

## CITY OF COCKBURN

### SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 20 JULY 2004 AT 7:00 PM

	Page
1. DECLARATION OF MEETING.....	5
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED) .....	5
3. DISCLAIMER (READ ALOUD BY PRESIDING MEMBER) .....	6
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER).....	6
5. APOLOGIES AND LEAVE ABSENCE .....	6
6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	6
7. PUBLIC QUESTION TIME .....	6
8. CONFIRMATION OF MINUTES.....	12
8.1 <u>(MINUTE NO 2466)</u> (OCM 20/07/2004) - ORDINARY COUNCIL MEETING - 15/06/2004.....	12
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE.....	12
10. DEPUTATIONS AND PETITIONS .....	12
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED) .....	12
12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER .....	12
13. COUNCIL MATTERS.....	12
13.1 <u>(MINUTE NO 2467)</u> (OCM 20/07/2004) - PROPOSED NEW STANDING ORDERS LOCAL LAW (1054) (DMG) (ATTACH).....	13
13.2 <u>(MINUTE NO 2468)</u> (OCM 20/07/2004) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE - 8 JUNE AND 30 JUNE, 2004 (1054) (DMG) (ATTACH) .....	15



	<u>(MINUTE NO 2469)</u> (OCM 20/07/2004) – MINUTES OF THE DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COOMMITTEE - 8 JUNE 2004 – ITEM 9.1 – AMENDMENT TO POLICY SC6 ‘COMMUNICATION & INFORMATION DISSEMINATION’ (1054) (DMG)	17
13.3	<u>(MINUTE NO 2470)</u> (OCM 20/07/2004) - AMENDMENTS TO THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (LJCD) (ATTACH)	17
13.4	<u>(MINUTE NO 2471)</u> (OCM 20/07/2004) - OBJECTION TO NOTICE - 36 (LOT 30) TINDAL AVENUE, YANGEBUP - MESSRS A & E MENDES (4309171) (DMG) (ATTACH)	19
13.5	<u>(MINUTE NO 2472)</u> (OCM 20/07/2004) - OBJECTION TO NOTICE - 11 BINNEY RISE, SOUTH LAKE - DEPARTMENT OF HOUSING AND WORKS (5114068) (DMG) (ATTACH)	21
14.	PLANNING AND DEVELOPMENT DIVISION ISSUES	23
14.1	<u>(MINUTE NO 2473)</u> (OCM 20/07/2004) - CLOSURE OF PORTION OF PARKES STREET YANGEBUP, TO THE PASSAGE OF VEHICLES - PURSUANT TO SECTION 3.50 OF THE LOCAL GOVERNMENT ACT 1995 (KJS) (450072) (ATTACH)	23
14.2	<u>(MINUTE NO 2474)</u> (OCM 20/07/2004) - CONSENT TO THE SALE OF PORTION OF RESERVE 25918 JOYCE AVENUE, HAMILTON HILL (2210332) (KJS) (ATTACH)	26
14.3	<u>(MINUTE NO 2475)</u> (OCM 20/07/2004) - DRAFT STATE AND LOCAL GOVERNMENT SUSTAINABILITY PARTNERSHIP AGREEMENT (6018) (SMH) (ATTACH)	29
14.4	<u>(MINUTE NO 2476)</u> (OCM 20/07/2004) - OVERSIZED OUTBUILDING (208.5 SQM TOTAL AREA) - LOT 10; 71 TRIANDRA COURT, BANJUP - OWNER: C & K LEWIS - APPLICANT: TONY KELLY (5519751) (MD) (ATTACH)	31
14.5	<u>(MINUTE NO 2477)</u> (OCM 20/07/2004) - RETROSPECTIVE PLANNING APPLICATION - EXISTING STORAGE AREA - LOT 155;2 FRESHWATER DRIVE, ATWELL - OWNER/APPLICANT: D G BELCHER (5516750) (ACB) (ATTACH)	34
14.6	<u>(MINUTE NO 2478)</u> (OCM 20/07/2004) - DEDICATION OF LAND AS ROAD PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 - LOT 2 BARRINGTON STREET AND LOT 32 HOWSON WAY, BIBRA LAKE (4309786) (4309300) (KJS) (ATTACH)	37
14.7	<u>(MINUTE NO 2479)</u> (OCM 20/07/2004) - DEDICATION OF LAND AS ROAD PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 - LOT 99 BEELIAR DRIVE, BEELIAR	



	(450953) (KJS) (ATTACH) .....	39
14.8	<b><u>(MINUTE NO 2480)</u></b> (OCM 20/07/2004) - CHANGE OF USE - RESPITE ACCOMMODATION - LOT 138; 2 LOCKETT STREET, COOLBELLUP - OWNER: K & F FRANKLIN - APPLICANT: PRESTIGE HEALTH SUPPORT SERVICES (1100429) (MD) (ATTACH) .....	40
14.9	<b><u>(MINUTE NO 2481)</u></b> (OCM 20/07/2004) - OVERSIZE OUTBUILDING (299 SQM) - LOT 31 TAPPER ROAD, BANJUP - OWNER/APPLICANT: L R SKROZA (6000564) (MD) (ATTACH) .....	45
14.10	<b><u>(MINUTE NO 2482)</u></b> (OCM 20/07/2004) - PORT COOGEE MARINA - RELATED ISSUES (3209006) (SMH) (ATTACH) .....	52
14.11	<b><u>(MINUTE NO 2483)</u></b> (OCM 20/07/2004) - NEW SERVICE DRIVEWAY TO SPEARWOOD SHOPPING CENTRE - (WALL AND RAMP) - 6 BARRINGTON STREET, SPEARWOOD - OWNER/APPLICANT: CARCIONE NOMINEES PTY LTD (3316863) (MD) (ATTACH) .....	66
14.12	<b><u>(MINUTE NO 2484)</u></b> (OCM 20/07/2004) - ADOPTION OF REVISED STRUCTURE PLAN FOR PORTION OF DEVELOPMENT AREA NO. 4 - (CELL 10), TINDAL AVENUE AND BEELIAR DRIVE, YANGEBUP - OWNER: VARIOUS (9620) (VM) (ATTACH) .....	69
14.13	<b><u>(MINUTE NO 2485)</u></b> (OCM 20/07/2004) - COCKBURN CENTRAL (THOMSONS LAKE) REGIONAL CENTRE AMENDMENT TO TOWN PLANNING SCHEME NO. 3 (92001) (MR) (ATTACH) .....	74
14.14	<b><u>(MINUTE NO 2486)</u></b> (OCM 20/07/2004) - FINAL ADOPTION - AMENDMENT NO. 15 - RECODING FROM RESIDENTIAL R20 TO R25 - LOTS 6 & 165 (117 & 121) FORREST ROAD, (SAWLE ROAD), HAMILTON HILL - OWNER: MICHELINA MANCINONE - APPLICANT: KOLTASZ SMITH (93015) (VM) (ATTACH) .....	82
14.15	<b><u>(MINUTE NO 2487)</u></b> (OCM 20/07/2004) - PROPOSED PAYMENT OF MAILBOX COST - 73 BEENYUP ROAD, ATWELL (6000547) (MR) .....	84
14.16	<b><u>(MINUTE NO 2488)</u></b> (OCM 20/07/2004) - EXTENSION AND UPGRADE OF EXISTING LUNCH BAR (DELI) - 810 NORTH LAKE ROAD JANDAKOT - OWNER: J & P HAWKINS - APPLICANT: SCRIBE DESIGN GROUP (5513350) (MD) (ATTACH) .....	87
14.17	<b><u>(MINUTE NO 2489)</u></b> (OCM 20/07/2004) - RECONSIDERATION OF RECOMMENDED CONDITIONS - PROPOSED INDUSTRIAL SUBDIVISION (REVISED PLAN) - LOT 502 SUDLOW RD, PHOENIX RD AND NORTH LAKE RD, BIBRA LAKE - OWNER: LANDCORP - APPLICANT: WA LAND AUTHORITY (LANDCORP) C/- MASTERPLAN CONSULTANTS (113648) (MR) .....	91



14.18	<u>(MINUTE NO 2490)</u> (OCM 20/07/2004) - FARRINGTON ROAD - POSSIBLE DUPLICATION - TELEPHONE SURVEY (SMH) (450501) (ATTACH).....	107
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES .....	109
15.1	<u>(MINUTE NO 2491)</u> (OCM 20/07/2004) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH).....	109
15.2	<u>(MINUTE NO 2492)</u> (OCM 20/07/2004) - COMPLIANCE WITH SECTION 6 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 (5003) (ATC).....	111
15.3	<u>(MINUTE NO 2493)</u> (OCM 20/07/2004) - PRINCIPAL ACTIVITIES PLAN - 1 JULY 2004 TO 30 JUNE 2008 (5406) (ATC) (ATTACH).....	112
16.	ENGINEERING AND WORKS DIVISION ISSUES.....	113
16.1	<u>(MINUTE NO 2494)</u> (OCM 20/07/2004) - CAMERA SECURITY SYSTEM AT ADMINISTRATION CENTRE CAR PARK (8959) (JR) .....	114
17.	COMMUNITY SERVICES DIVISION ISSUES.....	117
17.1	<u>(MINUTE NO 2495)</u> (OCM 20/07/2004) - REPORT - SPEARWOOD PUBLIC LIBRARY (710400) (DKF) (ATTACH).....	117
17.2	<u>(MINUTE NO 2496)</u> (OCM 20/07/2004) - CLAIM FOR REIMBURSEMENT - VEHICLE DAMAGE (8910) (DMG) .....	119
17.3	<u>(MINUTE NO 2497)</u> (OCM 20/07/2004) - SAFER CITY/NEIGHBOURHOOD WATCH (RA) (8953) (ATTACH).....	121
	<u>(MINUTE NO 2498)</u> (OCM 20/07/2004) - SAFER CITY/NEIGHBOURHOOD WATCH (RA) (8953) (ATTACH)	126
18.	EXECUTIVE DIVISION ISSUES .....	126
19.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	126
20.	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING.....	126
21.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS .....	126
22.	MATTERS TO BE NOTED FOR INVESTIGATION WITHOUT DEBATE.....	126
23.	CONFIDENTIAL BUSINESS .....	126
24.	<u>(MINUTE NO 2499)</u> (OCM 20/07/2004) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995) .....	127
25.	CLOSURE OF MEETING.....	127



## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 20 JULY 2004 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

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

##### IN ATTENDANCE

Mr R. Brown	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr M. Ross	-	Acting Director, Planning & Development
Mr B. Greay	-	Director, Engineering & Works
Mrs S. Ellis	-	Executive Secretary
Mr C. Ellis	-	Communications Manager

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm.

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

Nil



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

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

**4 (OCM 20/07/2004) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

The Presiding Member advised that he had received a written declaration of Proximity Interest from Cllr Reeve-Fowkes and a declaration of Proximity Interest from Cllr Allen, which would be read at the appropriate time.

**5. APOLOGIES AND LEAVE ABSENCE**

Nil

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

Nil

**7 (OCM 20/07/2004) - PUBLIC QUESTION TIME**

**Logan Howlett**, ratepayer submitted the following questions:

Q1. Does Council have a policy in regard to responding to correspondence from the community and if so, what is the time requirement contained therein?

A. Question taken on notice to be responded to in writing.

Q2. Does the Council intend to conduct information workshops for the community in regard to the Coogee Beach Structure Plan and if not, why not?

A. Question taken on notice to be responded to in writing.

Q3. Is the recently formed Rail Alliance a committee of Council?

A. No.



- Q4. Who introduced the Rail Alliance initiative and for what purpose?
- A. Mayor Lee responded that he introduced it as he believed Cockburn has a wonderful opportunity for its residents to benefit from the rail system.
- Q5. Under what section of the Local Government Act was it formed?
- A. It has nothing to do with Council or the Act.
- Q6. Were Council funds expended in regard to the initiative for advertising, hall hire and catering.
- A. No Council funds were expended for hall hire or advertising. The hospitality of the Mayor was extended to use the Reception Area.
- Q7. Has Council or its administration prepared any draft plans or held any discussions regarding the duplication of Bibra Drive in Bibra Lake?
- A. Question taken on notice to be responded to in writing.

**Robyn O'Brien**, Munster and spokesperson for the Lake Coogee Precinct Landowners Group who are affected by the level of odour emitted by the Woodman Point Wastewater Treatment Plant, asked the following questions:

- Q1. The plant was issued with a new licence on 2<sup>nd</sup> July 2004 from the Department of Environment with a lower level of statutory control on odour emissions. Has the Council made an appeal against the leniency of the licence to the Appeals Convenor?
- A. Question taken on notice to be responded to in writing.
- Q2. Will Council write to the Water Corporation asking that they build odour control measures to substantially reduce odours emanating from their plant to conform with EPA guidelines to a buffer of 500 metres, so that no residents will be adversely affected, either in Munster, Coogee or Cockburn Waters?
- A. Mayor Lee advised that the question will have to be taken on notice as this issue is not currently before Council.
- Q2. Will Council write to the Minister for Government Enterprises, Minister for Planning & Infrastructure and Minister for Environment, asking for Ministerial support in requesting the Water Corporation commit to install immediately, the odour measures identified as urgent in their odour survey and undertake whatever odour control measures are necessary in line with the EPA standards so as not to impact on the existing residents.



A. Again, the matter is not before Council so the question will be taken on notice.

Q3. Will Council request on our behalf to these same Ministers, for an appointment for us to meet with them?

A. Mayor Lee explained that Ms O'Brien should approach local member, Fran Logan MLA, for assistance in gaining a meeting with Ministers.

Q4. Will Council request input into the EPA assessments currently being carried out separately by Victor Talbo on environmental policy for odour buffers around all Water Corporation plants in WA, and the separate assessment with Melissa Bromley, who is assessing the section 16(e) request by the Minister specifically on the buffer around the Woodman Point Plant.

As Ms O'Brien's time was up, further questions were taken on notice to be responded to in writing.

**Andrew Sullivan**, representing Coogee Coastal Action Coalition (CCAC) in relation to the Port Coogee Waterways Environment Management Plan, asked the following questions:

Q1. Submissions to that have to be made by 25<sup>th</sup> July and CCAC was surprised that it was not listed on this Agenda. Is Council making a submission and will it come before Council?

A. Acting Director Planning advised that a technical submission has been made. Given time constraints, it was not put to Council.

Q2. Shouldn't an issue of such importance as Council deciding if it is going to become the Waterways Manager, come before Council?

A. Council's position is that subject to a number of conditions being the Waterways Environmental Management Program prepared to the requirements of the WAPC and being referred by the Council to an independent party for review and advice prior to making a final decision and many more conditions.

Q3. Shouldn't Council be looking at this issue to make a submission?

A. Yes, it will in accordance with its decision.

Q4. Is Council aware that the Coastal Assets Branch of the Department for Planning and Infrastructure made a submission on the Port Coogee issue and actually suggested that much more than 5,000 cubic metres per year would be the amount that the developer would need to allow for in the sand bypassing operation?





- Q5. Given that the developer cannot predict with any reasonable accuracy, just how much sand is needed, will Council insist that the Management Plan be reworked to allow for a much greater amount of sand than similar to the Government Coastal Engineer's suggestion so that the community can actually see the full extent of what this sand bypassing proposal will be?
- Q6. And isn't it true that if the developer had to move an average of 15,000 cubic metres of sand per year compared to the 5,000 cubic metres allowed for by the developer, that the sand bypassing would probably need to occur every year and that would mean beaches would be closed every spring.
- Q7. In this day where we have a principle of polluter pays and because there is a chance that the development could cause erosion at Coogee, and could turn the water turbid for months at a time and could destroy the Omeo Shipwreck as the popular snorkelling spot and could kill the very last near shore seagrass that is just off Coogee Beach, will Council require the developer to put up a substantial monetary bond to cover the cost of the removal of the breakwaters and canal estate.

As Mr Sullivan's time was up, his questions were taken on notice to be responded to in writing.

**John Murrell**, Banjup in response to a letter he had received from Planning Department regarding the planning of Lyon Road near Rowley Road and queried why the Structure Plan for Aubin Grove was not on the Agenda.

Acting Director Planning advised that the Structure Plan will be submitted to the August Council Meeting.

**Robyn Scherr**, Coogee in relation to sand bypassing for Port Coogee, asked the following questions:

- Can the Mayor explain to the Chamber what were the mistakes with the Port Geographe development that caused it to go so wrong?
- Can the Mayor give examples of actions that Council is taking to avoid those same types of mistakes from happening at Port Coogee?
- Is the Mayor prepared to personally guarantee the development won't cause erosion at Coogee Beach, won't cause the water to turn milky and the beaches won't be closed to allow bulldozers to move sand up and down them?

Mayor Lee responded that he was not going to try and list all the problems that occurred at Busselton. He reiterated that Council had stated previously that it is prepared to be the nominated management body to implement the



Waterways Environmental Management Program subject to it being financially and technically acceptable to Council subject to the Waterways Environmental Management Program, prepared to the requirements of the WAPC, being referred by Council to an independent party for review and advice prior to making a final decision on becoming the nominated Manager. And the implementation and management of the Waterways Environmental Management Plan will need to be cost neutral to Council through the utilisation of seed capital and the imposition of a Specified Area Rate applied to the land within the project area. And the implementation of the program must be capable of being undertaken by a suitably experienced contractor on behalf of the Council and many other conditions. They are the decisions that Council has made and will abide by.

Ms Scherr further asked:

- The developer has stated in their management plan that beaches will need to be closed when the sand bypassing system is in operation. Does Council know exactly which sections of beach will be closed and will Council ask the developer to show on a map exactly which beaches will be closed, which beaches will be mined and where the pipes will be sticking out of the breakwaters?
- Does Council consider it reasonable that after taking away 1.5km of coast, the developer should now be allowed to close the remaining beaches for their sand bypassing operation?

Mayor Lee again referred to the October 2002 Council Meeting where the Port Catherine Waterways Environmental Management Program was discussed.

**Patrick Thompson**, Spearwood stated that he had previously asked for the cost of the Aged Persons (Seniors) Consultant Survey but has not received it. He asked for a copy of the costs.

Director Administration will investigate.

Mr Thompson also stated that he had previously raised concern about some barbed wire near the Spearwood railway lines. He noted that the area has been cleared up and advised that he has removed some of the wire but there is still some remaining that Council will need to remove.

The Presiding Member thanked Mr Thompson for his assistance and explained that Council is limited in its access onto railway property.

**Dan Scherr**, Coogee in relation to Council requiring the State Government to give a guarantee that the development wasn't going to damage the environment and that Council would not be held responsible for any damage the development caused, asked the following questions:



- Q1. Has State Government responded to this and will it give Council the guarantees needed to protect the community?
- A. Those guarantees will be pursued particularly if Council considers taking on the role of Waterways Manager.
- Q2. Will Council be able to charge high enough rates at Port Coogee when something catastrophic goes wrong or will the rest of the ratepayers who get no benefit from this development have to pay for the ongoing clean up?
- A. It is Council's position that all costs associated with Port Coogee will be met by a seed fund and specific area rates.

**John Silla**, Landcorp referred to item 14.17 to clarify how the proposal has evolved over the last four years and in particular, rehabilitation and revegetation. The conservation estate began with a requirement for 6ha which was rejected however as part of community consultation, it was extended to 11ha. Part of that proposal at the time included \$600,000 for rehabilitation and revegetation. The Council and community were not prepared to accept such a proposal on the basis that vegetation insitu is a preferred position to rehabilitation. As a result of a Ministerial Review, it was amended to 22ha representing approximately 25% of the site to the value of \$8million. In addition, it will be subject to a series of environmental plans as part of a ministerial statement including eradication of weeds etc. This evening, a commitment was given that Landcorp pay the sum of \$25,000 additional to assist the community and CALM with seed collection, translocation etc.

**Brad Watson**, Atwell in regards to item 14.9 explained to Council that their property is fully covered in bush including where the shed would go thus causing no visual affects to neighbours and tabled a number of photos to support this.

**Bart Houwen**, Munster referred to item 14.10 (2.4) asked Council to consult with the community especially regarding the alignment of the highway on Lake Coogee as versus going through the existing Cockburn Road, before making a decision.

**Andrew Sullivan**, representing C.C.A.C. in regard to item 14.10, stated that the highway was dead to the north and essentially dead to the south but did not understand why Council is persisting with this section of the four lane road. He believed it was not needed south of the railway line. He was aware of plans considering whether Cockburn Road coming from Fremantle should link with Spearwood Avenue and south of the railway line, Cockburn Road become a traffic calmed coastal boulevard that would allow the whole of



Coogee to actually be connected to its beaches. He would like to see the opportunity considered for those options to occur, the potential link of the old Coogee Hotel to the beach to allow people to walk to the beach and not have to cross a 4 lane road and not have traffic lights but roundabouts instead. He asked Council to write to the Government and request that the primary regional road south of the railway line be reviewed and if possible, down graded so it could become a coastal tourism drive?

