuant to Section 58 of the Land Administration Act 1997.
- (2) advise the Owners of Lot 50 and Lot 51 North Lake Road, Jandakot of Council's decision.

COUNCIL DECISION

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

CARRIED 9/0



Background

Lots 50 and 51 North Lake Road were created in 1976. The subdivision to create Lots 50 and 51 was preceded by a subdivision in 1968 which created the 9.1 metre wide road widening.

Submission

The owners of Lots 50 and 51 have written to the City requesting that the road widening area along the frontage of both lots be closed as road and included into their respective lots.

Report

The road widening sought in 1976 is not required for road purposes and can be closed. The service authorities have all given consent to the closure.

The proposal was advertised in the Herald newspaper on 12 March 2005 and at the conclusion of the 35 day statutory period there were not objections received.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

The proposal was advertised in the Herald newspaper 12 March 2005.



Attachment(s)

Site Map.

Advice to Proponent(s)/Applicant

The Owners of Lot 50 and Lot 51 North Lake Road, Jandakot have been advised that this matter is to be considered at the June 2005 Council Meeting.

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

Nil.

14.3 (MINUTE NO 2824) (OCM 09/06/2005) - OUTBUILDING ADDITION TO SINGLE (R-CODE) HOUSE - WALL HEIGHT VARIATION - LOT 64; 6 BIRCHGROVE COURT, BIBRA LAKE - OWNER: P G PARSONS - APPLICANT: COASTLINE SHEDS (1117581) (JB) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant approval for a 38m² outbuilding with a wall height of 2.75m on Lot 64 (No. 6) Birchgrove Court, Bibra Lake, subject to the following conditions:-

STANDARD CONDITIONS

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



SPECIAL CONDITIONS

6. The storage of cars within the outbuilding shall be limited to vehicles owned by the owner of Lot 64 (No. 6) Birchgrove Court and the use of the outbuilding shall be restricted to domestic/hobby uses only.
7. No panel beating or spray-painting is to occur at any time.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
 2. The proposed development must comply with the Environmental Protection (Noise) Regulations 1997.
 3. The emission of any dust, odour or fumes from the proposed premises so far as to create a nuisance is prohibited under the City of Cockburn Local Laws 2000.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval); and
- (3) advise the proponent and all submitters of Council's decision.

COUNCIL DECISION

MOVED Clr V Oliver that Council defer the application to the July Meeting to enable the applicant to submit additional information that explains in more detail the intended use of the outbuilding for car restoration purposes and the potential impact on the amenity of neighbours.

MOTION LAPSED FOR WANT OF A SECONDER

MOVED Clr T Romano SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 8/1



Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	784m ²	
AREA:	Outbuilding Size – 38m ²	
USE CLASS:	Outbuilding – Permitted “P” Use	

Submission

The application proposes to build an outbuilding of 38m² with a wall height of 2.75m, setback 1m from the rear boundary and 1m from the RHS boundary. The outbuilding is needed for the storage of privately owned cars and other valuable car components used for the owner’s car restoration hobby.

Report

APD18 Outbuildings Policy

The proposed floor area of the outbuilding complies with Council’s Outbuilding Policy of “10% of the lot area or 60m², whichever is the greater”. The proposed wall height of 2.75m exceeds Council policy by 0.35m (350mm); and the ridge height of 3.3m complies with Council’s policy.

Building Setbacks

The proposed outbuilding has a wall length/width of 6.1m and is setback 1m from the rear and RHS boundary; these setbacks comply with the requirements of Table 1 of the Residential Design Codes which requires walls that are 9m or less in length to be setback a minimum of 1.0m.

It is considered that the size, location and scale of the proposed outbuilding will not have a negative impact on the amenity of the adjoining properties.

Strategic Plan/Policy Implications

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

2. Planning Your City

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



The Council Policies which apply to this item are:-

APD18 OUTBUILDINGS

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3

Community Consultation

Application was advertised with adjoining properties for submissions with one objection being received (see attachments); this is summarised as follows:

- a) The height and location of the outbuilding will restrict natural light from entering the rear and north facing rooms;
- b) The building will create an ugly outlook from the rear rooms; and
- c) It will create unacceptable noise levels for people sleeping in rear rooms facing this boundary.

In response to these concerns the following observations are made:

It is noted that the outbuilding will cast a slight shadow over the adjoining site (approximately 3%) but it does not exceed the Acceptable Development requirements of Clause 3.9.1 (A1) of the R-Codes.

The building will be setback the required 1m from the rear boundary and the only variation is to the wall height of 0.35m. The Acceptable Development provisions of the Codes would allow "as a right" a nil setback boundary wall to a height of 2.4m and a length of 9m, which would potentially have a greater impact on the amenity of the adjoining property.

Appropriate conditions have been included in the report to mitigate any possible noise issues.

Attachment(s)

- (1) Site plan
- (2) Site photo's
- (3) Applicant letter of justification
- (4) Proponents letter of objection

Advice to Applicant(s)/Stakeholders



The Applicant(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the June 2005 Council Meeting.

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

Nil.

14.4 (MINUTE NO 2825) (OCM 09/06/2005) - CLOSURE OF PORTION OF PRINSEP ROAD ADJOINING LOT 197 PRINSEP ROAD, JANDAKOT (45006) (KJS) (ATTACH)

RECOMMENDATION

That Council:-

- (1) request that the Minister for Planning and Infrastructure close portion of Prinsep Road adjoining Lot 197, pursuant to Section 58 of the Land Administration Act 1997, subject to there being no objections at the close of the statutory advertising period;
- (2) advise the Owner of Lot 197 Prinsep Road, Jandakot of Council's decision.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 9/0

Background

The section of road reserve became redundant when a new section of Prinsep Road was created to meet Berrigan Drive at right angles.

Submission

The owner of Lot 197 has written to the City requesting that the road widening area along the frontage of the lot be closed as road and included into Lot 197.



Report

The proposal was advertised in the Herald newspaper on 13 May 2005. The 35 day statutory period for receiving objections ends on 20 June 2005.

The section of road reserve is vacant as the road has been deviated to make for a safer intersection with Berrigan Drive.

The owner of Lot 197 will purchase the land from the State of Western Australia. The owner intends to amalgamate the two parcels and commence proceedings to rezone the road land to the same zone as Lot 197.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

The proposal was advertised in the Herald newspaper 13 May 2005.

Attachment(s)

Site map.

Advice to Applicant(s)/Stakeholders

The Applicant(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the June 2005 Council Meeting.



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

Nil.

14.5 **(MINUTE NO 2826)** (OCM 09/06/2005) - PRIVATE SWIMMING POOL INSPECTIONS (3211) (JW) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) Implement an ongoing in-house private swimming pool inspection program commencing 2005/2006; and
- (3) set the private pool inspection levy at \$13.75 annually per pool owner, with this charge to commence in the 2005/2006 financial year.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr V Oliver SECONDED Cllr K Allen that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

The Local Government (Miscellaneous Provisions) Act 1960 requires that all private swimming pool barriers be inspected at least once every 4 years. This has been a requirement since 1992. The Local Government may levy the pool owner up to a maximum \$55 (including GST) within a four-year period, to recover the cost to carry out the inspection.

The intent of the Legislation is to facilitate the checking of life safety barriers, which are required to minimise the possibility of young children gaining access to a swimming pool or spa and drowning.

The swimming pool legislation requires private swimming pools to be inspected by authorised persons to ensure that pool fencing/gates and barriers comply with the Building Regulations 1989 and Australian Standards.



At the June 2003 Council Meeting, Council appointed the preferred contractor for the 2004 round of inspections and it was also resolved;

“That Council:

request the preparation of a report on the possible change from the contract private pool inspection program once every four years, to an ongoing in-house inspection program commencing in the financial year 2004/2005, for further consideration by Council”

Council again considered the matter in April 2004 and it was resolved;

“That Council:

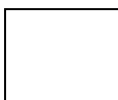
- (2) investigate the implementation of an ongoing in-house private swimming pool inspection program commencing 2005/06;*
- (3) seek legal advice to determine if the pool levy can be raised bi-annually; and*
- (4) receive a detailed report, on this matter, as part of the 2005/06 budget process.”*

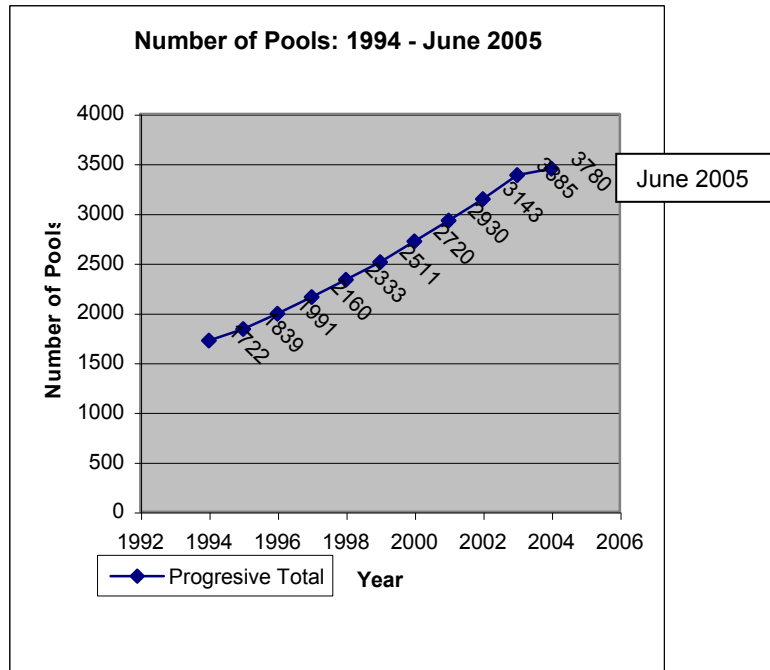
Submission

N/A.

Report

The number of swimming pools within the City has been steadily increasing from 1722 in 1994, and should reach an estimated 3780 at the end of June 2005.





The number of private pools/spas has increased to a point where an in-house inspection program after June 2005 needs to be considered.

A survey of other Local Governments in April 2003 indicated other similar Local Governments have ongoing inspection services (see attached survey of other Local Governments).

It is proposed the City employ a swimming pool inspection officer and provide a motor vehicle in the second half of 2005, to facilitate inspection of one quarter of all private pools within the City on an annual basis, so as to achieve inspection of all pools over a four-year period.

The benefits of having a dedicated swimming pool inspection officer are:

- An ongoing service can be provided.
- Pre approval and post installation inspections of pool barriers can be carried out.
- An accurate database of pools can be maintained at all times.
- When a property is sold, pool barriers requiring upgrading under legislation may be inspected.

The current once every four-year inspection process is somewhat ad-hoc, with very little follow up of new pools installed between inspections every fourth year, due to limited resources. Currently a swimming pool may not be inspected for up to 4 years after installation, if the barrier



upon installation is deficient in some way, it may remain that way for up to four years. This is a undesirable scenario.

Between inspections, an owner may have removed a pool but the City may not be advised until up to four years later when the levy again appears on the owner's rate notice. An ongoing inspection program would include levying pool owners every year which would mean persons would likely notify the City within the year a pool has been removed so as to avoid the annual levy.

Anyone who uses a private pool within the City or indeed persons who visit a pool owner within the City would be beneficiaries of the proposed service. Pool owners, property purchasers, real estate agents may also seek to use the service on a user pays basis (non statutory inspections), prior to a property being settled or sold.

If the City continues to operate the pool program on the current basis in 2007/08 (next round of inspections) private pools are likely to number 4280 or thereabouts. With such a large number of pools to be inspected there may be only a few organisations that could provide the required inspections in a single year. This was revealed during the tender process for the last round of inspections in 03/04 when only two contractors tendered in reply to the initial request for tender. The second tender attracted four tenderers, however, the same two tenderers were the only competitive tenderers. It was noted that the tenderers generally had difficulty in obtaining the necessary level of professional indemnity insurance. This would not be a problem if the City had an ongoing in house inspection program.

Based on the strong population growth the City is experiencing, the time is appropriate to implement an ongoing in-house pool inspection program.

From an administrative point of view, the charging of an annual levy would be the most convenient and efficient process.

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."*



4. Facilitating the needs of Your Community
- *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

Budget/Financial Implications

It is intended to levy all pool owners \$13.75 every year (max \$55 over 4 years) to cover the estimated cost of swimming pool inspections in each year. In doing so this would mean that the City would achieve steady income to support the ongoing inspection program. Should a pool be removed at any time, it is highly likely that an owner would advise the City within the year of removal. The owner receiving their rates notice inclusive of the pool levy would prompt this. Currently an owner may remove a pool in the year of the inspection and then not pay the levy because they do not have a pool. This is somewhat inequitable on other pool owners.

To commence the ongoing program in 2005/2006 the operating cost is estimated at \$61,890. Income in the first year is estimated at \$52,250 leaving a deficit of \$9,640 in regard to operating costs. Added to the operating cost in the first year would be the estimated capital cost of a vehicle (\$22,500).

In the next few years the annual short fall to operate the inspection program will be minimal, as set out in the spreadsheet attachment. It is possible in future that the program could be cost neutral to Council, as a relatively conservative increase in pool numbers has been used to estimate future income.

The swimming pool officer would be involved in the approval process of building applications for new pools/spas. It is estimated conservatively that 250 applications a year will be received. On this basis \$20 of the application fee could be credited to the pool inspection program - 250 pool licences x \$20 per licence = \$5000. This is a conservative estimate as 330 pools have been approved in the last year which = 330 x \$20 = \$6,600).

To allow the program to commence in 2005/06 a levy of \$13.75 (GST inclusive) would need to be applied to all properties with pools in the City.

Legal Implications

Local Government (Miscellaneous Provisions) Act 1960, Section 245A.

Enquires have been made with Council's Solicitor's to obtain comment on the proposal to levy all pools with properties annually, while only inspecting a quarter of all pools each year (see attachments). The Solicitor's opinion is that the City can apply the pool levy annually. The



total levy over the four-year period could not exceed the maximum \$55 (GST inclusive) or \$13.75 annually.

Additional advice from the City's Solicitor (requested by Council) has confirmed that the City can collect fees every second year however, half of all pools would need to be inspected every second year. Further the legislation is somewhat unclear in regard to the levy, the practical and economic advantages to the City by charging the levy annually would likely outweigh the prospect of any serious challenge to its ability to do so (see attachments).

Community Consultation

As the Council is considering an ongoing swimming pool inspection service, it would be required to levy the swimming pool/spa owners annually to cover the cost.

To determine the Community's opinion in regard to levy payment options, a phone survey of 200 swimming pool owners (5.3% of all registered pool/spa owners in the City) was carried out. A similar number of pool owners were surveyed from each of the East (66), West (67) and Central (67) Wards.

