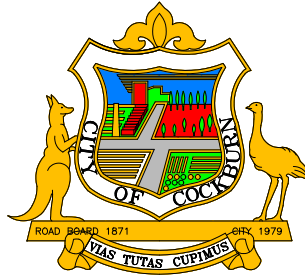


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

FOR

THURSDAY, 12 FEBRUARY 2009

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 12 FEBRUARY 2009 AT 7:00 PM

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 12 FEBRUARY 2009 AT 7:00 PM

- 1. DECLARATION OF MEETING**

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

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

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

- 4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)**

- 5. APOLOGIES AND LEAVE OF ABSENCE**

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

Nil

- 7. PUBLIC QUESTION TIME**

8. CONFIRMATION OF MINUTES

8.1 (OCM 12/2/2009) - ORDINARY COUNCIL MEETING - 11/12/2008

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 11 December 2008, be adopted as a true and accurate record

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

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

13. COUNCIL MATTERS

13.1 (OCM 12/2/2009) - DECISION OF SPECIAL MEETING OF ELECTORS - 29 NOVEMBER 2008 (1713) (D GREEN)

RECOMMENDATION

That the decision of the Special Meeting of Electors conducted on 29 November 2008, be noted, for the reasons provided in the Report.

COUNCIL DECISION

Background

At the Special Meeting of Electors conducted on 29 November 2008, the following motion was carried:

a motion of:

- (1) *no confidence in Mayor Stephen Lee and demand that he resign immediately; and*
- (2) *that the Cockburn Council take immediate steps to support the community by:*
 1. *formally writing to Mayor Stephen Lee requesting he resign immediately;*
 2. *refusing any further request for leave of absence by the Mayor Stephen Lee; and*
 3. *immediately suspending all payments, allowances and privileges associated with the Office of the Mayor*

It is required that any decisions passed at an Electors meeting be considered by Council.

Submission

N/A

Report

The issue of motions of “no confidence” has been the subject of previous decisions of Electors meetings. In subsequent reports to Council, it was identified that such motions had no legal effect and were simply a mechanism by which a meeting could demonstrate its lack of support to the subject(s) of the motion.

That said, the second part of sub-recommendation (1) “demands” that the Mayor (Stephen Lee) resign immediately. The fact that this action has since occurred makes any consequential action redundant.

Similarly, part (2) of the motion has effectively been superseded by the Mayor’s resignation. Matters involving applications for an extension of leave of absence or the payment of allowances are no longer applicable to Stephen Lee since the effective date of his resignation (7 January 2009). As a result of events which have transpired since the Special Meeting of Electors, it is recommended that the motion be

noted, given that the subject person associated with action intended by the motion is no longer in office.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

Section 5.33 of the Local Government Act, 1995 refers.

Community Consultation

Minutes made available to the public on Council's Web Site.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

The Mover and Seconder of the motion carried have been informed that it will be presented to the Council Meeting to be held on 12 February 2009.

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM 12/2/2009) - ADOPTION OF THE STRUCTURE PLAN FOR DA 15 JERVOISE BAY SOUTHERN HARBOUR - AUSTRALIAN MARINE COMPLEX HENDERSON - APPLICANT: ALLERDING & ASSOCIATES - OWNER: LANDCORP & OTHERS (9691) (A BLOOD) (ATTACH)

RECOMMENDATION

That Council:-

- (1) adopt the structure plan for DA 15 - Jervoise Bay Southern

Harbour;

- (2) submit the structure plan to the Western Australian Planning Commission for endorsement; and
- (3) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

Background

The southern portion of the Australian Marine Complex in Henderson is contained within Development Area 15 - Jervoise Bay Southern Harbour as described by Schedule 11 of Town Planning Scheme No. 3. Provision 1 of DA 15 requires a structure plan to be adopted to guide subdivision, land use and development.

Submission

Allerding & Associates have prepared and submitted a structure plan for DA 15 on behalf of Landcorp which owns the majority of the subject land.

Report

The structure plan proposes that the area be developed as 5 precincts which are shown and described on the structure plan included in the Agenda attachments. The main features of each precinct are as follows;

- Precinct A - Common User Facility - land which is leased to multiple users associated with oil, gas, resources, marine and defence activities.
- Precinct B - Administration - offices for the management of the Australian Marine complex and Common User Facility.
- Precinct C - Fabrication - to be developed with fabrication halls and workshops that will be required for the maintenance of submarines and use for the fabrication and assembly of structures required by the defence, marine, oil, gas and resources sector.

- Precinct D - Engineering and Fabrication - land will be primarily leasehold and used for oil and gas projects.
- Precinct E - Engineering and Fabrication - land that will be subdivided and privately developed for general industries associated with or in support of marine engineering and fabrication and uses associated with or incidental to energy, transport, chemical and mining industries. This is consistent with the purpose for which Landcorp has previously sold lots in this area.

Officers assessed the draft structure plan and supporting report and it was considered that the proposal suitably defined the proposed land use for each of the precincts and this was consistent with the stated overall purpose of the DA 15 area.

The structure plan will importantly control land use and development within the area, so as to ensure it is appropriately limited to those higher order industries which need to locate within this niche industrial area. Such industries are related to marine engineering, ship building, ship repair and off shore petroleum fabrication. The conglomeration of such industries within the Australian Marine Complex will continue to underpin the area's competitive edge in marine industry worldwide, and will appropriately build on the significant government investment in the common user facilities within this area. Accordingly, the structure plan forms an important planning document in ensuring the continued higher order growth of the Australian Marine Complex.

Accordingly the structure plan was advertised for public comment between 28 November and 31 December 2008; this included letters to all owners within and adjacent to the structure plan area and an advertisement in the Cockburn Gazette on 2 December 2008.

No submissions had been received by the close of the advertising period. Accordingly, it is recommended that Council resolve to adopt the advertised structure plan for DA 15 without modification and it be submitted to the Western Australian Planning Commission for endorsement under Clause 6.2.10 of Town Planning Scheme No. 3.

Strategic Plan/Policy Implications

Governance Excellence

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

Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.

- To pursue high value employment opportunities for our residents.

Budget/Financial Implications

N/A

Legal Implications

Clause 6.2.9.1 of TPS No 3 requires Council to make a decision on the application within 60 days from the end of the advertising period or such longer period as may agreed by the applicants.

Failure to determine the application will lead to a deemed refusal in accordance with Clause 6.2.9.4 and there is an appeal right to the State Administrative Tribunal.

Community Consultation

Undertaken between 28 November and 3 December 2008.

Attachment(s)

Advertised Structure Plan.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 12 February 2009 Council Meeting.

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

Nil.

14.2 (OCM 12/2/2009) - DRAFT PERTH COASTAL PLANNING STRATEGY - LOCATION: COASTAL AREA - OWNER: VARIOUS (9631) (A TROSIC) (ATTACH)

RECOMMENDATION

That Council :

- (1) receive the Draft Perth Coastal Planning Strategy ("Draft Strategy");
- (2) endorse this report identifying various issues regarding the Draft Strategy;
- (3) endorse the specific modifications made to Precincts 35 to 40

- as contained in Attachment 1 of the Agenda attachments; and
- (4) lodge a submission with the Western Australian Planning Commission regarding the Draft Strategy based on the officer report and modifications made to Precincts 35 to 40.

COUNCIL DECISION

Background

The Draft Perth Coastal Planning Strategy ("Draft Strategy") has recently been released for public comment until 31 March 2009. This has been in development over a number of years, with the City of Cockburn having involvement as a coastal stakeholder and through membership on a local government reference group. The purpose of the Draft Strategy is to guide future sustainable planning for conservation, recreation, infrastructure and development of the Perth metropolitan coast. The Draft Strategy seeks to implement the Network City Planning Strategy ("Network City") as it relates to the coastal zone, and provide a strategic regional framework for the implementation of state government coastal policy [currently in the form of State Planning Policy No. 2.6 (*State Coastal Planning Policy*)] ("SPP No. 2.6").

The purpose of this report is for Council to consider making a submission to the Draft Strategy, based on the officer report and specific modifications made to Precincts 35 to 40 as contained in Attachment 1 of the Agenda attachments.

Submission

The Western Australian Planning Commission ("WAPC") has advertised the Draft Strategy for public comment. The advertising period closes on 31 March 2009.

Report

Purpose

The purpose of the Draft Strategy is to guide future sustainable planning for conservation, recreation, infrastructure and development of the Perth metropolitan coast. It is based upon the principle of integrated coastal zone management, seeking to identify logical planning precincts and appropriate development types (in terms of location, scale and density) along the metropolitan coastline.

The Draft Strategy provides a broad strategic framework for the metropolitan coast, identifying long-term opportunities and a range of actions required to realise them. It specifically seeks to implement and refine the relevant components of Network City and SPP No. 2.6, both of which set overarching strategic guidance for the metropolitan coastal area. It seeks to:

- i. Address social, environmental, economic, land use and management issues affecting the coast.
- ii. Identify current perspectives of the condition of the coastal environment.
- iii. Provide direction to both local and state government and the community for planning and managing the coast.

The Draft Strategy is an important and potentially powerful planning document; given all local governments with a coastal zone influence will need to demonstrate that their local planning is consistent with the strategic direction of the Draft Strategy. So while many of the statements seem generic and are common across multiple precincts, they need to be clearly understood as they each have associated expectations for delivery through the local government planning process.

Precincts within the City of Cockburn

As mentioned, the Draft Strategy is designed as a precinct based document, dividing the coastline into 56 individual precincts for the purpose of more detailed coastal planning and recommendations. These precincts represent areas of identifiable character, which set them apart from their surroundings and adjacent areas. The 56 precincts are characterised into three specific types: being industrial (3), built-up (30) and open space (23). With regard to the City of Cockburn, six unique precincts have been identified and characterised as follows:

Precinct No. and Name	Precinct Type	Precinct Character	Precinct Intensity
35 South Beach	Built-up	Mixed use	High
36 Cockburn Coast	Built-up	Mixed use	High
37 Coogee	Built-up	Mixed use with marina	High
38 Woodman Point	Open space	Conservation with passive recreation including marina	High
39 Henderson	Industry	Shipbuilding	High
40 Beeliar	Open space	Conservation	Not identified

Attachment 1 contains the six precinct pages extracted from the Draft Strategy, together with a context map showing the extent of such. This

attachment also includes recommended modifications to the specific precinct pages.

There are a number of issues and recommendations made with regard to each precinct, as well as recommendations which affect wider aspects of the Draft Strategy (i.e. multiple precinct areas). These are listed following, and together with Attachment 1 (showing modifications to the actual precinct pages), are recommended to form the City of Cockburn's response to the Draft Strategy.

It should be noted that this formulated response is a collaboration of the various Service Units of Council which are potentially impacted on by the Draft Strategy. This includes Strategic Planning (as primary author), Statutory Planning, Community Services, Engineering Services, Parks and Environmental Services and Infrastructure Services.

Comments affecting all precincts within City of Cockburn

The Draft Strategy does not include an up-to-date scientific assessment of climate change and the affect this may have on future sea levels. In specific regard to this, the Draft Strategy should ensure the best available information is used in determining coastal setbacks and associated influences, particularly on the sensitive environment of Cockburn Sound. Considering the potential vulnerability of all coastal areas, a precautionary approach to coastal setbacks should be taken with this based on up-to-date information. It is unclear whether such precautionary approach has underpinned the Draft Strategy, and whether the most up-to-date scientific analysis of sea level rises has been considered.

The categorisation of setback distances into 'small' (40-65m), 'medium' (65-120m) and 'large' (greater than 120m) would appear to be very coarse and not well suited to making site specific determinations of what should be the applicable setback for land use and development. Accordingly, the Draft Strategy should qualify that all final decisions in respect of land use and development on the coast are informed by specific research and modelling, which adequately considers unknown variables associated with climate change. By this very nature a precautionary planning principle must underpin decisions in this respect.

The Draft Strategy's guiding principles, objectives and recommendations regarding coastal vulnerability and setbacks assign certain responsibilities to Local Government. These include undertaking investigations, preparation and review of management plans and undertaking active coastal management. For Local Government to fulfill this responsibility properly, committed State and/or Federal Government funding will be required considering the difficulties expected to be experienced with planning for the array of unknown

factors affecting coastal areas. Accordingly, there will need to be adequate State and Federal Government funding made available to Local Government, in order to undertake these further implementation responsibilities.

In precincts where future built development is recommended, it should be mandatory that it adopt coastal themed architecture which exhibits best practice in relation to energy efficiency and sustainable design.

To improve coastal accessibility throughout all precincts, a rapid transit facility down Cockburn Road is recommended linking in with east west bus services. This should ideally be in the form of light rail, and provide a link between Fremantle, Phoenix Park and Cockburn Central. A feasibility assessment of this should be a committed action as part of the Draft Strategy.

In terms of coastal accessibility and the sometimes competing beach/ocean activities within precincts, there is the need for a comprehensive Foreshore Management Plan to be prepared. This needs to effectively plan for a range of identified activities, and to ensure that the type and extent of use is sustainable in the long term. The Foreshore Management Plan needs to analyse coastal form and processes, environmental and cultural values, and include a demand analysis to inform a comprehensive plan that properly plans for growth of active and passive activities which is sustainable and balanced with conservation needs and aspirations. These parameters should be mandated within the Draft Strategy.

There are significant safety and antisocial behaviour concerns associated with the current isolation of the (particularly southernmost) precincts. This needs to be specifically addressed as a parameter of the Foreshore Management Plan for each precinct.

Section 7.4.1 (Perth's Visual Landscape) should include Cockburn Road (in the City of Cockburn) and Safety Bay Road (in the City of Rockingham) as roads which offer scenic views of the coast.

Comments affecting Precinct 35 South Beach

The strategic importance of this coastal area needs to be strengthened as a key planning consideration. South Beach is the only publicly accessible beach area servicing the immediate South Fremantle and Hamilton Hill suburbs, and hinterland far beyond these suburbs. Accordingly, future planning needs to be focused on maintaining and strengthening public access to the beach area. This sentiment is strongly shared by South Fremantle, Cockburn and Melville communities, given the public outcry which was experienced during 2008 as part of the Draft Fremantle Three Harbours Structure Plan. Public opposition was particularly strong in relation to not supporting any new harbour backed residential development in this coastal

location, and not wanting any boat launching or storage/stacking facilities to take away from the already limited public beach/foreshore area available.

Relevant components of the North Coogee Foreshore Management Plan should be reflected in the Strategy document. This includes future facilities associated with 'The Islands' development at South Beach.

Recommend that the general public be allowed to access existing launching facilities within the northern adjacent Fremantle Sailing Club. This would concentrate boating activities to already established and protected facilities, rather than attempting to replicate these highly costly facilities elsewhere within South Beach. Such would also minimise conflicts with other beach users and the coastal environment generally.

Consideration should be given to extending the coastal foreshore into areas which are currently unused or underutilised and highly modified (e.g. unused grassed areas). This will help in coastal stabilisation, and support fauna migration and genetic variability in the area.