**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 2466) (OCM 20/07/2004) - ORDINARY COUNCIL MEETING - 15/06/2004**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Tuesday, 15 June 2004, be adopted as a true and accurate record.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 9/0**

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

Nil

**10. DEPUTATIONS AND PETITIONS**

Nil

**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**

12



**13.1 (MINUTE NO 2467) (OCM 20/07/2004) - PROPOSED NEW STANDING ORDERS LOCAL LAW (1054) (DMG) (ATTACH)**

NOTE: THE PURPOSE AND EFFECT OF THE AMENDMENTS WERE READ ALOUD BY THE PRESIDING MEMBER

**RECOMMENDATION**

That Council submits for public comment, the proposed Draft Local Law Relating to Standing Orders, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Mayor S Lee SECONDED Cllr K Allen that

- (1) the recommendation be adopted subject to amendment as follows:
  - 1) Section 4.10 (Notices of Motion) Clause (1) (1) by deleting "14" and substituting "7";
  - 2) Section 8.5 (Prevention of Disturbance) Clause (1) by deleting "person presiding" and substituting "Presiding Member";
  - 3) Section 16.3 (1) (Revocation or Change) Clause (1) by deleting "14" and substituting "7";
  - 4) Section 10.5 by deleting the word "questions" and substituting "motions" in the heading and deleting the word "question" and substituting "motion" in line one and
- (2) a legal opinion be sought as to the interpretation of section 10.6 (f).

**CARRIED 9/0**

**Explanation**

- (1) Whilst it is acknowledged that the Agenda Papers are prepared prior to seven (7) days before the Council Meeting, it is considered that 7 days remains an adequate timeframe for any reports to be provided in relation to Notices of Motion submitted by Elected Members. If necessary, the Notice of Motion and accompanying information can be circulated separately from the Agenda.
- (2) Provides for consistency of terminology throughout the document.
- (3) As per the explanation provided for (1) above.



- (4) Self explanatory.
- (5) Self explanatory.

### **Background**

Some time ago, Deputy Mayor Graham submitted a number of matters in respect of Council's Meeting Procedures, and requested these be considered in the form of amendments to Council's relevant Standing Orders Local Law (see attached faxes and emails).

As a result, it was considered that a total review of the Local Law was warranted, to reflect current standards, practices and legislative requirements.

### **Submission**

To submit the proposed Draft Standing Orders Local Law for public comment.

### **Report**

Largely, the proposed new Local Law is a modernised version of the current Standing Orders to reflect present standards.

Some amendments (additions and deletions) have been effected to the Interpretation section.

In addition, throughout the new Draft, reference is made to "Members", in place of "Councillors" to reflect the fact that Council now has a Mayor elected by the electors, not Council. In addition, the terminology "Presiding Member" replaces "person presiding" throughout.

Other significant changes include:-

- The Presiding Member's ability to impose time constraints at Public Question Time. (Sec. 4.4)
- Clearer procedure for the submission, and dealing with, Notices of Motion. (Sec. 4.10)
- Amendment of procedure for presenting Committee Minutes to Council (Sec. 17.17).

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

Key Result Area "Managing Your City" refers.



**Budget/Financial Implications**

Advertising requirements provided for within Council's Governance Operating Budget.

**Legal Implications**

Sec. 3.12 of the Local Government Act, 1995, refers.

**Community Consultation**

Statewide Public Notice of the proposed new Local Law provides for a 6 week public submission period.

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

N/A

**13.2 (MINUTE NO 2468) (OCM 20/07/2004) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE - 8 JUNE AND 30 JUNE, 2004 (1054) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee, as attached to the Agenda, dated 8 June and 30 June 2004 and adopts the recommendations contained therein.

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

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that the minutes of the Delegated Authorities, Policies and Position Statements Committee Meetings held on 8 June and 30 June 2004, be received and the recommendations contained therein adopted, with the exception of item 9.1 of the 8 June Meeting, which is to be dealt with separately.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**

**Background**

The Delegated Authorities, Policies and Position Statements Committee conducted meetings on 8 June and 30 June, 2004. The



Minutes of the Meetings are required to be presented to Council and its recommendations considered by Council.

### **Submission**

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

### **Report**

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

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

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

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

Key Result Area "Managing Your City" refers.

### **Budget/Financial Implications**

Committee Minutes refer.

### **Legal Implications**

Committee Minutes refer.

### **Community Consultation**

Committee Minutes refer.

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

Committee Minutes refer.





**(MINUTE NO 2469) (OCM 20/07/2004) – MINUTES OF THE DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COOMMITTEE - 8 JUNE 2004 – ITEM 9.1 – AMENDMENT TO POLICY SC6 ‘COMMUNICATION & INFORMATION DISSEMINATION’ (1054) (DMG)**

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Clr S Limbert that this matter be deferred to the next Delegated Authorities, Policies and Position Statements Committee Meeting for further consideration.

**CARRIED 9/0**

**Explanation**

The proposed policy includes an attachment entitled 'Agenda Forums and Other Information Sessions', which is inconsistent with Council Policy SC28. Therefore the Committee will need to fully consider the document, given its importance to Council's governance systems.

**13.3 (MINUTE NO 2470) (OCM 20/07/2004) - AMENDMENTS TO THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (LJCD) (ATTACH)**

**RECOMMENDATION**

That Council, pursuant to Section 3.12 (4) of the Local Government Act 1995, resolve to amend the City of Cockburn (Local Government Act) Local Laws 2000 as attached to the Agenda and publish the amendments in the Government Gazette.

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

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**



### **Background**

Council resolved on 20 April 2004, to amend its local laws to correct errors previously published and to provide a legislative means for dealing with Fire Breaks and related matters.

The requirements of section 3.12.(3) of the Local Government Act 1995, were satisfied by publishing two advertisements in The West Australian on 12 May 2004 and 15 May 2004.

### **Submission**

N/A

### **Report**

The public submission period in relation to this matter, closed on 29 June 2004, and no submissions were received. Therefore, the amendments as presented to Council on 20 April 2004, are presented again for final adoption.

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

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Section 3.12 (4) of the Local Government Act 1995 refers.

### **Community Consultation**

The community had an opportunity to lodge submissions regarding the proposed amendments to the local laws but no submissions were received.

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

Nil.



**13.4 (MINUTE NO 2471) (OCM 20/07/2004) - OBJECTION TO NOTICE - 36 (LOT 30) TINDAL AVENUE, YANGEBUP - MESSRS A & E MENDES (4309171) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council, pursuant to Sec. 9.6(4)(b) of the Local Government Act, 1995, vary the decision objected to by A & E Mendes of 36 Tindal Avenue, Yangebup, by extending the period of time for compliance to 15 August 2004.

**COUNCIL DECISION**

MOVED Cllr L Goncalves SECONDED Cllr A Tilbury that the recommendation be adopted.

**CARRIED 9/0**

**Background**

As a result of an increase in complaints received by Council on the unsightly state of some properties within the District, a programme aimed at identifying properties deemed as unacceptable and having the concerns rectified, was initiated.

The programme was notified to the public through the local newspapers and 'Cockburn Soundings', explaining the primary reason for this action was to promote Council's Mission Statement and encourage conformity throughout the District with its ideals.

From that point on, properties were identified as being sub-standard through a number of sources, being reports from either members of the public, Elected Members or staff.

Affected property owners were originally sent a letter seeking their cooperation in addressing the concerns highlighted.

If, following a period of time allowed for remediation works to be undertaken, the property was still unsightly, the owner of the property was served with a Notice pursuant to Sec. 3.25 of the Act, requiring specific works to be undertaken to correct the identified problem. Should the recipient of the Notice disagree with its requirements, an Objection or Appeal against the decision may be lodged pursuant to Sec. 9.5 or Sec. 9.7 of the Act.



### **Submission**

To extend the period of time allowed by Council for compliance with the Notice given.

### **Report**

The subject property is a 2 hectare semi-rural property located at the northern end of Tindal Avenue, just to the south of new residential development.

A complaint was received that old car bodies were located on the property, detracting from the visual amenity of the area.

A subsequent inspection revealed that to be the case, along with a quantity of scrap metal which also added to the unsightliness of the property. In addition, there was an abundance of dry grass in the front yard, further degrading the appearance of the property.

On 19 March, 2004, these matters were reported to the property owner, who also occupies the premises. In response the owner undertook to address the matters raised when he returned from work commitments in the North West of the State.

Following further inspection of the property on 19 May, 2004, it was noted that the property remained in an unsightly condition.

Accordingly, a formal notice, specifying the remedial action required by Council, was forwarded to the owner requiring the property to be cleaned up by 24 June, 2004.

The owner has objected, again citing work commitments in the North of the State as the reason for being unable to meet his deadline. However, the owner has given an undertaking to complete the necessary works by July 30, if he is granted an extension of time.

Given the relatively short timeframe involved, it is not considered unreasonable to allow an extension of time for the works to be undertaken to a proper standard.

By allowing an extension to mid August will enable the landowner ample time to balance this requirement with any period of working commitments in the North West.

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

Council's Mission Statement "To make the district of the City of Cockburn the most attractive place to live, work and visit in the Perth Metropolitan Area" refers.



**Budget/Financial Implications**

Any costs incurred by Council in ensuring compliance with the Notice will be recoverable from the owner.

**Legal Implications**

Part 3 Division 3 Subdivision 2 and 3 and Part 9 Division 1 of the Local Government Act, 1995, refers.

**Community Consultation**

Advertising of the programme to target unsightly properties was undertaken through local newspapers and “Cockburn Soundings”.

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

Nil

**13.5 (MINUTE NO 2472) (OCM 20/07/2004) - OBJECTION TO NOTICE - 11 BINNEY RISE, SOUTH LAKE - DEPARTMENT OF HOUSING AND WORKS (5114068) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council, pursuant to Sec. 9.6(4)(b) of the Local Government Act, 1995, vary the decision objected to by Department of Housing and Works, on behalf of the tenant occupying 11 Binney Rise South Lake, by extending the period of time for compliance to 15 August 2004.

**COUNCIL DECISION**

MOVED Clr L Goncalves SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 9/0**

**Background**

As a result of an increase in complaints received by Council on the unsightly state of some properties within the District, a programme aimed at identifying properties deemed as unacceptable and having the concerns rectified, was initiated.



The programme was notified to the public through the local newspapers and 'Cockburn Soundings', explaining the primary reason for this action was to promote Council's Mission Statement and encourage conformity throughout the District with its ideals.

From that point on, properties were identified as being sub-standard through a number of sources, being reports from either members of the public, Elected Members or staff.

Affected property owners were originally sent a letter seeking their cooperation in addressing the concerns highlighted.

If, following a period of time allowed for remediation works to be undertaken, the property was still unsightly, the owner of the property was served with a Notice pursuant to Sec. 3.25 of the Act, requiring specific works to be undertaken to correct the identified problem. Should the recipient of the Notice disagree with its requirements, an Objection or Appeal against the decision may be lodged, pursuant to Sec. 9.5 or Sec. 9.7 of the Act.

### **Submission**

To extend the period of time allowed by Council for compliance with the Notice given.

### **Report**

The subject property is a Homeswest Rental property occupied under a normal tenancy arrangement.

A complaint was received in March, 2004, that a number of disused motor vehicles are being kept in the front yard of the property.

An inspection of the property confirmed this to be the case, following which a letter was sent to the tenant seeking his cooperation in removing the vehicles. No action was taken and similar correspondence was then forwarded to Homeswest in an endeavour to have the matter addressed.

As no action was taken as a result of this latest attempt to have the matter addressed, a formal Notice was issued to the landowner, Homeswest, requiring removal of the vehicles within 14 days, expiring 29 June 2004.

Homeswest has subsequently contacted Council advising that they have contacted the tenant, who has shown an initial unwillingness to cooperate. Consequently, it has taken an inordinate amount of time in dealing with the matter, however, some progress has been made in having some of the old vehicle bodies removed. Homeswest is



requesting an extension of time to enable the tenant to strip the remaining vehicles of usable parts prior to having them removed from the property.

With the Notice not being enforceable due to the lodging of an Objection, it is recommended that an extension of time be granted to enable the matter to be resolved.

Such a decision by Council would be seen as Council providing an adequate opportunity for the issue to be addressed in a satisfactory manner.

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

Council's Mission Statement "To make the district of the City of Cockburn the most attractive place to live, work and visit in the Perth Metropolitan Area" refers.

### **Budget/Financial Implications**

Any costs incurred by Council in ensuring compliance with the Notice will be recoverable from the owner.

### **Legal Implications**

Part 3 Division 3 Subdivision 2 and 3 and Part 9 Division 1 of the Local Government Act, 1995, refers.

### **Community Consultation**

Advertising of the programme to target unsightly properties was undertaken through local newspapers and "Cockburn Soundings".

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

Nil.

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

### **14.1 (MINUTE NO 2473) (OCM 20/07/2004) - CLOSURE OF PORTION OF PARKES STREET YANGEBUP, TO THE PASSAGE OF VEHICLES - PURSUANT TO SECTION 3.50 OF THE LOCAL GOVERNMENT ACT 1995 (KJS) (450072) (ATTACH)**

#### **RECOMMENDATION**

That Council close portion of Parkes Street Yangebup, to the passage of vehicles subject to:-



- (1) there being no objection received as a result of advertising in a local newspaper; and
- (2) there being no objection from the service authority, emergency services or adjoining owners.

**COUNCIL DECISION**

MOVED Cllr I Whitfield SECONDED Cllr K Allen that Council close portion of Parkes Street Yangebup, to the passage of vehicles subject to:-

- (1) there being no objection received as a result of advertising in a local newspaper;
- (2) there being no objection from the service authority, emergency services or adjoining owners; and
- (3) vehicular access being maintained to the eastern car park from Parkes Street.

**CARRIED 9/0**

**Explanation**

Vehicle access to a small public car park should be maintained at the eastern end of Yangebup Lake. The proposed closure of a portion of Parkes Street to vehicles should be adjusted accordingly.

**Background**

This section of Parkes Street is a little used formed road between the former wool scouring sheds and a point approximately 180 metres south of Osprey Drive Yangebup.

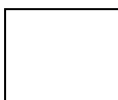
**Submission**

N/A

**Report**

The section of road is parallel to North Lake Road and is not a necessary component of the City's road network.

The land adjoins Yangebup Lake which is in the ownership of the Western Australian Planning Commission. The City is in receipt of funds under the Area Assistance Grant Scheme to undertake the management of the area. These funds will be used to construct





fencing, gates and pavement modifications. Turning circles will be established at each end of the closure. Gates and fencing will ensure that only maintenance vehicles will have access. The works will ensure that the pavement is suitable for pedestrians and cyclists.

Section 3.50 of the Local Government Act allows the City to close either wholly or partially roads to the passage of vehicles.

It is a requirement of the Act to advertise the proposal, consider any objections and to seek comment from the service authorities, emergency services and any adjoining owners.

The only adjoining owner is the WAPC who are aware of the works as proposed. A positive response is therefore expected from the WAPC.

### **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**

To be advertised in a local newspaper and service authorities, emergency services and adjoining owners advised.

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

Nil.



**14.2 (MINUTE NO 2474) (OCM 20/07/2004) - CONSENT TO THE SALE OF PORTION OF RESERVE 25918 JOYCE AVENUE, HAMILTON HILL (2210332) (KJS) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) consent to the sale of two portions of Reserve 25918 to the owners of Lots 296 and 297 Frederick Road, Hamilton Hill;
- (3) request valuations to be undertaken by Valuer General's Office for the Department for Planning and Infrastructure Land Asset Management Service (DPI LAMS);
- (4) subject to the owners of Lots 296 and 297 agreeing to purchase the land at the valuations and successful completion of requirements of Section 3.58 of the Local Government Act 1995, purchase the land for 5% of the valuation or \$500, whichever is the highest, from the Minister for Planning and Infrastructure;
- (5) following (4) above, sell the portion of the land to each of the owners of Lot 296 and Lot 297 at the valuation determined by the Valuer General's Office.
- (6) utilise the monies raised from the sale of the land to the owners of Lots 296 and 297, to have prepared a landscape plan as the basis for upgrading and beautifying the drainage reserve R25918 and the adjoining road verge, by erecting a screen fence along Joyce Avenue and tree planting.

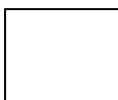
**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

Reserve 25918 was first gazetted in 1961 and has been managed by the City of Cockburn since that time. The purpose from gazettal has been Recreation and Drainage.



The reserve has a depth of 47 metres with a frontage of 40.9 metres (area 2132 square metres). The zoning is Parks and Recreation under Town Planning Scheme No. 3.

It is most likely that the reserve was created as a condition of subdivision. The reserve contains a drainage sump approximately 41 metres by 26 metres in area.

### **Submission**

The owners of Lots 296 and 297 Frederick Street have written to the City requesting the land purchase. DPI LAMS have written to the City setting out the conditions and procedure whereby the transfers can be effected.

### **Report**

Reserve 25918 fronts Joyce Avenue approximately midway between Winterfold Road and Keenan Street, Hamilton Hill. The surrounding land use is made up of mostly single houses dating back to the 1970's.

The reserve is hidden from the street by a fibrous cement fence and double steel clad gates. The fencing and verge treatment is not attractive.

The disposition of the land will return a sum of money to the City estimated at between \$50,000 and \$70,000.

It is a requirement of the DPI LAMS that these profits be spent on the reserve.

The funds could be used to beautify the frontage of the reserve and greatly improve the streetscape of Joyce Avenue.

Lots 296 and 297 will become duplex lots and most likely be developed with 2 additional houses. This will add to the housing diversity of the immediate area.

DPI LAMS require in the first instance an undertaking that the proposed disposition to Lots 296 and 297 is acceptable to the City.

The eastern boundary of the land to be disposed of is 3 metres away from the top of the drainage sump so that the function of the sump will be unaffected.

DPI LAMS require responses from the service authorities and the Ministry for Planning.

DPI LAMS have undertaken to consider disposing of the land to Council for 5% of the valuation by the Valuer General's Office or \$500,



whichever is the greater. Given the current zoning this amount is anticipated to be between \$4,000 and \$10,000.

Once the land is in the ownership of the City, the City is free to sell the land, provided that the monies are applied to the upkeep of the parent reserve or similar reserves in the vicinity.

The land will need to be rezoned to allow the future residential development anticipated.

The return to the City will be enhanced if the rezoning process is commenced before the sale of the land to the owners of Lots 296 and 297 is negotiated.

### **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**

The \$50,000 to \$70,000 raised from the sale of portion of the reserve is required to be spent on the reserve or nearby and as the reserve is used for a sump, improvements can be made to its appearance by erecting a new screen fence and planting trees in the verge. It is estimated that if developed as a dry landscape it could cost in the order of \$2,000 per annum to maintain.

### **Legal Implications**

Nil.

### **Community Consultation**

Responses required from the service authorities and the Ministry for Planning.

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

Nil.



**14.3 (MINUTE NO 2475) (OCM 20/07/2004) - DRAFT STATE AND LOCAL GOVERNMENT SUSTAINABILITY PARTNERSHIP AGREEMENT (6018) (SMH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report; and
- (2) advise the President of the Western Australian Local Government Association that it supports the proposal to enter into a sustainability partnership agreement with the State Government.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

The Council has, over recent years, demonstrated an interest and commitment in promoting sustainable outcomes in respect to environmental, social and economic matters.

The Council has made a commitment to achieve the requirements of Agenda 21 and is a signatory to the "Mandurah Declaration", 1999.

**Submission**

On 10 June 2004, the President of the Western Australian Local Government Association (WALGA) wrote to all local governments within the State seeking comment on a "*Draft State and Local Government Sustainability Partnership Agreement*", a copy of which is attached to the Agenda. Comments are to be submitted by 23 July 2004.

**Report**

The draft partnership agreement is concise and yet broadly based. The agreement relies on the provisions and implementation of the State Sustainability Strategy, which consists of the sustainability definitions, principles, visions and high-level goals for government.



Although a generalised document, based on a commitment of “good faith”, it is important that the Council indicates its support for the agreement as a way of achieving a partnership to pursue the principles of sustainability.

The agreement is not legally binding.

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

### **Budget/Financial Implications**

N/A.

### **Legal Implications**

Nil.

### **Community Consultation**

N/A. Community consultation will be achieved through the application of parallel processes beyond the provisions of the sustainability agreement.

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

Nil.