The payment options nominated were:

Option 1

Pay a maximum \$55 once every fourth year (= max. \$55 over 4 years).

Or

Option 2

Pay a maximum \$13.75 annually (= max. \$55 over 4 years).

A resounding 75% of pool owners' surveyed supported the option of paying a maximum \$13.75 annually, for their mandatory swimming pool inspection.

Attachments

1. Solicitors Letters
2. Proposed Private Pool Inspection Program Commencing 05/06 - spread sheet
3. Other Local Governments' Swimming Pool Inspection Programs - spread sheet

Advice To Proponents

N/A



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

Nil.

14.6 (MINUTE NO 2827) (OCM 09/06/2005) - PROPOSED STRUCTURE PLAN - RESERVE 7756 HAMMOND ROAD, SUCCESS - OWNER/APPLICANT: CITY OF COCKBURN (9672) (MD) (ATTACH)**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt the proposed Structure Plan for Reserve 7756 Hammond Road, Success pursuant to clause 6.2.9 of the City of Cockburn Town Planning Scheme No.3 subject to:
 1. the removal of the footpath from inside the wetland buffer and relocating the footpath to run along the perimeter of the wetland buffer;
 2. providing a 20m landscaped buffer to the south of the eastern carpark;
- (3) adopt the Officer's comments on the Schedule of Submissions contained in the Agenda attachments for Reserve 7756 Hammond Road Local Structure;
- (4) forward a copy of the Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to clause 6.2.10 of Town Planning Scheme No. 3;
- (5) advise the applicant and the submissioners of Council's decision accordingly;
- (6) instruct Council Officers to prepare a report to the next Meeting of Council to change the reservation of the subject land on the TPS3 Maps from Local Reserve – Lakes and Drainage to Local Reserve – Parks and Recreation;
- (7) obtain approvals where necessary from the Department of Environment and Heritage and the Department of Indigenous Affairs prior to proceeding with the development.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr I Whitfield that Council adopt the recommendation subject to the inclusion of the following sub-



recommendation (2) 3.

(2) 3. The inclusion of a Senior's Building and associated car parking being notated on the Structure Plan in place of the skate park site and the proposed skate park site being revised to an internal location on the east side of the proposed Senior's Building and main car park and north of the main access road.

CARRIED 9/0

Explanation

The changes to the Structure Plan are needed to include a Senior's Building and car parking which was inadvertently not reflected on the proposed Structure Plan. The proposed changes will also address concerns raised in submissions received on the proposed Structure Plan regarding the proposed location of the skate park along Hammond Road by its repositioning in a more internal location within the future recreational centre.

Background

ZONING:	MRS:	Urban Deferred
	TPS3:	Local Reserve – Lakes and Drainage, Western Power Region Reserve – Other Regional Roads
LAND USE:	Vacant	
LOT SIZE:	27.8748 ha	
AREA:	27.8748 ha	

Council at its meeting held on the 15 June 2004 (Item 17.1) considered a report for the development of Reserve 7756 Hammond Road and resolved the following:

“That Council supports the development of Reserve 7756 on Hammond Road to incorporate 24 hard courts, clubrooms, community facilities and active grassed areas as detailed in the consultant's report as the preferred option and require the development of a concept plan for the site and buildings with cost estimates for future consideration by Council.”

This resolution resulted from a Y.M.C.A Perth report that identified the need for 12 specific tennis courts, 8 specific netball courts and 4 marked for a number of sports, a grassed area to accommodate Australian Rules Football and/or Soccer and clubrooms.

Council at its meeting held on the 18 January 2005 (Item 14.9) considered a report for the draft structure plan for Reserve 7756



Hammond Road and resolved to adopt the draft Structure Plan for the purpose of public consultation and advertising for a period of four weeks.

Submission

The structure plan has been revised to address concerns raised by the Department of Environment (DoE) regarding the encroachment into the buffer. The plan has been revised as follows:-

- removing the bbq/picnic area from within the wetland buffer area; and
- relocating one of the netball courts further north to remove it from the buffer area.

The City has also engaged a consultant to prepare a Nutrient and Irrigation Management Plan (NIMP) to address management issues associated with the wetland.

Report

The Structure Plan is generally consistent with the Southern Suburbs District Structure Plan, which identifies the land as regional open space.

Community Consultation

The draft structure plan was advertised to nearby landowners, relevant sporting clubs and associations and relevant government departments for a period of 28 days. The proposal was also advertised in a newspaper circulating within the City of Cockburn.

At the close of the submission period a total of 19 submissions were received. Of these 14 submissions raised no objection or conditional support. The balance of submissions comprised of 3 objections and 2 submissions of comment. The submissions are contained and addressed in the Schedule of Submissions with the agenda attachments.

Wetland Buffer

Initially there were three points of development encroachment into the wetland buffer proposed under the Structure Plan. The proposal was reconfigured after discussions with the DoE by removing a bbq/picnic area and one of the netball courts from the buffer area. The western football oval is unable to be moved outside the eastern side of the buffer due to the road alignment that is dictated by the connection into the southern development and the northern Water Corporation Land. One of the netball courts is unable to be moved further north due to the location of the existing Fire Station.



The City prepared a Nutrient and Irrigation Management Plan to address concerns regarding the buffer encroachment and referred the plan to the DoE for review. After reviewing the revised plan in conjunction with the NIMP, the DoE has conditionally approved the Structure Plan proposal.

Community Services

A 2000m² centrally located club rooms/changerooms has been provided for on the site and will be available for use by all sporting and community groups. The club rooms/changerooms will contain a kiosk/kitchen, multi-use function area, meeting room, administration area, clubrooms, children's activities area, storage areas and changerooms.

Australian Heritage Database

Reserve No. 7756 has been registered on the Australian Heritage Database since 21 March 1978. Council Officer's have been unable to confirm the reasoning for the sites listing and have referred a formal application to the Department of Environment and Heritage (DEH) to determine whether the proposal is appropriate and to request clarification of the sites significance.

The City has not received a formal reply to the application referral to date. The City will ensure that a formal reply from the DEH is received prior to commencing works on-site.

Conclusion

It is recommended that Council adopts the revised Structure Plan as the basis for development of Reserve 7756 Hammond Road, Success for district recreational purposes and refers it to the Western Australian Planning Commission for final endorsement.

Strategic Plan/Policy Implications

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

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



- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
- *"To facilitate and provide an optimum range of community services."*
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
 - *"To determine by best practice, the most appropriate range of recreation areas to be provided within the district to meet the needs of all age groups within the community."*
5. Maintaining Your Community Facilities
- *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*
 - *"To construct and maintain community buildings which are owned or managed by the Council, to meet community needs."*

The Planning Policies which apply to this item are:-

SPD1	BUSHLAND CONSERVATION POLICY
SPD2	COMMUNITY FACILITIES INFRASTRUCTURE - 10 YEAR FORWARD PLAN
SPD5	WETLAND CONSERVATION POLICY
APD20	DESIGN PRINCIPLES FOR INCORPORATING NATURAL MANAGEMENT AREAS INCLUDING WETLANDS AND BUSHLANDS IN OPEN SPACE AND / OR DRAINAGE AREAS
APD26	CONTROL MEASURES FOR PROTECTING WATER RESOURCES IN RECEIVING ENVIRONMENTS
APD30	ROAD RESERVE AND PAVEMENT STANDARDS
APD35	FILLING OF LAND

Budget/Financial Implications

The preliminary capital cost estimate for the project has been estimated at \$5,255,216. This figure was provided by consultants



contracted by the YMCA for their initial study and confirmed by officers of the City.

The above capital cost of \$5,255,216 could be offset against any grant funds that Council may be able to secure on application. The State Government CSRFI would contribute up to \$1,200,000 towards the project cost. There will also be significant on-going costs to Council associated with the maintenance of this district recreational facility once operational of approximately \$225,000 pa. Council's operating costs will be partially off-set by the income generated by the lease of facilities which is likely to be in the vicinity of \$50,000 per annum.

This is a large expenditure item which will be spent over a period of four years, according to demand.

The estimated operational costs for the reserve facilities are:

Management of Wetland	\$3,750	per annum
Management of Grassed Ovals	\$90,000	per annum
Building Maintenance Costs – Club Rooms	\$50,000	per annum
Car Parking Maintenance	\$3,000	per annum
Maintenance of Northern Grassed Area	\$42,000	per annum
Maintenance of Trees	\$2,000	per annum
Maintenance of Courts	\$35,000	per annum
Total	\$225,750	per annum

The operational costs will be offset by the income generated by the reserve facilities, which is estimated to be approximately \$50,000 per annum.

Community Consultation

The draft structure plan was referred to nearby landowners and relevant government departments and sporting clubs for a period of 28 days and the proposal was advertised in a newspaper circulating within the City of Cockburn.

Attachment(s)

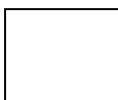
- (1) Site Plan;
- (2) Structure Plan.

Advice to Proponent(s)/Applicant

N/A

Legal Implications

It should be noted that under clause 6.2.7.4 of the Scheme, the Commission must provide comments to the Council within 30 days of



referral which was on 26 February 2005, but did not submit any comments within that time. Under clause 6.2.10.2 the Commission can only endorse or not endorse the plan. It cannot endorse with conditions.

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

Nil.

14.7 (MINUTE NO 2828) (OCM 09/06/2005) - FINAL ADOPTION - AMENDMENT NO. 22 TO TOWN PLANNING SCHEME NO. 3 - LOT 9009 RUSSELL ROAD, HAMMOND PARK - OWNER: AUSTRALAND HOLDINGS LTD - APPLICANT: CITY OF COCKBURN (6003000) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the amendment for final approval without modification as set out in the agenda attachments;
- (2) in anticipation of the Hon. Minister's advice that the final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission;
- (2) advise Australand (landowner) accordingly.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr A Tilbury that the recommendation be adopted.

CARRIED 9/0

Background

Council at its meeting held on the 21 December 2004 resolved to initiate Amendment No. 22 to its Town Planning Scheme No. 3 (the Scheme) to include provisions set out in the Frankland Springs Neighbourhood Centre Plan and restricted land uses within Schedule 11 of the Scheme to ensure that design requirements relating to 'mainstreet' design principles are adopted when the centre is developed. The amendment has been advertised and is referred to Council for final consideration.



Submission

This report proposes to adopt an amendment to Town Planning Scheme 3 (TPS 3) that makes provision for an addition to Schedule 11 – Development Areas in relation to DA 9 Gaebler Road (Development Zone). It is intended that the design provisions set out in the Frankland Springs Neighbourhood Centre Plan be included in TPS 3. The restricted uses proposed are to ensure that design requirements relating to ‘mainstreet’ design principles are adopted when the centre is developed. Council has already adopted a centre plan for Frankland Springs that is based on “main street” principles required as a condition of subdivision approval granted by the Western Australian Planning Commission.

Report

The amendment was forwarded to the Environmental Protection Authority (EPA) on the 11 January 2005. The EPA determined that the proposed amendment did not warrant a formal assessment and no environmental advice was provided.

Community Consultation

Australand, the landowner affected by the proposed amendment and Taylor Burrell Barnett planning consultants were notified in writing of the Amendment and invited to make comments. The application was also advertised in the West Australian on the 30 March 2005. The Amendment was advertised for 42 days from 24 March to 11 May 2005. No submissions were received during the advertising period.

Conclusion

It is recommended that Amendment No. 22 be adopted by the Council and referred to the WA Planning Commission for final consideration.

Strategic Plan/Policy Implications

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

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



Budget/Financial Implications

N/A

Legal Implications

Nil

Community Consultation

The Scheme Amendment was advertised in accordance with the Town Planning Development Act and Regulations (as amended).

Attachment(s)

- (1) Location Plan
- (2) Scheme Amendment Document.

Advice to Proponent(s)/Applicant

The landowner has been advised that the Council will consider the amendment on the 9 June 2005.

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

Nil.

14.8 (MINUTE NO 2829) (OCM 09/06/2005) - DELEGATED AUTHORITY - SECTION 374(1B) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 (3108) (JW)

RECOMMENDATION
That Council delegate its authority to approve or to refuse to approve plans and specifications under Section 374(1b) of the Local Government (Miscellaneous Provisions) Act 1960, to Council's Building Surveyor, Angela Eileen McCubbin.

COUNCIL DECISION
MOVED Clr I Whitfield SECONDED Clr A Tilbury that the recommendation be adopted.
CARRIED 9/0



Background

Ms A E McCubbin is due to commence her employment with the City of Cockburn on 30 May 2005 and part of her agreed duties, is to approve or refuse building plans and specifications under delegated authority of Council.

Submission

Ms McCubbin has the necessary Local Government Qualifications to accept this delegation.

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Legal Implications

Nil.

Community Consultation

N/A

Attachment(s)

Nil.

Advice to Proponent(s)/Applicant

N/A

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

Nil.



14.9 (MINUTE NO 2830) (OCM 09/06/2005) - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960, SECTION 245A - AUTHORISED PERSONS, PRIVATE SWIMMING POOLS (3211) (JW)

RECOMMENDATION

That Council endorse Angela Eileen McCubbin employed as a Building Surveyor by the City of Cockburn as an authorised person pursuant to Part VIII, Section 245A of the Local Government (Miscellaneous Provisions) Act 1960.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 9/0

Background

The Local Government (Miscellaneous Provisions) Act 1960, Section 245A requires that private swimming pools be inspected every 4 years. A person who is required to oversee or carry out this inspection function must be authorised by the local government for the purpose of Section 245A and have appropriate experience and/or qualifications.

Submission

N/A

Report

Due to staff changes within the Building Service it is required that Ms McCubbin be endorsed as an authorised person in regard to private swimming pools.

In order to implement publicly accountable practices and methods that permit flexibility in terms of provision of customer service by the Building Service, the person nominated in the recommendation should be endorsed as an authorised person for the purposes of Section 245A of the Act.

Strategic Plan/Policy Implications

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



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

Budget/Financial Implications

N/A

Legal Implications

Nil.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A

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

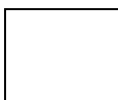
Nil.

14.10 (MINUTE NO 2831) (OCM 09/06/2005) - EXTRACTIVE INDUSTRY APPEAL - CONTINUATION OF SAND EXTRACTION - 367 JANDAKOT ROAD, BANJUP - OWNER: VINCENT NOMINEES PTY LTD - APPLICANT: BUSHBEACH HOLDINGS PTY LTD T/A NLG SAND SUPPLIES (5513178) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) instruct Council's solicitors to advise the State Administrative Tribunal that it:-
 1. supports the following amendments to conditions 6, 7, 10, 11, 14 and 15 of planning approval, dated 25 October



2004 as follows:-

Condition 6:

This approval remains valid for a period of six (6) years only. If development is not completed within this time the approval shall lapse. Where an approval has lapsed, no development shall be carried out without the further approval of Council having been first sought and obtained.