The adjacent railway reserve presents the opportunity for a multiple use corridor to be consolidated through the area. Rationalisation of this to include extensive coastal revegetation would also allow for fauna movement and flora diversity, and improve the current unsightly nature of the railway reserve. This is particularly important when considering the forecast growth in freight train traffic along the railway, as new nearby residential development will require better treatment of noise, vibration and other amenity impacts associated with the railway. Revegetation of the railway reserve should form part of the solution in this respect.

Comments affecting Precinct 36 Cockburn Coast

Consistent with Council's resolution in relation to the Draft Cockburn Coast District Structure Plan, a statement should be included that the former South Fremantle Power Station building be retained and refurbished as an iconic heritage building and used for a range of activities including community, residential and resort hotel. In the event that the building is demolished, then the Council and community expectation is that the land be allocated back to foreshore reserve so as to consolidate the foreshore dune system in this area.

Relocation of the existing Western Power switch yard should be prioritised as part of the area's development to a mixed use activity precinct. Should this prove economically unviable, then consideration needs to be given to ensuring an appropriate interface with the switch yard and associated power infrastructure.

The primary and secondary dune system in this area is largely intact and represents an important natural feature to be protected. Emphasis should be placed on this, and that all development is expected to continue rehabilitation and re-establishment of the coastal dune system where an interface occurs. Development which adversely impacts on the dune system will generally not be supported.

Relevant components of the South Coogee Foreshore Management Plan should be reflected in the Strategy document. This includes future facilities associated with 'The Islands' development at South Beach.

As in Precinct 35, the adjacent railway reserve presents the opportunity for a multiple use corridor to be consolidated through the area. Rationalisation of this to include extensive coastal revegetation would also allow for fauna movement and flora diversity, and improve the current unsightly nature of the railway reserve.

It is strongly advocated that no additional industrial development take place within the precinct, and outside the precinct industrial development must have no associated external impacts. There should be a commitment towards the phasing out of all industry in this precinct, to relocate within the planned Latitude 32 industrial development.

Comments affecting Precinct 37 Coogee

The physical coastal processes setback should be further reviewed, both on account of the construction of the Port Coogee development, and to adequately factor in potential sea level rises.

The text for this precinct appears inadequate in its references to the amenity provided by the section of Coogee Beach immediately south of the Port Coogee development. The beach, jetty and adjacent recreational areas are well used by the public and need to be preserved, as should the foreshore reserve backing onto the beach. Land uses and features to be promoted should include swimming, fishing etc, similar to Precinct 38.

There is mention of the South Fremantle Power Station building being within this precinct. This is incorrect, as the building has more of a relationship to Precinct 36 and the associated Draft Cockburn Coast District Structure Plan. This should be changed accordingly.

There is a clear initiative of Council and the community to ensure good public accessibility to the modified beach area occurs as part of the Port Coogee development. Considering the growth in beach activity anticipated for this area, advocating good public accessibility needs to be identified as a key consideration.

Given the land backed component of Port Coogee intercepts the former coastal dune system in this area, revegetation of public open space areas needs to be focussed on coastal revegetation species, which promotes land stability, fauna movement and flora diversity in the area. Grassed open space areas should be located further inland, so as to not result in an unnatural interface with the coastal dune system.

The location of the new Coogee Beach Surf Life Saving Club has now been approved in the coastal area at the end of Poore Grove. This involves a substantial new integrated life saving building, associated with renewal of existing car parking and pedestrian access infrastructure. This is considered to have more of a relationship to this precinct, as a precinct promoting mixed use activity (events etc). Accordingly, it should be listed within Precinct 37 and deleted from Precinct 38. Note also that the new building is exempt from SPP No. 2.6 prescribed coastal setbacks.

The Coogee Beach Holiday Park needs to be listed within this precinct. In this regard the City of Cockburn does not manage the Coogee Beach Holiday Park, but instead has leased the park to Aspen Parks to manage. This is a long term lease, and should therefore be reflected within the Draft Strategy.

Comments affecting Precinct 38 Woodman Point

The location of the new Coogee Beach Surf Life Saving Club has been approved in the coastal area at the end of Poore Grove and accordingly has more of a relationship to Precinct 37 in terms of being a mixed use facility. It should therefore be deleted from this precinct and listed in Precinct 37 as recommended above.

The precinct mentions that Port Coogee, Coogee Beach and the Coogee Beach Holiday Park exist in the area. These are located in the northern adjacent Precinct 37, and should therefore be removed from this precinct.

There is significant demand for expanded public boat launching facilities within this area. This however is not seen as a district solution for boat launching facilities within the southern corridor, but rather to cater for already existing demand at the current boat launch location.

Comments affecting Precinct 39 Henderson

There needs to be a clear statement included in the Draft Strategy which reinforces this area as a strategic industrial estate. This should limit the area to accommodating those higher order industries which are related to and service the marine engineering, ship building, ship repair and off shore petroleum fabrication sectors. The conglomeration of such industries within the Australian Marine Complex will continue to

underpin the area's competitive advantage in marine industry worldwide, and will appropriately build on the significant government investment which has taken place through the common user facilities.

The 'wish' regarding the Naval Base Shacks is not relevant to this precinct, as they exist within the southern adjacent Precinct 40. Reference should therefore be deleted.

Comments affecting Precinct 40 Beeliar

Challenger Beach is the only remaining beach which services the southern suburbs within the City of Cockburn, and also takes a lot of visitation from Town of Kwinana residents and workers from the nearby Kwinana Industrial Area. As such, future planning in relation to the Fremantle Outer Harbour and road/rail access configuration needs to ensure appropriate levels of public accessibility is maintained. This has previously been identified and noted as a design parameter for the different outer harbour options.

The Naval Base Shacks do not represent a publicly accessible caravan park, and arguably cannot be considered as affordable coastal accommodation. This is for the reason that there is no publicly available accommodation, with sites maintained on an annual revolving lease arrangement to the same lessee in each case. Lessees also have the ability to on-sell the lease on the open market, which evidence shows has taken place at considerable prices. For this reason the City of Cockburn is looking to develop a new long term strategy to better deal with the Naval Base Shacks, with this to consider public accessibility and the viability of the area in relation to its surrounding context within the State's major hazardous heavy industrial area (Kwinana Industrial Area). This future viability is also largely dependent upon State Government decisions in relation to the proposed Fremantle Outer Harbour, and therefore it is important to spell this out within the Draft Strategy document. The Draft Strategy should therefore be appropriately modified, so as to make it clear that the site does not present "*low cost accommodation in the form of a caravan park*", and has an unknown future viability.

While there will be much further work and Council consideration in relation to a committed long term strategy for dealing with Naval Base Shacks, it is crucial that this Draft Strategy seek to appropriately identify the current issues and suggest future remedy by some (yet to be determined) approach.

Strategic Plan/Policy Implications

Demographic Planning

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

Infrastructure Development

- To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.

Natural Environmental Management

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Undertaken by the Western Australian Planning Commission.

Attachment(s)

Precincts showing modifications affecting the City of Cockburn.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.3 (OCM 12/2/2009) - DEDICATION OF LAND AS ROAD RESERVE - LOT 186 ON PLAN 32026 (5517622; 450011) (K SIM) (ATTACH)

RECOMMENDATION

That Council:

- (1) request the Minister for Lands to dedicate Lot 186 on Plan 32026 as a Road Reserve, pursuant to Section 56(1)(a) of the Land Administration Act 1997; and
- (2) indemnify the Minister for Lands against reasonable costs incurred in considering and granting this request.

COUNCIL DECISION**Background**

Lot 186 is located on the south western corner of Russell Road and Ashendon Boulevard, Hammond Park. The Lot was transferred to the City of Cockburn by Australand Holdings Ltd for road purposes (Russell Road) in June 2008.

Submission

Nil.

Report

Lot 186 was acquired from Australand Holdings Ltd following final approval of the Metropolitan Region Scheme alignment of Russell Road. This section of Russell Road has now been constructed and is open to the general public.

Accordingly, it is recommended that the City request the Minister for Lands to vest Lot 186 on Plan 32026 as a public road. The procedure for the dedication is set out in Section 56 of the Land Administration Act 1997. The land once dedicated will be incorporated into Russell Road as shown on the Metropolitan Region Scheme. Section 56 (4) act of the Land Administration requires the local government to indemnify the Minister in respect of all costs and expenses reasonably incurred by the Minister in considering and granting the request. This is also recommended.

Strategic Plan/Policy Implications**Demographic Planning**

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Budget/Financial Implications

The dedication is pursuant to Section 56 of the Land Administration Act 1997, which requires the City to indemnify the Minister in respect to all

costs and expenses, incurred considering and granting the request. These cannot be quantified at this time, but are expected to be minor.

Legal Implications

Land Administration Act 1997 Section 56 is relevant.

Community Consultation

N/A

Attachment(s)

Location Plan.

Advice to Proponent(s)/Submissioners

N.A

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

Nil.

14.4 (OCM 12/2/2009) - LEASE OF PORTION OF LOT 15 WATTLEUP ROAD, WATTLEUP - OWNER: GD, WR AND MA KNIBBS (4411207) (L COCKRAM) (ATTACH)

RECOMMENDATION

That Council:

- (1) agree to pay the equivalent of the rates and service charges each year to GD, WR and MA Knibbs (Knibbs family) for a lease with the City of Cockburn over the portion of Lot 15 Wattleup Road, Wattleup being used for the purposes of local road drainage;
- (2) enter a lease for a period of ten(10) years with an option to extend for a further five(5) years;
- (3) agree to accept the costs associated with the preparation of the lease agreement and lodgement of the same over the Certificate of Title;
- (4) agree that all other conditions of the lease are to be to the satisfaction of the Chief Executive Officer; and
- (5) advise the Knibbs family of Council's decision accordingly.

COUNCIL DECISION**Background**

A lease over a portion of Lot 15 Wattleup Road, Wattleup for the purposes of local road drainage was entered into in 1993 with the then landowner. This was for a period of ten years, with an option for a further period of five years. The property was sold to the Knibbs family in 1996, and a new lease was entered into with the City of Cockburn ("City") dated 13 September 1996. This lease requires renewal, and the affected landowner seeks a revised rental amount for the portion of the subject land.

Submission

The Knibbs family has written to the City requesting an increase in the rental payment, to the equivalent of the annual rates plus service charges for the property. A copy of the letter from the Knibbs family dated 11 August 2008 is attached and marked Attachment A. The previous lease between the City and the Knibbs family has expired and a new lease agreement is required.

Report

A portion of Lot 15 Wattleup Road, Wattleup has been leased by the City since 1993 for the purposes of local road drainage. The provision of drainage for the area continues to be needed, as the land represents a low point for the surrounding catchment. The lease expired in 2003 and the arrangement has continued until now on an informal basis.

The Knibbs family has written to the City requesting an increase in the rental payment for the use of the portion of their land as a drainage sump. They believe that the average rental would be more likely \$4,500 per annum; however, they are prepared to accept a payment that offsets their annual rates plus service charges each year. This amount for the 2008/09 period was approximately \$1,205.00.

The costs associated with the preparation and lodgement of the lease would also be borne by the City as per the previous lease arrangement.

Negotiations between the Knibbs family and the City regarding the possibility of an easement being entered into have occurred, however these were not successful. The Knibbs family rather request a new

lease agreement, which will be lodged over the Certificate of Title to protect the City's interest should the property be sold in the future.

The portion of land accommodating the drainage sump represents approximately 500m², and is situated at the front of the property. Refer to Attachment B. The topography of the land clearly indicates that the lowest point in the area is where the drainage sump is currently located. It is necessary to continue this arrangement, as the drainage sump specifically drains Wattleup Road which is kerbed through this section.

The subject land is also within the Hope Valley Wattleup Redevelopment Area, and will be developed for industrial purposes with other surrounding properties at some point in the future (as what has happened in the Flinders Precinct on the old Hope Valley town site). As drainage will be comprehensively dealt with through a Structure Plan to guide future industrial development, it is likely that the City's drainage sump will not be required. Therefore, the most effective method for the City having the ability to use the drainage sump in the interim (recognising it is not a long term requirement) is to enter into a new lease agreement. The Knibbs family have advised that they are prepared to enter into a new lease agreement.

Strategic Plan/Policy Implications

Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.
- To provide effective monitoring and regulatory services that administers relevant legislation and local laws in a fair and impartial way.
- To develop and maintain a financially sustainable City.

Budget/Financial Implications

The costs for the preparation of the lease and the annual lease fees are adequately covered under the budget allocation for drainage maintenance (OP 8509).

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

1. Letter from WR, MA and GD Knibbs dated 11 August 2008 - Attachment A.
2. Location sketch of portion of land - Attachment B.
3. Confidential Attachment (under separate cover).

Advice to Proponent(s)/Submissioners

The proponent has been advised that this matter is to be considered at the 12 February 2009 Council Meeting.

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

Nil.

14.5 (OCM 12/2/2009) - DEDICATION OF LAND AS ROAD RESERVE - LOT 55 ON DIAGRAM 95287 AND LOT 66 ON PLAN 15526 (5518023) (K SIM) (ATTACH)

RECOMMENDATION

That Council:

- (1) request the Minister for Lands to dedicate Lot 55 on Diagram 95287 and Lot 66 on Plan 15526 as a road reserve, pursuant to Section 56(1)(c) of the Land Administration Act 1997; and
- (2) indemnify the Minister for Lands against reasonable costs incurred in considering and granting this request.

COUNCIL DECISION**Background**

Lot 55 is shown on Diagram of Survey 95287 as a 0.1m wide Pedestrian Access Way ("PAW"). The lot was created on the 1998 survey for the purpose of restricting vehicular access to the adjoining property from Forrest Road and Berrigan Drive, South Lake.

Lot 66 is shown on Plan 15526 as (Right of Way) ("ROW"). It was created on the 1986 survey presumably in anticipation of a road widening.

Submission

N/A

Report

Recent road works at the intersection of Berrigan Drive and Forrest Road, South Lake intruded into Lot 125 Berrigan Drive.

The owner of lot 125 agreed to sell the affected portion of the lot for road purposes; the area of the road widening amounts to 91m². The road widening survey has Western Australian Planning Commission approval and has been marked by contract Licensed Surveyor AG Quinn. On preparation of the Deposited Plan for the survey it has been discovered that the existing 0.1m PAW and Lot 66 separate the existing road reserve and the road widening. In order to have a clear distinction between the road reserve and adjoining freehold land it is prudent to have Lot 55 and Lot 66 dedicated to road purposes.

Accordingly, it is recommended that the City request the Minister for Lands to vest Lot 55 Diagram 952876 and Lot 66 on Plan 15525 as a public road. The procedure for the dedication is set out in Section 56 of the Land Administration Act 1997. The land once dedicated will be incorporated into Berrigan Drive, South Lake. Section 56(4) of the Act requires the local government to indemnify the Minister in respect of all costs and expenses reasonably incurred by the Minister in considering and granting the request.