**14.4 (MINUTE NO 2476) (OCM 20/07/2004) - OVERSIZED  
OUTBUILDING (208.5 SQM TOTAL AREA) - LOT 10; 71 TRIANDRA  
COURT, BANJUP - OWNER: C & K LEWIS - APPLICANT: TONY  
KELLY (5519751) (MD) (ATTACH**

**RECOMMENDATION**

That Council:

- (1) subject to receiving no objections from the Water & Rivers Commission, grant approval to an Outbuilding on Lot 10 (No. 71) Triandra Court, Banjup subject to the following conditions:

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
5. The shed shall be used for domestic and/or rural purposes only associated with the property, and not for human habitation.
6. Compliance with any conditions recommended by the Department of Environment.
7. In the event that there is a discrepancy between the conditions of the Schedule 9 and the conditions recommended by the Department of Environment, the conditions on the Schedule 9 shall prevail.
8. Panel repairs, painting, mechanical servicing, wash-down or degreasing of the commercial vehicle, in part or whole, shall not occur on-site.
9. The applicant is to maintain at their own cost, a 4.2m wide sealed crossover extending from the lot boundary to the Triandra Court road carriageway, to the satisfaction of

the Council.

10. The commercial vehicle shall be parked within the outbuilding at all times (when not in use) and provided with a concrete hardstand to prevent any chemicals or liquid from the vehicle entering the ground to the satisfaction of the Council.
11. The commercial vehicle must not be started up on-site, on the verge or on the road, or returned for parking between the hours of 10.00pm and 6.00am the following day.

FOOTNOTES

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

**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:	Residential	
LOT SIZE:	2.0393 ha	
AREA:	Proposed Shed (96m <sup>2</sup> ) + Existing Shed (122.5m <sup>2</sup> ) =208.5m <sup>2</sup>	
USE CLASS:	Single (R-Code) House - (“P” Use)	

A building licence was previously issued for an outbuilding with a floor area of 122.5m<sup>2</sup> on 20 December 2001. The outbuilding has subsequently been erected on the property.

**Submission**

The application proposes an additional outbuilding with a floor area of 96m<sup>2</sup> with the following dimensions:-





- 12m in length;
- 8m in width;
- 4.5m wall height; and
- 5.2m ridge height.

The additional outbuilding is required to park one commercial vehicle (truck) on-site.

A site plan is with the Agenda Attachments.

### **Report**

The parking of one commercial vehicle is permitted 'as of right' in accordance with Clause 5.10.8(a) of the City's Scheme.

### **APD18 Outbuildings Policy**

The combined floor area of the existing and proposed outbuildings is 208.5m<sup>2</sup>, which exceeds the maximum floor area of 200m<sup>2</sup> by 8.5m<sup>2</sup> set under Council policy.

With respect to the above, it is recommended that the application is acceptable for the following reasons:-

- The proposed outbuilding is setback 15 metres from the side boundary within the modified building envelope and will not have a negative impact on the amenity of the adjoining residence;
- The proposed outbuilding is setback behind the existing residence and outbuilding and will not have an impact on the streetscape;
- The outbuilding will house a truck, which will reduce the visual impact than if the truck was parked in an uncovered area on-site;
- The total combined floor area exceeds Council policy by less than 5% (4.25%), which is considered to be only a minor and acceptable variation in this instance.

It is recommended that the application be conditionally approved for reasons outlined above.

### **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."*



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

The Planning Policies which apply to this item are:-

APD18 Outbuildings

**Budget/Financial Implications**

Nil.

**Legal Implications**

Nil.

**Community Consultation**

N/A

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

Nil.

**14.5 (MINUTE NO 2477) (OCM 20/07/2004) - RETROSPECTIVE PLANNING APPLICATION - EXISTING STORAGE AREA - LOT 155;2 FRESHWATER DRIVE, ATWELL - OWNER/APPLICANT: D G BELCHER (5516750) (ACB) (ATTACH)**

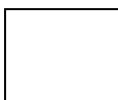
**RECOMMENDATION**

That Council:

- (1) issue retrospective approval for an existing storage area on Lot 155 (2) Freshwater Drive, Atwell, subject to the following conditions:

STANDARD CONDITIONS

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



3. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless such wall or fence is constructed with a 2 metre truncation.
4. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
5. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays
6. Retaining wall(s) (if applicable) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.

#### SPECIAL CONDITIONS

7. The surface finish of the parapet wall abutting the estate wall to be constructed to Council satisfaction.

#### FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
  2. In regards to Condition No. 7, the surface finish of the parapet wall must colour match the existing estate wall and be constructed in a clean or rendered finish to the satisfaction of the Council.
  3. The applicant is advised that the City is legally unable to issue a retrospective building licence for the enclosed storage area.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant.

#### **COUNCIL DECISION**

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

**CARRIED 9/0**



## Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	712m <sup>2</sup>	
AREA:	Approximately 19m <sup>2</sup>	
USE CLASS:	Single House – Permitted	

The background relevant to this proposal is:-

- The owner constructed an enclosed storage area with no roof without first having sought the necessary approvals from the City.
- The owner advised that discussions were held with Council staff prior to undertaking works and was advised that approval was not required for the walls, only the roof. As such the enclosed storage area was constructed without a roof.
- The owner recently made enquiries about erecting a roof to enclose the storage area in order to prevent theft, an ongoing problem. As this structure exists this matter must now be dealt with as a retrospective planning application.

## Submission

The proposal is to construct a roof on an existing structure to prevent an ongoing theft problem.

## Report

The proposal is acceptable from a planning point of view except for the parapet wall height exceeding the estate wall by approximately 3½ courses.

In respect to this matter it is recommended that the parapet wall be supported provided it colour matches the existing estate wall and is constructed in a clean or rendered finish to the satisfaction of the Council.

## Strategic Plan/Policy Implications

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



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

APD10 Discretion to Modify Development Standards  
 APD17 Standard Development Conditions and Footnotes

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

Nil.

### **Community Consultation**

N/A

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

Nil.

## **14.6 (MINUTE NO 2478) (OCM 20/07/2004) - DEDICATION OF LAND AS ROAD PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 - LOT 2 BARRINGTON STREET AND LOT 32 HOWSON WAY, BIBRA LAKE (4309786) (4309300) (KJS) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) request that the Minister for Planning and Infrastructure dedicate Lot 2 on Diagram 63665 Barrington Street and Lot 32 on Plan 3699 Howson Way, Bibra Lake, as road reserve pursuant to Section 56(1) of the Land Administration Act; and
- (2) indemnify the Minister for Planning and Infrastructure against any reasonable costs incurred in considering and granting this request.



**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

Lots 2 and 32 are freehold lots owned by the Western Australian Planning Commission (WAPC) who have agreed to transfer the land to road reserve. The land is undeveloped and forms portion of the future Spearwood Avenue between Sudlow Road and Barrington Street. Spearwood Avenue is an Other Regional Road under the Metropolitan Region Scheme.

**Submission**

N/A

**Report**

The WAPC have agreed to transfer the land to road reserve. The transferee in the transactions is the State of Western Australia. The Department for Planning and Infrastructure Land Asset Management Service (DPI LAMS) is the responsible State Government department. DPI LAMS require that the City request to use the land as road reserve.

The construction of Spearwood Avenue between Sudlow Road and Barrington Street is dependent on funding from Main Roads WA. The funds required are governed by the need to acquire additional land and the cost of the road construction.

**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**

N/A

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

Nil.

**14.7 (MINUTE NO 2479) (OCM 20/07/2004) - DEDICATION OF LAND AS ROAD PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 - LOT 99 BEELIAR DRIVE, BEELIAR (450953) (KJS) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) request that the Minister for Planning and Infrastructure dedicate Lot 99 on Plan 24211 as road reserve pursuant to Section 56(1) of the Land Administration Act; and
- (2) indemnify the Minister for Planning and Infrastructure against any reasonable costs incurred in considering and granting this request.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

Lot 99 was purchased in 2000 to enable the construction of Beeliar Drive. Beeliar Drive is classified as an Other Regional Road under the Metropolitan Region Scheme.

One carriageway has been constructed and the reserve is sufficient width to accommodate the future dual carriageway configuration.



**Submission**

N/A

**Report**

Lot 99 was acquired together with other parcels of land to enable Beeliar Drive to connect Spearwood Avenue and Watson Road. The other parcels acquired have now been vested as road reserve or are in the process of being vested as part of subdivision.

**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**

N/A

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

Nil.

**14.8 (MINUTE NO 2480) (OCM 20/07/2004) - CHANGE OF USE - RESPITE ACCOMMODATION - LOT 138; 2 LOCKETT STREET, COOLBELLUP - OWNER: K & F FRANKLIN - APPLICANT: PRESTIGE HEALTH SUPPORT SERVICES (1100429) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant approval to the Residential Building – Respite Accommodation on Lot 138 (No. 2) Lockett Street, Coolbellup, subject to the following conditions:





## STANDARD CONDITIONS

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

## SPECIAL CONDITIONS

5. The proposed use is restricted to the care of a maximum number of six (6) persons (including primary carers and clients) unless otherwise approved in writing by the Council.
6. The type of care service provided on site shall be restricted to that defined in the applicant's letter dated 15 June 2004 as received by Council on the 16 June 2004.
7. No vehicles are permitted to park on the road and verge adjacent to the subject property. All parking associated with the use shall be contained on-site at all times.
8. No signage is permitted to be erected on the property.
9. All medication associated with the respite accommodation shall be kept in a locked cabinet or locked room to the satisfaction of the Council.
10. A minimum of two (2) car parking bays for visitors being constructed and marked on-site to the satisfaction of the Council in the location marked "in red" on the approved plan. The existing fence and limestone blocks on the left hand (eastern) side of the driveway must be removed to facilitate access to the parking bays.

## FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.



2. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
  3. Until the City 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.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant; and
  - (3) advise the complainant 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:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	847 m <sup>2</sup>	
AREA of House:	330m <sup>2</sup> approx.	
USE CLASS:	Residential Building ("D" Use)	

**Submission**

The application proposes the following:-

- The provision of respite care and accommodation for frail aged, younger disabled and dementia sufferers;
- Respite accommodation means short term, intermittent breaks for either or both the care recipient and their primary carers;
- Accommodation for a total of six (6) people (guests, which can include guests and their primary carer);



- The guests will be provided with a home environment, including home style cooking, which provides an alternative option to existing traditional “institution” type accommodation available;
- All parking associated with the use shall be contained on-site.

### **Report**

One letter of ‘Objection’ was received from a nearby resident in relation to the application and as such the application has been referred to Council for determination, as no delegation to the City exists to determine the application where an objection has been received.

### Community Consultation

The following issues were raised in the one letter of ‘Objection’ received from a nearby resident: -

1. The respite accommodation will increase traffic problems already experienced on the street.
2. Parking associated with the respite accommodation on the verge adjacent to the property will decrease visibility on the street with the potential to increase accidents.
3. Concern that the nature of the clients using the respite accommodation would include drug rehabilitation patients, which may attract criminal activity.
4. The respite accommodation being linked to the health care industry may signal to criminals that drugs are held on the premises.

The above issues raised in the submission are addressed below: -

1. It is considered that the proposal will not generate significant traffic, given that the proposal will only accommodate a maximum of 6 guests at a time.
2. All parking associated with the use shall be contained on the property and parking on the verge adjacent to the property is not permitted.
3. The applicant has specified in the application that the respite accommodation will provide for frail aged, younger disabled and dementia sufferers only.
4. Almost every patient using the respite accommodation will bring a “Webster Pack”, which contains specific medications prescribed by a doctor/pharmacist for the treatment of any



condition(s) of the patient. The medications are essential to the health of the patient. The patient's doctor will deliver most "Webster Packs" to the premises. A locked drug cabinet will also be kept on-site. The Respite Accommodation staff will not administer any clinical services (Wound-care, injections, IV Therapy). These services will be provided by existing HACC providers (eg. Silver Chain etc). The situation involving patients who require specific medication in "Webster Packs" is the same as at a nursing home or other similar use.

The City of Cockburn has recently completed a comprehensive community consultation as part of the development of a Senior's Plan.

The final draft report has recently been finalised by the consultant and one of the key issues identified was the inadequate number of Respite facilities within the City of Cockburn district. There are currently only 3 beds available within the district for Respite, and so this is inadequate for the number of people with disabilities and seniors who live within the City of Cockburn. The consultation has therefore identified a community need for more Respite facilities within the District.

### Conclusion

The application has merit in that it provides an essential service to the community. It is considered that all the concerns raised in the one letter of objection have been adequately addressed. Further, it is considered that the use will not have detrimental impact on the amenity of the area. Therefore, it is recommended that the application be approved.

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

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

2. Planning Your City
  - *"To ensure that the 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."*
  
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**

- (1) Community Consultation undertaken in accordance with Clause 9.4 of the City's Town Planning Scheme No.3, including the following:-
- referral of application to directly affected landowners; and
  - sign on site.
- (2) One letter of 'Objection' was received.

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

Nil.

**14.9 (MINUTE NO 2481) (OCM 20/07/2004) - OVERSIZE  
OUTBUILDING (299 SQM) - LOT 31 TAPPER ROAD, BANJUP -  
OWNER/APPLICANT: L R SKROZA (6000564) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant approval to an oversized Outbuilding, relocation of the Building Envelope and Home Business (Kangaroo Shooting) on Lot 31 Tapper Road, Banjup subject to the following conditions:

**STANDARD CONDITIONS**

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

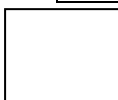


all times by the owner/occupier to the satisfaction of Council.

5. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
6. The shed shall be used for:-
  - storage of car collection
  - storage of tractor and slasher and other rural purposes
  - storage of two 12 metre Freezer trailers (clean)
  - storage of Prime Mover
  - Home Office for Kangaroo Shooting Business only associated with the property, and not for human habitation.
7. All buildings and structures must be located within the Building Envelope on the approved plan.
8. No removal of vegetation is permitted, except in the following circumstances:-
  - (a) To build a house and any associated outbuildings or other approved structures;
  - (b) To construct a driveway;
  - (c) To remove vegetation that is dead, diseased or dangerous; or
  - (d) To construct a three metre wide fire break around the perimeter of the property.

#### SPECIAL CONDITIONS

9. No kangaroo carcasses or remains associated with the business shall be stored or kept on-site at any given time.
10. The proposed structure must be screened from view from any public street and surrounding development by existing and/or proposed vegetation as approved by the Council. Vegetation screening of the outbuilding must be in place within 60 days after practical completion of the building work.
11. The proposed development shall be clad or coloured to complement the surroundings, and/or adjoining developments, in which it is located, and walls shall use non-reflective materials (not zincalume) and natural green or earthy tones (not cream).
12. Panel repairs, painting, mechanical servicing, wash-down or degreasing of the commercial vehicle(s), in part or whole, shall not occur on-site.



13. The applicant is to maintain at his own cost, a 4.2 m wide sealed crossover extending from the lot boundary to the Myall Place road carriageway, to the satisfaction of the Council.
14. The prime mover, car collection, tractor, freezer trailers and any other machinery shall be stored within the outbuilding at all times (when not in use) and provided with a concrete hardstand to prevent any chemicals or liquid from the vehicles/machinery entering the ground to the satisfaction of the Council.
15. The use is not to adversely affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) due to the emission of light, noise, vibration, dust, grit, oil liquid wastes or waste products, or otherwise.
16. Within 12 months of the date of this approval an application for a building licence must be submitted to Council and a dwelling must be constructed.

#### FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
  2. A separate application will need to be made to the City's Health Services to seek to occupy a caravan that is attached to the outbuilding.
  3. The Department of Environment (DoE) has advised the proponent that the property is located in the Jandakot Groundwater Area where there are issues of groundwater quality and availability. The proponent is advised to seek advice from the DoE's Kwinana office concerning groundwater usage. A licence will be required before groundwater abstraction can commence and will contain a number of conditions, which are binding to the proponent.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant accordingly.



**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:	Vacant	
LOT SIZE:	2.0036 ha	
AREA OF OUTBUILDING:	299 m <sup>2</sup>	
USE CLASS:	Home Business – Statement of Planning Policy	

**Submission**

The application seeks approval for a 299m<sup>2</sup> outbuilding with a wall height of 6m. The proponent has provided the following reasons for requiring an oversized outbuilding:

- Storage of car collection (up to 5 cars);
- Storage of tractor and slasher;
- Storage of 2 12 metre freezer trailers;
- Storage of a prime mover; and
- Home office for Kangaroo Shooting Business.

The prime mover and freezer trailers listed above are to be used in a kangaroo shooting business operated by the applicant. The business will not involve the storage of any kangaroo carcasses on-site. The only business activities that will be carried out on-site will be the storage of vehicles and equipment and a home office.

The application is for the outbuilding to be constructed out of cream face brick and zincalume. The applicant has indicated that these materials will match the design and materials of the future residence.

The application also seeks to relocate the existing building envelope 10m closer to the northern common boundary. The landowner has previously cleared vegetation within the proposed building envelope location.

The applicant has also requested to live in a caravan attached to the outbuilding for a period of 6-12 months while a residence is being constructed on the property.





## Report

The owner has indicated that it is the intention to live in a caravan attached to the outbuilding while a residence is being built on the property. The owner will have to apply separately to Council's Health Services to live in the caravan.

### Kangaroo Shooting Business

A Kangaroo Shooting Business is a Home Business under Statement of Planning Policy No. 6. It is considered that the business is consistent with the objectives of the Resource Zone and SPP6 for the following reasons:-

- The business will only involve the storage of 1 prime mover and 2 freezer trailers and other equipment such as firearms on-site;
- The business will not involve the storage of kangaroo carcasses on-site;
- A portion of the shed (100m<sup>2</sup>) will be used for the home office associated with the business.

The parking of one commercial vehicle (truck) within the Resource Zone is permitted 'as of right' in accordance with Clause 5.10.8 (a) of the City's Scheme. The home office part of the use will not have an impact on the subject land or adjoining land and as such it is considered that the proposed business is consistent with the objectives of the Resource Zone.

### Oversized Outbuilding

#### APD 18 Outbuildings Policy (APD 18)

The total floor area of the outbuilding is 299 m<sup>2</sup>, which exceeds the maximum allowed under the policy by 99 m<sup>2</sup>. As such the application has been referred to Council for determination. The ridge height is 6m, however Council's policy currently does not set a maximum ridge height for outbuildings. The proposed 6m ridge height however is consistent with the changes proposed to the outbuildings policy.

It is considered that the proposed outbuilding will not have a significant impact on the amenity of the area for the following reasons, subject to the shed being constructed in natural or earthy tones, rather than cream brick and the roof of non-reflective material rather than zincalume as proposed by the applicant:-

- The outbuilding is setback 10 metres from the nearest common boundary, 20 metres from the street (at the end of a cul-de-sac)



and approximately 120 metres from the residential area to the west;

- The outbuilding complies with Council's Outbuildings policy with respect to maximum wall height;
- The outbuilding will be adequately screened from the residential area of Atwell to the west and nearest resource zoned property to the north by existing dense vegetation located on the property;
- The outbuilding will house a car collection, prime mover and trailers and tractor, which will reduce the visual impact compared to if the truck/cars/equipment were kept in a shed;
- Approximately 100sqm of the outbuilding has been lowered to a maximum ridge height of 4.25m to reduce the bulk impact of the outbuilding.

The applicant has given a legitimate reason for seeking a variation to the maximum floor area requirement of the policy. As such, it is considered that the policy can be varied in this instance.

#### Department of Environment (DoE)

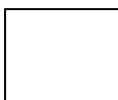
The application has been referred to the DoE for comment as the land falls within the Jandakot Groundwater Protection Policy area.

The DoE have recommended that no development occur within a 50m buffer to Resource Enhancement Wetlands to the north and south of the subject property.

Refer to plan with the Agenda attachments.

It is considered that the DoE's recommendation is not practical for the following reasons: -

- Development has already occurred within the Resource Enhancement Wetlands on lots to the north and south.
- An approved building envelope is already located within the 50m buffer to the north and the proposed relocation of the building envelope would only move the building envelope a further 10m to the northern boundary.
- The proposed building envelope location has already been cleared by the landowner and in this case is the most appropriate location for the building envelope.
- The buffer would restrict development on the widest and most usable part of the block and would restrict development to an area



closer to existing residential development to the south-west of the lot.

It is considered that the DoE's recommendation is not practical and should be dismissed in this instance.

### Conclusion

The construction of this building is cream coloured bricks and a zincalume roof is not acceptable given the large size of the structure.

However, for the reasons detailed above, it is recommended that Council approve the application subject to the conditions contained in the recommendation.

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

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

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 Planning Policies which apply to this item are:-

APD18      Outbuildings

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil



### **Community Consultation**

The application was referred to the Water and Rivers Commission for comment.