Condition 7:

The minimum excavation level being not less than 29.5 metres AHD.

Condition 10:

Applicant to lodge with Council a detailed and comprehensive annual report on site performance in respect to conditions attached to the operation of the site by 31 March annually to the satisfaction of Council. (Refer to Footnote 14)

Condition 11:

The landowner shall ensure that rehabilitation of the land the subject of this approval, is achieved according to the standards and timetable set out in the rehabilitation plan attached to this approval. If by the third anniversary of the granting of this approval, rehabilitation has not been achieved in all areas the subject of the rehabilitation plan to the standards specified for achievement by that time in each of those areas according to the rehabilitation plan, then this planning approval shall automatically lapse. A fresh application for planning approval will be required in this circumstance prior to any further works associated with sand extraction. The rehabilitation plan can only be amended by the agreement of the landowner and the City of Cockburn.

Condition 14:

A landscape buffer abutting the site boundaries shall be provided and maintained to the following extent to the satisfaction of Council:

- a) A 40 metre buffer to the boundaries abutting Jandakot and Fraser Roads. Additional planting shall occur within this buffer on Jandakot Road prior to 1 July 2005 to the satisfaction of Council.
- b) A 20 metre buffer to the north eastern boundary abutting land reserved for Parks and Recreation. Additional planting shall occur within this buffer

prior to 1 July 2005 to the satisfaction of Council to replace vegetation cleared or damaged within the buffer.

- c) A 20 metre buffer to the south eastern boundary, temporarily maintained to provide visual screening in a manner that will prevent the movement of sand from crossing the south eastern boundary from Lot 130 until the buffer is removed in the latter stages of excavation.

Condition 15:

A Landscape Management Plan being prepared by 1 July 2005 to detail the interim measures to be taken, as necessary, to prevent sand from being blown across the south eastern boundary out of Lot 130. Measures could include slope stability, revegetation, interim vegetation or other cover, wind breaks etc, to be applied if sand movement occurs.

- 2. does not support any reduction in the bond amount pursuant to Condition 8 of the approval given that the bond is a function of the works required to achieve the necessary rehabilitation.

- (3) advise the appellant of Council's decision.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 9/0

Background

ZONING:	MRS:	Rural – Water Protection
	TPS3:	Resource
LAND USE:	Sand Excavation	
LOT SIZE:	41.2779 ha	
AREA:	41 ha	
USE CLASS:	Extractive Industry Discretionary Use	

Council at its meeting held on the 19 October 2004 resolved to grant approval to an extractive industry on Lot 130 (No. 367) Jandakot Road, Banjup, for a period of two (2) years subject to conditions. These conditions are stated as follows:-



- “6. *This approval remains valid for a period of two (2) years only. If development is not completed within this time the approval shall lapse. Where an approval has lapsed, no development shall be carried out without the further approval of Council having been first sought and obtained.*
7. *The minimum excavation level being not less than 30 metres ADH.*
8. *The rehabilitation bond or bank guarantee in the sum of \$40,000 to secure the rehabilitation of previous and the proposed excavation, including areas previously rehabilitated requiring remedial works, to the satisfaction of the Council.*
10. *Applicant to lodge with Council a detailed and comprehensive annual report on site performance in respect to conditions attached to the operation of site by 1 December annually to the satisfaction of Council. (Refer to Footnote 14)*
11. *The proponent watering all new planting for at least one summer after planting to the satisfaction of the Council.*
14. *A Landscape buffer abutting the site boundaries shall be provided and maintained to the following extent to the satisfaction of Council:*
 - a) *A 40 metre buffer to the boundaries abutting Jandakot and Fraser Road. Additional planting shall occur within this buffer prior to the 1 July 2005 to the satisfaction of Council.*
 - b) *A 20 metre buffer to the north-eastern boundary abutting land reserved for Parks and Recreation. Additional planting shall occur within this buffer prior to the 1 July 2005 to the satisfaction of Council to replace vegetation cleared or damaged within the buffer.*
 - c) *A 20 metre buffer to the south-eastern boundary. The 20 metre buffer shall be designed, planted prior to the 1 July 2005.*
15. *A Landscape Management Plan being prepared and implemented along the south-eastern boundary prior to the 31 January 2005, detailing the design, density of plantings and maintenance of the buffer to the satisfaction of Council.”*

The proponent subsequently lodged an appeal to the State Administrative Tribunal in respect of condition's 6, 7, 8, 11, 14 and 15.

Council officers and solicitors attended a mediation meeting with the appellant at the State Administrative Tribunal on the 16 February 2005. At this meeting it was agreed that Council officers would approach the



Council to endorse changes to conditions of planning approval as shown in the recommendation section of the report. The alternative conditions were agreed upon in principle at the mediation meeting.

Submission

The proponent has provided the following reasons for lodging an appeal to the conditions below:-

Condition 6: The resource has 10 years remaining. All previous planning approvals were for 5 years. All other sand pits held by NLG Sand Supplies have planning approval for 5 to 10 years, including one located outside the City, which was extended on appeal from 5 to 10 years.

Condition 7: Excavation is to comply with the Excavation and Environmental Management Plan dated 17 November 2003 (Condition 2). In section 4.5, the final floor elevation is stated to be an undulating floor of 29 to 30 metres AHD.

Condition 8: Rehabilitation prior to 1998 was to parkland pasture under previous approvals. Only about 1 hectare of land is excavated annually. The City inspects the site annually so there is unlikely to be more than the current pit and 1-3 past year's rehabilitation requiring attention. As the past excavation is to parkland pasture, costs for the replanting of any of the agreed 2400 trees that have not survived since planting in 2004, will not be a significant cost and will be covered within the \$20 000.

On 5 October 1999, the then Minister approved the \$20 000 bond, stating that "this is sufficient to cover the area of property which is cleared for excavation at any one time". The open area remains the same, and with interest added, the existing cash bond would appear to be sufficient to cover rehabilitation of all open ground.

Condition 11: The proponent recommends rewording the condition as follows to provide some flexibility:

"The proponent ensuring that the rehabilitation survives the summer through watering through the first summer or any alternative means that proves effective. Plants that do not survive are to be replanted".

Condition 14: The proponent recommends rewording part (c) of the condition as follows:



“(c) A 20 metre buffer to the south eastern boundary, temporarily maintained to provide visual screening in a manner that will prevent the movement of sand from crossing the south eastern boundary from Lot 130 until the buffer is removed in the latter stages of excavation”.

Condition 15: The proponent recommends rewording the condition as follows:

“A Landscape Management Plan being prepared by 1 May 2005 to detail the interim measures to be taken, as necessary, to prevent sand from being blown across the south eastern boundary out of Lot 130. Measures could include slope stability, revegetation, interim vegetation or other cover, wind breaks etc, to be applied if sand movement occurs”.

Refer to proponent’s letter dated 7 February 2005 contained with the agenda attachments.

The proponent has submitted a revised Rehabilitation Plan that sets specific revegetation criteria and timelines for the site.

Refer to revised Rehabilitation Plan contained with the agenda attachments.

Report

At the mediation meeting held at the State Administrative Tribunal the two conditions of greatest importance identified were the duration of approval (Condition 6) and the bond amount (Condition 8).

Duration of Approval – Condition 6

The proponent has prepared a detailed revised rehabilitation plan that sets out specific targets in relation to planting numbers, species, techniques, weed control and timeframes to address concerns held by the Council with respect to rehabilitation of the site.

The duration of planning approval may be increased to a 6-year period, provided there is provision for a forfeit of approval if the standards set out in the rehabilitation plan are not met by the end of a 3 year period. This approach will provide the Council with a level of control and certainty that rehabilitation will be implemented to a satisfactory standard.

Through the mediation process the appellant has also agreed to a higher standard of rehabilitation over areas that have already been excavated, which would not have been otherwise possible as the



Council cannot retrospectively apply conditions over former excavated areas covered by separate approvals. It is also accepted by the City's Environmental Services that the rehabilitation of the site will need to occur over a 3 year period to determine the success or otherwise of rehabilitation. This accounts for weed control in the first year, planting second year and replacement of failed planting in the third year where required.

Bond Amount – Condition 8

A reduction to the bond amount of \$40 000 pursuant to Condition 8 is not supported by the City. The amount of the bond is a function of the works required to achieve the necessary rehabilitation. It is considered that the cost of the required rehabilitation would be well in excess of \$40 000. It is recommended that the bond amount remain at \$40 000.

The other conditions the subject of the appeal are considered to be minor and may be addressed by rewording the conditions as agreed with the appellant to better address the site situations.

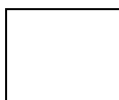
The following changes to conditions 6, 7 and 11 are discussed below:-

Condition 6: It is recommended that the approval be extended to a period of 6 years, subject to a condition that will cause the approval to lapse after a period of 3 years if compliance with the conditions of approval cannot be demonstrated.

Condition 7: It is recommended that this condition can be amended to the terms of the draft alternative condition set out in the submission section of this report.

Condition 11: The following condition is recommended to replace condition 11:

“The landowner shall ensure that rehabilitation of the land the subject of this approval, shall be achieved according to the standards and timetable set out in the rehabilitation plan attached to this approval. If by the third anniversary of the granting of this approval, rehabilitation has not been achieved in all areas the subject of the rehabilitation plan to the standards specified for achievement by that time in each of those areas according to the rehabilitation plan, then this planning approval shall automatically lapse. A fresh application for planning approval will be required in this circumstance prior to any further works associated with sand extraction. The rehabilitation plan can only be amended by the agreement of the landowner and the City of Cockburn.”



Condition 14: This condition can be amended to the terms of the draft alternative condition set out in the proponent's letter dated 7 February 2005.

Condition 15: This condition could be amended as follows:

"A Landscape Management Plan being prepared by 1 July 2005 to the satisfaction of Council and thereafter being implemented to detail the interim measures to be taken, as necessary, to prevent sand being blown across the south-eastern boundary out of Lot 130. Measures could include sloped stability, revegetation, interim vegetation or other cover, windbreaks etc to be applied."

Conclusion

It is recommended that Council endorse the alternative conditions of planning approval in order to resolve the application for review ("appeal") lodged with the State Administrative Tribunal.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
 - *"To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To conserve the character and historic value of the human and built environment."*



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

The Council Policies which apply to this item are:-

SPD1 BUSHLAND CONSERVATION POLICY
APD40 RESPONSE TO APPEALS

Budget/Financial Implications

Cost of legal fees defending the appeal at the State Administrative Tribunal. The total cost for legal representation on this case to date is \$3148.75.

Legal Implications

Town Planning Scheme No. 3

Community Consultation

N/A

Attachment(s)

- (1) Site plan
- (2) Proponent's letter dated 7 February 2005
- (3) Rehabilitation Plan dated 12 May 2005

Advice to Proponent(s)/Applicant

The applicant has been advised that the matter will be considered at the June 2005 Council meeting.

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

Nil.

DECLARATION OF FINANCIAL INTEREST

Clr Allen declared a financial interest in Item 14.11. The nature of the interest being due to the proximity of his property to the proposal.

Deputy Mayor Graham declared a financial interest in Item 14.11. The nature of the interest being that he has been a legal advisor to Clr Allen



during the previous 12 months and therefore Cllr Allen is a person closely associated with himself.

Mayor Lee advised the meeting that Council had received a letter from the Department of Local Government and Regional Development advising that the Minister, through the Director Governance and Statutory Support had given approval for Deputy Mayor Graham and Cllr Allen to fully participate in the discussion and decision making process relating to the proposed Port Coogee Marina Development.

14.11 (MINUTE NO 2832) (OCM 09/06/2005) - PROPOSED MINOR MODIFICATIONS TO STRUCTURE PLAN - PORT COOGEE (9662) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the proposed variations to the Port Coogee Structure Plan on the basis that they do not in its opinion materially alter the intent of the structure plan in accordance with Clause 6.2.14.1 of the City of Cockburn Town Planning Scheme No. 3;
- (2) forward the revised Port Coogee Structure Plan to the Western Australian Planning Commission for its endorsement;
- (3) require the parties to the agreement to amend Annexure D – Local Structure Plan contained in the Port Coogee Waterways Management Transfer Facilitation Agreement, with the amended Port Coogee Structure Plan referred to in (1) above, and amend Annexure A – Marine Reserve Plan accordingly; and
- (4) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 6/3



Background

Council adopted the Port Coogee Structure Plan in conjunction with the proposed local scheme amendment at its Ordinary Meeting on 16 March 2004 subject to various requirements.

Submission

The proposed changes to the Port Coogee Structure Plan have arisen following the consideration by the Minister for Planning and Infrastructure of the Port Coogee Structure Plan and Local Scheme Amendment. The proposed Structure Plan variations are summarised as follows:-

1. Removal of 6 lots to extend foreshore in accordance with discussions with the Minister;
2. Proposed recoding from R25 to R30 adjacent to extended foreshore (proposed 29 lots) currently 20 lots;
3. Proposed recoding from R20 to R30 to facilitate smaller lots with laneway access (proposed 33 lots) – currently 20 lots;
4. Proposed recoding from R20 to R40 for lots along Main Street and opposite POS (proposed 14 lots) currently 10 lots;
5. Proposed recoding from R25 to R30 to permit reconfigured subdivision pattern, (proposed 36 lots) currently 24 lots;
6. Recode from R25 to R80 consistent with balance Neighbourhood Centre;
7. Proposed Redesign of southern peninsula; and
8. Redesign to provide public road edge on 'beach' side of central island.

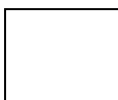
A copy of the applicant's submission and plans are contained in the agenda attachments.

Report

The proposed variations to the adopted Structure Plan do not materially change the intent of the structure plan and therefore pursuant to Clause 6.2.14.1 of the City of Cockburn Town Planning Scheme No. 3 the Council may vary a structure plan by resolution.

The proposed variations to the Structure Plan while numerous in number, are not significant enough to warrant being readvertised for public comment for the following reasons:-

- The proposed variations to the Structure Plan will provide greater public accessibility to the marina foreshore, which has been an aspect of concern in past public submissions;
- The re-coding of proposed residential lots to permit medium density housing within the Structure Plan area is also acceptable from a land-use planning viewpoint (38 additional lots);



- The recoding of proposed residential lots to permit high-density development on the balance of the neighbourhood centre is also supported;

The proposed road network is changed slightly to include a rear laneway to facilitate smaller laneway lots, but otherwise remains the same, while the general land use configuration of the marina is unchanged.