The practice of restricting vehicular access by the use of 0.1m PAW's is outdated and no longer used. The current practice is to place restrictive covenants along the frontage of lots at the subdivision or development of land stage. If Lot 125 is to be redeveloped in the future, then it would be open to Council to restrict access to the nearby sections of Berrigan Drive and North Lake Road.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Budget/Financial Implications

The dedication is pursuant to Section 56 of the Land Administration Act 1997, which requires the City to indemnify the Minister in respect to all

costs and expenses, incurred considering and granting the request. These cannot be quantified at this time, but are expected to be minor.

Legal Implications

Land Administration Act 1997 refers.

Community Consultation

N/A

Attachment(s)

Location Plan.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.6 (OCM 12/2/2009) - CLOSURE OF PORTION OF HOBSONS AVENUE ROAD RESERVE, MUNSTER (450507, 128887) (K SIM) (ATTACH)

RECOMMENDATION

That Council:

- (1) subject to the applicant agreeing in writing to meet all costs associated with the proposal, advertise the proposed road closure of portion of Hobsons Avenue, Munster pursuant to Section 58 of the Land Administration Act 1997;
- (2) at the conclusion of the statutory advertising period and subject to no objection, request that the Minister for Lands close portion of Hobsons Avenue, Munster pursuant to Section 58 of the land Administration Act 1997;
- (3) subject to the road closure, the land be made available for purchase to the adjoining land owners; and
- (4) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

Background

Hobsons Avenue, Munster connecting Coogee Road to Rockingham Road was created in a 1913 subdivision. Within the Hobson Avenue road reserve there is a bitumen road maintained by the City of Cockburn.

Submission

Urban Focus in its role as Project Manager for the Western Australian Planning Commission ("WAPC") (subdivision reference 12887) has written to the City requesting closure of portion of Hobsons Avenue, Munster. Included in their submission is the pre-calculation subdivision layout plan, showing the extent of the proposed road reserve closure. This is considered appropriate to pursue on the basis of achieving adequate land rationalisation.

The road closure is consistent with the adopted Structure Plan for the subject land (refer Attachment 2) which shows a new road network being developed as part of urbanisation.

Report

Following Urban Focus's request for closure; letters seeking comment were sent to the service authorities. All of the service authorities were agreeable to the closure except Westnet Energy.

Westnet Energy is the agency responsible for reticulated gas. Westnet Energy requires the developer to meet relocation costs of \$30,879. Advertising and administration costs borne by the City will be also charged to Urban Focus. Advertising will be in the Cockburn Gazette newspaper and will allow a period of 35 days for the receipt of objection to the closure.

The procedure following this Council resolution will be that Council officers will complete the statutory advertising and obtain from Westnet Energy confirmation that they have withdrawn their objection to closure (by virtue of receiving payment from the proponent). The request will then be forwarded to State Land Services. State Land Services will obtain a valuation of the land from the Valuer General's office and offer the land to the adjoining land owners. The majority of the closed road reserve (once purchased and amalgamated) will make up portion of the total required public open space for the subdivision.

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

All associated costs are to be paid by the applicant.

Legal Implications

Section 58 of the Land Administration Act 1997 refers.

Community Consultation

The proposal will be advertised in the Cockburn Gazette newspaper.

Attachment(s)

1. Location Plan
2. Adopted Structure Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 12 February 2009 Council Meeting.

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

Nil.

14.7 (OCM 12/2/2009) - PROPOSED NAMING OF PUBLIC OPEN SPACE RESERVE 49771 (RESERVE FOR RECREATION) - LOT 129 YERILLA GATE, MUNSTER - OWNER: CITY OF COCKBURN (1050) (T ESH / A TROSIC) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise Geographic Names Committee that it does not wish to proceed with the naming of the reserve as proposed by community submissions (due to the local community not being in total agreement to the name), and instead name the reserve Yerilla Park consistent with its location and Council Policy OLCS11;

- (2) advise members of the community who have been involved in the naming process that Council has made this choice recognising that there are varying heritage values in the local community, and that it is not appropriate to recognise one aspect of this heritage over another; and
- (3) thank the members of the community who have taken the time to be involved in the process.

COUNCIL DECISION

Background

The City received a request for the naming of a public open space reserve (Reserve 49771 at Lot 129 Yerilla Gate) as 'Solta Park' on 20 August 2008. The reserve is located towards the eastern edge of the West Churchill development (refer Attachment 1 - Location Plan).

The request was made by a local family with connection to the West Churchill area. The request has been considered in respect of Council Policy OLCS11 (*Naming of Streets and Public Open Space*) and the Geographic Names Committee ("GNC") Principles, Guidelines and Procedures document. It is recommended that Council not proceed with the naming of the reserve at this time, due to the local community not being in total agreement to the name.

Submission

The City received a request for the naming of the public open space reserve from the Jakovcevic family who live in the local area (refer Attachment 2 - Naming Request).

The park is located along Yerilla Gate within the locality of Munster, and comprises a land area of 2,128 sq.m., which is yet to be formally developed. Development of the park will be subject to future funding and as the surrounding locality approaches full development.

Report

The request was to name the reserve 'Solta Park', after the Island of Solta in the central Dalmatian archipelago of Croatia. The request was specifically justified to recognise a group of people who have made a

contribution to the local area, mainly in the form of early settlement and establishing market gardens. It was advised that many of these people came from a village on the Island of Solta, and accordingly naming the reserve 'Solta Park' reflected some of the heritage of the early settlers. The Island of Solta is also located close to Split (the sister city to the City of Cockburn), and was felt to be an appropriate choice also on this basis.

The GNC Principles, Guidelines and Procedures document states the following in relation to the naming of reserves under 1ha in area:

1. The approval of the Minister for Land Information is not required, but Landgate must be advised of all names assigned.
2. The names of living persons are acceptable except for those persons holding any form of public office.
3. The general guidelines listed above shall apply for the naming of such parks and reserves.

Underpinning this, the GNC requires evidence of community support, including evidence of consultation regarding the proposed name.

In undertaking this consultation, Council Policy OLCS11 initially required referral of the proposal to Ward Councillors. No objections were received, and the proposed name was recommended to GNC for its consideration and decision. GNC were not satisfied with this level of initial consultation, and accordingly required the surrounding community to be specifically consulted on the proposal.

During consultation, two surrounding landowners wrote to the City outlining their objections to the proposed name (refer Attachment 3 - Submissions). Their objection was specifically that the proposed name did not adequately recognise the Pavlovich family, who owned the land for many years before it was sold to the Jakovcevic family. It was also advised that most people in the community knew Mrs Pav and her shop which is still known as 'Pav's Deli'. Accordingly, a more suitable name was suggested as 'Pav's Park' or 'Jacko's Park'.

Given that public open space reserves have a primary role of facilitating community recreation and interaction; it is not considered appropriate to suggest a name which may cause division in the local community. While names such as 'Solta Park', 'Pav's Park' or 'Jacko's Park' could all reasonably be seen as appropriate, the fact agreement cannot be reached means that naming should not take place at this time.

As an alternative, it is recommended that Council name the reserve Yerilla Park consistent with its location along Yerilla Gate and Council Policy OLCS11. This is by no way a direct criticism to the suggested names, but rather recognises that there are varying heritage values in

the local community, and that it is not appropriate to recognise one aspect of this heritage over another.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Public consultation was undertaken as requested by the GNC.

Attachment(s)

1. Location Plan
2. Naming Request
3. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 12 February 2009 Council Meeting.

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

Nil.

14.8 (OCM 12/2/2009) - AMENDMENT NO. 70 - REZONING OF WATSONS AND SURROUNDING LAND - APPLICANT: CITY OF COCKBURN - OWNER: VARIOUS (93070) (A BLOOD) (ATTACH)

<p>RECOMMENDATION That Council:-</p> <p>(1) amend Town Planning Scheme No 3 as follows;</p> <p>PLANNING AND DEVELOPMENT ACT 2005</p> <p>RESOLUTION DECIDING TO AMEND CITY OF COCKBURN</p>
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TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 70

Resolved that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

1. Rezoning land fronting Entrance Rd, Cross Rd, Ocean Rd, Hamilton Rd, Mell Rd and Rockingham Rd in the localities of Spearwood and Coogee from Rural, Special Use 5, Light and Service Industry, Public Purposes, Local Centre and Lakes & Drainage to Development Zone as shown on the Scheme Amendment map.
2. Amend Schedule 4 – Special Use Zones contained in the Scheme Text to delete SU 5 and related provisions.
3. Amend the Scheme Map to designate the area the subject of this amendment as DA 31.
4. Amend Schedule 11 – Development Areas contained in the Scheme Text by including DA 31 – Packham North and relevant provisions.
5. Amend the Scheme Map to designate the area the subject of this amendment as DCA 12.
6. Amend Schedule 12 – Development Contribution Plan contained in the Scheme Text by including DCA 12 – Packham North and relevant provisions.

(2) adopt the following amendment;

PLANNING AND DEVELOPMENT ACT 2005

CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 70

The City of Cockburn under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above Town Planning Scheme by:

1. Rezoning land fronting Entrance Rd, Cross Rd, Ocean Rd, Hamilton Rd, Mell Rd and Rockingham Rd in the localities of Spearwood and Coogee from Rural, Special Use 5, Light and Service Industry, Public Purposes, Local Centre and Lakes & Drainage to Development Zone as shown on the

Scheme Amendment map.

2. Amend Schedule 4 – Special Use Zones contained in the Scheme Text to delete SU 5 and related provisions.
3. Amend the Scheme Map to designate the area the subject of this amendment as DA 31.
4. Amend Schedule 11 – Development Areas contained in the Scheme Text by including DA 31 – Packham North as follows:

Schedule 11 – Development Areas

REF No.	AREA	PROVISIONS
DA31	PACKHAM NORTH (DEVELOPMENT ZONE)	<ol style="list-style-type: none"> 1. Structure Plan adopted in accordance with Clause 6.2 of the Scheme to guide subdivision, land use and development. 2. To provide for residential development and compatible uses incidental thereto. 3. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan in accordance with Clause 6.2.6.3. 4. No subdivision or development will be supported within the Development Area until the Structure Plan has been approved by the local government and endorsed by the WAPC. 5. All development shall be in accordance with design guidelines adopted by the local government in addition to any other requirements of the Scheme and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail. 6. The local government may adopt Detailed Area Plan(s) pursuant to Clause 6.2.15 for any part of the Development Area as defined on the approved Structure Plan. All subdivision, land use and development for a particular lot(s) the subject of a Detailed Area Plan shall accord with the adopted Detailed Area Plan including any incorporated special development controls and guidelines in addition to any other requirements of the approved Structure Plan and the Scheme.

		<p>7. Each subdivision and development application in the DA area shall achieve at least 85% of the potential number of dwellings achievable under the R code designated for the application area on the adopted Structure Plan.</p>
<p>5. Amend the Scheme Map to designate the area the subject of this amendment as DCA 12.</p> <p>6. Amend Schedule 12 – Development Contribution Plan contained in the Scheme Text by including DCA 12 – Packham North as follows;</p> <p style="text-align: center;">Schedule 12 Development Contribution Plan</p>		
Ref No:	DCA 12	
Area:	Packham North	
Provisions	<p>All landowners within DCA 12 shall make a proportional contribution to land, infrastructure, works and all associated costs required as part of the development and subdivision of the Packham North Development Contribution Area.</p> <p>The proportional contribution is to be determined in accordance with the provisions of Clause 6.3 and this Development Contribution Plan.</p> <p>Contributions shall be made towards the following items:</p> <p>Land owners shall generally be required to contain drainage on their own site. However where a landowner(s) is required to provide additional capacity within their subdivision or development that is to serve adjoining landowners then all landowners whose land is to be serviced by a designated drainage area shall make a proportional contribution to the required drainage land and works. Such proportion is to be calculated on the basis of the area of land within the drainage catchment area.</p> <p>Drainage works referred to above include internal and offsite arterial groundwater control and drainage infrastructure including detention basins, gross pollutant traps, nutrient stripping and landscaping. Infrastructure within subdivision roads and development sites is the responsibility of the land developer and is not a DCA responsibility.</p>	

Landowner(s) are required to provide 10% of their landholding(s) for public open space (POS) in accordance with Element 4 of Liveable Neighbourhoods. The Structure Plan will generally locate POS such that the 10% requirement is satisfied on each owner or group of owners land holdings. However where the adopted Structure Plan requires landowner(s) to provide more than their required 10% POS within their subdivision then the over and above POS land area shall be a DCA cost item which is contributed to by those landowners not providing 10% of their land. The above liability for POS is to be based on the value of the POS being over provided which is determined in accordance with clause 6.3.9 of the Scheme and apportioned to under providing owners on the basis of the area of a landowner(s) shortfall in meeting the 10% requirement.

The cost of landscaping public open space including wetland restoration.

The cost of any new subdivision road which the City and the WAPC require to have a reserve width greater than 15 metres wide. The liability shall be limited to the land in excess of 15 metres wide and the cost of the pavement that is in excess of 6 metres wide. The cost of footpaths, parking embayment and public utility services including drainage, lighting, power, telecommunications, water, sewerage and gas are costs of subdivision of the land adjoining the road and therefore not included in the DCA costs.

The cost of any traffic management device on Integrator or Neighbourhood Connector roads as defined by Element 2 of Liveable Neighbourhoods which are required as part of the development of the DCA area. This includes existing and proposed internal and abutting roads.

Preliminary professional services prefunded by the City including drainage, engineering, environmental, servicing, traffic and planning which relate to the DCA area.

Further studies and or design work prefunded by the City which relate to common infrastructure items the subject of this DCA Plan.

Costs to implement and administer cost sharing

Participants and Contributions	<p>arrangements of the DCA including design, cost estimates and schedules, valuations, annual reviews of land and works, audits, legal advice and administrative costs.</p> <p>The DCA costs shall not apply to Lot 6 Rockingham Road or lots 16, 17 & 18 Mell Road unless they are the subject of further development in addition to that which already exists or is the subject of a current approval.</p> <p>Cost including fees and interest on any loans raised by the local government to purchase land or undertake any of the DCA12 works.</p> <p>In accordance with the Cost Contribution Schedule adopted by the local Government for DCA 12</p>
<p>(3) sign the amending documents, and advise the WAPC of Council's decision;</p> <p>(4) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;</p> <p>(5) determine that the amendment is consistent with Regulation 25(2) of the <i>Town Planning Regulations 1967</i> ("Regulations") and accordingly following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48(A) of the Environmental Protection Act, advertise the Amendment for a period of 42 days without reference to the Western Australian Planning Commission;</p> <p>(6) notwithstanding (5) above, the Director of Planning and Development may refer the Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48(A) of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;</p> <p>(7) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and</p>	

(8) advise landowners in the area of Council's decision accordingly.

COUNCIL DECISION

Background

Council at its meeting held on 14 August 2008 considered an application for the development of a storage yard on portion of Watsons land in Hamilton Road, Spearwood. In refusing the application, the Council at point (3) requested the City's Strategic Planning Services to prepare an amendment to Town Planning Scheme No. 3 to rezone the 'Watsons' site and the surrounding land, previously affected by the odour buffer, for residential purposes with the requirement for the preparation of a structure plan for the whole area and infrastructure cost-sharing arrangements (Minute No 3780).

Submission

Nil.