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

Nil.

### **DECLARATION OF INTEREST**

Clr Reeve-Fowkes declared a Proximity Interest in Agenda Item 14.10. The nature being that his property adjoins the road reserve on Cockburn Road.

Clr Allen declared a Proximity Interest in Agenda Item 14.10. The nature being due to the proximity of his property to the proposal (Beeliar Regional Park).

The Chief Executive Officer advised that written permission had been granted by the Department of Local Government under delegated authority from the Minister, for Clr Allen to fully participate in the discussion and decision making process relating to this matter.

AT THIS POINT THE TIME BEING 7.42PM, CLR REEVE-FOWKES LEFT THE MEETING.

### **14.10 (MINUTE NO 2482) (OCM 20/07/2004) - PORT COOGEE MARINA - RELATED ISSUES (3209006) (SMH) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt the following position in respect to the future of:-

#### **1. Ocean Road, Spearwood**

Ocean Road be upgraded to urban standard, as a two lane undivided road and be extended to connect Hamilton Road to Rockingham Road, Spearwood.



The extension of Ocean Road be planned as part of the Structure Plan to be prepared for the land in the northern sector of the Packham Development Area which surrounds Watsons.

The western end of Ocean Road be designed and developed as a “gateway to the coast” as part of its redevelopment associated with the re-alignment of Cockburn Road (Fremantle to Rockingham Highway) to the east of the Port Coogee Marina development.

The Port Coogee Marina developer be required as a condition of subdivision to contribute towards the upgrade of Ocean Road between Hamilton Road and the Cockburn Road deviation.

## **2. Spearwood Avenue, Spearwood**

Spearwood Avenue be extended west of Hamilton Road to the realigned Cockburn Road (Fremantle to Rockingham Highway) in accordance with the provisions of the Metropolitan Region Scheme, Scheme Map.

Subject to more detailed traffic analysis and environmental assessment, Spearwood Avenue be designed and developed as a “gateway to the coast” and constructed as a divided four lane dual carriageway,.

The Port Coogee Marina developer be required as a condition of subdivision to contribute towards the construction of Spearwood Avenue between Hamilton Road and the Cockburn Road deviation.

## **3. McTaggart Cove and Robb Road, Hamilton Hill**

McTaggart Cove be retained as a two lane undivided road with the existing level crossing on the railway line being retained, or upgraded in accordance with any Structure Plan adopted for the replanning and redevelopment of North Coogee.

Robb Road being upgraded to urban standard as a two lane undivided road within its existing reserve to serve as the northern access road to the Port Coogee Marina development.

The upgrading of Robb Road is to include the protection of the road from sand drift and provide for the shared use path that extends along the coast.

The Port Coogee Marina developer be required as a condition of subdivision to contribute towards the upgrading of Robb Road and the shared use path south of McTaggart Cove and be required to undertake the necessary works to prevent sand drift



into the road reserve.

#### **4. Fremantle to Rockingham Highway**

The Fremantle to Rockingham Highway between Rockingham Road in the north and Rockingham Road in the south be retained in the Metropolitan Region Scheme as a Primary Distributor Road (Red Road).

The highway be ultimately constructed as a divided, dual carriageway (4 lane) with at grade intersections.

The highway follow the existing Cockburn Road alignment north of the Port Coogee Marina, then deviate east of the marina in accordance with the Metropolitan Region Scheme Amendment No. 1010/33, south to follow the proposed new alignment west of the existing Cockburn Road reserve, the western side of Lake Coogee in accordance with the Metropolitan Region Scheme and proposed Metropolitan Region Scheme Amendment 1071/33.

#### **5. Beeliar Drive, Munster**

Subject to the recommendation of the Environmental Protection Authority, Beeliar Drive be constructed in accordance with the provisions of the Metropolitan Region Scheme, Scheme Map, between Stock Road and Cockburn Road,

Beeliar Drive be constructed as a divided dual carriageway (4 lanes) unless a traffic analysis determines otherwise.

#### **6. Beeliar Regional Park, Spearwood**

Beeliar Regional Park remains in the control and management of the Department for Conservation and Land Management.

#### **7. South Fremantle Power Station, Spearwood**

The future of the South Fremantle Power Station be determined as part of the proposed revised Master Plan for North Coogee.

#### **8. Fremantle to Midland Railway Line**

Support the introduction of a passenger rail service along the existing rail service to serve Fremantle, Perth and Midland.

The Fremantle, Perth and Midland line operate as a loop and within the City of Cockburn include stations at the intersection with the Perth to Mandurah line as a rail to rail interchange, Yangebup, Spearwood, Port Coogee and the South Beach



Urban Village.

The station provided as part of the Port Coogee Marina Structure Plan be reconfirmed.

- (3) advise the Department for Planning and Infrastructure and the developer of the Port Coogee Marina of the Council's decision accordingly

#### **COUNCIL DECISION**

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

- (1) defer consideration of this item to the August Ordinary Council Meeting;
- (2) convene a Concept Forum for Elected Members to be briefed on the item; and
- (3) pursuant to section 5.69 of the Local Government Act 1995, apply to the Minister for Local Government and Regional Development, to allow Cllr Reeve-Fowkes to participate in the consideration by Council of all matters relating to land affected by proposed road works to that part of the Fremantle to Rockingham Highway (Cockburn Road), in which he would be required to declare a proximity interest in the future.

**CARRIED 8/0**

#### **Explanation**

The agenda item recommends that Council adopt 8 positions regarding matters 'implicated by the decision to support the development' of the Port Coogee Marina. Council considers that Elected Members require a forum to ask questions of the Director, Planning & Development Services, who is the author of the agenda report and who, at present, is on annual leave. Cllr Reeve-Fowkes has requested Council make an exemption application to the Minister.

#### **Background**

Council at its meeting held on 16 March 2004, adopted the Port Coogee Marina Local Structure Plan, and Town Planning Scheme No. 3 Amendment (No. 3) with modifications. At the meeting the Council also resolved to require reports be prepared on the following matters implicated by the decision to support the development of the marina, namely:-



- Ocean Road, Spearwood
- Spearwood Avenue, Spearwood
- McTaggart Cove and Robb Road, Hamilton Hill
- Fremantle to Rockingham Highway (Cockburn Road)
- Beeliar Drive, Munster
- Beeliar Regional Park, Spearwood
- South Fremantle Power Station, Spearwood
- Fremantle to Midland Railway line.

### **Submission**

N/A

### **Report**

Each of the above matters will be briefly discussed in order to understand the relationship of the issue to the Port Coogee Marina proposal and the basis to the recommendation.

It is pointed out that a discussion paper was prepared by the Director Planning and Development and this was discussed with the executive officers of the City and from this consensus outcomes were derived which form the basis of the recommendations to Council.

#### **1. Ocean Road, Spearwood**

Ocean Road is the only road which currently provides direct access to the Port Coogee Marina from the east.

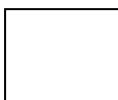
Ocean Road is located within a 20 metre reserve and is a two lane undivided carriageway built to rural standard.

Ocean Road connects Cockburn Road to Hamilton Road and is just over 1 kilometre long, and east of Cross Road, has 21 dwellings directly fronting onto it.

Ocean Road crosses over a high ridge which provides spectacular views across the coast to Cockburn Sound. When Cockburn Road is realigned, in accordance with the proposed Port Coogee Local Structure Plan, the junction of Ocean Road with Cockburn Road will be substantially modified to provide for a channelised 'T' intersection at Cockburn Road and Ocean Road.

Ocean Road will be an important road to serve the future marina and because of this should be retained, particularly given the fact that the extension of Spearwood Avenue, west of Hamilton Road, could be many years away.

It is concluded that Ocean Road be:-





- upgraded to urban standard, as a two lane undivided road and be extended to connect Hamilton Road to Rockingham Road, Spearwood.
- planned as part of the Structure Plan to be prepared for the land in the northern sector of the Packham Development Area which surrounds Watsons.
- designed and developed as a “gateway to the coast” as part of its redevelopment associated with the re-alignment of Cockburn Road (Fremantle to Rockingham Highway) to the east of the Port Coogee Marina development.

The Port Coogee Marina developer be required as a condition of subdivision to contribute towards the upgrade of Ocean Road between Hamilton Road and the Cockburn Road deviation.

## **2. Spearwood Avenue, Spearwood**

Spearwood Avenue is shown on both the MRS and the local scheme as an Other Regional Road (“Blue Road”) between Beeliar Drive and Cockburn Road, serving the suburbs of Spearwood, Bibra Lake (Industrial), Yangebup and Beeliar.

Currently Spearwood Avenue has been constructed as a major road between Hamilton Road and Miguel Road, and the new rail bridge has been built to connect Barrington Street to Beeliar Drive. This is an important district road, that is planned to connect to the coast adjacent to the Port Coogee Marina.

Although shown as an Other Regional Road in the MRS, the road traverses the Beeliar Parks and Recreation Reserve west of Hamilton Road to connect into the realigned Cockburn Road Primary Regional Road (“Red Road”) which follows the coastal ridge. This is referred to as the Fremantle to Rockingham Highway.

The future of the Fremantle to Rockingham Highway is uncertain because of the State Government’s decision to delete the Fremantle Eastern Bypass from the MRS. Given this, it is unlikely that the Fremantle to Rockingham Highway will eventuate in its current location or to highway standard. It is proposed as part of the Port Coogee Marina, that Cockburn Road be diverted around the eastern side of the Port Coogee Marina up to the ridgeline.

Cockburn Road is therefore likely to be developed as a four lane divided road with at grade intersections and provide a north-south coastal route between Fremantle, Henderson, Wattleup and other destinations to the south of the district.



None of the Port Coogee Marina plans show Spearwood Avenue connecting into Cockburn Road.

It is concluded that Spearwood Avenue be:-

- extended west of Hamilton Road to the realigned Cockburn Road (Fremantle to Rockingham Highway) in accordance with the provisions of the Metropolitan Region Scheme, Scheme Map.
- designed and developed as a “gateway to the coast” and constructed as a divided four lane dual carriageway, subject to more detailed traffic analysis and environmental assessment, Spearwood Avenue.

The Port Coogee Marina developer be required as a condition of subdivision to contribute towards the construction of Spearwood Avenue between Hamilton Road and the Cockburn Road deviation.

### **3. McTaggart Cove and Robb Road, Hamilton Hill**

McTaggart Cove is a short road which provides access from the existing Cockburn Road to Robb Road and the beachside car parking and grassed picnic area north of the South Fremantle Power Station.

McTaggart Cove also provides access to the entrance to the Power Station.

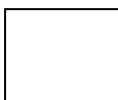
Robb Road is about 1.7 kms long and extends from Rollinson Road in the north and Cockburn Road in the south. It is a low traffic road which runs parallel to Cockburn Road and provides access to C Y O'Connor Beach.

North of McTaggart Cove, Robb Road is well defined, is relatively new and forms part of the beachfront redevelopment undertaken as part of the development of the Robb Jetty Industrial Estate by Landcorp.

South of McTaggart Cove, Robb Road is not well defined, as it is subject to sand drift and is in a substandard condition. The road is separated from the coast by the South Fremantle Power Station and is marginally separated from Cockburn Road by the Fremantle to Rockingham railway line.

The plan for the Port Coogee Marina shows the central subdivisional road for the project linking into Robb Road, as the northern exit and entry point to the development.

Except for two entry points into the project area from the east and south off Cockburn Road, the northern connection to Robb Road is the only other road link into the development. The Robb Road connection is important for access and circulation.



However, given the existing condition of Robb Road, its relationship to the Power Station and the potential problem with sand drift over the road on its useability, its suitability as an access road into Port Coogee without substantial upgrading is questionable.

It is concluded that McTaggart Cove be:-

- retained as a two lane undivided road with the existing level crossing on the railway line being retained, or upgraded in accordance with any Structure Plan adopted for the replanning and redevelopment of North Coogee.

Robb Road be:-

- upgraded to urban standard as a two lane undivided road within its existing reserve to serve as the northern access road into the Port Coogee Marina development.
- protected from sand drift and provide for the coastal shared use path.

The Port Coogee Marina developer be required as a condition of subdivision to contribute towards the upgrading of Robb Road and the shared use path south of McTaggart Cove and be required to undertake the necessary works to prevent potential sand drift into the road reserve.

#### **4. Fremantle to Rockingham Highway (Cockburn Road)**

The Fremantle to Rockingham Highway has formed part of the MRS for many years as a Primary Regional Road ("Red Road").

The purpose of the highway is to provide a fast traffic route between Rockingham and Kwinana in the south to Fremantle, the Port and the northern suburbs. However, since the recent decision by the State Government to delete the Fremantle Eastern Bypass from the MRS, the future of the Fremantle to Rockingham Highway is in doubt.

Moreover, the route of the existing Fremantle to Rockingham Highway reservation which follows the ridgeline, is torturous and would be very costly to construct. Given this, together with the deletion of the Fremantle Eastern Bypass it is highly unlikely that the highway will proceed on its current alignment or be built to highway standard.

In addition, the highway would finish at Rockingham Road in the north, near the Newmarket Hotel and follow the coast south, around the Port Coogee Marina and then along the western side of Lake Coogee to Stock Road.



This connection continues to make Cockburn Road (as an alternative to the Fremantle to Rockingham Highway) a very important regional road as it leads directly into Russell Road which connects to the Kwinana Freeway, via the Hope Valley Wattleup Redevelopment Area.

Therefore the role of Cockburn Road will remain an important district road.

It is concluded that the Fremantle to Rockingham Highway between Rockingham Road in the north and Rockingham Road in the south be:-

- retained in the Metropolitan Region Scheme as a Primary Distributor Road (Red Road).
- ultimately constructed as a divided, dual carriageway (4 lane) with at grade intersections.
- constructed to follow the existing Cockburn Road alignment north of the Port Coogee Marina, then deviate east of the marina in accordance with the Metropolitan Region Scheme Amendment No. 1010/33 (Port Coogee Amendment), south to follow the proposed new alignment west of the existing Cockburn Road reserve, the western side of Lake Coogee in accordance with the Metropolitan Region Scheme and proposed Metropolitan Region Scheme Amendment 1071/33. (Deletion of the Fremantle to Rockingham Highway south of Russell Road, from the Beeliar Regional Park).

## **5. Beeliar Drive, Munster**

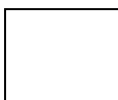
Beeliar Drive is probably the most important east-west road in the district. It connects the Armadale Regional Centre and the south-east urban corridor generally, to the Thomsons Lake Regional Centre and the coast.

Beeliar Drive is an "Other Regional Road (Blue Road) under the MRS.

Should Roe 8 not be constructed west of the Kwinana Freeway, the only regional east-west roads serving the district are:-

- South Street (City of Melville)
- Beeliar Drive
- Russell Road
- Rowley Road (Town of Kwinana) (Yet to be built to serve the Outer Harbour)

Beeliar Drive has been constructed between the Kwinana Freeway and Yangebup Road (near Watson Road). It is likely that the road will be eventually constructed to Stock Road. However, west of Stock to Cockburn Road the proposed Beeliar Drive reserve follows Yangebup Road to Mayor Road where it continues directly to the coast across the



northern end of Lake Coogee. The crossing of Lake Coogee could have significant environmental implications.

Beeliar Drive is the only regional road which can bring traffic from the east (Kwinana Freeway/ Armadale Road) directly to the coast and the Port Coogee Marina. It is a very important road.

It is concluded that subject to the recommendation of the Environmental Protection Authority, Beeliar Drive be:-

- constructed in accordance with the provisions of the Metropolitan Region Scheme, Scheme Map between Stock Road and Cockburn Road,
- built as a divided dual carriageway (4 lanes) unless a traffic analysis determines otherwise.

## **6. Beeliar Regional Park, Spearwood**

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

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

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

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

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

The current situation is that the area is:-

- maintained at no cost to the City
- owned by the Western Australian Planning Commission
- managed as part of the Beeliar Regional Park by CALM



- to be used for the disposal of contaminated ground water for the Port Coogee development
- to be used for irrigating contaminated water as an EPA condition of approval for the development
- part of the Port Coogee Development Agreement which is between the developer and the State Government. The City is not a party to this arrangement.
- Unlikely to be receiving contaminated water in 8 to 10 years time as the plume will have travelled through the ground to the coast within this time, based on the environmental report.

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

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

## **7. South Fremantle Power Station, Spearwood**

The South Fremantle Power Station is located on the doorstep of the Port Coogee Marina.

Currently the building is derelict, subject to vandalism and is an 'eyesore' on the coast.

For many years the State Government has been looking for a re-use of this large building, but despite this it has been placed on the Interim Heritage Register as an example of industrial architecture of the 1950's.

To date there has been no formal submissions received for the re-use of the power station and therefore its future is uncertain. The problems that may be associated with the ability to 'viably' re-use the power station could be its:-

- large footprint of 1 ha, with a volume 4 times this area
- design and construction method
- location, on the coast within a Parks and Recreation Reserve (MRS)
- potential for concrete erosion and failure
- potential for the site containing hazardous and contaminated materials (clean up costs)
- small local and regional market for potential re-use
- close proximity to the existing unsightly switchyard
- limited accessibility to the regional and district road system



- confined location between the coast and the railway reserve, making expansion and land cross subsidies difficult
- associated with the review of the North Coogee Master Plan, which makes the future land use for the site and the surrounding areas uncertain.

Given this situation, the possibility of the power station being redeveloped in the short to medium term is very low.

It is understood that Western Power will be advertising the property for public tender in the near future, subject to LandCorp not being interested in taking first option to purchase.

The involvement of a state agency, like LandCorp, is considered fundamental to the possible redevelopment of the power station, in the longer term.

It is concluded that the future of the South Fremantle Power Station be determined as part of the proposed revised Master Plan for North Coogee.

## **8. Fremantle to Midland Railway Line**

The Fremantle to Midland Railway line passes by the northern boundary of the Port Coogee Marina development.

The Local Structure Plan for Port Coogee adopted by the Council provides for a rail station adjoining the housing estate. Similarly, the South Beach Village project also makes provision for a station within its development area. These have been provided on the assumption that at some time in the future a passenger service will extend from Fremantle south to South Beach and Port Coogee.

The line that will be used is the freight line which serves Midland, Kewdale, Canning Vale, Kwinana and Rockingham. The State Government, in its 6 point plan for the freight network south of the river, proposes that the line between Fremantle and Kewdale be used to transport sea containers (CTU) between the port and inland terminals. Over the next 10 years it is predicted that 30% of all CTU's will be conveyed by rail, which could represent between 300,000 to 350,000 CTU's per year.

Based on current advice, it is difficult to combine freight and passenger traffic on a common line, because of operational incompatibilities. Given this, it may not be possible to achieve a passenger rail to the south of Fremantle.

The Council supports the State Government's 6 point transport plan which includes the increase in rail freight traffic.



The passenger line, if it eventuates, could simply come south to:-

- South Beach and South Beach Village and terminate
- Port Coogee Marina and the power station and terminate
- Thomsons Lake Regional Centre via the disused railway reserve through Bibra Lake, as an alternative connection to Perth via Fremantle
- Thomsons Lake Regional Centre via the existing railway line via Yangebup, as an alternative connection to Perth via Fremantle.

There is little doubt that a potential rail service between Port Coogee and Fremantle and by this connection, to Perth, could be valuable for tourists and recreational users. It is unlikely that it would be an alternative commuter service for those of the upper socio-economic groups that are expected to reside at South Beach and Port Coogee.

Studies undertaken in the past have indicated that there is a very low need to provide a passenger rail connection between the Perth-Mandurah line and Fremantle. The desire is to travel to the Perth CBD.

Given this it is unlikely that any passenger rail service will be achieved between Fremantle and destinations to the south in the short to medium term. Subject to the need for extensive investigation, it may be a long term possibility.

Without knowing what the future may hold at this stage, it is considered worthwhile making provision for a railway station stop to serve Port Coogee as part of the current plan.

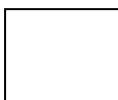
It is therefore concluded that the:-

- the introduction of a passenger rail service along the existing rail service to serve Fremantle, Perth and Midland be supported.
- Fremantle, Perth and Midland line operate as a loop and within the City of Cockburn include stations at the intersection with the Perth to Mandurah line as a rail to rail interchange, Yangebup, Spearwood, Port Coogee and South Beach Urban Village.
- station provided as part of the Port Coogee Marina Structure Plan be reconfirmed.