Council's adoption of the variations to the Port Coogee Structure Plan is supported to enable a consolidated plan to be forwarded to the Western Australian Planning Commission for its endorsement.

Furthermore, Council's Solicitors have advised that there is no legal impediment to Council considering changes to the Port Coogee Structure Plan relative to the CCAC Inc. Supreme Court action against the Minister for Planning and Infrastructure, WAPC and others including Council. A decision by the Supreme Court at its earliest would occur within 3 months of proceedings (first week of June) but a decision by this date is not assured, and could take many months longer than this.

It is important to note that although there is no material impact on the agreement, the parties are required to amend the Port Coogee Management Transfer Facilitation Agreement executed by the City of Cockburn, Australand Holdings and Port Catherine Pty Ltd in April 2005, which is based on the completion of the construction of the Marina in accordance with the Council adopted local structure plan annexed to this agreement as Annexure D and reflected in Annexure A – Marine Reserve Plan, as described in clause 3.1 and 6.2(c) of the agreement. Changes to the Structure Plan adopted by Council must also be reflected in these Annexures of the agreement.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas that apply are:

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



- *"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."*
- *"To facilitate and provide an optimum range of community services."*
- *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
- *"To determine by best practice, the most appropriate range of recreation areas to be provided within the district to meet the needs of all age groups within the community."*

The Council Policies that are relevant are:

APD4	Public Open Space
APD28	Public Open Space Credit Calculations
APD30	Access Street/Road Reserve & Pavement Standards
APD31	Detailed Area Plans
APD32	Residential Design Codes

Budget/Financial Implications

Nil

Legal Implications

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

Community Consultation

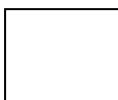
Public consultation has already occurred in relation to the Port Coogee Structure Plan, which was advertised for public comment in conjunction with the Local Scheme Amendment. At the close of the public comment period, there was a total of 4030 valid submissions received.

Advice to Applicant(s)

The applicant has been advised that this matter has been referred to the June Ordinary Meeting of Council.

Agenda Attachment(s)

1. Applicant's submission
2. Proposed modifications to Local Structure Plan



3. Consolidated Local Structure Plan

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

Nil.

14.12 (MINUTE NO 2833) (OCM 09/06/2005) - TOWN PLANNING SCHEME NO. 3 - SCHEME AMENDMENT NO. 33 - LOT 304; NO. 132 BLACKWOOD AVENUE, HAMILTON HILL - OWNER: BAREK PTY LTD, FIDUCIA HOMES PTY LTD, GRANROSE HOLDINGS PTY LTD, STARLIGHT HOLDINGS PTY LTD - APPLICANT: ALLERDING BURGESS (93033) (VM) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the following amendment:-

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

AMENDMENT NO. 33

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

1. recoding Lots 304; No. 132 Blackwood Avenue, Hamilton Hill from "Residential R20" to "Residential R40";
2. amending the Scheme Map accordingly.

Dated this.....day of2004

Chief Executive Officer

- (2) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;

- (3) notwithstanding (2) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme



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

COUNCIL DECISION
 MOVED Clr A Tilbury SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 9/0

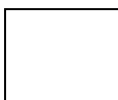
Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	1122m ²	

The subject lot ("304") incorporates a building premises previously used as a shop, delicatessen and hardware. The building has been vacant for at least one year. The development of the shops on Lot 303 was approved by Council at its meeting held on 2 May 1989, which incorporated a service station site and local shops. The proposal was then classified as a discretionary use under former District Zoning Scheme No. 2.

Lot 303 was subsequently subdivided into two lots, subject Lot 304 and Pt Lot 303. The subject lot with the approval in place for local shops has been the subject of numerous complaints to Council regarding noise and light spill from the car parking area in recent years.

The site abuts a residential area to the west and a service station to the east. The service station has been decommissioned and a proposal to develop the site for residential units to a Residential R60 density is proposed by the same landowner of the subject site. The site has two street frontages, Forrest Road and Blackwood Avenue.



Submission

The applicant has provided the following justification for the proposed Scheme Amendment:-

- a) *With an area of some 1100m², the land is significantly larger than other holdings in the area and, thus, lends itself towards development at a higher density in accordance with Council's aims and objectives.*
- b) *Rezoning in the manner proposed would facilitate a gradation of a zoning and development between the R60 site on the intersection of Blackwood Avenue and Forrest Road (Pt Lot 303), and R20 single residential development to the west of the subject land.*
- c) *The rezoning would remove a dual frontage lot consistent with standard Western Australian Planning Commission policy and practice.*
- d) *Rezoning of the land would remove a non-conforming use thus restoring compliance with Town Planning Scheme aims and objectives.*
- e) *The rezoning facilitates the redevelopment of the site for quality residential purposes.*
- f) *In this regard and as per Attachment D, single ownership of Lot 304 and Pt Lot 303 would facilitate coordinated and integrated development outcomes across the lots.*
- g) *Development at a higher density would take advantage of the subject land's location in close proximity to local services such as shopping and schools.*
- h) *Development at a higher density would capitalise on the land's proximity to local recreation areas to the benefit of future residents.*
- i) *Development at a higher density would take advantage of the site's location relative to employment centres.*
- j) *Importantly, the concept plan submitted shows that the land can readily accommodate compliant development at a density of R40."*

Report

Lot 303 is zoned Residential R20 under Town Planning Scheme No. 3. The previous service station site is to be developed for residential



purposes and therefore the shops on the adjoining lot the subject of this scheme amendment could be located between residential lots.

The proposal to redevelop the shop site for residential purposes which replaces the existing shop use has some merit and is supported.

An Omnibus Amendment (Amendment No. 6) prepared by the City is currently with the Western Australian Planning Commission for final endorsement. Amendment 6 to TPS3 facilitates the development of commercial sites zoned Local Centre for residential development up to a density of Residential R60. The amendment is well-advanced, having been advertised for public comment in 2004. On this basis and prior to the finalisation of the amendment, Council has approved a number of residential development proposals on commercial zoned land up to a Residential density of R60 subject to design.

As both the service station and shop lots are owned by the same parties and are proposed to be develop together for residential purposes, it is appropriate to support a development of medium density housing. The shop lot will act as a buffer between the proposed Residential R60 development (service station lot) and the existing R20 development. It is considered that an R40 density is an appropriate type of development for Lot 304 and will address the issue of abutting R60 against R20 development and improve the amenity of the current residential area.

Conclusion

The proposal is consistent with the objectives of the Residential zone which is to provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.

The proposed concept (refer attached Concept Plan for Lot 304 and Pt Lot 303), which would remove a service station and a shop use from residential areas, can be supported as the proposal is more in line with Council objectives for residential areas and will resolve the current complaints from adjoining residents in relation to the interface of shopping carpark.

The subject site is also appropriately located for residential development and is consistent with the orderly and proper planning for the area.

There are no objections to TPS3 Maps being amended to increase the residential density from R20 to R40. If Council initiates the scheme amendment, the proposal will be referred to the EPA and subject to approval, be advertised for public comment in accordance with the Town Planning Regulations.



Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

Subject to approval, will be advertised for public comment in accordance with the Town Planning Regulations.

Attachment(s)

1. Scheme Map.
2. Development Concept Plans.

Advice to Proponent(s)/Applicant

Proponents advised.

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

Nil.



14.13 (MINUTE NO 2834) (OCM 09/06/2005) - PROPOSED STRUCTURE PLAN - LOT 416 (NO. 228) GAEBLER ROAD, AUBIN GROVE - OWNER: D J PIERCY - APPLICANT: DEVELOPMENT PLANNING STRATEGIES - PLANNING CONSULTANTS (9645D) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) adopt the Structure Plan for Lot 416 Gaebler Road, Aubin Grove subject to the following modifications to the Structure Plan Report text, pursuant to clause 6.2.9 of the City of Cockburn Town Planning Scheme No. 3:-
 1. Section 10.0 on page 20 of the report being amended to state retaining walls will be limited to a series of two 1.0 metre maximum in height retaining walls in a benched manner;
 2. the Structure Plan and structure plan document being amended to reflect the requirement for the preparation of a Detailed Area Plan for the Local Centre in order to incorporate Main Street design principles;
- (3) adopt the officer's comments on the Schedule of Submissions contained in the Agenda attachments for Lot 416 Gaebler Road Local Structure Plan and forward it to the Western Australian Planning Commission for consideration;
- (4) forward a copy of the Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to clause 6.2.10 of Town Planning Scheme No. 3;
- (5) advise the applicant and submissioners of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 9/0



Background

ZONING:	MRS:	Urban
	TPS3:	Development Zone. Development Area (DA 11) Development Contribution Area (DCA7) Peel-Harvey Catchment Area
LAND USE:	Rural/Vacant	
LOT SIZE:	40.4686 ha	

Submission

The City received a Structure Plan on the 30 July 2004 for Lot 416 Lyon Road, Aubin Grove. A locality plan and Structure Plan are shown in the agenda attachments.

The proposed Structure Plan area is likely to yield approximately 560-570 lots. The Structure Plan proposes a base density code of R25, which provides for a minimum lot size of 320m². However, the Structure Plan proposes an average lot size of 450m² be achieved. The enforcement of an average lot size requirement through the structure plan will ensure that there will be a variety of lot sizes created ranging from 320 m² to lots greater than 500m². The proposed Structure Plan also proposes a residential density code of R60 over the 2067m² Local Centre zoned site.

Refer to Indicative Lot Mix Plan contained with the agenda attachments.

The Structure Plan also proposes Public Open Space (POS) areas of 3.2070ha, 6997m² and 4007m², totalling 4.3074ha (4.3074 ha), complying with the 10% POS requirement. The 3.2070ha POS site will provide active open space in the form of a district playing field adjacent to the future primary school.

Report

The Structure Plan is generally consistent with the Southern Suburbs District Structure Plan – Stage 2-Banjup. The structure plan proposes a base density code of R25 (rather than a base density of R20 with higher densities located around the Local Centre as shown in the District Structure Plan) in order to provide for a variety of lot sizes, ranging from 320m² to 700m².

It is considered that this variation to the District Structure Plan is appropriate, as it will facilitate a larger range of lot sizes within the structure plan area while still achieving an average lot size of 450m², which is commensurate with the R20 density code.



Community Consultation

The Plan was advertised from the 7 April 2005 to 29 April 2005. At the close of the submission period 13 submissions were received. Of these 9 submissions raised no objections. The balance of submissions included 3 submissions of objection and 1 submission with comments.

The submissions are contained and addressed in the Schedule of Submissions with the Agenda Attachments.

Drainage

The main drainage basin is to be located on the 7282m² Swale 6 POS site and will incorporate a 1:10 year storm event and will involve nutrient stripping.

Two drainage sumps are proposed on the eastern side of the structure plan area, one being located on the adjacent land (Sump 7), which is owned by the landowner who owns the site the subject of the structure plan.

Earthworks

Earthworks at the south eastern and south western corner of the site will involve the construction of retaining walls. Originally the proponent proposed the construction of a 2 metre retaining wall, however, in order to address the interface with the Resource land to the east, it is proposed to reduce the retaining wall to two 1 metre retaining in a staged manner.

Local Centre

It is recommended that a Detailed Area Plan be prepared for the Local Centre in order to facilitate Main Street design principles so that the development addresses Gaebler Road.

Conclusion

It is recommended that Council adopts the Structure Plan as the basis for future subdivision and development of Lot 416 Gaebler Road, Aubin Grove and refers the plan to the Western Australian Planning Commission for final endorsement.

Strategic Plan/Policy Implications

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



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

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

The Planning Policies which apply to this item are:-

SPD4	Liveable Neighbourhoods'
APD4	Public Open Space
APD28	Public Open Space Credit Calculations

Budget/Financial Implications

The preliminary capital cost estimates for the active open space has been estimated at \$203,000 and an additional \$850,000 for clubrooms. The \$203,000 cost includes irrigation, bore, tree planting, bollards, soil amendment, car park and recreational facilities.

There will also be significant on-going costs to Council associated with the maintenance of this active open space, once operational, in the order of \$45,000 for oval maintenance and separate building maintenance costs.

Community Consultation

The application was referred to nearby landowners, relevant government agencies and a notice was placed in 2 newspapers circulating within the City of Cockburn for a period of 21 days in accordance with the requirements of Clause 6.2.8.1 of Town Planning Scheme No. 3.

Attachment(s)

1. Site Plan;
2. Indicative Lot Mix Plan;
3. Structure Plan;
4. Schedule of Submissions



Advice to Proponent(s)/Applicant

The applicant has been advised that the Council is to consider the proposed Structure Plan at its June Council meeting.

Legal Implications

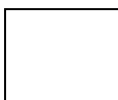
It should be noted that under clause 6.2.7.4 of the Scheme, the Commission must provide comments to the Council within 30 days of referral which was on 11 April 2005, but did not submit any comments within that time. Under clause 6.2.10.2 the Commission can only endorse or not endorse the plan. It cannot endorse with conditions.

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

Nil.

14.14 (MINUTE NO 2835) (OCM 09/06/2005) - PLACE OF WORSHIP - 6 MAINSAIL TERRACE, YANGEBUP - OWNER: THE BAPTIST UNION OF WA INC. - APPLICANT: IAN ANDERSON ARCHITECTS PTY LTD (4414057) (ACB) (ATTACH)

<p>RECOMMENDATION That Council:</p> <p>(1) grant its approval to a Place of Public Worship on Lot 325 (6) Mainsail Terrace, Yangebup in accordance with the approved plan subject to the following conditions:-</p> <p><u>STANDARD CONDITIONS</u></p> <ol style="list-style-type: none">1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.5. Landscaping and tree planting to be undertaken in



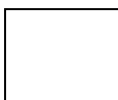
accordance with the approved plan prior to the occupation of the site.

6. A landscape plan must be submitted to the Council and approved, prior to applying for building licence and shall include the following:-
 - (1) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area being in conformity with the City of Cockburn Greening Plan;
 - (2) any lawns to be established;
 - (3) any natural landscape areas to be retained;
 - (4) those areas to be reticulated or irrigated; and
 - (5) verge treatments.
7. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
8. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, by the Council.
9. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 2.0 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 2.1 metre truncation, as depicted on the approved plan.
10. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
11. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
12. The vehicle parking area shall be sealed (or paved), kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Council.
13. Provision and maintenance of a minimum total of 39 car parking bays in accordance with the City of Cockburn Town Planning Scheme No. 3
14. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade 2.5%.