Report

In accordance with the Council resolution dated 14 August 2008 a Scheme Amendment has been prepared for the Watsons area. The amendment includes land generally bounded by Cross Road and the Region Open Space, Mell Road, Rockingham Road and the freight line as shown on the locality plan included in the agenda attachments. As well as the rural land, the amendment includes the industrial and local centre land in the north east corner of the amendment area between Mell and Rockingham Roads to more easily facilitate any changes identified through the subsequent structure plan process.

The Scheme Amendment proposes the following:

1. Rezoning.

It is proposed to rezone the area the subject of the amendment to "Development Zone". This will allow the land to be subdivided and developed once a structure plan and all relevant approvals including a Local Water Management Strategy have been prepared and adopted. This is the usual zoning for development areas within the City and is used as it provides a degree of flexibility particularly in regards to R code changes rather than a rigid residential zone

with an R Code. It also allows the initiation of a scheme amendment in advance of detailed proposals being prepared and hence save time.

2. Development Area (DA) provisions.

The subdivision and development of all land in the City designated "Development Zone" is controlled by appropriate provisions contained in "Schedule 11 - Development Areas" of the Scheme Text. It is proposed to designate this area as DA 31 – North Packham. The proposed provisions include the requirement for the adoption of a structure plan as required by the scheme to effectively zone and apply R Codes to the land and development requirements including the application of building guidelines to ensure good built form outcomes and the inclusion of sustainability initiatives and detailed area plans to ensure good site planning of areas of higher density.

3. Developer Contribution Area (DCA) provisions.

Within multiple ownership areas there are items of infrastructure such as public open space, road widening/extensions, drainage and overall costs including preliminary studies and open space development that are required for the development and are the responsibility of all owners rather than the owner on whose land the requirement is located. To ensure that all owners equitably contribute to these costs, in multiple ownership areas the City administers DCA provisions that are set out in Schedule 12 of the Scheme Text. The subject area has some 38 separate land owners and accordingly it is proposed to apply DCA provisions by including the area as DCA 12 – Packham North.

DCA 12 costs include drainage, servicing engineering and environmental studies prefunded by the City, public open space land and its development, internal and external drainage infrastructure. If further common costs become evident through the structure plan process they can be added to the schedule at a later time. However, it is important to identify these costs at the earliest point in time so that they can be taken into account when parties undertake their feasibility studies for the purchase of land in the area and thus minimising the potential for future conflict.

A Cost Contribution Schedule for the DCA has not been prepared at this time as the extent of land and works cannot be quantified until the structure plan has been prepared.

The proposals outlined above and shown on the Scheme Amendment map included in the Agenda attachments are in accordance with normal practice applied to development areas within the City. Accordingly it is recommended that Council adopt Scheme Amendment

No. 70 and undertake landowner, government agency and community consultation in accordance with the normal amendment procedures.

Strategic Plan/Policy Implications

Demographic Planning

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

Lifestyle and Aspiration Achievement

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

Natural Environmental Management

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.

Transport Optimisation

- To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

To be undertaken as part of the processing of the Amendment. The Town Planning Regulations provide for consultation once the local government has adopted the Scheme Amendment and the EPA has advised that the proposal is environmentally acceptable.

Attachment(s)

1. Locality plan
2. Scheme Amendment map

Advice to Proponent(s)/Submissioners

Landowners in the amendment area have been advised that this matter is to be considered at the 12 February 2009 Council Meeting.

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

Nil.

14.9 (OCM 12/2/2009) - DETAILED AREA PLANS FOR STAGES 8A AND 10A PORT COOGEE, NORTH COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: AUSTRALAND (9022) (T WATSON) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the Detailed Area Plans presented for Stages 8A and 10A Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Australand, pursuant to the provisions contained under Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3; and
- (2) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

Background

The Council at its 13 March 2008 meeting resolved to conditionally approve a Detailed Area Plan (DAP) for Stage 8B within the Port Coogee development area. Subsequent to the proponent making the required changes, the DAP was endorsed 21 May 2008. DAPs have now been presented for Stage 8A and 10A within the Port Coogee.

Under the current Port Coogee Structure Plan, the affected land is identified for low to medium density residential development (R20-30), within the north eastern part of the 'Dry Land Residential' precinct. In recognition of different access arrangements within Stage 8A, two (2) DAPs are proposed – one for 'Standard' lots, the other 'Laneway' lots. For Stage 10A, two (2) DAPs are also proposed – one for land zoned R20, the other for land zoned R25.

In total, four (4) DAPs are proposed across the two (2) stages.

Submission

The attached DAPs address amongst matters:

- Key elements to be considered in the design of dwellings;
- Dwelling setback requirements, including the extent to which parapet walls can be erected on side boundaries;

- Dwelling height; and
- Access and garage requirements.

It is noted particular provisions apply to two (2) lots that sit adjacent to the Fremantle Ports rail line in Stage 10A. The design and construction of the two (2) dwellings to be erected on these northern most lots need to satisfy 'Quiet House' design requirements.

Where the DAPs do not refer to an alternate standard, the applicable standard/s is those prescribed in the Residential Design Codes (R-Codes) and Town Planning Scheme No.3 and the City's Policies where the R-Codes do not apply.

Report

The proposed DAPs provide a site-specific layer of planning information, to be considered in the design and development of the land in question. The information is to be considered within the framework of the Structure Plan adopted by Council for Port Coogee, as well as the R-Codes and the City's Planning Scheme and Policies.

Presentation of the DAPs to the City was by the planning consultant for Port Coogee. Subsequent to an initial assessment, several changes have been made to the documents in consultation with the consultant for the benefit of all stakeholders. These include future purchasers and the City (when application is made for assessment and determination). The changes included:

- The identification of a number of additional *Designated Garage Locations* (providing for safer access and/or more appropriate streetscape presentation);
- A number of amendments for the purpose of ensuring consistency between the approved Stage 8B DAP and the proposed Stage 8A DAP, and the Stages 8A and 10A DAPs.

Conclusion

The DAPs provide detailed controls for small lot development identified in the Structure Plan for the land in question. It is, therefore, recommended that the DAPs be adopted by Council.

The approval of the DAPs is in accordance with the provisions of 6.2.15 of the Scheme. The provisions identify planning considerations to be included in DAPs and the process for adopting such. Where a DAP may affect landowners other than the owner of the land subject of the plan, the City may undertake consultation.

As Australand owns the majority of surrounding land, this has not occurred. Furthermore, the DAPs are largely generic, and reflect the content of the Structure Plan (and future development should occur as

anticipated, precluding the need for consultation). Clause 6.2.15.8 provides scope for a DAP to be amended.

Strategic Plan/Policy Implications

APD 31 - Detailed Area Plans

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Lifestyle and Aspiration Achievement

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

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005

Community Consultation

The DAPs have not been the subject of consultation. The DAPs sit within the framework of the Port Coogee Structure Plan which has been through a comprehensive public consultation program, including workshops.

Attachment(s)

1. Location Plan
2. Detailed Area Plans

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 12 February 2009 Council Meeting.

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

Nil.

14.10 (OCM 12/2/2009) - SOUTH BEACH VILLAGE STRUCTURE PLAN - PROPOSED AMENDMENT - APPLICANT: MGA TOWN PLANNERS - OWNER: STOCKLAND SOUTH BEACH PTY LTD (9653) (T WATSON) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the amended South Beach Village Structure, pursuant to the provisions contained under Clause 6.2.14.1 of the City of Cockburn Town Planning Scheme No 3;
- (2) forward the amended South Beach Village Structure Plan to the Western Australian Planning Commission for endorsement; and
- (3) advise the applicant and submissioners of Council's decision accordingly.

COUNCIL DECISION

Background

The subject land (Lots 119 and 120 O'Connor Close) is situated at the northern end of O'Connor Close within the South Beach Village Structure Plan area.

Under the Structure Plan, the land is currently identified for medium density residential development (Residential R20-R40). The land is flanked to the south by six (6) similar sized lots designated for 'Mixed Business - Residential' development with a dual R-Coding of R60/80. The land adjoining to the north is identified for Grouped/Multiple dwelling development at densities of R60-R100.

In terms of development, O'Connor Close is emerging as a medium rise residential strip. Lot 113 on the corner of O'Connor Close and Rollinson Road has been developed with a 7-8 storey building. The lot adjoining to the north (Lot 114) has been developed with a six (6)

storey building (nearing completion), whilst Lot 115 recently received approval for a building of the same height (6 storeys).

Further north along O'Connor Close, application has been made for a five (5) storey building on Lot 117, whilst approval has been granted for a six (6) storey building on Lot 118 O'Connor Close (adjoining the southern side of the land the subject of the amendment). Adjoining the northern side of the amendment land, Lot 484 Enderby Close has been granted approval for a five (5) storey building.

Submission

The proposed amendment to the Structure Plan is to change the residential classification of the subject land from 'Residential R20 – R40' to 'Residential R60-R100 Grouped/Multiple Dwelling Site'. In support of the proposed amendment, the applicant states the following:

“It is apparent that the density coding currently applied to Lots 119 and 120 is out of character with the land situated between the railway and O'Connor Close. It is also noted that the land to the west of the railway and therefore immediately west of Lots 119 and 120 is also indicated to be Residential R60/R100. Accordingly, there would be far greater consistency if Lots 119 and 120 were changed from Residential R20/R40 to Residential R60/R100.”

The proponent also believes that issues relating to the proximity of the land to the Fremantle Port rail line (noise etc) can be better dealt with as part of a multiple dwelling development on the land – as against the development of the land with up to eight grouped dwellings (as currently provided for by the Structure Plan).

Report

The proposed amendment to the Structure Plan is considered a logical change in the context of the planning controls applicable to adjoining land. The change provides for an intensity and scale of residential development similar to that which has emerged in recent years along the western side of O'Connor and Enderby Close.

Support for the amendment to the Structure Plan, however, is subject to the provision of a Detailed Area Plan (DAP) for the land in question. Where the majority of land in South Beach Village is subject to DAP's that guide the form and design of development, the lots south of Lots 119 and 120 O'Connor Close are not. This has resulted in several proposals that have little regard for development on adjoining lots, and the location generally in terms of fundamental design considerations and the envisaged future character of the area.

Prior to the advertising of the proposed Structure Plan amendment, the proponent was asked to provide a DAP for Lots 119 and 120. The intention was to provide interested persons with an appreciation of what could take place on the land in terms of building form and design. The DAP prepared is the subject of a separate item in this (February) Council agenda.

Consultation

As the proposed amendment to the Structure Plan is considered to materially change the Plan, landowner and community consultation has been undertaken. Adjoining property owners were consulted in addition to relevant Government agencies. A Public Notice was also placed in *The Gazette*.

At the close of consultation, the City had received two (2) submissions. The first submission, received from the adjoining property owner to the north, raises objection to the proposed amendment. Concerns raised include: loss of views; loss of dwelling diversity and streetscape impact. At the same time, however, the owner "*is generally in support of increased density and understands this amendment is likely to be approved.*" Further, the owner "*would like to see the following applied to Lots 119 and 120 O'Connor Close:*

- *A 3m minimum side setback to the adjoining lot 484;*
- *Activation of the POS to the west;*
- *DAP and design conditions similar to those at lot 484; and*
- *Maximum height of 20m above natural ground level."*

The above matters are addressed in the DAP that has been prepared for the amendment land. With respect to dot points 2 and 4, activation of the rear part of the land will take place following its ceding to the Crown for such purposes, whilst a building height of 21 metres and/or six (6) storeys is proposed. It is noted these heights accord with the approvals and development that has taken place in O'Connor Close to the south of the subject land (and is generally consistent with State Coastal Planning Policy 2.6 relating to building heights along the coast).

The second submission was received from Water Corp. and raises no objection to the proposed amendment.

Conclusion

The proposed amendment to the South Beach Village Structure Plan is supported. The approval of the amended Structure Plan is in accordance with the provisions of 6.2.14.1 of Town Planning Scheme No.3. Following approval, the amended Structure Plan needs to be referred to the Western Australian Planning Commission for endorsement.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Lifestyle and Aspiration Achievement

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

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3

Community Consultation

The amended Structure Plan has been the subject of consultation. At the close of consultation, two (2) submissions had been received by the City. Their content and the City's position in respect of the submissions is covered above.

Attachment(s)

1. Current Structure Plan and Amended Structure Plan
2. Submissions (2)

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 12 February 2009 Council Meeting.

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

Nil.

14.11 (OCM 12/2/2009) - DETAILED AREA PLAN FOR LOTS 119 AND 120 O'CONNOR CLOSE, SOUTH BEACH VILLAGE, NORTH COOGEE - PREPARED BY: THE PLANNING GROUP - OWNER: STOCKLAND (9022) (T WATSON) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the amended Detailed Area Plan for Lots 119 and 120 O'Connor Close, South Beach Village, North Coogee, prepared by The Planning Group for Stockland, pursuant to the provisions contained under Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3; and
- (2) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

Background

The lots, subject of the Detailed Area Plan (DAP) are those involved in the proposed amendment to the South Beach Village Structure Plan (separate agenda item).

Prior to the advertising of the proposed Structure Plan amendment, the proponent was asked to provide a Detailed Area Plan for Lots 119 and 120. In addition to providing site specific planning information to be considered in the development of the land, the DAP was to provide interested persons with an appreciation of what could take place on the land in terms of building form and design.

Submission

The attached DAP addresses amongst matters:

- Site access and parking provision.
- Design considerations, including setbacks, balcony size and treatment (including protection against excessive solar gain and wind).
- Building height.
- Fencing and screening details (including the screening and location of service related hardware).

- The requirement for sound attenuation adjacent to the Fremantle Port rail line.

The DAP also requires the proposed development of one building across the two lots to be sufficiently articulated to give the impression of two separate buildings. This is important given the 'rhythm' of development that has started to occur from the southern end of O'Connor Close.

In support of the DAP, the applicant states the document *provides Council, Stockland and any prospective purchaser with clear guidance and when accompanied by the requirements advocated by the Guidelines should result in an appropriate builtform commensurate with the quality of development existing throughout the estate.*

Report

The proposed DAP provides a site-specific layer of planning information, to be considered in the design and development of the land in question. The information is to be considered within the framework of the Structure Plan and Design Guidelines adopted by Council for South Beach, as well as the R-Codes and the City's Planning Scheme and Policies.

In terms of content, the DAP provides direction to the future development of the land taking into account similar planning controls for adjoining lots to the north, and new development occurring to the south. With the exception of Lot 116 O'Connor Close, the City has received five (5) applications for 5-6 storey residential buildings to the south of Lots 119 and 120, granting approval to four (4) of these.

It is noted the applications mentioned above were approved without the aide of specific design guidelines or DAPs. Due to this, several of the more recent proposals became the subject of re-designs following their lodgement with the City. The proposed DAP; therefore, will provide clear direction in the development of the land, including specific design requirements taking into account the location of the lots and their relationship to the immediate setting.

A number of design items aimed at providing a degree of uniformity in the O'Connor Close streetscape include similar street and side setbacks, and building heights. The requirement for side setbacks is considered fundamental for the purpose of achieving a break in the extent of builtform when viewed from the street as well as from a distance. Breaks between buildings will also enable views through and beyond the village location, whilst providing for a higher degree of air circulation (including the sea breeze).