### **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."*
3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
5. Maintaining Your Community Facilities
  - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and convenient and safe for use by vehicles, cyclists and pedestrians."*
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*

### **Budget/Financial Implications**

Monies will need to be identified for consideration in future budgets to fund the works necessary to:-

- Upgrade Ocean Road between Hamilton Road, Spearwood, and the Cockburn Road Deviation (2005/06 Budget).
- Upgrade McTaggart Cove and Robb Road, Spearwood, (2006/07 Budget)
- Construct Beelias Drive, between Stock Road and Cockburn Road, Munster (2008/09 Budget).
- Construct Spearwood Avenue, between Hamilton Road and Cockburn Road Deviation, Hamilton Hill (2011/12 Budget).

It would be expected as a condition of subdivision that the developer of the Port Coogee Marina would contribute towards the:-

- Upgrade of Ocean Road, Spearwood.
- Construction of Spearwood Avenue, Spearwood.
- Upgrade of Robb Road, Spearwood.

The cost of building the Fremantle to Rockingham Highway, the care and maintenance of the Beelias Regional Park east of the Port Coogee



Marina, the redevelopment of the South Fremantle Power Station and the future development of a passenger service on the Fremantle to Midland line should be a state responsibility.

**Legal Implications**

Nil.

**Community Consultation**

N/A. However, some of the matters raised in the report will require community consultation as part of the approval and/or development process.

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

Nil.

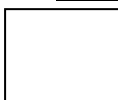
AT THIS POINT THE TIME BEING 7.46PM, CLR REEVE-FOWKES RETURNED TO THE MEETING.

**14.11 (MINUTE NO 2483) (OCM 20/07/2004) - NEW SERVICE DRIVEWAY TO SPEARWOOD SHOPPING CENTRE - (WALL AND RAMP) - 6 BARRINGTON STREET, SPEARWOOD - OWNER/APPLICANT: CARCIONE NOMINEES PTY LTD (3316863) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) refuse the proposed New Service Driveway on No. 6 Barrington Street, Spearwood, for the following reasons:-
  - 1. The height of the proposed acoustic wall of 4.0m to 4.8m is excessive and will have a significant impact on the streetscape and amenity of the adjoining residential property.
  - 2. The applicant has not provided sufficient justification for the alternative access arrangement and ramp to service the site.
  - 3. The existing access location off Rockingham Road to service the shopping centre has been the primary access since its commencement and is adequate to service the development.



(2) issue a Schedule 9 Refusal to the applicant.

**COUNCIL DECISION**

MOVED Clr K Allen SECONDED Clr S Limbert that the recommendation be adopted.

**CARRIED 9/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Local Centre
LAND USE:	Vacant (former Indoor Pool Complex)	
LOT SIZE:	2757 m <sup>2</sup>	
USE CLASS:	Shop 'P'	

**Submission**

The proposal is to construct a service access ramp and acoustic wall from Barrington Road to the Spearwood Shopping Centre for trucks. Details of the proposal are as follows: -

- Construct a 4m wide access ramp which will have a maximum height of 2.5m above natural ground level and will be 40.2m in length.
- Construct a 4m to 4.8m high acoustic wall to reduce noise impacts on the adjoining residential property.
- The ramp is proposed to provide access for one heavy service vehicle and four medium service vehicles in addition to some light service vehicles between the hours of 7am to 7pm, Monday to Saturday.

In the above regard a comprehensive acoustic report was prepared by ND Engineering. A summary of the recommendations is as follows:-

1. The construction of a 4m to 4.8m high acoustic wall to reduce noise impacts on the adjoining residential property.
2. A speed limit of 5 km/h along service driveway.
3. Service vehicles are not permitted on the shopping centre site:



- (a) prior to 7.00am nor after 7.00pm; and
  - (b) On Sundays and/or public holidays.
4. The Cleanaway bin vehicle is not permitted to use the service driveway and shall continue to use existing service access points.
  5. Undertake a further acoustic assessment to determine whether acoustic treatment is required on the service driveway side of the wall along the portion of the acoustic wall adjoining the backyard of the adjoining lot (approximately 20m in length).

The elevation and site plans are with the agenda attachments.

## **Report**

### Community Consultation

The application was referred to the adjoining affected landowner for comment. The adjoining landowner advised of no objection to the overall proposal provided the acoustic wall is a minimum height of 2.7m and a maximum height of 3.0m.

The City's Health Services believe that unless all recommendations made in the acoustic report are implemented, including construction of an acoustic wall to a height of 4.8m, the noise levels generated by the use of the ramp will exceed the legal levels specified under the *Environmental Protection (Noise) Regulations 1997*.

It is acknowledged that the proposed ramp will facilitate an alternative service vehicle access/egress to the existing shopping centre, however the application is not supported for the following reasons:-

- The adjoining landowner has objected to the height of the proposed acoustic wall, which is required to be constructed in order to comply with the *Environmental Protection (Noise) Regulations 1997*;
- It is considered that the required height of the acoustic wall will have a significant impact on the amenity of the streetscape and adjoining residential property;
- The applicant has not provided sufficient justification for the new access location and ramp;
- The existing access location off Rockingham Road to service the shopping centre has been the primary access since the commencement of use and seems to be adequate to service the development.



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

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

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

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

Nil.

### **Community Consultation**

The application was referred to the adjoining landowner for comment. One letter of no objection (subject to conditions) was received.

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

Nil.

### **DECLARATION OF INTEREST**

Clr Goncalves declared a Conflict of Interest in Agenda Item 14.12. The nature being that she has a relationship with the proprietor's son.

AT THIS POINT THE TIME BEING 7.48PM, CLR GONCALVES LEFT THE MEETING.

**14.12 (MINUTE NO 2484) (OCM 20/07/2004) - ADOPTION OF REVISED STRUCTURE PLAN FOR PORTION OF DEVELOPMENT AREA NO. 4 - (CELL 10), TINDAL AVENUE AND BEELIAR DRIVE, YANGEBUP - OWNER: VARIOUS (9620) (VM) (ATTACH)**

### **RECOMMENDATION**

That Council:



- (1) adopt the proposed modifications to the Cell 10 Structure Plan pursuant to clause 6.2.9 of the City of Cockburn Town Planning Scheme No. 3, as shown on the plan included in the Agenda attachments;
- (2) receive the report associated with the revised Structure Plan for portion of Development Area 4, Yangebup;
- (3) refer the modified Cell 10 Structure Plan to the Western Australian Planning Commission for endorsement; and
- (4) advise BSD/Evans and Gianoli Land Development Consultants and Urban Focus of Council's decision.

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

**CARRIED 8/0**

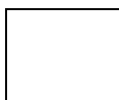
**Background**

ZONING:	MRS:	Urban
	TPS3:	Development Zone
LAND USE:	Development Area No. 4 – Yangebup (DA4) Development Contribution Area No. 5 – Yangebup East (DCA5)	

In 2000 Council prepared and processed a structure plan for Cells 9 & 10 Yangebup which included the subject land. The structure plan was a composite of proposals prepared by Urban Focus and BSD Consultants for various landowner groups.

On 30 October 2001 the WAPC advised that the Structure Plans generally conform to the Commission's applicable Development Control Policy Principles and Liveable Neighbourhood's principles. The Structure Plan for Cell 10 was endorsed as a guide for the subdivision of the land subject to the following modifications being undertaken:

*“a) the portions of the Structure Plans for Cells 9 and 10 with lots backing onto Spearwood Avenue being redesigned by depicting a road interface with the Spearwood Avenue road reserve. The redesign of the interface between Beeliar Drive and McLaren Ave is to appropriately accommodate the Environmental Protection*



*Authority high pressure gas pipeline buffer requirements which could be achieved through the linking of the culs-de-sac heads with a road reserve and the widening of the Spearwood Ave road reserve immediately to the north of McLaren Ave;*

- f) the portions of the Cell 10 Structure Plan abutting Lot 2 being redesigned to provide for future potential road connections to and across Lot 2 and to the “possible Future Bus Link” from the portion of the Structure Plan located to the west of Lot 2.*
- g) the portion of the Cell 10 Structure Plan located south of McLaren Drive and to the east of Lot 2 being redesign (sic) so that the proposed southern public open space areas are located more central to the residential area;”*

Applications for approval to subdivide portions of Cell 10 were lodged with the Commission (WAPC Ref 114493). In order for Council to provide a recommendation to the Commission on the subdivision and guide development in the area, it was appropriate for Council to modify the Structure Plan in accordance with the Commission’s above recommendations.

### **Submission**

A copy of the Cell 10 Structure Plan and the Commission’s approval are included in the Agenda attachments. The area contained within the dashed black border on the plan is the subject of the modified Structure Plan proposal and the focus of this report.

### **Report**

The Commission, in endorsing the Cell 10 Structure Plan, required a series of design changes to be made to the plan. In line with these required changes the Structure Plan has been modified to ensure subsequent subdivisions conform with an approved Structure Plan.

An aerial photograph of the subject site, with 1 metre contours, was examined to assist in the review of possible options. A copy of the aerial photograph is illustrated on the Agenda attachments. The photograph highlights the existence of steep cuttings into the hillsides that have been left after quarrying activities in Lot 2. These cuttings will make future east west roads through Lot 2 difficult to establish if the land was to be developed.

The proposed modifications to the structure plan are as follows:

- The redesign to accommodate the EPA gas pipeline buffer requirements by linking of the cul-de-sac heads with a road reserve and the required widening of Spearwood Avenue.



The Structure Plan has been modified to ensure the 32 metre gas pipeline easement is accommodated on the plans, not permitting residential development within the easement. Additional roads were included on the plan to accommodate the 32 metre buffer and Spearwood Avenue widening requirements. There is a further 300 metre buffer from the pipeline that requires Section 70A Notification to be imposed on all lots within this buffer.

- Future Potential Road Connections

The plan indicates a possible future east west road route on the southern boundary of Cell 10 across Lot 2 that could accommodate a future bus link.

No other new road links are proposed. As discussed earlier the steep topography associated with the old quarry predisposes against the establishment of road linkages west from Cell 10 into lot 2.

- Relocation of part of the POS.

The size of the POS reserve located on the southern boundary of the structure plan has been reduced and a new area of POS has been established in a central location abutting Tindal Avenue. The new POS reserve has an area of approximately 3,840m<sup>2</sup>.

To ensure passive surveillance and to best utilise the amenity offered by the POS a parcel of land with an area of approximately 1,860m<sup>2</sup>, which adjoins the POS, has been allocated as Residential R40.

A Schedule of POS Provisions for the lots subject to the modifications was provided by the Project Managers (Evans & Gianoli), which ensures the provision of 10% of POS for the area.

The above changes have been discussed with representatives of the owners of the land directly affected by the proposed amendment; who have indicated their support for the changes. Given the minor nature of the modifications and given that they are in line with the Commission's required modifications, it is considered to be unnecessary to advertise the proposed amendment again.

It was also considered inappropriate to send the Structure Plan modifications to the servicing authorities, given that it is similar to the previously adopted plan which was referred to the authorities at that time.

It is not anticipated that the proposed minor amendments will require any significant additional infrastructure to that previously identified for Cell 10.





It is not intended that the structure plan specify road reserve or pavement widths. This will be determined as part of the subdivision application and the requirements of Council Policy APD30 – Access Streets Road Reserve and Pavement Standards will be applied.

BSD/Evans & Gianoli provided an amendment to subdivision application (WAPC Ref 114493) which has been incorporated into the amendment Structure Plan.

It is recommended that Council adopts this revised plan as the basis for future subdivision and development of the relevant portion of DA4, and refers it to the Western Australian Planning Commission for final endorsement, as the required modifications for Cell 10 from the Commission's letter dated 30 October 2001, have been undertaken.

### **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."*

The Planning Policies which apply to this item are:-

SPD4 'Liveable Neighbourhoods'  
APD4 Public Open Space

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

Nil.



### Community Consultation

Council is not required to re-advertise modifications, that are considered to be minor. In addition they have been agreed by the landowner's Project Manager, Evans & Gianoli Land Development Consultants and Urban Focus in this case.

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

Nil.

AT THIS POINT THE TIME BEING 7.49PM, CLR GONCALVES RETURNED TO THE MEETING.

### 14.13 **(MINUTE NO 2485) (OCM 20/07/2004) - COCKBURN CENTRAL (THOMSONS LAKE) REGIONAL CENTRE AMENDMENT TO TOWN PLANNING SCHEME NO. 3 (92001) (MR) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) adopt the following Amendment No 1

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

#### AMENDMENT NO 1

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

1. Amending the Scheme Map by:-

- a) the land bounded by Beeliar Drive, Poletti Road, North Lake Road, Kentucky Court and Kwinana Freeway being zoned "Regional Centre (DA23)" with the area of land affected by the Other Regional Road Reservation in the MRS being excluded.
- b) Lot 800, Lot 801, Lot 806, Lot 807 and portion of Lot 203 Beeliar Drive being rezoned from Regional Reserve – Railways and Local Reserve - Public Purpose DOT to "Regional Centre (DA24)".



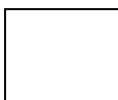
c) renaming “Thomsons Lake Regional Centre” to “Cockburn Central Regional Centre”.

2. Amending the Scheme Text by:-

a) inserting Development Area (“DA23”) Town Centre Precinct, into Schedule 11 – Development Areas as follows:-

Ref No	Area	Provisions
DA23	COCKBURN CENTRAL  (TOWN CENTRE PRECINCT)	<ol style="list-style-type: none"> <li>1. Structure Plan adopted to guide subdivision, land use and development.</li> <li>2. To facilitate the development of a multifunctional Town Centre that includes opportunities for mixed use development of business and residential units, shopping, entertainment, regional sport and cultural facilities supported by a highly interconnected transport system.</li> <li>3. Land uses classified on the Structure Plan apply in accordance with clause 6.2.6.3 and clause 4.3.</li> <li>4. The local government may adopt Detailed Area Plans and Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts shall be in accordance with the adopted guidelines in addition to any other requirements of the Scheme.</li> <li>5. The Structure Plan is to provide for a primary pedestrian connection between the proposed Cockburn Central Railway Station and the Town Centre Precinct in addition to the Gateways Precinct.</li> <li>6. A public access corridor for future Public Transport being provided on the west side of the Kwinana Freeway to link the future Cockburn Central Railway Station with the Gateways Precinct.</li> </ol>

		<p>7. Car parking shall be located on-street and on-site behind building sites in car parking stations.</p> <p>8. Landscaping and other development requirements may be varied by the Local government based on compliance of proposed development with adopted Detailed Area Plans and Design Guidelines.</p>
<p>b) inserting Development Area (“DA24”) Gateways Precinct, into Schedule 11 – Development Areas as follows:-</p>		
Ref No	Area	Provisions
DA24	<p>COCKBURN CENTRAL  (GATEWAYS PRECINCT)</p>	<p>1. Structure Plan adopted to guide subdivision, land use and development.</p> <p>2. To facilitate the development of a Precinct that includes regional shopping, showroom, office, entertainment, and community facilities supported by a highly interconnected transport system.</p> <p>3. Land uses classified on the Structure Plan apply in accordance with clause 6.2.6.3 and clause 4.3.</p> <p>4. The local government may adopt Detailed Area Plans and Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts shall be in accordance with the adopted guidelines in addition to any other requirements of the Scheme.</p> <p>5. The Structure Plan is to provide for a primary pedestrian connection between the proposed Cockburn Central Railway Station and the Town Centre Precinct in addition to the Gateways Precinct.</p> <p>6. A public access corridor for future Public Transport being provided on</p>



		the west side of the Kwinana Freeway to link the future Cockburn Central Railway Station with the Gateways Precinct.
<p style="text-align: center;">Dated this Tuesday, 20 July 2004</p> <p style="text-align: right;">Chief Executive Officer</p> <p>(2) sign the scheme amendment documents and advise the WAPC of Council's decision;</p> <p>(3) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;</p> <p>(4) notwithstanding (3) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not with the Amendment; and</p> <p>(5) 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 Council for its determination as to whether to proceed with the Amendment.</p>		

**COUNCIL DECISION**

MOVED Cllr I Whitfield SECONDED Cllr L Goncalves that the recommendation be adopted.

**CARRIED 9/0**

**Background**

The Thomsons Lake Regional Centre Master Plan of 1997 was commissioned by the Ministry for Planning (now Ministry for Planning and Infrastructure), City of Cockburn, LandCorp, Department of Transport, Main Roads WA and a private sector stakeholder. The



Master Plan proposed a new town centre and other development at the intersection of Beeliar Drive and the Kwinana Freeway.

The Master Plan addressed the entire Regional Centre including the Town Centre, recreation area and the Gateways Shopping Centre as well as surrounding residential, industrial and mixed business area which extends both sides of the Kwinana Freeway.

The Master Plan proposes the following for the Town Centre:

- A mix of retail, commercial, cultural, residential and sporting uses.
- The railway station to be a major focal point.
- Park and ride facilities abutting the railway station.
- A regional sporting stadium and a major indoor sporting stadium.
- A football oval and stadium on the eastern side of the Freeway with access to the Town Centre via North Lake Road.

A more detailed Thomsons Lake Town Centre Structure Plan has since been prepared by LandCorp to guide the future of the Town Centre.

Council at its meeting held on 20 November 2001, resolved to receive the Cockburn Central (Thomsons Lake) Draft Regional Centre Structure Plan prepared by BSD Consultants and to advertise the plan for public comment. The advertising period coincided with the advertising of MRS Amendments 1038/33 (Thomsons Lake Regional Centre) and 1032/33 (South West Metropolitan Transit Route) in February 2002.

Council at its Ordinary Meeting on 19 March 2002 resolved to support the draft Cockburn Central (Thomsons Lake) Regional Centre Structure Plan and recommended to the Department for Planning and Infrastructure that the draft Structure Plan be adopted as the basis for more detailed planning.

On 13 December 2002 the Thomsons Lake Regional Centre MRS Amendment No 1038/33 was gazetted.

Recently the Western Australian Planning Commission granted approval to the development of the Cockburn Central Railway Station and earthworks within the future Town Centre.

### **Submission**

N/A

### **Report**

An amendment to Town Planning Scheme No 3 is required as the Town Centre land is currently unzoned. This is the result of the MRS being amended to rezone the reserve to Urban. Section 35A of the



Metropolitan Region Town Planning Scheme Act provides that local government councils shall, no later than 3 months after the effective date of an MRS amendment, resolve to prepare a town planning scheme or amend an existing scheme so that the land is in accordance with the Metropolitan Region Scheme. This time period has expired and consequently the Council could receive instructions from the Minister to initiate an amendment to TPS3 at any time.

The Regional Centre Zone is the most appropriate zoning to apply to all of the land within the future Town Centre as it is the same zoning that currently applies to the Gateways Shopping Centre. The objective of the Regional Centre Zone in TPS3 is described below:-

*“(b) Regional Centre Zone*

*To provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses.”*

The rezoning proposal includes the land between the Gateways Shopping Centre site and the Kwinana Freeway where this land is reserved in the MRS for railway purposes and for public transport access. This railway-reserved land is no longer required since the Government have chosen to construct the railway in the centre median of the Kwinana Freeway. MRS Amendment No 1032/33 (South West Metropolitan Transit Route) proposes to delete sections of the railway reservation within the district. The public purpose reservation is also broken by the railway reservation. The public transport link can still be facilitated if the land is rezoned from Public Purpose to Regional Centre.

The scheme amendment also proposes to add two new Development Areas referred to as DA23 and DA24 to be inserted into Schedule 11 of the Scheme Text. The new provisions will apply to the future Town Centre Precinct and the Gateways Shopping Centre where:-

- DA23 applies to the Town Centre Precinct; and
- DA24 applies to the Gateways Shopping Centre.

The proposed provisions require:-

- A structure plan to guide subdivision, land use and development which is applied in the same way to all other Development Areas within the district to ensure the orderly and proper planning and development of the area.
- General objectives for each Development Area reflective of the location being either within the Town Centre Precinct or Gateways Shopping Precinct.



- Land uses classified on the Structure Plan are proposed to apply in accordance with clause 6.2.6.3 and clause 4.3 of TPS3 through classification of land by reference to zones or reserves.
- The Structure Plan is to provide for a strong pedestrian connection between the proposed Cockburn Central Railway Station and the Town Centre Precinct in addition to the Gateways Precinct.
- Development in the Gateways Precinct is to be in accordance with a Centres Plan adopted by the local government and endorsed by the Western Australian Planning Commission. The current Master Plan adopted by Council at its Ordinary Meeting on 15 June 2004 should be adjusted into a format suitable to be considered as a Centre Plan in accordance with Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region.
- Council may adopt Detailed Area Plans and Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts shall be in accordance with the adopted guidelines in addition to any other requirements of the Scheme. Design Guidelines would identify for example landmark sites, articulating building entrances, pedestrian weather protection through awnings, verandah, colonnades etc.
- A public access corridor for future Public Transport is required along the Kwinana Freeway to link the future Cockburn Central Railway Station with the Gateways Precinct.
- Car parking shall be located on-street and on-site behind building sites in car parking stations so that it doesn't detract from the desired streetscape.
- Landscaping and other development requirements may need to be varied by Council based on compliance of proposed development with adopted Detailed Area Plans and Design Guidelines.