15. A minimum of one (1) disabled car bay designed in accordance with Australian Standard 2890.1 - 1993 being provided in a location convenient to, and connected to a continuous accessible path to, the main entrance of the building or facility. Design and signage of the bay(s) and path(s) is to be in accordance with Australian Standard 1428.1 - 1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in conjunction with the Building Licence application.
16. The provision of five (5) bicycle parking facilities is to be provided, and are to be installed prior to the development being occupied.
17. The parking area, driveways and points of ingress and egress to be designed, constructed, drained and marked in accordance with the plan certified by a suitably qualified practicing Engineer and thereafter maintained to the satisfaction of the Council. These works are to be done as part of the building construction.
18. Landscaping is to be undertaken in the street verge adjacent to the Lot(s) in accordance with the approved plan and be established prior to the occupation of the building; and thereafter maintained to the satisfaction of the Council.
19. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".

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

20. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer, designed to a 1:100 year return period, to the satisfaction of the Council.
21. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the Council prior to the erection of any



signage on the site/building.

22. No bunting is to be erected on the site. (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).
23. The proposed development shall be clad or coloured to complement the surroundings, and/or adjoining developments, in which it is located, and shall use non reflective materials and colours.
24. Notwithstanding the detailed specifications required to be submitted for a Building Licence approval, a separate schedule of the colour and texture of the building materials shall be submitted and approved to the satisfaction of the Council prior to applying for a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval.
25. Vehicular access to and from the site shall be restricted to that shown on the plan approved by the Council.

SPECIAL CONDITIONS

26. The maximum occupancy of the building shall, for the purposes of this application, be no more than 155 people at any one time.
27. No parking is permitted along the street or street verges either adjoining or nearby the site.
28. The blank wall along the Bosun Way elevation to be redesigned in order to reduce the visual bulk impact, to the satisfaction of Council.
29. The applicant engaging a suitably qualified noise consultant to prepare and submit a site specific noise report demonstrating that the proposed development will comply with the *Environmental Protection (Noise) Regulations 1997* at all times, to the satisfaction of Council.
30. The applicant to install removable bollards or similar along the Mainsail Terrace entrance to restrict vehicular access after hours.

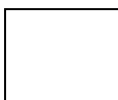
FOOTNOTES

1. The development is to comply with the requirements of the



Building Code of Australia.

2. This approval relates only to stage one of the development. Additional car bays will be required for all future additions.
3. The approval of the Environmental Protection Authority may be required prior to development under the provisions of the Environmental Protection Act 1986.
4. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
5. The development is to comply with the *Environmental Protection Act 1986* which contains penalties where noise limits exceed the prescribed by the *Environmental Protection (Noise) Regulations 1997*.
6. The development has been defined as a public building and shall comply with the provisions of the Health Act 1911 relating to a public building, in the Public Building Regulations 1992. An application to construct, extend or alter a public building is to be submitted with the Building Licence application.
7. The operations should comply with all environmental standards as specified in any works approvals, licence, conditions of approval applied under the *Environmental Protection Act 1986*.
8. This approval is issued by the Council under its Town Planning Scheme, and approvals or advice by other agencies may be required, and it is the responsibility of the applicant to ensure that all other approvals/ advice are issued prior to commencing development or use of the land, and a copy of the approval/ advice should be provided to the Council.
9. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, should be submitted in conjunction with the Building Licence application. Written approval from the Council's Health Service for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
10. Until the Council has issued a Certificate of Classification



under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any such purpose.

11. The proposed development must comply with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australia New Zealand Food Standards Code. In particular, detailed plans and specifications of the kitchen, dry storerooms, coolrooms, patron and staff sanitary conveniences and garbage room, are to be submitted to and approved by the City's Health Services prior to manufacture, construction or installation. The plans should include details of:

- (a) the structural finishes of all floors, walls and ceilings;
- (b) the position, type and construction of all fixtures, fittings and equipment. (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.); and
- (c) all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.

12. The proposed development must comply with the Health (Public Buildings) Regulations 1992. In particular, all emergency exit doors must open in the direction of egress and be fitted with approved locking devices. The electrically operated sliding door must be operable from the inside the building in the event of a power failure, with a maximum force of 110 Newtons.

- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).
- (3) advise those who made a submission of the Council's decision.

COUNCIL DECISION

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

CARRIED 9/0

Background

ZONING:	MRS:	Urban
	TPS3:	Development (DA4), R20
LAND USE:	Proposed Place of Public Worship – Existing - Vacant	
LOT SIZE:	5684m ²	
USE CLASS:	Place of Public Worship – ‘D’ discretionary use	

The subject site is earmarked as a Church site within the Yangebup Cell 9 Structure Plan that was endorsed by Council on 20 July 2004.

Submission

Mr Anderson (“the applicant”) on behalf of the Baptist Union of WA Inc., seeks Council approval to establish a Place of Public Worship on the land, which will form the basis for the Yangebup Baptist church’s ministries throughout the week.

The peak usage will be Sunday mornings between 9:30am and 12.30pm. Current attendance on Sunday mornings is approximately 60 people however it is anticipated that this number will grow over the next 3 to 5 years. The maximum capacity of the church is 155 persons.

Other aspects of the proposed use include worship services, youth and children’s’ activities, Pastor for office work, counselling, office administration, community welfare and associated signage.

A copy of the submission prepared by the Applicant is included in the Agenda Attachments.

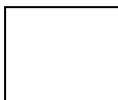
Report

As part of the development application process, the City advertised the proposed development in accordance with clause 9.4 of Town Planning Scheme No. 3. Surrounding residents were notified by mail as these residents were considered to be the most affected by the proposal. In addition a sign was erected on the property on 9 April 2005. Residents were given the opportunity to make submissions until 29 April 2005.

At the close of the submission period, a total of 4 submissions were received. There were 3 submissions of objection and 1 submission of no objection.

The main concerns raised in submissions relate to:

- Increase in traffic and pollution.
- Increase in noise.
- Crime, graffiti, vandalism and violence.



- Loss of views and tranquil setting.
- Burnouts within car parking area.
- Visual Impact.

The proposal is acceptable from a planning point of view given that the site was designated as a suitable location for a Church as an outcome of the Structure Planning Process and this was public information available to residents prior to purchasing their property.

The nature of a Church is such that the premises is used for religious activities by members of a church group and an increase in traffic at peak periods is inevitable.

The use has the potential to create noise. To address this issue, noise attenuation measures should be incorporated in the building structure, as determined by an experienced / qualified acoustic engineer.

With regards to security, it is the responsibility of the owner to ensure the building is secure. Potential burnouts within the car park area can be restricted by the installation of bollards along the entry to ensure that vehicles cannot access car park areas after hours.

The visual impact of the building from neighbouring properties is a valid concern. A solid wall having a length of approximately 14 metres and height of 6 metres is proposed along the Bosun Way elevation. This design is not acceptable from a planning point of view and the owner is required to reduce the bulk impact of this blank wall by incorporation of design treatments such as windows, eaves and gables.

Strategic Plan/Policy Implications

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

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



The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes
APD29 Development Compliance Process

Budget/Financial Implications

Nil.

Legal Implications

N/A

Community Consultation

The proposal was advertised in accordance with clause 6.2.8 of Town Planning Scheme No. 3. The advertising period concluded on 29 April 2005.

Summary of submissions:

Objections	3
No Objections	1

Total **4**

Refer to attachments.

Attachment(s)

1. Site Plan
2. Floor Plan
3. Elevation
4. Schedule of Submissions.

Advice to Proponent(s)/Applicant

The applicant and submissioners have been advised that the matter is to be considered at the June 2005 Council Meeting.

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

Nil.



14.15 (MINUTE NO 2836) (OCM 09/06/2005) - METROPOLITAN REGION SCHEME AMENDMENT NO. 1035/33 - PORT FACILITY, JAMES POINT KWINANA, (9103533) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) raise no objection to Metropolitan Region Scheme Amendment No. 1035/33 for the James Point port facility at Kwinana, which is made on the understanding that:-
 1. the livestock holding facility will not be introduced at the facility;
 2. the MRS Amendment will be used to finalise the final preferred access route to both the Fremantle Port Outer Harbour proposal and the proposed James Point Port;
 3. there is strict compliance by the proponent and monitoring by the Environmental Protection Authority of the James Point Port against the Minister for the Environment Statement No. 000669, which includes conditions and procedures that are important to minimise the environmental impact of the port on Cockburn Sound;
- (3) lodge a submission with the Western Australian Planning Commission in respect to (2) above.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr T Romano that Council:-

- (1) note the officer's report.
- (2) object to the establishment of the James Point Private Port within the Town of Kwinana, until the Western Australian Planning Commission or proponent provides detailed consideration of alternative locations and alternative designs, which avoid, minimise or further mitigate impacts on Cockburn Sound;
- (3) request the proponent to provide a briefing to Elected Members on the full ramifications of the project and invite the Town of Kwinana and the City of Rockingham Councils to attend; and
- (4) advise the proponent and prepare a submission to the Western

Australian Planning Commission based on the Council's decision accordingly

CARRIED 9/0

Explanation

The proposed James Point Port is proposed to be developed within the most intensively used marine environment in Western Australia. The full ramifications of this project need to be explained in detail before any decision is made by the State Government to allow the project to proceed within Cockburn Sound, which is a highly valued community asset.

The 3 Councils, represented by the City of Cockburn, Town of Kwinana and City of Rockingham, should be briefed together by the WA Planning Commission or the proponent to enable the same message to be translated on the plan and its potential environmental impacts. Because a substantial component of the port includes shipping livestock in Cockburn Sound the proposed Kwinana location must be re-assessed based on an appraisal of alternative locations along the WA coast that may prove to be socially, economically and environmentally more acceptable.

Background

At the Ordinary meeting of Council on 1 June 2001 the Council considered two agenda items relating to the James Point Port Pty Ltd (JPPL) development proposed at James Point in the Kwinana Industrial Area (KIA).

Specifically, in terms of the proposed James Point Private Port (Stage 1) Public Environmental Review (PER), it was resolved (Item 14.9) that Council:

- “(1) receive the report;*
- (2) acknowledge the requirement for additional port capacity, when the port of Fremantle achieves full capacity;*
- (3) object to the establishment of the James Point Private Port within the Town of Kwinana, until the State provides detailed consideration of alternative locations and alternative designs, which avoid, minimise or further mitigate impacts on Cockburn Sound;*



- (4) *object strongly to the proposed livestock holding facility as part of the project; and*
- (5) *submit a response to the Public Environmental Review based on the assessment made by the Council's Planning Services staff and indicate that Council would require full independent technical review of the Hydrodynamic processes and ecological consequences of this development before accepting the proposal."*

The final result of the PER to which the City submitted, was the setting of conditions by the Minister for the Environment in the Ministers Statement 669, published 17 November 2004.

In terms of the proposed James Point Livestock Holding Facility, it was resolved (Item 14.10, OCM1 June 2001) that Council:

- "(1) receive the report;*
- (2) does not support the establishment of a Livestock Holding Facility at James Point as this is an inappropriate use on prime coastal land;*
- (3) lodge a submission on the Public Environmental Review based on the report prepared by the Planning Services Department."*

JPPL have subsequently abandoned plans for the development of a livestock holding facility on the wharf, and instead intend to use existing feedlots located at Mundijong and Baldivis for this purpose.

Submission

The purpose of the proposed amendment to the Metropolitan Region Scheme (MRS) is to transfer a 14.24ha area of Waterways Reservation in Cockburn Sound, adjoining the KIA to the Industrial zone to facilitate the development of a privately owned and managed port facility. This would be consistent with the MRS zoning of the land adjoining the proposed port location.

The port would consist of a reclaimed, land backed cargo wharf with associated cargo handling facilities, which may also include an off-shore breakwater. The port development itself is not the subject of this proposal and will be subject to a separate development application.

The rezoning is to facilitate the construction of stage 1 of the port development, which is expected to be completed in 2008. Completion of the second stage will be driven by market demand and will require its own environmental assessment and MRS amendment process. A plan showing the extent of the MRS amendment is contained in the Agenda attachments.



Report

Location:

The location of the private port at James Point has planning merit given the proximity to the State's major industrial area at Kwinana, access to shipping lanes and regional transportation networks as well as the remote proximity to residential areas.

However, as stated earlier, the Council previously objected to the establishment of the port within the Town of Kwinana until the State provides "*detailed consideration of alternative locations and alternative designs, which avoid, minimise or further mitigate impacts on Cockburn Sound*". There is no indication in the MRS documentation that alternative locations and designs have since been considered. The Operating Agreement between the State Government and JPPL nominates a section of the coast and a defined water area within which JPPL will be permitted to construct and operate the port.

Notwithstanding this, it appears that the James Point location is possibly the only site available in the Metropolitan Area for the establishment of a port with minimal environmental impact on surrounding land uses and the environment because it is located within a part of the Sound that has been highly modified over the past 50 years by industrial activity.

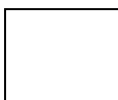
James Point appears to be a very suitable location for the establishment of a second metropolitan port from a land use planning point of view. The site is not land locked or constrained by nearby residential development such as Fremantle Port and therefore has potential to expand.

Environmental:

Cockburn Sound is a sensitive marine environment and any potential impacts of the port require careful consideration and management. To this extent, the Council submitted its views previously on the Public Environmental Review (PER). This resulted in the issuance of the Minister's Statement No.669. The Minister for the Environment's Statement specifies a series of environmental conditions which need to be complied with in the development and operation of the JPPL port. Refer to the attachment.

Fremantle Port Outer Harbour Proposals:

The proposed James Point Port is located in close proximity to the proposed Fremantle Ports Outer Harbour (FPOH). Specifically, there are four preferred options for the location of the FPOH development, of which the proposed James Point Port conflicts with Options 2 and 4. Options 2 and 4 rely on access from the south which conflicts with the location of the JPPL proposal. Plans of all four FPOH options are contained in the Agenda attachments. The MRS amendment



documentation states that the amendment will not be considered for finalisation prior to adoption of the final preferred access route to the FPOH proposal. Reconsideration of the James Point configuration may be required if the southern access option is chosen.

Transport:

James Point can be accessed directly via the regional road system by Stock Road and the Kwinana Freeway, using Anketell Road as a direct connection. Anketell Road doesn't have any direct residential access which also minimises its potential adverse impact of heavy truck traffic. Anketell Road already provides direct access to the future heavy industrial and industrial areas for the Hope Valley area.

Conclusion:

Given its location, the proposed port at James Point is unlikely to directly impact on the amenity of Cockburn residents. There is however the risk of environmental impact from the port on Cockburn Sound. The conditions contained in the Minister's Statement are however, intended to acceptably manage potential environmental impacts.

Conflict between the proposed locations of the FPOH and the JPPL proposal highlights lack of an integrated approach to planning for industrial activities within Cockburn Sound. This is of concern given the lack of detail available on the cumulative impacts of proposals on Cockburn Sound, although it is noted that the Ministerial Conditions require the proponent to contribute towards environmental management studies of the marine habitat and ecology of Cockburn Sound beyond the boundaries of the proposal which includes evaluating cumulative impacts of current and future activities in Cockburn Sound.