Consultation

The DAP was advertised (by default) in association with the proposed Structure Plan amendment. In response, two submissions were received, one making reference to the DAP. In summary, the submissioners call for the application of a set of controls to the subject land similar those applicable to Lot 484 Enderby Close (adjoining to the north). The proposed DAP generally achieves this stipulation, though is not identical to the DAP applicable to Lot 484.

Conclusion

It is recommended that Council adopt the DAP for Lots 119 and 120 O'Connor Close and advise the applicant accordingly.

Strategic Plan/Policy Implications

Council Policy that applies is APD 31 - Detailed Area Plans.

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005

Community Consultation

The DAP was advertised in conjunction with the amendment to the South Beach Village Structure Plan. One (1) submission making reference to the need for a DAP was received. The proposed DAP addresses the submission.

Attachment(s)

Design Guidelines and Detailed Area Plan (Amended).

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 12 February 2009 Council Meeting.

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

Nil.

14.12 (OCM 12/2/2009) - DEDICATION OF LAND AS ROAD RESERVE - PORTION LOT 55 ON DIAGRAM 99367 (1117727) (K SIM) (ATTACH)

RECOMMENDATION

That Council:

- (1) request the Minister for Lands to dedicate portion of Lot 55 on Diagram 99367 as a road reserve, pursuant to Section 56 of the Land Administration Act 1997; and
- (2) indemnify the Minister against any claim for compensation in an amount equal to all costs and expenses reasonably incurred in considering and granting the request.

COUNCIL DECISION

Background

Lot 55 is shown on Diagram 99367 as a 0.1m wide Pedestrian Access Way ("PAW"). The PAW runs between Lots 5, 6 and 7 and the adjacent Phoenix Road, and essentially prevents direct lot access to Phoenix Road from the subject lots. This now needs to be modified, due to recent development approvals for Lots 6 and 7 which permit a left-in/left-out lot access from Phoenix Road.

Submission

Licensed Surveyors Brook and Marsh Pty Ltd on behalf of the landowners of Lots 6 and 7 Whyalla Court, Bibra Lake have requested the vesting to road reserve of the PAW. The extent of the vesting is 3.5m each side of the common boundary of the two lots.

Report

Development approvals to construct warehouse/showroom complexes have been granted for Lot 6 and 7 Whyalla Court, Bibra Lake. Both developments provide for vehicular access from Whyalla Court, and a limited left-in/left-out access from Phoenix Road. The location of the Phoenix Road access is on the common boundary of the two lots.

As the PAW essentially prohibits traffic movements across it, lawful access needs to be achieved through vesting as road reserve a 7m long section of the PAW. The extent of the vesting needs to be identified on a Deposited Plan lodged with Landgate. Brook and Marsh have prepared Deposited Plan 60401 in this respect.

The development approvals also require the landowners of Lots 6 and 7 to each enter into reciprocal rights of carriageway agreement concerning the common access. Brook and Marsh have supplied Deposited Plan 60402 showing the extent of these carriage way easements. The location of the easements coincides with the section of the PAW to be dedicated as road reserve, and is appropriate on this basis.

Section 56(4) of the Land Administration Act 1997 requires the local government to indemnify the Minister in respect to all costs and expenses reasonably incurred by the Minister in considering and granting the request to vest the PAW as road reserve.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Budget/Financial Implications

The dedication is pursuant to Section 56 of the Land Administration Act 1997, which requires the City to indemnify the Minister in respect to all costs and expenses, incurred considering and granting the request. These cannot be quantified at this time, but are expected to be minor.

Legal Implications

Land Administration Act 1997 refers.

Community Consultation

N/A

Attachment(s)

1. Location Plan.
2. Preliminary Plan – Landgate.

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 12 February 2009 Council Meeting.

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

Nil.

14.13 (OCM 12/2/2009) - SINGLE HOUSE (OUTBUILDING) - LOCATION: 86 (LOT 20) BORONIA ROAD BANJUP - OWNER: N & P CUNLIFFE-WILLIAMS - APPLICANT: NORMAN BROOKS ARCHITECTURAL DRAUGHTING & DESIGN (5500106) (A LEFORT) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the application for a Single House (Outbuilding) at 86 (Lot 20) Boronia Road, Banjup subject to the following conditions:-
 1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan.
 2. Nothing in the approval or these conditions shall excuse compliance with all other 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 outbuilding shall be used for domestic and purposes only in association with the existing dwelling on site and not for human habitation. No commercial activities shall take place within the outbuilding.

5. The outbuilding is to be constructed in a non-reflective colourbond material that matches the dwelling and harmonises with the surrounding environment. Colour and material details are to be submitted with the Building Licence Application.
6. No existing vegetation shall be removed or cleared from the site to accommodate the outbuilding without further approval from the City of Cockburn.
7. All existing unapproved sea containers shall be removed from site within 30 days of the date of this approval. Alternatively, a further planning application must be obtained for any sea container to remain on the site.

FOOTNOTE

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

COUNCIL DECISION

Background

Zoning:	MRS:	Rural – Water Protection
	TPS3	Resource
Land use:	Single House (Outbuilding)	
Lot size:	3.2043ha	
Use class:	P	

The subject site contains an existing dwelling, patios, several sea containers and a significant amount of native vegetation. The lot does not contain a building envelope.

The proposal does not comply with Council’s “Outbuildings” policy APD 18 with regards to maximum floor area and wall height. Applications for outbuildings which are not in accordance with this policy require full Council determination.

Submission

The applicant proposes to construct a 252sqm colourbond outbuilding with a wall height of 5 m and a ridge height of 6.6m. The proposed

outbuilding is to be located in an area of cleared vegetation behind the existing dwelling. The applicant has advised that the outbuilding will be used for domestic purposes only to house several vehicles and equipment used to maintain the land such as lawnmowers etc and not for commercial purposes.

Report

The following section provides a discussion of the various issues affecting the proposal.

State Planning Policy 2.3 Jandakot Groundwater Protection

The proposed resource zoning means that any land use needs to be considered in accordance with the State Government's State Planning Policy 2.3 Jandakot Groundwater Protection (SPP 2.3). The proposal complies with this policy.

Outbuildings Policy APD 18

Council's "Outbuildings" Policy APD 18 was developed to provide a consistent set of guidelines for the development of sheds and other outbuildings in the residential, rural, rural living and resource zones.

The following table summarises the criteria outlined in the policy and includes the actual details associated with this proposal:

Policy Criteria	Policy Requirement	Proposed	Comment
Floor Area	200 sqm	252 sqm	Variation
Wall Height	4 m	5 m	Variation
Ridge Height	6 m	6.6 m	Variation

As demonstrated in the above table, the proposed development does not comply with the requirements for an outbuilding in the Resource zone and therefore approving the proposal constitutes a variation to the policy.

The proposed outbuilding is located behind the existing dwelling and is set back 82 m from the primary street, 42 m from the northern boundary and 55 m from the southern boundary. The proposal was advertised to adjoining neighbours for comment but no responses were received. In this instance, the proposed variation to Council's policy is considered acceptable as it will not have a detrimental impact on the amenity of the area. In addition, the applicant has advised that the proposed outbuilding will replace the existing un-approved sea containers located on the site.

Existing Vegetation

The proposed outbuilding is to be located in an area already cleared of vegetation so no existing vegetation is to be removed as part of the proposal. In the absence of a building envelope on the site, this area is considered to be appropriate.

Conclusion

The proposal is supported for the following reasons:

- The proposed outbuilding is not considered to detract from the amenity of the area;
- The proposed outbuilding will not result in a loss of existing vegetation on the site;
- No objections were received from the adjoining landowners; and
- The proposed outbuilding is located behind the existing dwelling and is set back significantly from all property boundaries.

Strategic Plan/Policy Implications

Demographic Planning

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

Natural Environmental Management

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

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

The proposal was advertised to the surrounding landowners for 14 days and no comments or objections were received.

Attachment(s)

1. Location Plan

2. Site Plan
3. Floorplan and Elevations

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 12 February 2009 Council Meeting.

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

Nil.

14.14 (OCM 12/2/2009) - PROPOSED PEDESTRIAN ACCESS WAY CLOSURE - POTTER COURT/NEWTON STREET, SPEARWOOD - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: DOMENICO DE VANNA (450565) (M CARBONE) (ATTACH)

RECOMMENDATION

That Council:

- (1) proceed with the closure of the Pedestrian Access Way (PAW) and request that the Minister for Lands close the PAW and include the land into the adjoining lot;
- (2) advise the owner of 90 Newton Street, Spearwood that they are responsible for all costs associated with the access way closure, including the underground piping of the Council drain and the creation of an appropriate easement on their property, as well as any other costs associated with modifying services; and
- (3) advise the landowner that the Western Australian Planning Commission (WAPC) is currently considering an amendment to the R-Codes which would limit application of section 6.1.3 A3(iv) of the R-Codes to only pre-existing R20 coded lots with an area of at least 900 m². Accordingly, the landowner should consult with the WAPC to determine whether they would be potentially affected by this change, as the closure of the PAW and amalgamation with the landowner's land will technically constitute a newly created lot.

COUNCIL DECISION

Background

The Pedestrian Access Way (PAW) is located between the cul-de-sac heads of Potter Court and Newton Street, Spearwood and is 3m wide and 40m long. The PAW is zoned Residential R20 under the Council's Town Planning Scheme and is owned by the State of Western Australia.

Submission

The City received a request from the owner of 90 (Lot 258) Newton Street, Spearwood requesting the closure and acquisition of the PAW. The request was first received in early 2007.

Report

The PAW has been locked with gates for a number of years restricting pedestrian access (refer photo within Agenda attachment 3). The main function of the access way is to accommodate overland stormwater flow for the 1:100 year storm events and accordingly the concrete path has a "spooned" cross section". The City of Cockburn's Engineering Department has agreed to the closure and acquisition of the PAW subject to the drain being piped at the applicant's cost and the land being protected by an easement. The adjoining landowner (Lot 258) has agreed to this requirement, and is aware of the current costs associated with the piping of the section of the PAW flow path (approximately \$20,000).

The other adjoining landowner has provided written acknowledgement that they have no objection or interest in acquiring the land.

Impact of closure

The PAW does not provide any direct pedestrian link to facilities and is already locked with gates at either end. Pedestrian movement is orientated away from the PAW rather than through it.

There are no Public Open Space (POS) areas, shops, community facilities or bus services within a 400 m walking distance of the PAW. The closest primary school is 500 m away, POS is over 560 m, bus stop over 600m, and shops and community facilities over 1.4 km

The closure of the PAW will not unreasonably increase the walking distance to these facilities and services given the presence of alternative pedestrian routes of similar distance.

There are no aged persons or disabled facilities within close proximity of the PAW.

The PAW is not part of the strategic cycle/pedestrian network.

Alternative Options to Closure

The concrete pathway through the PAW is “spooned” and is not conducive to desirable or safe pedestrian access hence the PAW has been closed with gates for a number of years. Investigations for future redevelopment of land adjacent the PAW revealed that redevelopment is unlikely to occur for the land to the west due to the large size and good condition of the existing residence. Redevelopment could occur for the lot to the east if the PAW is closed and incorporated into the lot as proposed by this closure. Specifically, the PAW once amalgamated with Lot 258 Newton Street will qualify the land for potential grouped dwelling subdivision under section 6.1.3 A3(iv) of the R-Codes. This however is being considered for amendment by the WAPC such that it would limit application of section 6.1.3 A3(iv) of the R-Codes to only pre-existing R20 coded lots with an area of at least 900 m². Accordingly, the landowner should consult with the WAPC to determine whether they would be potentially affected by this change, as the closure of the PAW and amalgamation with the landowner’s land will technically constitute a newly created lot.

Consultation

As the PAW is already closed with gates it was only necessary to write letters to those landowners directly affected by the formal PAW closure. All landowners and residents within Potter Close and the eastern end of Newton Street were invited to comment on the proposed closure. No comments were received.

The Water Corporation was invited to comment on the proposed closure as there is an existing water main located within the PAW. The Water Corporation has advised that the main could be cut, capped and the reticulation system modified. This would need to be at the landowner’s cost.

The Department for Planning and Infrastructure (DPI) has been invited to comment on the closure in accordance with the requirements of Planning Bulletin 57. The DPI has no objections to the closure.

Conclusion and Summary

Based on the above assessment and following the Commission’s Planning Bulletin No. 57 and the Council’s Policy APD21 “Pedestrian Access way Closures”, it is considered appropriate to close the PAW for the following reasons:

1. The PAW has been closed for a number of years and the “spooned” pathway does not make it conducive to a desirable pedestrian environment.

2. The formal closure of the PAW will not significantly increase the walking distance to shops, community facilities, schools, bus stops and POS given the alternative pedestrian routes available within the road system (footpaths).
3. The PAW has an isolated location and does not form part of the strategic cycle/pedestrian network.
4. No objections have been received from the affected landowners.
5. The water main within the PAW can be modified to accommodate the closure and the function of the PAW as an overland stormwater flow path in the event of a 1:100 year storm event can be maintained through an appropriate easement and the spooned over land flow path being piped underground.

It is therefore recommended that Council proceed with the closure of the PAW and request that the Minister for Lands close the PAW and include the land into the adjoining lot 258.

Strategic Plan/Policy Implications

The Planning Policies which apply to this item is APD21 - Pedestrian Access Way Closures.

Demographic Planning

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

Infrastructure Development

- To construct and maintain community facilities that meet community needs.

Budget/Financial Implications

Costs associated with modifying the overland drainage path and water main will be borne by the owner of Lot 258 Newton Street.

Legal Implications

N/A

Community Consultation

The PAW closure was advertised to the surrounding landowners and the Water Corporation as they have a water main within the PAW. No comments were received from the landowner and the Water Corporation gave conditional support to the closure.

Attachment(s)

1. Location plan
2. Site plan
3. Photo of PAW

Advice to Proponent(s)/Submissioners

The Proponent and the Water Corporation have been advised that this matter is to be considered at the 12 February 2009 Council Meeting.

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

Nil.

14.15 (OCM 12/2/2009) - PROPOSED 105 LOT SUBDIVISION APPLICATION - LOCATION: 381 (LOT 503) PHOENIX ROAD BIBRA LAKE - APPLICANT: GREG ROWE & ASSOCIATES - OWNER: PRIMEWEST PTY LTD (139084) (A LEFORT) (ATTACH)

RECOMMENDATION

That Council:-

- (1) recommend to the Western Australian Planning Commission that the proposed subdivision application (136552) for 105 lots at 381 (Lot 503) Phoenix Road, Bibra Lake be approved subject to the following conditions and advice notes:
 1. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the applicant/owner's cost, to the satisfaction of the Western Australian Planning Commission.
 2. Proposed Lots 19 – 29 shown on the subdivision plan being held as a balance of title lot until such time that a subdivisional road on the adjoining lot (Lot 9008) is constructed and drained to the satisfaction of the Western Australian Planning Commission.
 3. Access roads to the subdivision from Phoenix Road and Sudlow Road to be designed and constructed without any adverse impact on Phoenix Road and Sudlow Road through traffic flow, including adjacent signalised intersections to the satisfaction of the Western Australian Planning Commission.