### **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."*
  
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
  - *"To determine by best practice, the most appropriate range of sporting facilities and natural 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 roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

No Policy Implications

### **Budget/Financial Implications**

Costs associated with the scheme amendment will be absorbed by the documents being prepared in-house. Advertising costs are expected to be accommodated within the 2004-05 Budget.

### **Legal Implications**

Town Planning and Development Act  
 Town Planning Regulations  
 Town Planning Scheme No 3



### Community Consultation

Community consultation will be required in accordance with legislation for a period of 42 days if Council initiates the scheme amendment. Signage would be erected informing of the proposed scheme amendment being available for inspection at the City's Administration Building.

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

Nil.

**14.14 (MINUTE NO 2486) (OCM 20/07/2004) - FINAL ADOPTION - AMENDMENT NO. 15 - RECODING FROM RESIDENTIAL R20 TO R25 - LOTS 6 & 165 (117 & 121) FORREST ROAD, (SAWLE ROAD), HAMILTON HILL - OWNER: MICHELINA MANCINONE - APPLICANT: KOLTASZ SMITH (93015) (VM) (ATTACH)**

#### RECOMMENDATION

That Council:

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

#### COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr L Goncalves that the recommendation be adopted.

**CARRIED 9/0**

### Background

The background to this matter is outlined in item 14.8 OCM 17/02/03 Minute 2307.



## Submission

The Scheme Amendment was referred on 8 April 2004 to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the Act.

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

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

## Report

The 42 day public consultation period for Amendment No. 15 concluded on 30 June 2004. At the close of the advertising period one submission was received.

The owner of No. 38 (Lot 63) Sawle Road, Hamilton Hill, objected to the rezoning on the basis of potential increase in the volumes and speed of traffic on Sawle Road. The owner requested that speed humps should be incorporated on Sawle Road to reduce vehicles speeds.

It is considered that the volumes of traffic generated by the proposed development being zoned R25, together with the connectivity of Sawle Road will not adversely affect the residential amenity of the area. Sawle Road is a localised road with three different access points to Forrest Road, therefore the overall traffic movements of Sawle Road will not substantially be increased.

The issue of proposing speed humps on Sawle Road is not appropriate as the traffic flow from east-west will slow down approaching the intersection of Hyam Street and the traffic flow from west-east will be restricted to 50 km/h in accordance with traffic speed Main Roads standards.

It is considered that the minor increase in density (lot yield increase from 20 to 23) and the benefits of extending Sawle Road promoting permeability and connectivity between residential areas can be supported as it is a better outcome than having no road connection and a potential 20 unit development in accordance with the Residential R20 Code.



The objection should therefore be dismissed as the potential increase in traffic volumes on Sawle Road is considered acceptable.

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

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

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

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

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

Nil.

### **Community Consultation**

Community consultation is required pursuant to the Town Planning Regulations

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

Nil.

## **14.15 (MINUTE NO 2487) (OCM 20/07/2004) - PROPOSED PAYMENT OF MAILBOX COST - 73 BEENYUP ROAD, ATWELL (6000547) (MR)**

### **RECOMMENDATION**

That Council pay \$200 to Ms Charmaine Forbes of 73 Beenyup Road, Atwell for the replacement cost of a mail box.



**COUNCIL DECISION**

MOVED Cllr I Whitfield SECONDED Cllr L Goncalves that the recommendation be adopted.

**CARRIED 9/0**

**Background**

The subject land is located within the Atwell Waters estate developed by Peet & Company and is to the south of Atwell and east of Harvest Lakes. The subdivision was completed by the developer a year ago. Due to environmental constraints associated with the protection of mature 100 year old paper bark trees within the Beenyup Road reserve, cottage lots with rear loaded access were accepted. No 73 Beenyup Road is one of these cottage lots.

**Submission**

The following customer request message was received on 11 June 2004 from Charmaine Forbes of 73 Beenyup Road Atwell as follows:-

*“During the week I received a letter from Australia Post advising me that the footpath on Beenyup Road Atwell is not wide enough for them to be able to deliver mail safely to the houses that face out onto Beenyup Road and that I would have to move my letterbox to the rear of my property. I have rung Australia Post this morning to query what the problem is and they have advised that their delivery drivers are not able to safely negotiate the narrow footpath between the limestone wall on our properties and the stormwater drain and that when they rang Cockburn City Council they were advised that you were unable to make the footpath wider as you had an obligation to protect the dozen or so paperbark trees in the stormwater drains down the length of Beenyup Road.*

*I have spent close to \$200 on a letterbox and due to vandalism where my letterbox was being pulled out of the ground and thrown into the drain I had to secure it to the limestone wall with 80kg of concrete and it cannot be moved. As the problem lies with Council property and the narrow footpath I am requesting that I be compensated for the new letterbox I have to purchase to put at the rear of my property. This is going to be a problem for all residents of Beenyup Road as when we received the titles to our land it stated our address was Beenyup Road and that letterboxes were to be placed facing Beenyup Road.*

*This is an urgent matter as Australia Post can no longer continue to deliver mail to my house I need to purchase a letterbox this weekend. As at least 15 other of your ratepayers are now caught up in this*



*situation I am hoping that you can contact me today on ... to provide a solution to the problem."*

## **Report**

Australia Post brought to the City's attention that mail could not be delivered to houses on Beenyup Road due to the narrow width of the footpath. Australia Post motorcyclists cannot use the footpath as it is awkwardly located between retaining walls to lots and the open stormwater drain. Beenyup Road is 20.0m in width and has a pavement of 6.0m, open drain containing paperbark trees on both sides of the road, parallel parking bays, and 1.0m wide footpaths. Australia Post were advised by the City that it agreed with the relocation of letter boxes to the rear laneways while retaining the current addresses of each lot.

This situation is unique to Beenyup Road and has never before arisen in any other subdivisions within the district. The access problem is because the footpath is 1.0m not 1.2m in width which is slightly less than the standard requirement. The detailed construction drawings vetted by the City depicted roads, parking bays, drainage, retaining walls and footpaths. There were several factors of relevance in the design that resulted in difficulties achieving desired outcomes due to the physical constraints of the 20m wide road reserve.

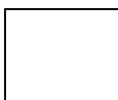
There are 37 cottage lots affected by the change in location of letterboxes. Of these several lots have either been built on or are in the process of house construction. While Council's acceptance could result in other similar requests being submitted this is unlikely as it has been a month since Australia Post notified residents of the problem and instructions to relocate their mailboxes. No other requests for compensation have been received from residents along Beenyup Road.

The request for compensation of the Council is limited to \$200 and is reasonable as the mailbox cannot be simply lifted out of the ground and relocated. It is considered appropriate to pay Ms Charmaine Forbes the \$200 as requested. Widening the footpath is also not feasible or practical. Australia Post has given instructions on the new arrangements to owners in terms of mail collection.

## **Strategic Plan/Policy Implications**

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

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



**Budget/Financial Implications**

\$200 can be funded from Account No 500-6304 Sundry Minor Expenses.

**Legal Implications**

Nil.

**Community Consultation**

Nil

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

Nil

**14.16 (MINUTE NO 2488) (OCM 20/07/2004) - EXTENSION AND UPGRADE OF EXISTING LUNCH BAR (DELI) - 810 NORTH LAKE ROAD JANDAKOT - OWNER: J & P HAWKINS - APPLICANT: SCRIBE DESIGN GROUP (5513350) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) refuse an application for an extension/upgrade to an existing Lunch Bar (deli) on Lot 50 (No. 810) North Lake Road, Jandakot for the following reasons: -
1. the development fails to comply with the car parking requirements specified under Table 3 of the City's Town Planning Scheme No.3 (Scheme) in that the development provides 13 less bays than required by the Scheme.
  2. the configuration of car parking (existing and proposed) on-site is not satisfactory for the following reasons:-
    - (a) parking and access at the front of the property may be restricted in the future as the front of the property is zoned for 'Other Regional Roads' under the Metropolitan Region Scheme. If this land were ever required for North Lake Road then potentially 9 bays would be removed from the site, further limiting car parking on-site.
    - (b) The proposed car parking at the rear of the property



- will not be in view from the public street.
- (c) The proposed parking at the rear will not functionally relate to the development and cause customers to walk down the access leg to access the shop front.
  - (d) The hardstand at the rear of the property, where the new bays are proposed, is located over the on-site septic system(s), as indicated on the site plan, therefore the pavement may need to be removed to access the septic system(s), further restricting car parking options on-site.
  - (e) Parking of the 13 food vans substantially reduces the amount of parking available for customers.
- (2) advise the applicant of Council's decision.

**COUNCIL DECISION**  
 MOVED Cllr I Whitfield SECONDED Cllr L Goncalves that the recommendation be adopted.

**CARRIED 9/0**

**Background**

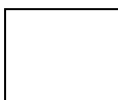
ZONING:	MRS:	Urban Deferred
	TPS3:	Mixed Business
LAND USE:	Lunch Bar	
LOT SIZE:	1922 m <sup>2</sup>	
AREA:	Area of proposed extension: 105m <sup>2</sup>	
USE CLASS:	Lunch Bar ("A" Use)	

Jandakot Takeaway Foods has been operated by the applicant since 1998. The premises originally operated as a lunch bar with one food vehicle commencing operation in 2000, which increased to three food vehicles in 2001 and thirteen food vehicles at present. The deli employs fifteen staff.

**Submission**

The application proposes an extension to the existing deli (shop 2). The application includes an additional lunchroom and toilets for staff (approx. 27 m<sup>2</sup>) and additional shop space (approx. 82m<sup>2</sup>).

Refer to the plans attached to the agenda.





The applicant has provided the following information in support of the application: -

- The 2 businesses operating from the site are Jandakot Liquor Store and Jandakot Takeaway Foods.
- In the majority of cases, the nature of both businesses attract clientele that only require short-term car parking.
- There are currently 14 car parking bays servicing both businesses. The application proposes an additional 13 bays to service the development, effectively doubling the number of bays on-site.
- The proposed additional retail floor space equates to an increase of only 15%.

### **Report**

The City's Town Planning Scheme No.3 (the "Scheme") requires a minimum of 41 car parking bays to be provided to the development site. In total, the application proposes 12 car parking bays in addition to the existing 16 bays, which equates to a total of 28 bays. This is 13 less bays than required under the Scheme.

Further, the configuration of car parking (existing and proposed) on-site is not satisfactory for the following reasons:-

- Parking and access at the front of the property may be restricted in the future as the front of the property is zoned for 'Other Regional Roads' under the Metropolitan Region Scheme. If this land were ever required for North Lake Road then potentially 9 bays would be removed from the site, further limiting car parking on-site.
- The proposed car parking at the rear of the property will not be in view from the public street.
- The proposed parking at the rear will not functionally relate to the development, ie. customers would need to walk down the access leg to access the shop front.
- The hardstand at the rear of the property, where the new bays are proposed, is located over the on-site septic system(s), as indicated on the site plan. Subject to a recommendation from the Department of Health, the pavement may need to be removed to access the septic system(s), further restricting car parking options on-site.

The City's Health Service has concerns regarding wastewater disposal for this premises and the adjoining Jandakot Liquor Store. Two on-site



effluent disposal systems are connected to the premises, but no approval documents exist permitting the installation of either system. Information as to the specifications and location of these systems has been requested. The property owner has stated that he understands that the systems are located underneath a concrete hardstand area that is used as a parking area for the food vehicles.

If correct, this raises immediate concerns about the adequacy of these systems, due to the likely installation of the leach drains at an incorrect height in reference to the highest known water table for the property and being located underneath a trafficable area.

The issue relating to the septic tanks will be dealt with separately. It is of concern that the hardstand area at the rear of the development may need to be removed to access the on-site septic system(s), and this will reduce the availability of car parking bays at that time.

### Conclusion

Given the limited car parking provided on-site, and the issues identified in the report that may further limit car parking options, it is recommended that the application be refused.

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

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

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

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

Nil.



## Community Consultation

The application was referred to the Department for Planning and Infrastructure – Integrated Transport Planning Branch. A letter of ‘No Objection’ was received.

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

Nil.

**14.17 (MINUTE NO 2489) (OCM 20/07/2004) - RECONSIDERATION OF RECOMMENDED CONDITIONS - PROPOSED INDUSTRIAL SUBDIVISION (REVISED PLAN) - LOT 502 SUDLOW RD, PHOENIX RD AND NORTH LAKE RD, BIBRA LAKE - OWNER: LANDCORP - APPLICANT: WA LAND AUTHORITY (LANDCORP) C/- MASTERPLAN CONSULTANTS (113648) (MR)**

#### RECOMMENDATION

That Council:

(1) amend its advice to the Western Australian Planning Commission (WAPC), regarding the industrial subdivision of Lot 502 Sudlow Road ,Phoenix Road, and North Lake Road, Bibra Lake by supporting the application subject to the same conditions from Minute No. 2448 OCM15/06/04 with the exception of the following modified conditions:-

1. Delete Condition 15 – Acid Sulphate Soil Assessment and Management Plan
2. Delete Condition 16 – Identification and Protection of Vegetation for incorporation into revised condition 26 and condition 30.
3. Revise Condition 18 – Vesting and Maintenance of POS as follows:-

*“18. The South Lake Reserve extension (22ha) being shown on the Diagram or Plan of Survey as a “Reserve for Conservation” and transferred to the Crown, and include in the Parks and Recreation Reserve under the Metropolitan Region Scheme (Beeliar Regional Park), to the satisfaction of the Western Australian Planning Commission.”*

4. Delete Condition 19 – Vesting and Maintenance of POS.
5. Reaffirm Condition 23 – Sign on-site (no change).



6. Revise Special Condition 26 – Management Plans as follows:-

26. *“The preparation and implementation of a Management Plan for the open space to address matters relating to the interface to the development, weed control, fire management, fencing (including interim fencing during construction) and re-generation of the denuded area (to include relocation of vegetation, seed collection and planting), to the satisfaction of the Western Australian Planning Commission. As part of the plan the proponent is to:-*

- *Cooperate with CALM to ensure that as many large balgas and zamias as possible are salvaged from the industrial subdivision and translocated to the revegetation area of South Lake.*
- *Allow CALM and its subcontractors to collect seed and mulch from the industrial subdivision for use in revegetation projects.*
- *Take action through the project to prevent sand drift and weed intrusion into the Beeliar Regional Park. If such intrusions occur, the proponent must, at their own expense, remove the sand or weeds to CALM’s satisfaction.”*

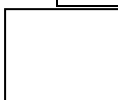
7. Add Special Condition 27 – Management Plans

27. *“The proponent preparing and implementing the following management plans prepared to the satisfaction of the local government, Department of Conservation and Land Management (CALM) and the Western Australian Planning Commission (WAPC);*

- *Landscape Protection Management Plan;*
- *Soil and Groundwater Contamination Management Plan;*
- *Drainage Management Plan (using Water Sensitive Urban Design Principles) and*
- *Construction Management Plan.”*

8. Amend Special Condition 29 – Aboriginal Sites as follows:-

29. *The “Scar Trees” identified as being of aboriginal heritage significance on the 5925sqm lot being relocated to the conservation area subject to agreement with affected Aboriginal Elders.”*



9. Delete Special Condition 30 – Fencing of Bushland and add this requirement in Special Condition 26 above.

10. Delete Special Condition 33 – Vesting of Open Space as the condition has been addressed by Condition 18.

11. Delete Condition 34 and replace with a footnote as follows:-

*“It is recommended that the proponent prepare a development plan and estate guidelines for development type, building design and materials, landscaping, fencing, drainage, refuse and storage yards in consultation with the Local Government.”*

12. Amend Condition 36 – Retention of Vegetation in Road Reserves as follows:-

*“Measures being undertaken to ensure the identification, protection, retention and/or relocation of vegetation, including revegetation within the reserve of proposed roads, where possible, and the protection and retention of vegetation in existing road reserves, unless the Council determines otherwise, to the satisfaction of the Western Australian Planning Commission.”*

13. Amend Condition 37 – Site Contamination Management Plan and Removal of Solid Waste as follows:-

*“The preparation of a Site Contamination Remediation Management Plan (“SCRMP”) addressing:-*

- (1) the cessation and decommissioning of effluent ponds and landfill site;*
- (2) measures being undertaken in consultation with the local government for either the removal of the solid waste from past landfill operations or alternative treatment processes that may support its retention in whole or in part with controls on land use and development; and*

*Accepting that the final SCRMP will guide decisions being made in relation to the above requirements, in consultation with the Department of Environment, Local Government and being to the satisfaction of the Western Australian Planning Commission.*

(2) advise LandCorp of Council’s decision accordingly.



**COUNCIL DECISION**

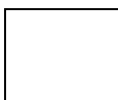
MOVED Cllr A Tilbury SECONDED Cllr S Limbert that Council:

- (1) amend its advice to the Western Australian Planning Commission (WAPC), regarding the industrial subdivision of Lot 502 Sudlow Road, Phoenix Road, and North Lake Road, Bibra Lake by supporting the application subject to the same conditions from Minute No. 2448 OCM15/06/04 with the exception of the following revised conditions including:-
1. Delete Condition 15 – Acid Sulphate Soil Assessment and Management Plan
  2. Delete Condition 16 – Identification and Protection of Vegetation for incorporation into revised condition 26 and condition 30.
  3. Revise Condition 18 – Vesting and Maintenance of POS as follows:-
 

*“18. The South Lake Reserve extension (22ha) being shown on the Diagram or Plan of Survey as a “Reserve for Conservation” and transferred to the Crown, and include in the Parks and Recreation Reserve under the Metropolitan Region Scheme (Beeliar Regional Park), to the satisfaction of the Western Australian Planning Commission.”*
  4. Delete Condition 19 – Vesting and Maintenance of POS.
  5. Reaffirm Condition 23 – Sign on-site (no change).
  6. Revise Special Condition 26 – Management Plans as follows:-
 

26. *“The preparation and implementation of a Management Plan for the open space. As part of the plan, the proponent is to undertake rehabilitation work with a value of \$25,000 of works provided to CALM for the revegetation of the degraded land on the southern and western sides of South Lake, in order to provide an effective buffer between the Regional Park and the industrial subdivision. As part of the plan, the proponent is to:*

    - *Cooperate with CALM to ensure that as many large balgas and zamias as possible are salvaged from the industrial subdivision and translocated to the revegetation area of South Lake.*



- *Allow CALM and its subcontractors to collect seed and mulch from the industrial subdivision for use in revegetation projects.*
- *Take action through the project to prevent sand drift and weed intrusion into the Beeliiar Regional Park. If such intrusions occur, the proponent must, at their own expense, remove the sand or weeds to CALM's satisfaction.*
- *Address matters relating to the interface to the development, weed control, fire management, fencing (including interim fencing during construction) and regeneration of the denuded area (to include relocation of vegetation, seed collection and planting), to the satisfaction of the Western Australian Planning Commission."*

7. Add Special Condition 27 – Management Plans

27. *"The proponent preparing and implementing the following management plans prepared to the satisfaction of the local government, Department of Conservation and Land Management (CALM) and the Western Australian Planning Commission (WAPC);*

- *Landscape Protection Management Plan;*
- *Soil and Groundwater Contamination Management Plan;*
- *Drainage Management Plan (using Water Sensitive Urban Design Principles) and*
- *Construction Management Plan."*

8. Amend Special Condition 29 – Aboriginal Sites as follows:-

*"29. The "Scar Trees" identified as being of aboriginal heritage significance on the 5925sqm lot being relocated to the conservation area subject to agreement with affected Aboriginal Elders."*

9. Delete Special Condition 30 – Fencing of Bushland and add this requirement in Special Condition 26 above.

10. Delete Special Condition 33 – Vesting of Open Space as the condition has been addressed by Condition 18.

11. Delete Condition 34 and replace with a footnote as follows:-

*"It is recommended that the proponent prepare a*

*development plan and estate guidelines for development type, building design and materials, landscaping, fencing, drainage, refuse and storage yards in consultation with the Local Government.”*

12. Amend Condition 36 – Retention of Vegetation in Road Reserves as follows:-

*“Measures being undertaken to ensure the identification, protection, retention and/or relocation of vegetation, including revegetation within the reserve of proposed roads, where possible, and the protection and retention of vegetation in existing road reserves, unless the Council determines otherwise, to the satisfaction of the Western Australian Planning Commission.”*

13. Amend Condition 37 – Site Contamination Management Plan and Removal of Solid Waste as follows:-

*“The preparation of a Site Contamination Remediation Management Plan (“SCRMP”) addressing:-*

- (1) the cessation and decommissioning of effluent ponds and landfill site;*
- (2) measures being undertaken in consultation with the local government for either the removal of the solid waste from past landfill operations or alternative treatment processes that may support its retention in whole or in part with controls on land use and development; and*

*Accepting that the final SCRMP will guide decisions being made in relation to the above requirements, in consultation with the Department of Environment, Local Government and being to the satisfaction of the Western Australian Planning Commission.*

- (2) advise LandCorp of Council’s decision accordingly.