The livestock handling facility originally proposed at the port is now intended to be sited inland.

In light of the above, it is recommended that Council raise no objection to the MRS amendment.

Strategic Plan/Policy Implications

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

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



2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

- (1) Amendment No.1035/33 Scheme Map
- (2) Fremantle Port Outer Harbour option maps
- (3) Ministerial Statement No. 669.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

14.16 (MINUTE NO 2837) (OCM 09/06/2005) - TOWN OF KWINANA LOCAL PLANNING STRATEGY (9155) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) lodge a submission with the Town of Kwinana on their Local Planning Strategy to:-
 1. commend the Town of Kwinana generally for their



significant work associated with the preparation of the Local Planning Strategy which provides a useful framework to guide the planning of the district and preparation of a Town Planning Scheme;

2. oppose the Kwinana Hub being reclassified as a Regional Centre and raise objections to the planning of a new District Centre in the vicinity of Rowley Road based on:-
 - a) the report by Shrapnel Urban Planning entitled "Town of Kwinana, Commercial Centres Strategy – A review for the City of Cockburn" dated 20 May 2005; and
 - b) inconsistency with the WAPC Metropolitan Centres Policy; and
3. request the Transport Strategy Component be amended to include the "Other Regional Roads" reservation (extension of Hammond Road) in the MRS which should extend south of the district boundary where direct transport linkages in future between districts are essential.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 9/0

Background

The Town of Kwinana has released its Local Planning Strategy (LPS) for public comment. The purpose of the strategy is to define the strategic framework within which various growth pressures can be planned, controlled and guided in order to achieve the Town of Kwinana's wider strategic directions, in the context of State and Metropolitan objectives.

Submission

The submission period on the LPS closes on 1 June 2005. The City has sought an extension from the Town of Kwinana to allow the LPS to be considered at the Council meeting on 9 June 2005.



Report

There are two aspects of the LPS that impact the greatest on the City of Cockburn. These include the Commercial Centres Strategy and the Transport Strategy components.

Commercial Centres Strategy:

The City has had the Commercial Centres Strategy reviewed by Shrapnel Urban Planning, whose report is contained in the Agenda attachments. In summary, the conclusions of the Shrapnel Urban Planning review are as follows:

- “1. *There are reasonable doubts as to the strategy’s usefulness as a “new” planning tool at this point, given the time that has elapsed since the main analytical work was completed.*
2. *The population of the Town of Kwinana is expected to grow from 23,100 to 41,500 and that of the City of Cockburn from 70,200 to 100,900 between 2001 and 2026. The Kwinana Strategy’s population projections are less optimistic for the City of Cockburn than those produced by Shrapnel Urban Planning in conjunction with the City in 2001/ 02. [ie 115,255 population by 2026]*
3. *The growth scenario for Kwinana could be significantly higher if the WAPC’s Jandakot District Structure Plan was implemented, this plan having the potential to add a further 30,000 [people] not currently included in official population projections. Although the status of the Jandakot Structure Plan proposal was unclear at the time the Strategy report was prepared, it now appears certain to proceed.*
4. *According to the strategy, notwithstanding the very long term potential for an additional 30,000, only a further 18,000 would be added to the population by 2026 if the Jandakot Structure Plan eventuated. The most recent draft of the Jandakot Plan suggests that implementation of the plan might yield an additional 22,000 persons by 2026.*
5. *The bulk of Kwinana’s retail floorspace occurs in the Kwinana Hub shopping centre, which trades well. The neighbourhood centres perform poorly. Our analysis indicates that the poor performance of the neighbourhood centres in Kwinana was inevitable.*
6. *While little of Kwinana’s trade comes from other areas, it is apparent that there is considerable leakage (up to 50 percent) of expenditure on comparison goods from Kwinana to centres outside the municipality – particularly Rockingham City, and to a*



(significantly) lesser extent the Gateway Centre and Phoenix Park in the City of Cockburn.

7. *The strategy proposes reclassification of Kwinana from a District to a Regional centre. In our view there is no valid rationale for this reclassification. Kwinana's proposed (optimistic) retail floorspace potential could quite reasonably occur within a District centre. Also, if the reclassification occurred, the centres hierarchy in the South East Corridor would become unbalanced, with no District centre occurring between Gateways and Rockingham. A Regional centre classification also implies that development of the centre up to 50,000 sqm could potentially occur, without further reference to the WAPC. This would be an inappropriate situation in relation to Kwinana.*

8. *The Strategy also proposes a new District centre on the south east corner of Rowley Road and the Kwinana Freeway. It is noted that the Jandakot District Structure Plan shows neighbourhood centres only in the vicinity of Rowley Road, so it appears clear that the proposed Rowley Road District Centre is a proposal by the Kwinana Commercial Strategy, rather than that strategy just taking on board a proposal of the Jandakot District Structure Plan. In our view there is no rational whatsoever for proposing this centre – even as a very long term possibility.*
 - *It is based on an "Ultimate" population which will only be about half-way realised by 2026 (i.e. it is far too long term);*
 - *It is not proposed in the latest draft of the Jandakot District Structure Plan;*
 - *Gateways could benefit from any additional expansion potential as a result of any additional population to help underpin the new Cockburn Town Centre plan.*
 - *The Kwinana Town Centre could equally well benefit from some of the trade generated by the added population, rather than have to start competing with an additional, hitherto unplanned district centre to its north."*

In addition to the conclusions of the Shrapnel Urban Planning review, it is apparent that development of a new District centre immediately south of Rowley Road may affect the viability of the local/neighbourhood centres currently proposed in the draft Southern Suburbs District Structure Plan (Stage 3), which was advertised for public comment in February 2005.

Metropolitan Design Centres Policy Statement

As mentioned above, the Strategy proposes reclassifying Kwinana to a Regional Centre, and to introduce a new District Centre south of Rowley Road. The Strategy is inconsistent with the Metropolitan



Design Centres Statement (SPP 9) to this extent, which only provides for a District Centre at Kwinana Town Centre.

Transport Strategy:

The Transport Strategy component of the Local Planning Strategy appears to not provide for a road connection within Kwinana to the Hammond Road extension from south of the district boundary. Hammond Road is an "Other Regional Roads" reservation in the Metropolitan Region Scheme, which has formed a major element in the planning to date for the Southern Suburbs District Structure Plan (Stage 3) and is a major north-south connector between the two local government areas. There does not appear to be any justification for the deletion of this important arterial road and it is recommended the City submit to have the road included in the strategy.

Conclusion:

It is recommended the City prepare and lodge a submission to the Town of Kwinana opposing aspects of the Local Commercial and the Transport Strategy components of the Local Planning Strategy in so far as they affect the interests of the City of Cockburn.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

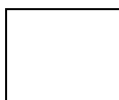
N/A

Legal Implications

N/A

Community Consultation

N/A



Attachment(s)

- (1) Town of Kwinana Local Planning Strategy – Long Term Land Use Plan
- (2) Shrapnel Urban Planning Commercial Centres Strategy Review

Advice to Proponent(s)/Applicant

The City has advised the Town of Kwinana to expect a late submission from the City of Cockburn on the Local Planning Strategy, due to the need to report the LPS to Council meeting on 9 June 2005.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES**15.1 (MINUTE NO 2838) (OCM 09/06/2005) - DEBT WRITE OFF - RECYCLING COMPANY OF WA PTY LTD (RCWA) (5651) (KL)****RECOMMENDATION**

That Council write off the debt of \$139,988.39 owed by Recycling Company of WA Pty Ltd (RCWA).

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

Recycling Company of WA Pty Ltd had operated a credit account for disposal of waste at the Henderson Landfill Site for a number of years. In May 2001 their usage of the Henderson Disposal site increased after being the successful tenderer for the recycling contract at the Regional Resource Recovery Centre at Canning Vale.

On 12 January 2005 Council was advised that PPB Chartered Accountants were appointed as Administrators of Recycling Company of WA Pty Ltd.



Submission

N/A

Report

On 12 January 2005 PPB Chartered Accountants were appointed as Administrators of Recycling Company of WA Pty Ltd.

The first Meeting of Creditors – Recycling Company of WA Pty Ltd was held on 19 January 2005.

The City prior to this meeting lodged a Formal Proof of Debt/Claim – of \$139,988.39. The purpose of this meeting was to determine whether to appoint a committee of creditors, and if so, to elect the committee's members. It was decided that no committee of creditors would be formed.

On 1 February 2005 a report was received from Administrators concerning Recycling Company of WA's (RCWA) business and financial position and a recommendation on what course of action creditors should adopt concerning RCWA's future.

The City completed an appointment of Proxy Form which was faxed to PPB 8 February 2005. The City's representative, Dion Coleman, Financial Accountant was appointed as special proxy to vote for "Adjourn the meeting up to 60 days"

On 8 February 2005, a meeting was held to determine what course of action creditors wish to adopt concerning RCWA's future.

A summary of the Administrators' discussion from this meeting is presented below:

Statement of Financial Position – The estimated realisable values of the Plant and Equipment is commercially sensitive so any estimate has been withheld ie. due to current negotiations with potential buyers.

As at 8 February 2005 a rate in the dollar for unsecured creditors could not be determined until all assets are realised however it is unlikely that unsecured creditors will receive any recoup for money owed by RCWA.

A further meeting of Creditors was held on 8 April 2005 to consider the future of RCWA at which it was resolved that it was in the best interests of the creditors that the Company be wound up.

As there appears to be insufficient funds to cover the amount owing to the Secured Debtor (NAB) it is very unlikely that Council will be able to recover any funds. The debt should therefore be written off.



A confidential settlement was reached, which realised the SMRC obtaining possession of plant, equipment and premises.

The payment history of RCWA up to the point of receivership in January 2005 had been satisfactory. Payments by the Company were made within 60 days of the occurrence of the debt, which was within the City's trading terms.

The RCWA monthly debt ranged between \$30K - \$40K per month.

The October 2004 Rubbish Disposal fees amounted to \$65,167 which compared with previous months was exceptionally large.

Communication with RCWA and the City's Officers in mid-December regarding the payment was positive. Further communication in the last week of December 2004, regarding the outstanding debt, indicated that payment was imminent.

The management of RCWA had promised in the last week of December 2004, that a substantial payment would be made. This did not occur.

The procedures in relation to credit applications have been reviewed to minimise the potential for this situation to re-occur.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Loss of revenue in the amount of \$139,988. This amount has been allowed for in the April 2005 budget review.

Legal Implications

Debts which are non-recoverable require Council's authorisation under the provisions of the Local Government Act Section 6.12(1)(c).

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A



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

Nil.

15.2 (MINUTE NO 2839) (OCM 09/06/2005) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for the month of May 2005, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 9/0

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

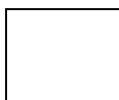
N/A

Budget/Financial Implications

N/A

Legal Implications

N/A



Community Consultation

N/A

Attachment(s)

List of Creditors Paid.

Advice to Applicant(s)/Stakeholders

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 2840) (OCM 09/06/2005) - ROCKINGHAM ROAD BETWEEN PHOENIX ROAD AND SPEARWOOD AVENUE - PROPOSED UPGRADE (450002) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) return the monies collected from Westpoint Corporation Pty Ltd and Gamehill Pty Ltd for the sums of \$6,000 and \$ 3,000 respectively, relating to the conditions attached to Development Approvals for the construction of a raised continuous central island between Phoenix Road and Lancaster Street, Spearwood, subject to evidence of the monies having been received by the City;
- (3) resolve that condition 22 from the Development Approval issued to Gamehill Pty Ltd on 8 July 1993 and Condition 19 from the Development Approval issued to Westpoint Corporation Pty Ltd on 17 December 1993 have no further effect and advise the landowner accordingly;
- (4) advise the State Administrative Tribunal that the Council will not be implementing the decision by the Minister for Planning on Appeal AP 34808.93L issued on 26 March 1994, in relation to amended Condition 22 of the Development Approval issued to Gamehill Pty Ltd, on 8 July 1993, because the Council is not proceeding with the proposed works associated with the condition.



COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 9/0

Background

Council at its meeting held on 17 May 2005 resolved as follows:-

“...that Council:

- (1) defer the upgrade of Rockingham Road between Phoenix Road and Spearwood, as allocated under Budget Account No. CW 2103;*
- (2) submit another application to the office of Energy for future funding assistance under the Localised Enhancement Projects under the WA Government’s State Underground Power Programme to help decrease the costs for the undergrounding of the power; and*
- (3) not proceed with the installation of a raised continuous central median island in Rockingham Road between Phoenix Road and Lancaster Street.”*

Submission

N/A

Report

The developers of the commercial development on either side of Rockingham Road immediately south of Phoenix Road were required as a condition of development to contribute to the future construction of a raised continuous central median island in Rockingham Road between Phoenix Road and Lancaster Street.

The payments made to the trust fund were:-

• Westpoint Corporation Pty Ltd	\$6,000
• Gamehill Pty Ltd	\$3,000 (to be verified)
Total	\$9,000



Now that the Council has decided not to proceed with the central median island, the money should be repaid to the developers respectively.

In an approval issued on 8 July 1993 to Gamehill Pty Ltd, the developer of the Medical Consulting Rooms and Offices at Lot 501 (235) Rockingham Road, Spearwood, Condition 22 required:-

“22. Contribution to 50% of the cost of the traffic control measures adjacent to Lot 501 fronting Rockingham Road.”

This condition was the subject of a Ministerial Appeal, and on 26 March 1994, the Minister determined that:

“2. With regard to Condition 22 I have decided to determine the appeal by amending that Condition to read as follows –

“22 Contribution to 50% of the cost of the traffic control measures adjacent to Lot 501 fronting Rockingham Road – namely improvements to the Rockingham Road carriageway in accordance with the City of Cockburn’s Plan No. 1571B93 dated 17 December 1993 to include a raised median approximately 1.5 metres wide. The total value of the contribution to not exceed \$3000.”

Despite a close examination of the trust fund it is not clear from the City’s Records that the \$3,000 was ever received.

In respect to the approval issued for the redevelopment of the Phoenix Hotel, issued on the 22 December 1993 to Westpoint Corporation Pty Ltd, at Lot 801 Rockingham Road, Spearwood, Condition 19 required:-

“19. Arrangements to be made to the satisfaction of Council for the construction of a raised median on the portion of Rockingham Road adjacent to Lot 801, prior to the issue of a building licence.”

This was not the subject of an appeal and the \$6,000 was paid to the City accordingly.

At the time, December 1993, the estimated cost of the work was \$12,000.