4. Arrangements being made satisfactory to the Western Australian Planning Commissions to ensure that the design levels for roads, lots and retaining walls are suitable for integration with the existing roads and adjoining lots.
5. The design and construction of traffic management devices, street lighting and street trees on subdivisional roads to the satisfaction of the Western Australian Planning Commission.
6. Satisfactory arrangements being made with the Local Government for the construction and drainage/upgrading of that section of Phoenix Road and Sudlow Road abutting the subject land to the satisfaction of the Western Australian Planning Commission.
7. A dual use path provided along Phoenix Road and being constructed by the applicant/owner.
8. Footpaths being provided on all subdivision roads within the subdivision area to the satisfaction of the City of Cockburn.
9. A detailed plan demonstrating dual use path and footpath design to the specifications of the local government to be submitted prior to the commencement of site works.
10. Street corners within the subdivision being truncated to the standard truncation of 10m by 10m to the satisfaction of the Western Australian Planning Commission.
11. Proposed Lot 87 is to be shown on the Deposited Plan as "Drainage Reserve" and vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown.
12. The proposed drainage sump to be located within proposed Lot 87 shall be designed and constructed to the specifications of the local government to the satisfaction of the Western Australian Planning Commission. This is to adopt appropriate water sensitive urban design treatments, such that the area has a high amenity and usability by the general public outside times when it is otherwise required for drainage function. An outdated 'fenced sump' design will not be accepted.
13. Silt and gross pollutant traps and nutrient stripping to be installed for any stormwater runoff which enters the

drainage sump from the box plant site (proposed Lot 86).

14. The proposed parks and recreation reserve(s) shown on the approved plan of subdivision being shown on the Deposited Plan as a "Reserve for Recreation" and vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown.
15. The applicant/owner shall prepare and implement a landscape and planting programme for the parks and recreation reserve to the satisfaction of the City of Cockburn.
16. Uniform fencing (visually permeable) is to be provided along the boundary of proposed Lot 82 and the proposed parks and recreation reserve to the satisfaction of the City of Cockburn.
17. Fencing is to be provided to the future drainage reserve (proposed Lot 87) and the adjoining verge shall be landscaped to the satisfaction of the City of Cockburn
18. The applicant is to provide details for verge landscaping and tree planting at Engineering Detail Design to the satisfaction of the City.
19. The applicant/owner shall be responsible for the capital works, maintenance, monitoring and reporting of reserve development/rehabilitation for a minimum period of 2 years in accordance with approved detailed plans, prior to handover to the managing authority to the satisfaction of the Western Australian Planning Commission.
20. The land being graded and stabilised at the applicant/owner's cost to the satisfaction of the Western Australian Planning Commission.
21. The land being filled and/or drained at the applicant/owner's cost and any easements and/or reserves necessary for the implementation thereof, being granted free of cost.
22. All storm water must be contained on site, the site must be developed to a finished level that will permit adequate percolation and retention of storm water on site. For industrial sites, retention must facilitate a 1 in 100 year storm event.
23. An integrated urban water management plan is to be

prepared and implemented as part of the subdivisional works.

24. The applicant engaging a suitably qualified engineer (with subdivision experience) to prepare a pre-works geotechnical report to certify that the land does not contain any unsuitable landfill associated with or prior to subdivisional works and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of the Western Australian Planning Commission.
25. The applicant providing a post- works geotechnical report from a qualified geotechnical engineer certifying that all subdivision works have been carried out in accordance with the pre-works geotechnical report and the site has been adequately compacted and drained to enable residential development, to the satisfaction of the Western Australian Planning Commission.
26. The applicant engaging a qualified engineer to certify that any filling or back filling has been adequately compacted for residential development to the satisfaction of the Western Australian Planning Commission.
27. Prior to the development of the open space including the construction of any retaining walls or other structures proposed as part of the subdivision, a building licence to be obtained from the Local Government to the satisfaction of the Western Australian Planning Commission.
28. "The Applicant is to prepare and submit a dust management plan to the City's Health Service and obtain approval prior to the commencement of works on the site. The Plan is to incorporate dust minimisation and control measures and include supporting documentation as per the Department of Environment document "Land development sites and impacts on air quality : A guideline for the prevention of dust and smoke pollution from land development sites in Western Australia.
29. The Applicant is also advised that the City of Cockburn has adopted a policy titled "SPD7 – "Prevention of sand drift from subdivision and development sites", which prohibits bulk earthworks on Class 3 and 4 Developments sites between 1 October and 31 March. The Applicant/Owner must liaise with the City's Health Service prior to commencing bulk earth works."
30. Retaining walls installed as part of a subdivision for

residential development must be designed in accordance with Australian Standard AS 1170 Parts 1 and 2 - 1989, to take live and dead loads imposed by a single storey/double storey brick and tile residence placed a minimum of 1 /1.5 metre respectively from the retaining wall boundary. The design of the retaining wall must also provide for the erection of a 1.8 metre high fibre cement/steel fence placed on top of all boundary retaining walls to the satisfaction of the Western Australian Planning Commission.

31. All buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation to the satisfaction of the Western Australian Planning Commission.
32. The location of any on-site effluent disposal systems must be identified and where appropriate the septic tank and leach drains must be decommissioned as per the relevant Environmental Health legislation.
33. All lots (including proposed Lot 86 containing the existing building) shall be connected to sewer.
34. Any buildings that are proposed to be retained on the land must be set back from all proposed boundaries a minimum of 18m so as to comply with the Building Code of Australia. When seeking clearance of the subdivision, the applicant's nominated licensed land surveyor is to confirm the boundary setback dimensions and certify the setbacks of the walls and roof overhang of existing buildings that are near proposed new boundaries. The surveyor's certification and confirmation is to be submitted to the City with the request for subdivision clearance.

NOTE: Class 10 outbuildings are not permitted to remain on a property unless they are appurtenant to a main building on the same proposed lot.

35. Notification in the form of a memorial to be placed on the Certificates of Title of proposed Lots 29, 30 and 41 – 48 (inclusive) due to the existing retaining wall being of a design that incorporates geotextile materials. The memorial is to state as follows:

“This existing retaining wall on the lot boundary is of a design that incorporates geotextile and therefore any proposed development on this lot must not adversely affect the structural elements of the existing wall. The design engineer of a proposed structure is required to confirm the

design would not adversely affect the existing retaining wall. The wall design details are included as part of City of Cockburn Building Licence No. BA05/0077.”

36. A temporary fence shall be erected during subdivision works along the boundary between the proposed lots and the area identified for public open space abutting Phoenix Road to prevent damage to existing vegetation.

ADVICE NOTES

1. The applicant is advised that a building licence is required prior to the construction of any retaining walls or other structures proposed as part of the subdivision.
2. With regards to Condition No. 15, the landscape and planting programme shall be prepared by suitably qualified Landscape and Arboricultural consultants to the satisfaction of the City and shall address the following:
 - (i) *Retention and management of indigenous vegetation in a parkland setting.*
 - (ii) *Retention and management of trees most suited to a parkland use and within close proximity to neighbouring commercial developments.*
 - (iii) *Landscape treatment and planting program to provide for further consolidation of the biodiversity corridor between Manning and Bibra Lakes (particular attention should be paid to utilising local seed stock that includes Carnaby's Black Cockatoo food plants and the need to create a continuous link of connecting canopies between trees). Other habitat features e.g.. logs and debris from onsite clearing, should also be specified in landscape treatment to enhance and create suitable fauna habitats.*
 - (iv) *Plant an additional 2000 trees in the Parks and Recreation reserve*
 - (v) *All planted vegetation should be monitored and maintained by the proponent for a minimum period of two years and aim for a minimum survival rate of 90%. Monitoring should commence three months after plantings and be carried out quarterly.*
 - (vi) *Amenity landscape treatments suitable for the*

location and use, addressing screening of non-residential activities and structures.

(vii) During construction works in adjacent commercial lots that retained trees are protected to the requirements of an Arboricultural consultant.

3. With regards to Condition No. 16 and 17, the applicant is advised to submit a fencing plan to the City of Cockburn to ensure that the appropriate style of fencing is constructed prior to erecting the fences.
 4. With regards to Condition No. 16, the WAPC is advised that the developer is not required to provide uniform fencing along the boundaries of the remaining lots abutting the parks and recreation reserve as the approved design guidelines for the site require a 2.5m high masonry boundary wall along this boundary.
 5. No activities associated with the subdivision site works causing noise and/or inconvenience to neighbours being carried out after 6.00 p.m. or before 7.00 a.m. Monday to Saturday, and not at all on Sunday or public holidays to the satisfaction of the Western Australian Planning Commission.
 6. With regards to Condition No. 36, the applicant is advised that the proposed parks and recreation reserve abutting Phoenix Road shall not be damaged by any subdivision works including the placement of fill, rubble, rubbish or any other material. No removal, clearing or damage shall occur to any vegetation within this area.
- (2) delegates authority to the Manager, Statutory Planning to deal with all future subdivision applications associated with this site.

COUNCIL DECISION

Background

A subdivision application has been referred to the City by the Western Australian Planning Commission (WAPC) requesting the City's recommendation regarding the subdivision of 381 (Lot 503) Phoenix

Road Bibra Lake. The subject site, which is 38.1406ha in area, contains the Amcor box plant and recycling paper mill plant. The paper mill is no longer in operation whilst the box plant continues to operate from the site. The landowner proposes to retain the box plant on a portion of the site and subdivide the remainder of the land into 105 lots of various sizes.

Council staff has delegation to provide a response to the WAPC however when Council initiated a scheme amendment to rezone the subject land at its meeting held on 12 June 2008, Council resolved (resolution No.15) that:

“The subdivision application for the subject property be referred to Council for consideration and determination;”

Therefore Council is requested to consider the application and provide the WAPC with an appropriate recommendation.

A proposal to rezone the subject land from ‘Special Use 12 – Paper Mill’ to ‘Industry’, ‘Mixed Business’, ‘Light and Service Industry’ and ‘Parks and Recreation’ (Amendment No. 63) was finalised by Council at its meeting held on 11 December 2008 but is yet to be gazetted. A concept plan was presented to Council at this time which depicted the general subdivision layout proposed by this subdivision application.

The subdivision application was initially lodged with the Western Australian Planning Commission (WAPC) on 19 December 2007 and an amended plan was lodged on 31 July 2008. Council’s recommendation to the WAPC has been pending finalisation of Amendment No. 63.

Submission

This proposal will facilitate the subdivision and redevelopment of the subject site to allow for future new industrial, light industrial and mixed business uses to be established. This application proposes the creation of 105 freehold lots of various sizes, five access roads to the site and includes a 20m wide landscape strip abutting Phoenix Road to be ceded as a parks and recreation reserve (refer to the proposed subdivision plan in Appendix 1). Lot sizes range from 1218sqm to 4.0211ha (proposed to accommodate the existing box plant). All other buildings and structures on the existing site are to be demolished.

Report

Statutory Context

Zoning

The subject land is zoned 'Industrial' under the Metropolitan Region Scheme (MRS) and Amendment No. 63 to the City of Cockburn Town Planning Scheme No. 3 (TPS 3) rezones the subject site from 'Special Use 12 (SU 12)' to 'Industry', 'Mixed Business', 'Light and Service Industry' and 'Parks and Recreation'. The proposed subdivision is consistent with both MRS and proposed TPS 3 zonings.

WAPC Policy DC 4.1 – Industrial Subdivision

This WAPC policy provides guidance to the Commission in determining applications for industrial subdivisions on such matters as design and shape of lots, road layout, and servicing and open space requirements. The proposed subdivision application complies with this policy in all aspects.

City of Cockburn Industrial Subdivision Policy APD 2

Council's Industrial Subdivision Policy APD 2 provides guidelines for Council recommendations for freehold industrial subdivisions with regards to minimum lot areas and dimensions, fencing and access. The proposed subdivision application complies with this policy in all aspects.

Design Guidelines

Design Guidelines for the site which will ensure adequate levels of development and amenity in the area were adopted by Council at its meeting held on the 11 December 2008. The requirement for Design Guidelines will therefore not be required to be imposed as a condition of subdivision.

Road Network

The proposed road network shows two full access road intersections to Phoenix Road with one of the intersections being the upgrading of the existing driveway access to the site. The 20m wide 'Parks and Recreation' will prevent any direct vehicle access from lots onto Phoenix Road. Two road connections are proposed to Sudlow Road and one connection is proposed to the adjoining Lot 9008 to the east of the site which is owned by Landcorp but remains undeveloped. Should Council support the subdivision application, a condition should be imposed requiring Lots 19-29 to be held in a balance title lot until such time as the indicative road shown on Lot 9008 is constructed.

The City's Engineering department have assessed the proposed subdivision application and accompanying Traffic Management Impact Assessment undertaken by TARSC Pty Ltd and are supportive of the road network.

Lot Sizes

The subdivision plan proposes a variety of lot sizes which will accommodate different types of industry and business uses within the area. The various lot sizes will facilitate larger showroom and bulky goods developments as well as providing the potential for strata developments and the smaller lots are appropriate for single owner/occupant use. Most of the lots are between 1218sqm and 1.3233ha with the exception of Lot 48 (1.9885ha) which is identified for a Western Power substation and Lot 86 (4.0211ha) which is identified to accommodate the existing Amcor box plant facility. This lot could be further subdivided in the future should the box plant facility no longer be required.

Existing Vegetation Retention

The proposed subdivision layout includes a 20 m wide 'Parks and Recreation' reserve abutting Phoenix Road. The purpose of the reserve is to facilitate the retention of existing vegetation which will act as a buffer to the residential zoned land on the northern side of Phoenix Road. It is recommended that a condition be imposed requiring the applicant to lodge a landscape plan and planting schedule and also to install a temporary fence during subdivision works to prevent damage to existing vegetation.

Environmental Issues

The subject site has been reported to the Department of Environment and Conservation (DEC) as a known or suspected contaminated site and has been classified under the Contaminated Sites Act 2003. The site is classified as Contaminated – Remediation Required. The DEC advised the City in a letter dated 18 June 2008 that the contamination was reported because it has been used as a paper mill and visual indications of oil staining reportedly from leaking equipment were confirmed by a preliminary site assessment.

The subdivision application was referred by the WAPC to DEC for comment and it is anticipated that a condition(s) will be imposed requiring full remediation of the site. It is understood that remediation works have commenced.

Conclusion

The proposed subdivision application is supported for the following reasons:

- The proposal is consistent with the rezoning proposed in Amendment No. 63 to TPS 3 which was finalised by Council on 11 December 2008.
- The proposal is consistent with the concept plan for the site which was presented to Council at its meeting held on 11 December 2008.
- The proposal complies with WAPC and Council policies relating to industrial subdivision.
- The City has no objection to the proposed subdivision design, road layout, drainage or any other aspect to the proposal.