**CARRIED 9/0**

### **Explanation**

Following a recently convened meeting with representatives from Landcorp, it was accepted that a sum of \$25,000 will be contributed towards the rehabilitation of the degraded land within the buffer of South Lake as a show of good faith towards the community and in achieving sustainable environmental outcomes. This financial





contribution will be in addition to the 22ha of open space being contributed towards the conservation of significant upland urban bushland.

## **Background**

The background to this site is explained in Item 14.19 (Minute No 2448) OCM18/06/2004.

Council at its Ordinary Meeting on 18 June 2004 resolved to:-

- (1) *advise the Hon. Minister for the Environment of its support to the revised conditions for the proposed subdivision of Lot 502 Sudlow Road, Bibra Lake having due regard to the extensive environmental assessment and consultation with all key stakeholders.*
- (2) *recommend to the Western Australian Planning Commission, that the industrial subdivision of Lot 502 Sudlow Road, Phoenix Road, and North Lake Road, Bibra Lake be approved subject to the following conditions:- etc..*

Several recommended conditions and footnotes were outlined in Council's resolution.

## **Submission**

The applicant has requested Council's reconsideration of 12 recommended conditions as outlined below:-

### *“Condition No. 15 – Acid Sulfate Soil Assessment and Management Plan*

*The land is not depicted in Figure 3 of WAPC Planning Bulletin No. 64 as having a high risk of actual and potential acid sulfate soils and there is no other evidence from the site to suggest there is a significant risk of disturbing acid sulfate soils. Furthermore, the EPA and Department of Environment have not previously identified this as a matter for assessment. Accordingly, it is recommended that this condition be removed.*

### *Condition No. 16 - Identification and Protection of Vegetation*

*This recommended condition is divided into three parts (a, b & c). The first part refers to protection of vegetation within the 22ha of POS. As discussed at our meeting, this area should be more accurately referred to as Open Space, as it is neither POS to be vested in the Crown under section 20A of the Town Planning and Development Act, nor could it be described as Regional Open Space at this stage (although that it is the intention for this area).*



*In accordance with the conditions imposed by the Minister for the Environment, this area is to be transferred to CALM and managed as a conservation area as part of the Beeliar Regional Reserve. This area will not be subject to any subdivision or development works, so its protection will be achieved. In any case, LandCorp has made a commitment to prepare an interim management plan for this land to address such matters as weed control, fire management and re-generation of the denuded area. This is to be done in accordance with the requirements of CALM, EPA/DoE and the Council. It is suggested that it may be more appropriate to reflect this commitment in a stand-alone condition, with CALM as the clearance authority, rather than being included as part of a general condition requiring identification and protection of vegetation.*

*The second part of this recommended condition refers to the identification and protection of vegetation within a 10m wide frontage strip along the perimeter roads in order to achieve a bushland façade.*

*LandCorp is supportive of Council's objective to achieve a bushland façade and retain as much vegetation as possible. However, given the need to achieve a balance of cut to fill it will not be possible to retain vegetation in all instances along the frontage to North Lake Road. A practical solution to this would be to revegetate the North Lake Road Reserve to complement existing vegetation in the verge where required.*

*The final part of this condition refers to the identification and protection of vegetation within the internal road reserves, where possible.*

*As discussed at the meeting, the cut to fill requirements make it extremely difficult, if not impossible, to retain vegetation and the revegetation and relocation of existing vegetation may be a better option to achieve Council's objective.*

*Accordingly, it is requested that Condition No. 16 be deleted and replaced with new conditions which provide for:*

- 1. The preparation and implementation of a Interim Management Plan for the 22ha of Open Space to address matters relating to the interface to the development, weed control, fire management, fencing and re-generation of the denuded area (to include relocation of vegetation, seed collection and planting), to the satisfaction of the City of Cockburn.*
- 2. Measures being undertaken to ensure the identification, protection and/or relocation of vegetation (including revegetation) within the reserve of existing and proposed roads, where possible, to the satisfaction of the City of Cockburn.*



Condition Nos. 18 & 19 – Vesting and Maintenance of POS

The area of POS (5925m<sup>2</sup>) was originally proposed as a mechanism to protect the ‘Scar Trees’ previously identified as having Aboriginal Heritage significance. More recently, agreement has been reached with the Nyungah Elders to relocate the trees into the conservation area. Given that the land will no longer hold any significance, with the relocation of the trees, POS in this area is superfluous. Accordingly, it is recommended that these conditions be removed.

A revised plan is attached which removes the POS notation from this lot. No other changes have been made to the plan.

Condition Nos. 23 & 34 – Sign on-site, Development Plan, Estate Guidelines

While Landcorp has no objection in principal to these matters, they are not, generally speaking, conditions of subdivision approval. LandCorp can elect to implement, in association with Council, guidelines for development and other matters. It is recommended that these conditions be removed and replaced with advice (in the form of a footnote) to the applicant.

Condition No. 26 – Management Plans

This condition is divided into five parts (a, b, c, d & e). The Management Plans referred to in parts b, c, d & e are underway. However, the requirement to prepare a Rehabilitation and Bush Restoration Plan and implement works to the value of \$600,000 in the first part of this condition is not considered to be a reasonable request for the reasons discussed at our meeting and reiterated below:

Prior to the Minister for the Environment’s conditions being imposed, LandCorp proposed to set aside 11ha of the land and rehabilitate degraded areas in Beeliar Regional Park (up to cost of \$600,000). The proposal was subsequently amended as a result of the conditions imposed by the Minister for the Environment, resulting in a doubling of the area to be set aside for conservation to 22ha. This area now represents 25% of the total site area. The retention of the bushland in situ, as opposed to its rehabilitation, was also a strong directive from the community and environmental groups. LandCorp is supportive of the need to conserve this area and appreciates that the additional 11ha of upland vegetation will enhance South Lake and protect the fauna values in Beeliar Regional Park. Accordingly, the commitment to contribute up to \$600,000 to rehabilitate degraded areas around South Lake is now superceded by the ‘doubling’ of the area to be incorporated into Beeliar Regional Park. Accordingly, it is requested that this condition be removed.

As discussed under Condition 16, and as an alternative to this condition, LandCorp has committed to the preparation and implementation of an Interim Management Plan for the 22 ha of Open



*Space which will achieve Council's objective of providing for future re-generation of fauna habitat in the denuded area.*

*Condition No. 29 – Aboriginal Sites*

*LandCorp has, and will continue to, comply with the Aboriginal Heritage Act, and has been liaising with the Department of Indigenous Affairs and the Nyungah Elders in this regard. As discussed at Condition Nos. 18 & 19, agreement has now been reached to relocate the 'Scar Trees'. Accordingly, it is recommended that this condition be removed.*

*Condition No. 30 – Fencing of Bushland*

*This is a matter that can be incorporated into the Interim Management Plan for the 22ha of Open Space as discussed under Condition No. 16. Accordingly, it is recommended that this condition be removed and the fencing requirement be included in a new Condition 16 for the Interim Management Plan.*

*Condition No. 33 – Vesting of Open Space*

*Our comments under Condition Nos. 16, 18 & 19 are also relevant to this recommended condition. Although, the land will be set aside by LandCorp, ultimately for management by CALM, the process of vesting the land is outside of the control of LandCorp. It is recommended that this condition be removed and replaced with a condition requiring the land to be shown as a "reserve for conservation" on the Diagram or Plan of Survey and transferred to the Crown. The vesting process can then be initiated by the Department of Land Information.*

*Condition No. 36 – Retention of Vegetation in Road Reserves*

*Our comments under Condition No. 16 are also relevant to this recommended condition. It is recommended that this condition be removed and replaced with the condition at point 2 under our comments for Condition 16.*

*Condition No. 37 – Site Contamination Management Plan (SCMP) and Removal of Solid Waste etc.*

*To date, a draft SCMP has been prepared. Council's requirement to remove solid waste and contaminated soil is preemptive of the findings of the SCMP. The final SCMP might recommend alternative treatment approaches and this should not be ruled out at this stage by this condition. LandCorp is currently in the process of carrying out detailed geotechnical investigations in regard to the status of the landfill site, and early investigations have revealed that these areas may be suitable for uses that require large parcels of land without the need for significant structures. It is recommended that this condition be modified to require the preparation of a final SCMP and implementation of the recommendations therein to the satisfaction of the local authority.*

*On behalf of our client, LandCorp, we seek your favourable recommendation on the reconsideration of the abovementioned conditions recommended by Council. We would be happy to discuss*



*any of these matters further and/or make representations to Council, if necessary.*

*There are also some minor anomalies in the recommended conditions and advice notes, in the form of cross references to other unrelated conditions. These are only minor matters that I understand you have already noted."*

## **Report**

Representatives from LandCorp met with the Director, Planning and Development and Principal Planner regarding their concerns over 12 of the 37 conditions of Council's recommendations on the subdivision application. A request for Council's reconsideration of conditions was subsequently received from Masterplan Consultants representing LandCorp.

This request for reconsideration of conditions is discussed below:-

### Condition 15 – Acid Sulphate Soil Assessment and Management Plan

- "15. Site assessment and possible preparation of an acid sulfate soil management plan is required. Prior to the commencement of any site works:*
- a) a site assessment shall be undertaken to determine whether acid sulfate soils are present on the land and, if present, their extent and severity;*
  - b) if the site is found to contain acid sulfate soils, an acid sulfate soil management plan shall be submitted and approved; and*
  - c) all site works shall be carried out in accordance with the provisions of the approved management plan to the satisfaction of the Western Australian Planning Commission."*

A small portion of the subject land in the southern area of the lot is within an area identified in WAPC Bulletin No 64 (Nov 2003) as a High Risk of actual acid sulphate soil (AASS) & potential acid sulphate soil (PASS) less than 3m from the surface. As the affected area of land is located within the future open space area adjacent to South Lake on closer examination it is considered that condition 15 was not relevant because earthworks would not disturb the small area affected by AASS. Accordingly condition 15 should be deleted.



Condition 16 – Identification and Protection of Vegetation

“16. Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of vegetation within the:

- a) 22ha POS area to South Lake;
- b) 10m wide frontage strip to North Lake Road and Phoenix Road and Sudlow Road to provide a native bushland facade.
- c) road reserves (where possible) prior to commencement of site works.”

There are no objections raised to rewording Condition No 26 as follows:-

Special Conditions

“26. The preparation and implementation of a the following Management Plan for the 22ha of Open Space to address matters relating to the interface to the development, weed control, fire management, fencing (including interim fencing during construction) and re-generation of the denuded area (to include relocation of vegetation, seed collection and planting), to the satisfaction of the Western Australian Planning Commission. As part of the plan the proponent is to:-

- Cooperate with CALM to ensure that as many large balgas and zamias as possible are salvaged from the industrial subdivision and translocated to the revegetation area of South Lake.
- Allow CALM and its subcontractors to collect seed and mulch from the industrial subdivision for use in revegetation projects.
- Take action through the project to prevent sand drift and weed intrusion into the Beeliar Regional Park. If such intrusions occur, the proponent must, at their own expense, remove the sand or weeds to CALM’s satisfaction.”

Add a New Special Condition

“27. The proponent preparing and implementing the following management plans prepared to the satisfaction of the local government, Conservation and Land Management and the Western Australian Planning Commission:

- Landscape Protection Management Plan;
- Soil and Groundwater Contamination Management Plan;



- *Drainage Management Plan (using Water Sensitive Urban Design Principles) and*
- *Construction Management Plan.*”

#### Condition 18 & 19 – Vesting and Maintenance of POS

Delete Conditions 18 & 19 and replace with Condition No 18:-

- “18. *The proposed reserve(s) shown on the plan submitted by the applicant, being shown on the Diagram of Survey as a “Reserve for Recreation” and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown to the satisfaction of the Western Australian Planning Commission.*
19. *The subdivider shall be responsible for the maintenance of developed public open space for a period of 2 years from the date of completion of public open space development to the satisfaction of the Western Australian Planning Commission.”*
- “18. *The South Lake Reserve extension (22ha) being shown on the Diagram or Plan of Survey as a “Reserve for Conservation: and transferred to the crown and include in the Parks and Recreation Reserve under the Metropolitan Region Scheme (Beeliear Regional Park) to the satisfaction of the Western Australian Planning Commission.”*

#### Condition 23 & 34 – Sign on-site, Development Plan, Estate Guidelines

It is recommended that Signage Condition No 23 remain because of the public interest expressed in the proposed development of the land.

Also change Condition 34 to a Footnote as follows:-

*“It is recommended that the proponent prepare a development plan and estate guidelines for development type, building design and materials, landscaping, fencing, drainage, refuse and storage yards in consultation with the Local Government.”*

#### Condition 26 –Management Plans

“26. *The proponent committing to the preparation and implementation of the following management plans, prepared to the satisfaction of the local government, Department of Conservation and Land Management (CALM) and the Western Australian Planning Commission:*

- (a) *Rehabilitation and Bush Restoration Plan with a value of at least \$600,000 of works provided to CALM as promised in the*



*Public Environmental Review for the revegetation of the degraded land on the southern and western sides of South Lake, in order to provide an effective buffer between the Regional Park and the industrial subdivision. As part of the Plan, the proponent is to:*

- *Cooperate with CALM to ensure that as many large balgas and zamias as possible are salvaged from the industrial subdivision and translocated to the revegetation area of South Lake.*
  - *Allow CALM and its subcontractors to collect seed and mulch from the industrial subdivision for use in revegetation projects.*
  - *Take action throughout the project to prevent sand drift and weed intrusion into the Beeliar Regional Park. If such intrusions occur, the proponent must, at their own expense, remove the sand or weeds to CALM's satisfaction.*
- b) *Landscape Protection and Management Plan.*  
c) *Soil and Groundwater Contamination Management Plan.*  
d) *Drainage Management Plan (using Water Sensitive Urban Design Principles) and*  
e) *Construction Management Plan.”*

The report by MasterPlan dated April 2004 didn't indicate that \$600,000 was no longer being offered by LandCorp. It was understood that this commitment was still relevant but on further discussion and investigation it is accepted that the offer had been removed. The \$600,000 offer by LandCorp to rehabilitate the buffer area around South Lake has been superseded by the increase of the open space from 11ha to 22ha, which has effectively doubled the area to be conserved. The Ministers draft statement of environmental conditions confirmed that the \$600,000 amount is not included. Retaining existing bushland is preferable to rehabilitation.

Refer to Special Conditions No 26 & 27 for the recommended replacement conditions.

Condition 29 – Aboriginal Sites

*“29. The aboriginal sites identified on-site being conserved and protected from damage in accordance with the guidelines of the Department of Indigenous Affairs in consultation with key aboriginal stakeholders and the Section 18 clearance under the Aboriginal Heritage Act.”*

This condition can be deleted as these matters are addressed in the recommended replacement Condition No 29 as below.





*“The ‘Scar Trees’ identified as being of aboriginal heritage significance on the 5925sqm lot being relocated to the conservation area subject to agreement with affected Aboriginal Elders.”*

Condition 30 – Fencing of Bushland

*“30. Bushland within future Public Open Space areas being clearly marked and/or fenced during subdivision construction to prevent unauthorised damage.”*

This condition can be deleted and incorporated in revised Special Condition 26 above.

Condition 33 – Vesting of Open Space

*“33. The South Lake Reserve extension being vested in Conservation and Land Management for the conservation of the wetland environment.”*

This condition can be deleted as it is included in revised condition 18.

Condition 36 – Retention of Vegetation in Road Reserves

*“36. All vegetation within the road verge to North Lake Road, Phoenix Road, Sudlow Road and Miguel Road being retained.”*

Amend the condition as follows:-

*“Measures being undertaken to ensure the identification, protection, retention and/or relocation of vegetation, including revegetation within the reserve of proposed roads where possible and the protection and vegetation in existing road reserves, to the satisfaction of the Western Australian Planning Commission.”*

Condition 37 – Site Contamination Management Plan and Removal of Solid Waste

*“37. The preparation of a Site Contamination Management Plan addressing the cessation of landfill and waste water ponds on site including:-*

- a) the decommissioning of effluent ponds & landfill site;*
- b) removal of solid waste and contamination soil from past landfill operations. (refer to condition 29)*

Agree the condition could be amended as follows:-

*“The preparation of a Site Contamination and Remediation Management Plan (“SCRMP”) addressing:-*



- a) *the cessation and decommissioning of effluent ponds and landfill site;*
- b) *measures being undertaken in consultation with the local government for either the removal of the solid waste from past landfill operations or alternative treatment processes that may support its retention in whole or in part with controls on land use and development; and*

Accepting that the final SCRMP will guide decisions being made in relation to the above requirements, in consultation with the Department of Environment, Local Government and being to the satisfaction of the Western Australian Planning Commission.”

The revised conditions should be renumbered accordingly.

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

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

#### 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 neighbourhood in particular.”*

#### 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.”*

#### Facilitating the Needs of Your Community.

- *“To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community”*



Maintaining Your Community Facilities

- *“To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians.”*
- *To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use.”*

**Budget/Financial Implications**

Nil.

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

Nil.

**14.18 (MINUTE NO 2490) (OCM 20/07/2004) - FARRINGTON ROAD - POSSIBLE DUPLICATION - TELEPHONE SURVEY (SMH) (450501) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) receive the submission from Advantage Communications and Marketing dated 2 July 2004; and
- (3) appoint Advantage Communication to undertake a telephone survey/community opinion about the possible duplication of Farrington Road Bibra Lake, as described in their submission as brief survey template for the sum of \$2,870 plus GST.

**COUNCIL DECISION**

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

**CARRIED 9/0**



## Background

Council, at its meeting dated 15 June 2004, resolved amongst other things in relation to the report on the possible duplication of Farrington Road, to engage the services of a marketing company to undertake a community telephone survey about the possibility, prior to the Council considering the matter further.

In accordance with the Council decision, four marketing companies were approached requesting them to provide a proposal for them to undertake a survey for the Council's consideration.

## Submission

As at 9 July 2004, only one proposal had been received, which is attached to the agenda.

Two companies advised that they would not be lodging a proposal.

## Report

The proposal for Advantage Communications and Marketing is self explanatory. The proposal in summary, is to:

- Sample 400 households.
- Telephone during the hours of 4pm to 8pm.
- Outline the facts and concerns to the respondent.
- Analyse the difference between the Wards.
- Identify two options:
  - **Option 1** – the brief survey  
Questions would be how strongly the respondent agreed/ disagreed or neither agreed nor disagreed, with the duplication.  
  
Cost \$2,870 plus GST.
  - **Option 2** – the extended survey  
Questions would be to ask respondent about the significance of the issue; how often they use the road; how long they have lived in the area; do they use Beeliar Regional Park; in addition to their level of agreement/disagreement as set out in Option 1.  
  
Cost \$5,400 plus GST, subject to further instructions as to Council's requirements for the survey design.

It is recommended that Option 1 be used as the basis of the telephone survey because of the complimentary style of questioning in Cockburn Soundings. The simple survey format also means that no further decisions by Council are required for further consultation beyond the survey. This also represents the best value for money.



It would be desirable for the telephone survey to be conducted at the end of August, but before 3 September 2004. The reason for this is so that the article in Cockburn Soundings relating to the possible duplication of Farrington Road would have been circulated throughout the district between 2 and 6 August and the survey proforma attached to the article, is to be returned by 3 September.

This would mean that by the beginning of September, the Cockburn Soundings Survey, the telephone survey and the response from the stakeholders should have been returned and therefore, a report should be able to be presented to the September meeting of Council.

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

Managing Your City refers.

### **Budget/Financial Implications**

The cost of the telephone survey (2,870 plus GST), can be drawn from account OP 9761 'Community Consultation'.

### **Legal Implications**

N/A

### **Community Consultation**

This is the purpose of the report.

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

N/A

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

### **15.1 (MINUTE NO 2491) (OCM 20/07/2004) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)**

#### **RECOMMENDATION**

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



**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield 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

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

Nil



**15.2 (MINUTE NO 2492) (OCM 20/07/2004) - COMPLIANCE WITH SECTION 6 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 (5003) (ATC)**

**RECOMMENDATION**

That Council receive the report on compliance with Section 6 of the Local Government (Financial Management) Regulations 1996.