Given that an approval goes with the land it is considered necessary for the Council to delete the conditions from the current development approvals for both sites, namely Condition 22 and 19 respectively, so that the approvals reflect the current Council requirement applying to the developments.



In addition, it is considered necessary for the Council to advise the State Administrative Tribunal that the appeal decision issued by the Minister for Planning on 26 March 1994, in respect to Condition 22 applying to the Gamehill approval will not be implemented. The need for this is because the decision issued by the Minister applies to the land and issued as if the Minister was acting as the Council.

Development Approvals are legally binding documents and therefore any changes to an approval needs to be formally considered by the Council in relation to those approvals determined by it.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The funds for the repayments is to be drawn from the following accounts:-

• A/C GL 890 5786	6,000	
• A/C	\$3,000	(subject to evidence that this sum has been paid to the City)
	Total	\$9,000

No interest is payable o the funds retained in the trust fund.

Legal Implications

Nil.

Community Consultation

N/A

Attachment(s)

Nil.

Advice to Proponent(s)/Applicant

N/A

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

Nil.



16.2 (MINUTE NO 2841) (OCM 09/06/2005) - BEELIAR DRIVE RAILWAY BRIDGE (450953) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) accept the advice from B G & E Consulting Engineers dated 20 April 2005, that problems have occurred with the drainage and stability of the blockwork facing wall on the southern abutment of the Beeliar Drive Railway Bridge and the need to rectify the problem as soon as possible;
- (3) advise B G & E Consulting Engineers that the work be awarded to the tender from A H Civil for a maximum sum of \$90,500 including Consulting Fees to undertake the remedial work under the supervision of B G & E Consulting Engineers and that the work commence immediately;
- (4) draw the funds necessary for the works from the Regional Road Reserve Fund;
- (5) direct the Director Engineering & Works to enter into negotiations with the supervising engineers B G & E Consulting Engineers and the contractors Barclay Mowlen, with a view to resolving the liability for the rectification works, to the satisfaction of the City.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

The railway bridge was constructed in 2001. This was done to enable Beeliar Drive to be constructed under the existing freight railway line.

The Council engaged the services of B G & E Consulting Engineers to supervise the construction of the bridge. The bridge was built by Barclay Mowlem Construction Limited.



The bridge and Beeliar Drive are both open and operating.

Submission

The following is an extract from B G & E Consulting Engineers, dated 20 April 2005.

“We refer to our previous correspondence and discussions regarding the problems that have occurred with the drainage and stability of the blockwork facing wall on the southern abutment.

Based on our assessment of the problems, and the reasons for them, we prepared a set of documents for a remedial scope of work to:

- Address the drainage requirements at the southern abutment.*
- Demolish and make good the block-Work facing wall at the southern abutment including details to ensure that water can no longer drain freely from the embankment into the wall cavity.*
- Investigate the condition of the northern abutment cavity wall and undertake any remedial work necessary.*
- Carry out any rectification to preclude any further drainage into the northern abutment cavity wall.*

Several options for different sections of the work were included.

A copy of the rectification documentation is attached.

The documentation was initially given to Barclay Mowlem Construction Limited who was the Main Contractor for the project. Their response was to provide a cost estimate for the work and the suggestion that a small Builder/Contractor be engaged to undertake the works. We disagreed with both their cost estimate for the work and their strategy for procuring it but, in an endeavour to progress this matter we sought cost advice from a Quantity Surveyor who indicated that the cost estimate provided by BMCL was excessive.

Two civil engineering contractors, A H Civil and Densford were then asked to price the scope of work required. A H Civil were the Contractors who originally assisted with the drainage works when the problem arose. They have, in their pricing process and subsequent discussions offered further alternatives which have been considered.

The price breakdown of the two contractors is as follows:

	A H Civil	Densford
<i>South abutment facing wall</i>	<i>\$ 86,500.00 (includes drainage)</i>	<i>\$ 76,308.00</i>
<i>South abutment drainage</i>		<i>\$ 15,080.00</i>
<i>North abutment</i>	<i>\$ 36,530.00</i>	<i>\$ 37,770.00</i>
<i>Total:</i>	<i>\$123,030.00</i>	<i>\$129,158.00</i>



We have reviewed the prices that have been submitted and consider that they are realistic in terms of the scope of work outlined on our documents.

On the basis of these prices, we recommend that A H Civil be awarded a contract for the remedial scope of work. We seek your advice as to how you wish us to progress this rectification.”

Report

It is unexpected that the embankment wall should fail in such a short time after completion. This is currently being investigated to determine the responsibility of any liability that may relate to the failure of the wall.

According to B G & E Consulting Engineers, rectification needs to be addressed as soon as possible.

Given this the contract should be awarded to, A H Civil, in accordance with B G & E Consulting Engineers advice so that the work can be commenced without delay, primarily to minimise the impact of water runoff, as a result of the impending winter rains. This quotation should be subject to review to ensure all components are justifiable.

The funds can be drawn from the Regional Road Reserve Fund, and following the outcome of the investigation into potential responsibility for the failure of the wall, the City seek to recoup all or portion of the funds expended from the party or parties that may be found to be liable.

B G & E called the tenders because of the urgency of getting the work done as soon as possible in an attempt to complete the work before winter.

B G & E representatives and the Director Engineering and Works met on site on 30 May 2005 to inspect the wall and discuss the options, and it was agreed that at this stage only the southern wall be rectified, as there is no evidence of any problems with the northern wall.

Strategic Plan/Policy Implications

N/A.

Budget/Financial Implications

The \$123,030 quoted in the B G & E letter of 20 April 2005, is for both the north and south embankment walls. Based on a site investigation on 30 May 2005, it was determined that only the southern wall required treatment at this stage. The cost of doing this is:-



\$86,500 – Repairs to Southern Wall
\$ 1,000 – Repairs to Steps
\$ 3,000 – Supervision Fee
\$90,500

The \$90,500 be drawn from the Regional Road Reserve Fund.

Legal Implications

At this stage the responsibility for the wall failing after only 4 years following construction, the parties enter negotiations with a view to resolving the matter on a mutually agreed “without prejudice” basis. If this does not lead to a satisfactory resolution of the matter, then legal advice be sought.

Community Consultation

N/A

Attachment(s)

Nil.

Advice to Proponent(s)/Applicant

In accordance with recommendation

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

Nil.

16.3 (MINUTE NO 2842) (OCM 09/06/2005) - NORTH LAKE ROAD - EXTENSION OF RIGHT TURN POCKET INTO FARRINGTON ROAD (450010) (JR)

RECOMMENDATION
That Council endorse the budgeted works to extend the right turn pocket in North Lake Road at Farrington Road.

COUNCIL DECISION
MOVED Clr K Allen SECONDED Clr T Romano that the recommendation be adopted.
CARRIED 9/0



Background

At the Special Meeting of Council held on 3 August 2004 to adopt the 2004/05 Budget, it was resolved to allocate \$20,000 to extend the right turn pocket in North Lake Road at Farrington Road by 50 metres. As the North Lake Road traffic turning right into Farrington Road is banked up at peak times, the extension of the right turn pocket would avoid traffic congestion.

Submission

The consultation process on the duplication of Farrington Road, on the existing road have been completed.

Report

The extensive community consultation for the duplication of Farrington Road was completed and findings presented to the Ordinary Meeting of Council held on 19 October 2004. Council resolved not to support the possible duplication of Farrington Road at that time, and to contract a suitably qualified Consultant to undertake a Safety Audit of Farrington Road. The Safety Audit has subsequently been completed and the findings do not relate to this matter.

As the consultation process for the duplication of Farrington Road has been completed, and the congestion situation associated with the right turn pocket in North Lake Road has not altered, works should proceed to extend the pocket as budgeted.

Strategic Plan/Policy Implications

One of the objectives of the Corporate Strategic Plan is:

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

Budget/Financial Implications

The works to extend the turning pocket are specifically funded in the current Budget.

Legal Implications

Nil.

Community Consultation

N/A



Attachment(s)

Nil.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 2843) (OCM 09/06/2005) - SHOPPING CENTRE PARKING (2206913) (5515217) (1166) (RA)

RECOMMENDATION

That Council:-

- (1) seek the assistance of local shopping centre managers to have their staff place on the windscreens of cars parking in ACROD areas a notice that serves to educate offenders of the impact on others of their actions; and
- (2) Rangers remain as the only gazetted persons empowered to issue infringement notices for parking offenders.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr I Whitfield that Council defer the item to a future Ordinary Council Meeting pending further consultation with Gateways Shopping Centre and ACROD on this issue.

CARRIED 9/0

Explanation

The Centre Manager of Gateways Shopping Centre has contacted Elected Members with further information in relation to the item, and has requested that the item be deferred so that she can further liaise with Elected Members in relation to the item. In addition, it would be appropriate for ACROD to provide input to the matter



Background

Council at its meeting of 15 March 2005 requested that following consultation with Shopping Centre Management, a report be prepared and presented to Council dealing with the issues relating to Shopping Centre Personnel being able to issue infringements in relation to parking offences.

Submission

Council decision as a matter to be noted for investigation, without debate.

Report

There are two main shopping centres that have a variety of different parking bays which legislation and the City of Cockburn Local Laws relate to, these are the Phoenix Shopping Centre and Gateways Shopping Centre. These bays would be for ACROD parking, taxi parking and unloading bays. The majority of the other shopping centres generally only have one or two ACROD bays, the majority of which do not conform to the specifications laid down by ACROD and as such Council cannot legally enforce the legislation in relation to them.

After consultation with Centre Management at the two Shopping Centres it was established that –

Phoenix Shopping Centre

Have a total 13 ACROD parking bays spread over 5 different areas. They have 1 taxi bay and 2 loading bays.

Generally they receive one or two complaints each week in relation to illegal use of these bays and the centre management refer this for attention by the ranger.

When questioned as to who at the Centre would be responsible for issuing infringements, should Council resolve on this course of action, the Centre Manager thought it was more likely to be either themselves or the Maintenance Manager as Security Staff tend to be too enthusiastic and their staff are rotated on a regular basis.

Gateways Shopping Centre

Have 7 ACROD parking bays between 2 sites. They have 2 taxi bays and 2 loading bays in 2 areas.

They receive few complaints in relation to these bays, generally about one per week.



When asked who would be responsible for issuing infringements, the Centre Manager put forward 4 people, 2 at the Centre Manager's Office and 2 Security Officers.

In order to be able to issue infringements, a named person must be gazetted by Council in the Government Gazette in respect of the legislation and local laws that they will be administering. Only a person named is able to issue and sign infringements, the infringement cannot be passed on to another person in their absence. Should the gazetted officer leave their employment or no longer wish to issue infringements then the gazettal would have to be revoked and a new gazettal completed for the replacement officer.

Several years ago this process was established with Phoenix Shopping Centre personnel with little success. The outcome being that all of the infringements that were issued by them had to be withdrawn due to the infringements being invalid because of incorrect information being entered. Errors included wrong registration numbers, wrong sections of the local laws quoted, wrong infringement amounts being written or the infringement being unsigned. Many of the infringements were issued by staff that were not gazetted as authorised officers, the original authorised officers being no longer employed with this change not being notified to Council. The constant unsuccessful and often long drawn out investigation of these infringements and the administration work associated with their withdrawal was a big drain on Council staff.

After this unsuccessful episode, it was decided that this authority be removed from the shopping centre staff and alternatively they were advised to ring for a ranger should there be a problem and a ranger would be sent at the earliest opportunity to deal with the issue. They could assist the ranger by noting the Registration Number of the vehicle down; this would help the ranger should they arrive after the vehicle has left. This action has resulted in a number of cautions and infringements being issued by the rangers.

The Manager at ACROD has advised that there are 1,759 ACROD permits currently in Cockburn and would like to see more coverage of these bays especially by dedicated parking officers for breaches of the legislation. They have not received many complaints from the public over recent years but the few that they have been forwarded to the ranger's section and dealt with by them.

A copy of this submission was presented to Disability Advisory Committee for their input. During the meeting information was presented by one of the Committee members regarding a model for managing the issue of parking in bays designated for those with a disability.



This concept had come out of a Local Government Authority in Queensland and takes the form of a notice that looks like an infringement note but is rather a means of educating the public about parking issues for people with a disability.

The Committee felt that this would be a preferable place to start, with the education of the public over a defined trial period, followed by an assessment of the outcomes.

Based on the evaluation of a trial period, it could then be determined whether other more stringent approaches would be required in order to satisfactorily address the situation.

Committee members present at the meeting were all in agreement that the adoption of a similar model, using an infringement notice designed for the City of Cockburn, was an appropriate response to the issue raised.

Strategic Plan/Policy Implications

To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.

Budget/Financial Implications

Within current financial reserves.

Legal Implications

Only gazetted persons can impose infringements.

Community Consultation

Consultation with the Centre Management at the Phoenix and Gateways Shopping Centre.

Attachment(s)

Nil.

Advice to Proponent(s)/Applicant

N/A

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

Nil.



17.2 (MINUTE NO 2844) (OCM 09/06/2005) - DEVELOPMENT OF A PET PARK (5402) (AGM) (ATTACH)

RECOMMENDATION

That Council:-

- (1) construct a pet park on the portion of MacFaul Park as shown on the site plan attached to the agenda;
- (2) advise those who have lodged a submission on this matter of Council's decision.

COUNCIL DECISION

MOVED Clr T Romano SECONDED Clr I Whitfield that Council not proceed with the development of a Pet Park in the City and the allocated sum of \$25,000 be dealt with as part of the 2005/2006 budget.

CARRIED 8/1

Explanation

There does not appear to be strong community support for the development of a specific Pet Park in the City. Strong objections were received from residents close to other suggested locations. Furthermore, in the next few years there will be a great demand on the Council's financial resources for infrastructure maintenance and development and the funds allocated for the pet park would be better utilised for this purpose.

Background

Council at the Budget Meeting on 3 August 2004 allocated \$25,000 for the development of a Pet Park similar to the Pet Park at the City of Tea Tree Gully in South Australia. This park would be the first of its kind in WA and would include a fenced off and landscaped area with equipment where dog owners can meet and allow their dogs to play and exercise in a pleasant and appropriate environment.

Council at its meeting of 16 November 2004 resolved to advertise for public comment that one of the following four parks were to be considered as possible locations for a pet park. The identified parks were -



MacFaull Park, Falstaff Cres, Spearwood
 Dubove Park, Freeth Street, Spearwood
 Jarvis Park, Simons Street, Coolbellup
 Hargreaves Park, Counsel Avenue, Coolbellup

An article was first published in the local newspaper on 2 November 2004 and advertisements were published on 5 and 8 February 2005 advising of Council's proposal to establish a pet park in one of the four parks. The Gazette followed this with an article on 15 February 2005.