It is therefore recommended that the City send a recommendation supporting the application to the Western Australian Planning Commission who is the determining authority.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.
- To pursue high value employment opportunities for our residents.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Subdivision Plan.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 12 February 2009 Council Meeting.

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

Nil.

14.16 (OCM 12/2/2009) - PROPOSED STRUCTURE PLAN AMENDMENTS - AUSTRALIAN MARINE COMPLEX TECHNOLOGY PRECINCT - LOCATION: VARIOUS LOTS BOUNDED BY FROBISHER AVE, ROCKINGHAM AND RUSSELL ROADS - OWNER: LANDCORP AND VARIOUS LANDOWNERS - APPLICANT: THE PLANNING GROUP ON BEHALF OF LANDCORP (9525) (R DONG) (ATTACH)

RECOMMENDATION

That Council:-

(1) pursuant to Clause 6.2.14.1 (b) of Town Planning Scheme No. 3 adopt the proposed amended Structure Plan for Australian Marine Complex Technology Precinct subject to the following modifications:

1. Development Area No. 6 (DA 6) provisions in Schedule 11 of Town Planning Scheme No. 3 being inserted under Note 1 of the amended Structure Plan.
2. Frobisher Ave remaining the same road reserve width through the structure plan area.
3. Change Note 5 of the amended structure plan being modified to read as follows:

“Buildings are to address Rockingham Road. No direct vehicle access is permitted from properties abutting Rockingham and/or Russell Roads”.

4. Keep in place the Transit Square in the Technology Park at an appropriate location and design to the satisfaction of the City of Cockburn and the Public Transport Authority.
5. That an additional Note 7 be added to the Structure Plan as follows:

“Future subdivision, land use and development of the former Coogee Primary School Site (Lot 4897 Russell Road) shall ensure that the cultural heritage

significance of the place is adequately protected, to the satisfaction of the City of Cockburn.”

- (2) adopt the Schedule of Submissions contained in the Agenda attachment;
- (3) subject to receiving the amended structure plan which has incorporated all the changes required under (1) above, forward a copy of the amended Structure Plan of Australian Marine Complex Technology Precinct to the Western Australian Planning Commission;
- (4) request the proponent to initiate a Scheme amendment in the near future to eliminate the inconsistencies between provisions for Special Use No. 9 (SU 9) and DA 6 of Town Planning Scheme No. 3; and
- (5) advise the proponent and persons who lodged submissions of Council's decision accordingly.

COUNCIL DECISION

Background

The Structure Plan of Australian Marine Complex Technology Precinct (AMC) was prepared to address the requirement of Development Zone (DA6) under the City of Cockburn Town Planning Scheme No. 3 (TPS3). The Structure Plan (Attachment 2 refers) was adopted by the City of Cockburn on 17 July 2006 and endorsed by the Western Australian Planning Commission (WAPC) on 8 September 2006.

The development of the AMC Technology Precinct consists of two stages of subdivisions as identified on the approved structure plan (Attachment 2 refers): Stage 1 is subject to land south of Gardiner Ave and Stage 2 is subject to land north of Gardiner Ave. Stage 1 subdivision (WAPC ref's 131431 and 135751) has been approved by the WAPC in 2006.

The applicant submitted an application on behalf of LandCorp on 26 September 2008 requesting modifications to the approved structure plan to facilitate their forthcoming subdivision for Stage 2.

Submission

The Planning Group (TPG) at the request of the landowner (LandCorp) has submitted an application to amend the AMC Technology Precinct Structure Plan (the Structure Plan) to rationalise the land uses and road network in order to facilitate their future subdivisions and development. The proposed amendments to the Structure Plan (Attachment 3 refers) are summarised as follows:

1. The relocation of the public open space (POS) from the northeast corner of the structure plan area to immediately west of McGrath Road and increasing the size of the POS by approximately 2,289m², (from 32,511m² to 34,800m²);
2. The realignment of roads, including McGrath Road as per the TPS 3 reservation between Gardiner Ave to the south and Frobisher Ave to the north, and the realignment of the road network within the north-east quadrant of the structure plan area that will result in a more standard grid layout and rectangular land parcels.
3. Rationalisation of the proposed cul de sac from Russell Road, west of McGrath Road;
4. Deletion of the Transit Square and provision of a public transport bus terminus (layover) instead; (this modification is not supported by staff, and is discussed later in the report);
5. Provision for the structure plan to address the residential area to the north through compatible land uses; and
6. Provision for the structure plan to address development towards Rockingham Road.

The proponent states that the proposed amendments to the structure plan have been designed based on the following objectives:

1. Providing for well defined streetscapes;
2. Retaining the existing hierarchy of major roads and reinforcing the legibility of the grid street pattern;
3. Offering a variety of super lots to enable robust and flexible subdivision design;
4. Providing for a relocated South Coogee Reserve sporting oval;
5. Reserving the existing wetland vegetation adjacent to Lake Coogee to act as passive open space and a buffer to the precinct; and

6. Better responding to the protection of remnant vegetation on the site.

Report

Main Issues

The amendments to the Structure Plan have raised a number of issues. Some of these issues have been raised from the submissions received (and are which have been addressed in the Schedule of Submissions) while other the significant issues (which may have not been raised in the submissions) are discussed following:

1. Relocation of the POS (Oval).

The relocation of the POS raises a number of environmental issues as identified by DEC's submission (Attachment 4 refers) as well as the City's Environmental Department's comments (Attachment 5 refers). One of the main issues of concern relates to fertiliser application and irrigation of the oval turf, given that the majority of the POS falls within the 200m groundwater abstraction and fertiliser use exclusion zone around Lake Coogee.

The proponent's environmental consultant (Strategen) was requested by the City to address the issues raised by DEC and the City's Environmental Department.

In order to address the fertiliser use and irrigation issue, Strategen provides the following written response (Attachment 6 refers):

"A section of the proposed POS lies outside the 200m groundwater abstraction zone and would be suitable for placement of an irrigation bore if required. A commitment can be therefore made excluding installation of bores and subsequent operation for irrigation purposes within 200 m of Lake Coogee.

A Preliminary Nutrient and Irrigation Strategy was included in Appendix 3 of the EMP. The purpose of this document is to provide advice on how to best manage nutrient addition and irrigation prescriptions for the proposed public open space (POS), so that potential impacts to Lake Coogee is minimised. The Strategy assumed the underlying soils have a low Phosphorus Retention Index (PRI) however this could potentially be increased through importation of soil with high PRI to underlie the POS.

The Strategy was prepared following some initial discussion with the City of Cockburn, and comment is sought on the appropriateness of prescribed fertiliser and irrigation practices detailed within the Strategy, such that the City of Cockburn is able to adopt these practices for ongoing management. The City of

Cockburn's adoption of the practices described in this Strategy will minimise the risk of groundwater contamination through fertilizer use and over-abstraction of the underlying aquifer."

Apart from the fertiliser and irrigation issue which has been addressed in the above, other environmental issues relating to POS were more minor and have been suitably addressed in Strategen's written response (Attachment 6 refers). Further discussion in this report is unnecessary. All these environmental issues will be dealt at the subdivision stage by the City by way of recommending subdivision conditions. In the mean time, the City's Environmental Department is continuing to liaise with Strategen to ensure all the environmental issues addressed and commitments made by the proponent prior to the subdivision stage are carried out.

2. Road network and Vehicle Access

The City has assessed the proposed road network changes and supports the changes in principle. However, the following issues will need to be addressed by the proponent prior to the amended structure plan being adopted:

- It is noted that proposed Frobisher Ave road reserve extent appears different on the amended Structure Plan; it breaks down into two different road reserve widths (narrower road reserve to the eastern portion of Frobisher Ave) as opposed to one consistent road reserve on the existing structure plan. It is unclear as to why this is proposed, however the City does not support this change. Accordingly, a recommendation is made to keep Frobisher Ave the same road reserve width all the way through as shown on the existing structure plan.
- Note 5 of the amended structure plan states that, "Buildings to address Rockingham Road. Vehicle access to be provided from other than Rockingham Road until north-bound lane becomes a service road". This notation is found to be ambiguous, and relates to the future expansion of Staock road which in reality is many years away. Accordingly this notation should be amended to read as follows:

"Buildings are to address Rockingham Road. No direct vehicle access is permitted from properties abutting Rockingham and/or Russell Roads"

The above notation also addresses Main Roads' submission (Submission 9, Attachment 4 refers).

3. Inconsistencies between Scheme provisions for SU9 and DA6

The Water Corp's submission (Submission 7, Attachment 4 refers) raises issues relating to some sensitive land uses such as "residential building" and "educational establishment" etc being potentially permitted within the Woodman Point WWTP buffer. This concern has come out due to a drafting conflict between the SU 9 (Special Use No. 9) and DA 6 (Development Area No. 6) provisions of TPS3.

While the drafting conflict is questionable in terms of whether it would ever cause an error in allowing a sensitive land use within the Woodman Point WWTP Buffer, it is appropriate to include on the amended structure plan under Note 1 the DA 6 provisions. This will make it absolutely clear that sensitive land uses are not permitted in buffer areas and will address Water Corp's concern.

Furthermore, it is also recommended that a Scheme amendment be initiated by the proponent in the near future to eliminate the inconsistencies between the provisions of SU 9 and DA 6 of TPS3.

4. Deletion of the Transit Square

The proposed Transit Square is located almost in the middle of the AMC Technology Park as shown on the existing Structure Plan. The proposed AMC Technology Park is expected to be a world class technology park benchmarking planning and urban design principles. It is imperative for this world class technology park to equip itself with provision for an excellent public transit system, in order to achieve and demonstrate sustainable planning outcomes. Therefore, the deletion of the Transit Square would certainly compromise this initiative and should not be supported by the City. A recommendation is made accordingly to keep in place the Transit Square, at an appropriate location and design to the satisfaction of the City of Cockburn and the Public Transport Authority.

Conclusion

The proposed amendments to the AMC Technology Precinct Structure Plan does provide some logical planning improvements such as reinforcing the legibility of the grid street pattern; enabling more robust and flexible subdivision design; and offering a greater buffer to the Lake Coogee wetland buffer. However, it is essential to address those issues raised in this report and the Schedule of Submissions. It is therefore recommended that the amended Structure Plan be adopted subject to those changes recommended the City officers.

Strategic Plan/Policy Implications

Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.
- To pursue high value employment opportunities for our residents.

Transport Optimisation

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

A formal public consultation process has been carried out (from 7 October to 4 November 2008) which include: an advertisement being placed in the Cockburn Gazette newspaper; affected landowners being invited to comment on the proposed changes; and information being made available at the Council's Administration Office and on Council's website.

Advertising of the proposal has resulted in the receipt of 14 submissions, two of which were in objection. The issues raised in the submissions are addressed in the Schedule of Submissions (Attachment 4 refers).

The Structure Plan was also referred to the City's Environmental and Parks Departments for technical comment.

Attachment(s)

1. Location Plan
2. Adopted Structure Plan – AMC Technology Structure Plan
3. Amended Structure Plan – AMC Technology Structure Plan
4. Schedule of Submissions
5. City's letter to Strategen dated 17 September 2008
6. Strategen's letter to the City dated 21 January 2009

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the February 2009 Council Meeting.

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

Nil.

14.17 (OCM 12/2/2009) - INTERMODAL PROPOSAL - HOPE VALLEY WATTLEUP REDEVELOPMENT AREA (LATITUDE 32) - OWNER: VARIOUS (9335) (A BLOOD) (ATTACH)

RECOMMENDATION

That Council:-

- (1) support retention of the rural area between Latitude 32 and the Thomsons Lake/Harry Waring Marsupial conservation reserves;
- (2) request the Department for Planning and Infrastructure (DPI) and Landcorp to ensure that the Intermodal/freight village proposal has no adverse impact on any rural or residential area including those adjacent to access roads and rail links;
- (3) endorse the alternative Intermodal proposal prepared by the City's Strategic Planners as Council's preferred option;
- (4) lodge a submission on the Kwinana Intermodal Terminal Study with DPI which incorporates the matters raised in this Agenda report and the officer comments in the Agenda attachments;
- (5) make a formal presentation to the Department of Planning and Infrastructure regarding the City's alternative Intermodal proposal, and request that this be formally considered and assessed; and
- (6) request the DPI to directly involve the City's Strategic Planners in the remainder of the study including a review of submissions.

COUNCIL DECISION

Background

Through an article in the Cockburn Gazette on 9 December 2008, the City became aware that the Department of Planning and Infrastructure (DPI) was advertising proposals for an Intermodal freight facility in that portion of the Hope Valley Wattleup Redevelopment Area (Latitude 32) between Russell and Rowley Roads.

The DPI website included plans of various options for the facility, and identified a preferred option and supporting report (Intermodal Terminal Study).

Submission

N/A

Report

Summary of DPI Kwinana Intermodal Terminal Study

The DPI has previously identified the need for an Intermodal freight facility to handle international, interstate and intrastate freight which would compliment the existing Kewdale/Forrestdale Intermodal terminal. The Kwinana Intermodal Terminal Study prepared for DPI examined the demand for freight services and makes recommendations on the area of land required for an Intermodal terminal. The report acknowledges the strategic location importance of the Latitude 32 area, being a key convergence point for road, rail and sea freight activities as identified in the 2002 Freight Network Strategy. Accordingly, the Study recommends a new Intermodal terminal within the Latitude 32 area, building on the strategic location advantage of the area and supporting the future Fremantle Outer Harbour (Kwinana Quay).

An Intermodal facility is described as a facility dedicated to the transfer of freight from one mode of transport to another, together with all necessary support services and activities. Generally Intermodal facilities are part of a freight village which is defined as follows;

A "freight village" is a concentration (or cluster) of freight related activities within a specific area commonly built for such a purpose, master planned and managed. These activities include distribution centres, warehouses and storage areas, transport terminals, offices and other facilities supporting those activities such as public utilities, parking space and even hotels and restaurants. Although a freight village can be serviced by a single mode, Intermodal facilities can offer direct access to global and regional markets. The development of freight villages has many benefits to manage freight flows generated by several unrelated

users through economies of scale since they are sharing the same facilities and equipment, mostly around a transport terminal.

Latitude 32, and in particular the area between Russell Road and Rowley Road, has been identified as a possible location for the Intermodal facility, due to its proximity to the future Fremantle Outer Harbour and access to the rail and regional road network. The report identifies and assesses five sites, all located between Russell Road and Rowley Road. No other sites were assessed, although it is understood that the previous Minister for Industry and Resources favoured the current freight marshalling yards in Kwinana.

The stated site selection criteria for the Intermodal facility are as follows:

1. Main access point;
2. Port access;
3. Buffers to existing land uses;
4. Interaction and integration with other land uses;
5. Short term warehousing, interconnected with core terminal area;
6. Flexibility;
7. Service infrastructure;
8. Maximise the value of extractive industries; and
9. Ability to stage the development to its ultimate size.

Specific requirements are for a flexible layout that accommodates both 1.8k m long interstate trains as well as shorter trains for intra-metropolitan haulage and the ability to service up to 115ha of terminal and associated uses. It is also noted that the rail facility can be developed as a single-ended facility rather than double ended where trains can enter or leave the terminal from either end.