**COUNCIL DECISION**

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

**CARRIED 9/0**

**Background**

At the Council meeting on 15 June 2004, Deputy Mayor Graham listed the following item as a "Matter for Investigation", that in the interests of best practice management, and as a transparency and accountability mechanism, a report be provided to a future Council meeting confirming compliance with section 6 of the Local Government (Financial Management) Regulations 1996 (WA).

**Submission**

N/A

**Report**

Section 6 of the Local Government (Financial Management) Regulations 1996 reads as follows:

***Independent performance reviews***

6. *A local government is to ensure that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for –*

- (a) conducting an internal audit; or*
- (b) reviewing the discharge of duties by that employee,*

*or for managing, directing or supervising a person who carries out a function referred to in paragraph (a) or (b).*



The firm of KPMG has been appointed to carry out the internal audit function for the next four years. KPMG were employed for the previous four years as Council's internal auditors. The Director, Administration and Community Services is the staff member who liaises with the firm, which reports to Council through Council's Audit Committee.

It is therefore confirmed that Council complies with Section 6 of the Local Government (Financial Management) Regulations 1996.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.

**15.3 (MINUTE NO 2493) (OCM 20/07/2004) - PRINCIPAL ACTIVITIES PLAN - 1 JULY 2004 TO 30 JUNE 2008 (5406) (ATC) (ATTACH)**

**RECOMMENDATION**  
That Council adopt the Principal Activities Plan for the period 1 July 2004 to 30 June 2008, as attached to the Agenda.

**COUNCIL DECISION**  
MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.  
**CARRIED 9/0**

**Background**

Under the Local Government Act 1995, each year the City is required to prepare a Plan of its principal activities for the next four years. The





Plan must be advertised for public comment for a period of six weeks. When adopted, the Plan is the basis for the annual budget for the City.

**Submission**

N/A

**Report**

Under the Local Government Act 1995, each year the City is required to prepare a Plan of its principal activities for the next four years. The Plan was advertised and no comments were received at the end of that period. There have been no changes to the principal activities to be undertaken. The expansion of the gymnasium at the South Lake Leisure Centre has been brought forward from 2005/06 to 2004/05. Funds for the purchase of land and works at the Henderson Landfill site have been added.

**Strategic Plan/Policy Implications**

The Principal Activities Plan describes its links to the Corporate Strategic Plan.

**Budget/Financial Implications**

The Principal Activities Plan, when adopted, will form the basis of the budget for 2004/05. Any significant variances from the Principal Activities Plan must be detailed in the Budget document.

**Legal Implications**

N/A

**Community Consultation**

The Draft Principal Activities Plan was advertised for public comment in accordance with the Act with no comments being received.

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (MINUTE NO 2494) (OCM 20/07/2004) - CAMERA SECURITY SYSTEM AT ADMINISTRATION CENTRE CAR PARK (8959) (JR)**

**RECOMMENDATION**

That Council:

- (1) receive the report on the camera security system at the Administration Centre car park;
- (2) proceed with the installation of the additional security cameras in the eastern car park; and
- (3) engage security staff to patrol the car park at appropriate times during evening Council meetings, with an amount of \$6,000 being included in the 2004/05 Budget.

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

**COUNCIL DECISION**

MOVED Cllr M Reeve-Fowkes SECONDED Cllr K Allen that Council:

- (1) receive the report on the camera security system at the Administration Centre car park;
- (2) proceed with the installation of four additional security cameras in the eastern car park;
- (3) engage security staff to patrol the car park at appropriate times during evening Council meetings, with an amount of \$6,000 being included in the 2004/05 Budget;
- (4) install an additional camera in the northern carpark to focus on Elected Members' vehicles with an amount of \$1500 being included in the 2004/05 Municipal Budget; and
- (5) connect the new cameras to the existing surveillance monitoring system and ascertain whether the existing system can be connected to the control room of the City's Security Patrol Service when it is established.

**CARRIED 9/0**

**Explanation**

The Security Camera system should be considered as a deterrent to vandalism and theft from the Car parks. The additional cameras will assist in this regard. The capability to connect the existing surveillance



system to the future proposed Cockburn Security Patrols should be ascertained.

### **Background**

A camera security system has been set up in the grounds of the Administration Centre to deter vandalism and to ameliorate staff safety concerns when walking through the grounds, particularly after hours. There is also \$25,000 on the Budget to install additional security cameras in the eastern car park following the relocation of the staff parking from the northern car park due to the construction of the dental clinic.

### **Submission**

At the Ordinary Council Meeting held on 20 April 2004, under "Matters to be Noted for Investigation, Without Debate", Cr. Reeve-Fowkes requested a report into the Camera Security System in Council's car park. The report is to establish why the current system is failing to identify vandals and car thieves in the car park, and to provide detailed options to either upgrade the current system or introduce a new and more effective alternative.

In addition, in adopting the Budget Review at this meeting, Council also resolved that a report be prepared on the effectiveness of the proposed camera system for the Administration Centre east car park and presented to Council for consideration.

At the Ordinary Council Meeting held on 15 June 2004, it was resolved in this regard to act immediately on the request that a report be prepared on car park security in the Coleville Crescent Council car parks, with full cost implications of any upgrade being ready for this year's budget deliberations, and to adjust the security camera in the northern (Elected Members) car park to a position where it will view the Mayor and Councillors' vehicles.

### **Report**

The camera security system was primarily installed as a deterrent to:-

- vandalism, theft and abuse of Council property;
- loitering on Council's premises; and
- threats to the safety and welfare of Council staff in the course of their work, thus providing a heightened sense of security for staff who move through those areas, particularly after hours.

The cameras were not set up to provide security for private vehicles parked in Council's car park. However, they do provide a deterrent to vandals and car thieves as there is some coverage of the car parks by the cameras in the course of their operation. This can only ever be



considered as backup cover as it is not specifically set up to monitor the vehicles in the car park.

Currently there are 2 cameras set up on the west side of the eastern car park. Now that staff parking has been relocated to this area from the northern car park, Council has allocated funds to install an additional 4 cameras on 2 poles on the east side of the eastern car park. The primary purpose of the additional cameras is to increase security for staff, particularly after hours. It will also provide increased backup in deterring car vandals and thieves. It should be noted that the camera system is not continuously monitored, but footages only accessed when there is a requirement. It should be noted that resolution for recognition on these cameras will never be adequate due to the distance of the cameras.

If Council wishes to provide specific security for private vehicles in Council's car park, then Council may be accepting full liability for any vandalism or theft associated with vehicles in the car park. If so, then a more comprehensive monitoring and control system to the camera system alone should be installed. Typically, this would entail a fenced car park with controlled vehicle and pedestrian access, maybe monitored by cameras. To house Councillors' vehicles, the estimated cost of a fenced compound with additional camera surveillance is \$5,000. Compound gate keys would be supplied to Councillors. In view of the proposed construction of a new Elected Member area and Elected Member car park within the next two years, this solution is considered premature.

An alternative less intrusive and more effective solution to address after-hours car park security during Council meetings is to engage security patrol staff. Based on four after-hours meetings per month at 4 hours minimum payment each, the estimated annual cost would be \$6,000.

The security camera in the northern (Elected Members) car park has been adjusted to view the Mayor's vehicle, but its field of view does not extend much further than that.

It is considered that the installation of the additional security cameras in the eastern car park for staff safety reasons will also increase the deterrence to would-be vandals and thieves without increasing Council's liability in this regard and should be proceeded with.

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

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



**Budget/Financial Implications**

There is \$25,000 allocated on the Budget to extend the camera security system for the Administration Centre eastern car park. The cost of security patrol staff during after-hours Council meetings will require an amount of \$6,000 to be included in the 2004/05 Budget.

**Legal Implications**

The provision of specific security for the protection of vehicles in Council's car park may shift liability to Council.

**Community Consultation**

N/A.

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES****17.1 (MINUTE NO 2495) (OCM 20/07/2004) - REPORT - SPEARWOOD PUBLIC LIBRARY (710400) (DKF) (ATTACH)****RECOMMENDATION**

That the Report relating to the opening hours of the Spearwood Public Library, as attached to the Agenda, be received.

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr L Goncalves that:

- (1) the Spearwood Library be opened to customers on Wednesdays with effect from 1 September 2004, and that any necessary funds be provided in the 2004/05 Municipal Budget; and
- (2) a comprehensive report be presented to the August Ordinary Council Meeting regarding the range of financial and non-financial and staffing options available to Council to achieve the outcome specified in (1) above.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**



### **Explanation**

Council considers the closure of the Spearwood Library to customers on Wednesdays to be an inadequate provision of service and an inefficient use of capital resources. It therefore takes the view that the Library should be opened to customers on Wednesdays and would like a report presented to the next Council Meeting regarding options available to achieve this outcome.

### **Background**

At the Council Meeting conducted on 20 April 2004, under the heading of "Matters to be noted for investigation, without debate", Deputy Mayor Graham requested that a report be prepared and presented to a future Council meeting outlining the issues involved in the Provision of Library Services at the Spearwood Library on Wednesdays. The report should:-

1. Outline the reasons why a service is not currently provided.
2. Indicate whether there is a reduced library staff workforce on Wednesdays.
3. Provide a comparison of opening hours between the Cockburn Library Service and library services at bordering local authorities.

### **Submission**

N/A

### **Report**

As contained in the attachment.

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

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

### **Budget/Financial Implications**

As contained in the attached Report.

### **Legal Implications**

N/A

### **Community Consultation**

Nil.



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

Nil.

**17.2 (MINUTE NO 2496) (OCM 20/07/2004) - CLAIM FOR REIMBURSEMENT - VEHICLE DAMAGE (8910) (DMG)**

**RECOMMENDATION**

That Council reimburse the Community Development Coordinator, Daniel Hanley, the sum of up to \$250.00, upon production of receipts, for damage incurred to his private vehicle while conducting Council business after hours.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr V Oliver that that Council reimburse the Community Development Coordinator, Daniel Hanley, as a gesture of good faith, a 'without prejudice' payment of up to \$250, upon production of receipts for damage incurred to his private vehicle while conducting Council business after hours on 6 April 2004.

**CARRIED 9/0**

**Explanation**

It is important to demonstrate that this is a single incident to be considered on its merits and not necessarily be seen as setting a precedent. Therefore, the offer of reimbursement should be on a 'without prejudice' basis.

**Background**

On the evening of 6 April 2004, Council's Community Development Coordinator, Daniel Hanley, facilitated the inaugural Meeting of the Spearwood Community Association at the Cockburn Civic Centre.

Materials produced for the community participants were transported to the Civic Centre in Mr Hanley's private vehicle. Mr Hanley parked his vehicle in the entrance road to the Civic Centre for convenience of unloading the materials into the venue.

During Mr Hanley's presentation to the public, his vehicle was broken into, causing damage to a rear window, requiring replacement.



### **Submission**

To reimburse the cost of repairs for private vehicle damage incurred by a staff member while attending a Council related forum after hours.

### **Report**

Under normal circumstances, violation or damage of staff property during office hours are not able to be claimed from Council, unless special circumstances apply to any incident.

This is because of the minimal risk exposure during these hours. Accordingly, occasional incidents of vandalism and break-ins to employee vehicles located in Council's facility car parking areas have resulted in the affected staff member applying for compensation for damage incurred.

These claims have not been accepted because of the normal public risk associated with using car parks provided for business purposes during normal day time hours (i.e. 8.00am to 5.00pm).

However, in Mr Hanley's case, he was conducting an after hours function, as part of the requirements of his job, on behalf of Council.

The incident was an opportunistic break-in which did not yield the perpetrator any gain, as there was nothing of material value in the vehicle able to be removed.

Therefore, the result was a vandalised vehicle caused by a smashed rear window.

A quotation of \$250.00 has been received for repairs to the vehicle. This is equivalent to the vehicle's insurance excess therefore, it cannot be claimed through that avenue.

Given the relative insignificance of the claim and that it was incurred while performing a bona fide Council function after hours at a Council facility, it is recommended that the amount be reimbursed, upon the production of receipts (up to \$250.00) validating the repairs have been effected.

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

Key Result Area "Managing Your City" refers.

### **Budget/Financial Implications**

Funds available in Acc. OP 9419-6200 "Cockburn Community Development Strategy".





**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.

**17.3 (MINUTE NO 2497) (OCM 20/07/2004) - SAFER CITY/NEIGHBOURHOOD WATCH (RA) (8953) (ATTACH)****RECOMMENDATION**

That Council:-

- (1) establish the Cockburn Community Safety Crime Prevention Reference Group comprising the following members:-
  - Local Police – Officer in Charge from Cockburn, Hilton and Murdoch Stations.
  - Representative of the Education Department - Truancy Officer or other nominee of the District Superintendent.
  - Representative from the Department of Housing and Works - Homeswest.
  - Representative from the Department of Community Development.
  - Representative from the Regional Cockburn Community Associations Group.
  - Representative from the Cockburn Aboriginal Advisory Committee.
  - Chairperson Neighbourhood Watch Committee.
  - City of Cockburn Social Services Manager (or representative)
  - City of Cockburn Safer City Coordinator as executive officer
  - Youth Advisory Council – representative;
- (2) adopt the terms of reference for the Cockburn Community Safety Crime Prevention Reference Group as attached to the agenda.; and
- (3) combine accounts GL172-6245 Part Time Neighbourhood Watch Coordinator \$20,500 and GL171-6804 Community Policing \$10,000 to form a new account to be known as the Neighbourhood Watch/Community Safety Initiatives \$30,500.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr A Tilbury that Council:

- (1) establish the Community Safety Crime Prevention Reference Group comprising the following members:
  - City of Cockburn Elected Member Representative
  - Local Police – Officer in Charge from Cockburn, Hilton and Murdoch Stations.
  - Representative of the Education Department - Truancy Officer or other nominee of the District Superintendent.
  - Representative from the Department of Housing and Works - Homeswest.
  - Representative from the Department of Community Development.
  - Representative from the Regional Cockburn Community Associations Group.
  - Representative from the Cockburn Aboriginal Advisory Committee.
  - Chairperson Neighbourhood Watch Committee.
  - City of Cockburn Social Services Manager (or representative)
  - City of Cockburn Safer City Coordinator as executive officer
  - Youth Advisory Council – representative;
- (2) adopt the terms of reference for the Cockburn Community Safety Crime prevention Reference Group as attached to the agenda;
- (3) combine accounts GL 172-6245 'Part Time Neighbourhood Watch Coordinator' \$20,500 and GL 171-6804 'Community Policing' \$10,000, to form a new account to be known as the Neighbourhood Watch/Community Safety Initiatives \$30,500; and
- (4) appoint an Elected Member representative.

**CARRIED 9/0**

**Explanation**

The City of Cockburn has taken an holistic approach to the issue of crime prevention in recognition that the issue is ingrained into the fabric of our society. It is therefore considered vital that an Elected Member is included as a representative in the broad reference group.



## **Background**

Council at its meeting of the 20 January 2004, resolved to enter a partnership arrangement with the State Government for Crime Prevention and Community Safety. This agreement was formally signed on Wednesday, 9 June 2004. Council was advised the State Government will no longer be supporting the Safer WA model of crime prevention and is encouraging local authorities to join directly with them to work toward addressing community safety and crime prevention initiatives at the local community level.

The partnership with the State Government requires that there be a strategic plan developed by participating local authorities, which reflects the needs and aspirations of the local community. A grant of \$10,000 is provided as a contribution toward the establishment of the plan on the signing of the agreement. On completion of the agreement, a further \$20,000 is provided toward the implementation of a strategy or strategies included in the plan. The South West Group is currently investigating the opportunity for additional funding and the coordination of Strategic Plans that will result in the development of specific plans to meet the needs of each participating local authority. The results of this process will be known in due course and Council will consider an allocation of funds in its 2004/05 Budget for this purpose. In the meantime, the City's current projects of a community safety crime prevention nature have been incorporated into an interim plan that will be considered by the proposed City of Cockburn Community Safety Crime Prevention Reference Group.

Independent of this process, the State Government's Office of Crime Prevention has provided grants for community safety crime prevention initiatives by Local Government. The City has received a total of \$132,000 (ex GST) in grants from this source as of June 2004. These projects will also be included in the aforementioned plan.

Grants have also been received from the Proceeds of Crime Fund totalling \$54,132 for other specified initiatives to be undertaken by the City.

## **Submission**

N/A

## **Report**

Council currently provides a contribution of \$10,000 towards the regional Safer WA Committee based in Fremantle. The funds are primarily used for the production of the Neighbourhood Watch newsletter. The State Government's withdrawal of support for the Safer WA model provides the opportunity for the Council to reconsider its allocation of funds to Safer WA.



It is proposed that the City of Cockburn change its model of operating Neighbourhood Watch away from the current structure where people are 'signed up' as members to one where the view is promoted that 'everyone is in neighbourhood watch, we all look out for each other'. This perspective will be supported by encouraging a sense of ownership at the local community level with programs such as 'Reclaim the Streets', 'Clean Up Crime' and the local community days. The funds currently allocated for the employment of the Neighbourhood Watch Coordinator and the Assistant total \$20,500. It is proposed that these funds be reallocated to provide a broader focus for Neighbourhood Watch as discussed below. Rather than Council make a commitment at this stage to the specifics of the use of these funds, it is proposed that the funds be described Neighbourhood Watch/Community Safety initiatives. The decision on the distribution of human resources in the Safer City area will be better made when the detail of the Mobile Security Service is finalised. In the meantime, the promotion and administration of Neighbourhood Watch can be carried out with existing Council staff arrangements. It is intended to utilise a small portion of the funds allocated to Neighbourhood Watch to run a facilitated workshop for the current suburb managers to provide an overview of the direction community safety/crime prevention is taking and to develop an action plan for the future of the group.

It is proposed that a Neighbourhood Watch Committee structure remain that includes suburb representatives that meet each month to discuss issues that arise in their local communities and assist with the development of broader community safety and crime prevention initiatives beyond simply 'lock up the house' issues.

It is proposed that the \$10,000 currently being provided to the Safer WA Committee, be reallocated by Council as funds that can go towards the provision of the broader initiatives described above. Instead of the current newsletter being produced through the regional Safer City Office, it is proposed that there be a half page to full page, depending on copy, section within the Cockburn Soundings set aside each edition for items specific to Neighbourhood Watch and other community safety and crime prevention initiatives.

The partnership agreement with the State Government requires, quite reasonably, that there be a mechanism in place that allows for community input into the development and ongoing implementation of the strategic plan for the City. As the City has taken a holistic approach to the issue of crime prevention in recognition that the issue is ingrained into the fabric of our society, it is proposed that a broad reference group be established comprising of the following representatives:

- Local Police – O.I.C. from Cockburn, Hilton and Murdoch Stations.



- Representative of the Education Department - Truancy Officer or other nominee of the District Superintendent.
- Representative from the Department of Housing and Works - Homeswest.
- Representative from the Department of Community Development.
- Representative from the Regional Cockburn Community Associations Group.
- Representative from the Cockburn Aboriginal Advisory Committee.
- Chairperson - Neighbourhood Watch Committee.
- City of Cockburn Social Services Manager or representative.
- City of Cockburn Safer City Coordinator - Executive Officer.

The City's Safer City Coordinator will carry out the administration and supervision of the implementation of the Cockburn Community Safety Crime Prevention Strategic Plan.

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

Facilitating a range of services responsive to community needs

### **Budget/Financial Implications**

The proposed budget for 2004/05 provides for \$20,500 for Neighbourhood Watch Coordination and \$10,000 for Safer WA. It is proposed that these funds be amalgamated into an account titled Neighbourhood Watch/Community Safety Initiatives. No additional funds are being sought.

### **Legal Implications**

Nil.

### **Community Consultation**

The proposed structure of the Cockburn Community Safety and Crime Prevention Reference Group by its very nature facilitates community consultation.

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

The arrangements in place are in accordance with a State Government initiative.



**(MINUTE NO 2498) (OCM 20/07/2004) - SAFER CITY/NEIGHBOURHOOD WATCH (RA) (8953) (ATTACH)**

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Mayor S Lee that Clr Limbert be Council's Elected Member representative.

**CARRIED 9/0**

**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**

Nil

**22 (OCM 20/07/2004) - MATTERS TO BE NOTED FOR INVESTIGATION WITHOUT DEBATE**

Clr Limbert requested that Council investigate the proposed buffer around the Waste Water Treatment Plant at Lake Coogee and ascertain the impact on local residents.

**23. CONFIDENTIAL BUSINESS**

Nil



**24. (MINUTE NO 2499) (OCM 20/07/2004) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 9/0**

**25 (OCM 20/07/2004) - CLOSURE OF MEETING**

Meeting closed at 8.15pm

**CONFIRMATION OF MINUTES**

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

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