Submission

Following these publications, the following correspondence has been received:-

- four phone calls requesting more information about the parks
- 2 petitions against the use of the Parks in Coolbellup
- one petition against the use of Jarvis Park, Coolbellup
- one petition against the use of Dubove Park, Spearwood
- Various letters against the use of all the parks

The results of these petitions and letters when analysed and broken down are as follows:-

Both Coolbellup Parks	65 objections
Jarvis Park, Coolbellup	26 objections
Dubove Reserve, Spearwood	87 objections
McFaull Park, Spearwood	1 objection
All Parks	2 objections

Report

There were 21 letters supporting the proposal in general in any area chosen.

There was strong opposition to establishing the Pet Park in either of the parks in the Coolbellup area and strong opposition against establishing the facility in Dubove Park. MacFaull Park as the park with only one objection appears as the preferred option. As a result of consultation with the Parks and Gardens Manager, it would seem that the North Eastern Corner adjoining the car park would be the most suitable location within the park. The size of the Pet Park would be approximately 35 metres wide by 95 metres long. A design for this parks is yet to be developed by Council's Design Consultant, however a copy of a typical layout for the proposed park is attached to the Agenda to assist Council envisage what is proposed should they sanction McFaull Park.

The nature of the dog park design allows for it to be mowed at the same time as the park on which it is located and hence there is little



additional cost for park maintenance. The design of the park will be resistant to damage and it is expected that there will be a relatively small sum of \$1,000 annually required to repair or replace damaged items. Doggy bags will be relocated on the park so that there will be no additional costs incurred with their removal above what is already allocated.

Strategic Plan/Policy Implications

To facilitate and provide an optimum range of community services.

Budget/Financial Implications

\$25,000 has been allocated on the 2004/2005 Budget. This item will be carried forward in the 2005/2006 budget.

Legal Implications

Nil.

Community Consultation

Publications in Local Newspapers calling for public comment

Attachment(s)

Plan showing typical layout of proposed Pet Park
Site Plan showing location within MacFaull Park

Advice to Applicant(s)/Stakeholders

All those who lodged a submission on the proposal have been advised that this matter is to be considered at the June 2005 Council Meeting.

N/A

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

Nil.

17.3 (MINUTE NO 2845) (OCM 09/06/2005) - ABORIGINAL ADVISORY COMMITTEE (8978) (CC) (ATTACH)

RECOMMENDATION

That Council:-

- (1) receive the Minutes of the Aboriginal Advisory Committee Meeting hold on 9 March 2005; and



- (2) support the recommendation of the Aboriginal Advisory Committee for elected members to participate in an Aboriginal Cultural Awareness workshop.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr J Baker that the recommendation be adopted subject to amendment by the inclusion of the following sub-recommendation (3):-

- (3) support the participation of Council senior staff in the workshop.

CARRIED 7/2

Explanation

In order for maximum value to be achieved for Council from the workshop, it is appropriate for Senior Council staff to participate.

Background

In 2003 Council resolved to establish an Aboriginal Advisory Committee to assist and support the City of Cockburn to establish strong relationships and partnerships with the local Indigenous community.

Submission

N/A

Report

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

The committee at its meeting of the 9th of March 2005 resolved to recommend that the incoming Council participate in Cultural Awareness Training. The committee has the view that the elected members would gain an increased understanding of the issues faced by aboriginal people in our society and that the information they received combined with their understanding of the broader political process would go a great way to enhance the situation of the aboriginal members of our community.



There are a number of well-qualified and experienced aboriginal facilitators available that could provide an informative session over a 3-hour period to elected members on matters of aboriginal cultural awareness. A number of Council staff have participated cultural awareness with a number being greatly moved and informed by the experience.

Strategic Plan/Policy Implications

Key Result Area "Facilitating the needs of your community" refers.

Budget/Financial Implications

There are sufficient funds available within the elected members training/conference budget to meet the modest cost of such an aboriginal cultural awareness workshop.

Legal Implications

Nil.

Community Consultation

Attachment(s)

Minutes of the Aboriginal Advisory Committee held on Wednesday 9th March 2005

Advice to Proponent(s)/Applicant

N/A

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

Nil.

17.4 (MINUTE NO 2846) (OCM 09/06/2005) - PROGRESS REPORT ON THE ESTABLISHMENT OF A 'FRIENDS OF COCKBURN LIBRARY' GROUP (710215) (DKF)

RECOMMENDATION

That Council receive the Progress Report on the Establishment of a "Friends of Cockburn Library" Group.



COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr I Whitfield that Council:

- (1) Receive the Progress Report on the Establishment of a 'Friends of Cockburn Library Group; and
- (2) Nominate Councillor Sue Limbert as a member of the Friends of Cockburn Library' Steering Committee which is to be appointed on 13 July 2005.

CARRIED 9/0

Explanation

A public meeting is planned for 13 July 2005 to establish a 'Friends of Cockburn Library' Group. The main task of this meeting is to appoint a steering committee and more generally set the direction for the Group. Cllr Sue Limbert has expressed an interest in becoming involved in this Group.

Background

At its meeting in February 2005 Council inter alia resolved that the Manager Library Services report progress on the establishment of a "Friends of Cockburn Library" group and report progress to the June 2005 Council Meeting.

Submission

N/A

Report

As anticipated in the earlier report a library staff working group has now been established. Its members are the Adult Services Librarian, Branch Librarian – Coolbellup and the Manager Library Services. The purpose of the group is to plan for the initial involvement of the public in the establishment of the friends group. In doing so it has followed the advice of FOLA (Friends of Libraries Australia) and has considered what the initial objectives of the group could be, how the group should relate to the library's administration, the role of the Manager Library Services and the level of tangible support the group should expect from the library service. It, again following FOLA's advice has drafted a provisional constitution. However in light of more recent information the draft provisional constitution is currently in the process of being revised. It will be one of the items presented to the public meeting planned for 13 July 2005 convened to establish a "Friends of Cockburn



Library” group. The main task of this meeting will be to appoint a steering committee and more generally set the direction for the group.

In addition to the normal publicity and advertising in preparation for this meeting, an information kit is to be prepared and be available from the library before the meeting. It will contain the draft interim constitution along with material on friends groups, their value, role and purpose, an outline of some of the sorts of activities a public libraries friends group can be involved in and an outline of some of the benefits that members can enjoy. It is anticipated that this will be available from the last week in June 2005.

The response of the public to this meeting will be critical in determining what further progress will be made. A friends group depends upon the willingness of people in the community to provide the necessary level of active support and participation. While Council and its library service have in this case been the initiators it is in the final analysis a voluntary community organization that will in common with any other group be dependant upon a sufficient and appropriate level of support. It is however hoped that a core group of key people will emerge who will provide it with the impetus that it will require.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

Minimal – able to be managed within the library service’s allocation.

Legal Implications

N/A

Community Consultation

The community is being asked to take charge of the establishment of the group.

Attachment(s)

Nil.

Advice to Proponent(s)/Applicant

N/A

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

Nil.



17.5 (MINUTE NO 2847) (OCM 09/06/2005) - SOUTH LAKE LEISURE CENTRE VARIATION TO TENDER 01/2005 GYMNASIUM EXPANSION (8143) (SH) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the variation to the provisional sum for the replacement of pool hall ceiling linings to \$280,500 (excluding GST) from the original sum of \$100,000 as contained in Tender 01/2005, awarded to Dalcon Construction; and
- (2) transfer the additional amount of \$180,500 from the Community Facilities Reserve Fund to account CW 4133 Expansion of Gymnasium-SLLC.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr K Allen that Council:

- (1) approve the variation to the provisional sum for the replacement of pool hall ceiling linings to \$280,500 (excluding GST) from the original sum of \$100,000 as contained in tender 01/2005, awarded to Dalcon Construction;
- (2) proceed with ceiling works as currently scheduled; and
- (3) transfer the additional amount of \$180,500 from the Community Facilities Reserve Fund to account CW4133 Expansion of the Gymnasium SLLC

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 9/0

Explanation

Given the current state of the ceiling, a delay could see several more sections collapse. Additionally, the possibility also exists that personal injury could occur. As such, the ceiling works should not be delayed and should proceed as currently scheduled.

Background

Tender 01/2005 closed on the 15th of February 2005 for the expansion of the SLLC Gymnasium and Council at its meeting of the 15th March



2005 resolved to award the tender to Dalcon Construction for the value of \$755,704. Included in the tender price was a provisional sum of \$100,000 for the cost of replacing the ceiling in the pool hall.

Submission

Dalcon Construction called for quotes for the pool hall ceiling works as part of the construction contract. Three quotes were received.

Report

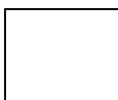
The Pool Hall Ceiling is made up of a sheet and rail system whereby the ceiling sheets sit in supporting rails. The rails are connected to the roof structure by small brackets that are currently not galvanised. A plastic vapour barrier and layer of insulation sit above the ceiling, helping retain heat and prevent moisture from entering the ceiling space and contaminating the roof structure.

In the latter half of 2004 problems were experienced with the ceiling with some of the supporting brackets giving way due to corrosion. The result was that sections of rail sagged with some sheets falling out of the supporting rails. In essence, sections of ceiling collapsed but were still suspended by the rest of the structure. The problem was repaired from the outside with sections of roofing being removed to enable new brackets to be attached to support the rails.

The problem worsened later in the year with more areas collapsing. These areas were also repaired. Repair of the areas from the outside was difficult because the sections were small, the roof sheeting was single span from the peak of the roof to the gutter and environmental factors played a large part in being able to safely work on the roof.

In order to address the ongoing problem, the ceiling works were included as a provisional sum in the Gymnasium Redevelopment Tender. At the time of including the provisional amount of \$100,000 in the construction contract, only limited work had been done on how the ceiling works would be addressed and the scope of the works required. At the initial stage it was suggested that the work might only involve replacing the brackets via roof access.

After further investigation by Bateman Grundmann and Wilson, the project architect, it was decided that the most appropriate way to address the problem was to replace the existing ceiling by removing and replacing the ceiling sheeting, insulation and vapour barrier. The works need to be done from the interior of the building, using scaffold to work at the ceiling height. Replacement of the vapour barrier was deemed necessary due to the fact that the existing vapour barrier had perished. As a result the insulation was wet and also requires replacement.



Two methods of replacement were identified in the quotes with one replacing the entire ceiling structure and the other installing new galvanised support brackets on the existing rails and replacing the sheeting, insulation and vapour barrier.

The following options for ceiling repairs and associated pricing have been identified by Dalcon Construction and represent the price exclusive of GST for Dalcon to proceed with the works.

Option 1 - \$280,500

Reuse existing rails, support with new galvanised brackets throughout, remove and replace sheeting, insulation and vapour barrier

Option 2 - \$432,256

Remove existing ceiling, insulation and vapour barrier and replace with new ceiling system, insulation and vapour barrier.

Based on the pricing and the good condition of the supporting rails, Option 1 is recommended.

The South Lake Leisure Centre aquatic facilities will be closed for the period of the works. Based on the works program, a five-week shut down will be necessary to accommodate the works and reopen the indoor aquatic facilities.

An option exists with regard to the timing of the ceiling works. The works could be delayed until next winter. Given the current state of the ceiling, this delay could see several more sections collapse that will require repair. Additionally, the possibility also exists that personal injury could occur and or the Centre would be forced to close the pool area due to safety concerns until repairs were completed. As such it is recommended that the ceiling works are not delayed and proceed as currently scheduled.

Strategic Plan/Policy Implications

Key result Area "To construct and maintain community buildings, which are owned or managed by the Council to meeting community needs".

Budget/Financial Implications

\$100,000 has been allocated from the Community Facilities Reserve Fund to replace the pool hall ceiling. Additional funding of \$180,500 will need to be allocated from the Community Facilities Reserve Fund.

A four-week closure of the aquatic facilities has been incorporated into the 2005/2006 budget. If the program runs to five weeks only minor budget variances are expected.



Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Cost and scope of ceiling works.

Advice to Applicant(s)/Stakeholders

Dalcon Construction is aware that the matter will go before Council at its June 2005 meeting.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

21.1 (MINUTE NO 2848) (OCM 09/06/2005) - AUDIT COMMITTEE - PROPOSED TERMS OF REFERENCE (5017) (DMG) (ATTACH)

RECOMMENDATION

That Council adopt the Terms of Reference for the Audit Committee as per the revised attachment as tabled.



COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 9/0

Background

At the Special Council meeting conducted on 10 May, 2005, Council established an Audit Committee and appointed five (5) elected members as its membership. However, the Terms of Reference (T.O.R.) were not established at the time, in accordance with Standing Orders, and, as a meeting of the committee is scheduled for 29 June, 2005, it is necessary for Council to adopt the T.O.R. prior to its inaugural meeting.

Submission

To adopt the draft T.O.R. as attached.

Report

Recent amendments to the Audit provisions of the Local Government Act, 1995, and associated Regulations have now made it compulsory for all local governments to appoint audit committees with specified and other non-obligatory functions.

With the committee formally established by Council, it is now necessary for Council to adopt its Terms of Reference.

A comprehensive list of duties and responsibilities considered appropriate for the functioning of the committee is included in a Draft Terms of Reference document, a copy of which is attached to the Agenda.

The Draft T.O.R. has been compiled in consideration of the recently inserted Regulation 16 of the Local Government (Audit) Regulations 2005 which states:-

“16. Function of audit committee

An audit committee –

(a) is to provide guidance and assistance to the local government –

(i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and



(ii) *as to the development of a process to be used to select and appoint a person to be an auditor;*

and

(b) *may provide guidance and assistance to the local government as to –*

(i) *matters to be audited;*

(ii) *the scope of audits;*

(iii) *its functions under Part 6 of the Act; and*

(iv) *the carrying out of its functions relating to other audits and other matters related to financial management.”*

Accordingly, it is considered appropriate that the Committee’s areas of involvement be stipulated at this stage and be reviewed from time to time in order to ensure its relevance to Council’s requirements.

Strategic Plan/Policy Implications

Key Result Area “Managing Your City” refers.

Budget/Financial Implications

N/A

Legal Implications

Sec. 7.12A of the Local Government Act, 1995, and Regulation 16 of the Local Government (Audit) Amendment Regulations 2005, refer.

Community Consultation

N/A

Attachment(s)

Draft Terms of Reference – Audit Committee

Advice to Applicant(s)/Stakeholders

N/A



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

Nil.

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 2849) (OCM 09/06/2005) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

MOVED C/r V Oliver SECONDED C/r A Tilbury that the recommendation be adopted.

CARRIED 9/0

25 (OCM 09/06/2005) - CLOSURE OF MEETING

The meeting closed at 8.01pm.



CONFIRMATION OF MINUTES

I, (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: Date:/...../.....