The five identified options are included in the Agenda attachments and described as follows:

Option 1 - Westerly realignment of the current rail line to traverse the refuse disposal site with the facility being developed in a north south orientation east of the new main line.

Option 2 - Developed north south on land between the existing rail line and Rockingham Road. Most of the land involved is the refuse disposal site including former disposal cells.

Option 3 - Similar to Option 2 except it includes the easterly realignment of the current rail line to generate more land.

Option 4 - Located immediately north of Rowley Road this option is generally orientated east west on the east side of the current rail line.

Option 5 - The freight village is orientated north south to the east of the rail line which is realigned west at the Russell Road end and to the east at the Rowley Road end to achieve a 1.8 Km straight siding.

Table 7.8 of the report which is included in the Agenda attachments assesses each option against the stated criteria.

As a result of the multi criteria assessment, Option 5 with some minor modifications was selected as the preferred option. A copy of the preferred option is included in the Agenda attachments.

City of Cockburn Assessment of DPI Study and Preferred Option

The Intermodal Terminal Study and plans have been reviewed by Strategic Planning, Environmental Management and Environmental Health officers and specific comments are included in the Agenda attachments. In summary, it was concluded by staff that Options 1, 2 and 3 were not feasible, given the unsuitability of developing the required infrastructure over the former tip areas west of the current rail line. In terms of Options 4 and 5, the most significant issue was that of rail and truck noise and the affect this may have on adjoining rural communities as well as residential communities along Russell Road (Success and Hammond Park). An alternative option south of Rowley Road was also identified by staff, and is recommended to be endorsed by Council.

The major concerns that the City's technical officers have in respect to noise from the Intermodal/freight village are:

1. The possible impact on the rural residents in the area between the Latitude 32 industrial area and Thomsons Lake/Harry Waring conservation reserves; and
2. Impact of truck traffic on residential communities fronting Russell Road, particularly within the Success and Hammond Park localities.

These issues are both expanded below.

In the Fremantle Rockingham Industrial Area Regional Strategy (FRIARS) the rural area to the east of Latitude 32 was retained as a transition/buffer between industrial and conservation areas. This principle was strongly supported by the landowners in that area, and it is known that many still hold that view and do not wish to relocate or develop for industrial purposes. It was also an important principle in retaining the rural area in the FRIARS study that the industrial area would be planned and developed in such a way that all impacts (including noise) would be contained within the industrial area and there would be no impacts on residents in the rural or residential areas.

It is known that Intermodal facilities generate high noise levels and to date there has been no noise study. The Intermodal Terminal Study

acknowledges that noise from activities at the terminal will potentially impact offsite and that the terminal should be located so as to provide adequate buffers between the terminal and the nearby rural/residential areas. Strategic Planning officers have assessed the separation distances between the Intermodal facility and the rural area for Options 4 and 5 (the preferred option). The resultant plans are included in the Agenda attachments. Given the small separation distance, it was concluded that Option 4 would most likely have a significant noise impact on the rural area and accordingly should not be supported. In respect to the preferred option (Option 5) there is a reasonable distance between the rail activities of the Intermodal and the rural area and that the warehouse area and eco business park would provide some buffer. However, as no noise study has been carried out to date the extent of potential noise impacts, if any, on the rural residents can not be determined.

It is of concern that noise has not been properly considered as part of this study. Noise impacts have the potential to significantly influence the extent and nature of development, and could give rise to the further encroachment of industry into the rural area should noise be of too greater impact. It would also be highly undesirable to exempt the Intermodal development from noise requirements, as was done in respect to the Kwinana Motorplex development. It is also noted that there is no mention of the potential impact of shunting on the rural living and residential areas to the north of Cockburn Cement.

In respect to traffic movements, the Intermodal Terminal Study states that the development will generate some 10,000 vehicle trips per day, of which 40 percent will be trucks. It is expected that some of the trucks will originate from the port facility but others will be intra-metropolitan. DPI were requested to provide information regarding the origin/destination of trucks but were unable to provide any advice. It is the view of officers that a large number of truck movements will be to the north east via the Kwinana Freeway and Roe Highway. The configurations of the preferred option will most likely result in the majority of trucks using Russell Road to connect to the Kwinana Freeway, as it is the most direct route even though Rowley Road will be constructed as a strategic freight route. This will result in an untenable and unacceptable impact on the abutting rural and residential communities. This is clearly a matter that should have been considered in the determination of the preferred option and needs to be addressed.

Primarily in response to the concerns above, Strategic Planning officers reviewed the Hope Valley Wattleup Redevelopment Area Master Plan to determine if there were other sites for the Intermodal/freight village that had not been previously identified and assessed in the Intermodal Terminal Study. The area immediately south of Rowley Road and east of the railway is one area that had not been assessed. On review by the Strategic Planning officers, it was found this area met the stated locational and operational criteria, had adequate area and minimal local

and district impacts. A copy of the alternative Intermodal facility proposal for this area is included in the Agenda attachments.

The review of the Intermodal Terminal Study has raised matters of serious concern and to date DPI have not been able to adequately respond to questions raised. Accordingly it is considered that the City should lodge a submission which details the issues and concerns raised in this report and the officer comments contained in the Agenda attachments, and support the alternative Intermodal proposal south of Rowley Road.

It is also considered important that Council have a stated position in respect to the future of the rural area to provide guidance to both residents and the DPI/Landcorp so they understand and can respond appropriately in their planning for the Latitude 32 area. In this respect, Officers are of the view that it is still a sound planning principle to retain the rural area as a buffer/transition between the industrial and conservation areas, and that Council should endorse this position and advise DPI and Landcorp accordingly.

Strategic Plan/Policy Implications

Governance Excellence

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

Employment and Economic Development

- To plan and promote economic development that encourages business opportunities within the City.
- To pursue high value employment opportunities for our residents.

Transport Optimisation

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Through an article in the Cockburn Gazette on 9 December 2008 the City became aware that the DPI was advertising proposals for an Intermodal freight facility in that portion of the Hope Valley Wattleup Redevelopment Area between Russell Road and Rowley Road. Other than that there was no formal advertising of the proposal.

Given that not everyone was likely to have seen the article, the City's Strategic Planning Officers decided to personally notify landowners in the area of the proposal given that their land may be either directly affected by the facility or possibly indirectly affected by noise.

The City was not formally advised of the proposal, or provided with copies of the report for viewing or distribution. Accordingly Strategic Planning officers have been unable to provide any advice or information to residents and landowners in the area as the City has not been briefed on the proposal by DPI.

Attachment(s)

1. Intermodal Terminal Study option plans (5).
2. Intermodal Terminal Study Table 7.8 comparing the options.
3. DPI preferred option.
4. Option 4 showing the relationship with the rural area.
5. Preferred option showing the relationship with the rural area.
6. Officer comments.
7. City of Cockburn alternative Intermodal proposal

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.18 (OCM 12/2/2009) - PROPOSED RETAINING WALLS (R CODE VARIATIONS) - LOCATION: LOT 399 (6) CADIZ PLACE. COOGEE - OWNER: A G PEARSON & L N MCCANN-PEARSON - APPLICANT: A G PEARSON (3315995) (R COLALILO) (ATTACH)

RECOMMENDATION

That Council:-

- (1) grant its approval for the development of retaining walls on Lot 399 (6) Cadiz Place, Coogee subject to the following conditions and advice notes:-

1. Development can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.
2. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
3. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
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. Retaining walls being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
6. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.

SPECIAL CONDITIONS

7. Plans submitted with the building licence application are to demonstrate the following design changes being made to the satisfaction of the City, as indicated in red on the approved development plan:
 - i. the rear retaining wall being modified to achieve a maximum height of no more than 2 metres measured from natural ground level at the base of the wall.
 - ii. the side retaining walls being modified to achieve a height of no more than 9.0 metres AHD.
 - iii. The provision of access stairs to the rear sewer easement area.
8. Screen walls or fencing being constructed on top of the retaining walls to the City's satisfaction.
9. The rear (unretained) portion of land within the sewer easement as shown on the approved plan shall remain clear of any fill and/or debris at all times and be

maintained by the landowner to the satisfaction of the City.

10. All fill, retaining walls and associated footings and piles shall be fully contained within the subject lot.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
 2. Condition 6 is intended to ensure there is no dust or sand nuisance generated for other property owners. It is the landowner's responsibility to maintain the site in such a condition that no sand or dust will be blown from the site.
 3. In relation to Condition 7, the required changes are considered necessary in order to reduce the impact of the proposed retaining walls on adjoining properties.
 4. The applicant is advised that Condition 8 has been imposed in order to eliminate privacy and overlooking concerns associated with the development.
 5. The applicant is advised that dividing fences are controlled through the Dividing Fences Act. Accordingly owners should liaise with the adjoining landowner if there is an intention to remove or replace any portion of fencing.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval); and
- (3) advise the applicant and submissioners of Council's decision accordingly.

COUNCIL DECISION

Background

Zoning:	MRS:	Urban
	TPS3	Residential 'R20'
Land use:	Single (R-Code) House	
Lot size:	781m ²	
Use class:	'P'	

The subject site is located at 6 Cadiz Place in Coogee. It is a vacant site and has a fall of approximately 3.5 metres from the frontage to the rear of the property. The site is bounded by 5 properties, all containing single storey residences. A Water Corporation sewer easement measuring 1.6 metres in width spans the full length of the rear of the subject site. A 1.5 metre high retaining wall and associated fence was located at the rear of the site however this has since been removed by the landowner.

Submission

The applicant proposes to construct retaining walls on the southern, eastern and northern boundaries of the subject site. The southern and northern walls are proposed to be located adjacent to the common boundary while the eastern (main) retaining wall is proposed to be located 1.6 metres from the rear boundary. The construction of the retaining walls has been proposed in order to create a relatively 'flat' site which is approximately a metre below street level. In order to achieve this, the eastern retaining wall has been proposed at a revised height of 2.52 metres above ground level. The applicant originally proposed a rear wall height of 3.45 metres however amended plans have been received reducing the scale of the development as detailed below.

The proposal still does not comply with the retaining limits specified by the Acceptable Development Criteria of the Residential Design Codes of Western Australia (R Codes). As such, the proposal was advertised to surrounding neighbours and objections were received which is the basis for the proposal being referred to Council for determination.

Report

The applicant initially proposed the construction of large retaining walls in order to achieve a flat lot which was level with the street. In order to achieve this, the application proposed a rear boundary retaining wall height of 3.45 metres.

Neighbour Consultation

City Officers had major concerns with the application as proposed and in accordance with the R Codes and the City's Planning and Development Policy No. 50 – Residential Design codes – Neighbour Consultation Guidelines (APD50) proceeded to refer the application to neighbouring properties for comment. Three submissions were received objecting to the proposal. All three submissions objected to the proposal on the following grounds:

- Height and scale of the proposed wall visually obtrusive
- Will restrict access to direct sunlight and cause overshadowing

- Lack of privacy and create overlooking concerns

Given the validity of the concerns raised by the submissions received and the non-compliant nature of the proposal, City Officers met with the applicant to discuss potential alternatives. Various options were recommended including incorporating an undercroft garage with a future dwelling design and reducing the height of the retaining required to below street level. As a result, the applicant submitted amended plans with the rear retaining wall being setback 1.6 metres from the rear boundary however the height of the retaining wall remained the same (3.45 metres) despite the advice given to the applicant by City Officers to reduce the height and scale of the retaining.

The amended plans were referred to adjoining landowners for comment as the proposal still included variations to the acceptable development provisions of the R Codes. Three submissions objecting to the revised proposal were received from the same adjoining landowners who commented on the original development plans. The nature of the objections remained the same despite the applicant providing a 1.6 metre setback from the rear boundary to the main retaining wall.

In recognition of the concerns raised by adjoining landowners and City Officers, the applicant once again submitted revised plans. The second set of revised plans maintained the proposed 1.6 metre setback of the rear retaining wall to the rear boundary however the wall height had been reduced by a metre to achieve a maximum height of 2.52 metres. Although the reduction in retaining height was based on advice from City Officers, the application was required to be referred to adjoining landowners for a third and final time.

As a result of the latest advertising period, a total of four (4) submissions were received with all raising objections to the proposal. A schedule of submissions has been provided as an attachment to this report.

The main issues raised in the submissions received are as follows:

- Proposal will reduce access to sunlight
- Proposed wall is too high and not in keeping with surrounding development
- Proposal will affect property values
- Development does not comply with Council guidelines
- Issues of overlooking and privacy will occur
- Maintenance concerns with area between boundary and rear wall particularly as no access/stairs proposed
- Location and depth of retaining wall pylons/suspended footings will lead to further damage of our property and swimming pool.

It should be noted that the majority of the above comments are considered valid reasons for objecting however some are not related to planning matters (i.e. property values) and issues that could be controlled through conditions of approval (i.e. maintenance and access to rear area, overlooking/privacy concerns, potential of subterranean damage etc.).

Compliance with R Codes

As previously stated, the revised proposal does not comply with various design requirements of the R Codes. With regards to the retaining and site works proposed, the R Codes specifies the following Acceptable Development Criteria:

“6.6.1 - Excavation or fill

A1.4 Filling behind a street setback line and within 1 m of a common boundary not more than 0.5 m above the natural level at the boundary except where otherwise stated in a local planning policy or equivalent.”

Given that proposed walls reach a maximum height of 2.52 metres above the natural level at the boundary, the development does not meet the above acceptable development criteria.

As the proposal does not meet the acceptable development criteria, it is required to be assessed in accordance with the relevant Performance Criteria as follows:

“6.6.1 - Excavation or fill

P1 Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property. “

Given that the subject lot has a fall of approximately 3.5 metres from the frontage to the rear, it is acknowledged that retaining is required in order to provide suitably level site in order to accommodate the construction of a dwelling. However, the height and scale of the proposed retaining is not considered to satisfy the above criteria particularly as viewed from adjoining properties. A suitable reduction in the retained levels would be required in order to achieve compliance with the above fill criteria.

The development is also required to satisfy Element 6.9 (Design of Climate Requirements) of the R Codes. The relevant Performance Criteria for assessment of the proposal is as follows:

“6.9.1 - Solar access for adjoining sites

P1 Development designed to protect solar access for neighbouring properties taking account the potential to overshadow:

- outdoor living areas;*
- major openings to habitable rooms;*
- solar collectors; or*
- balconies or verandahs.”*

It is considered that the height of the rear retaining wall would impact negatively on the ability for the adjoining lots to the rear of the subject site to access natural sunlight given the potential 4.32 metre height of the rear retaining wall and associated fencing (2.52 metre retaining wall plus 1.8 metre high fence). As such it is considered that the development as proposed does not fulfil the above requirement.

Site Works and Boundary Alignment

Prior to applying to the City for approval to construct the proposed retaining walls, the applicant obtained a survey of the subject site. The survey revealed that the existing 1.5 metre high retaining wall (installed in 1992) which spanned the rear boundary had been incorrectly positioned by the previous owner. The wall was located approximately 300 millimetres within the subject site. The applicant proceeded to excavate and remove the rear retaining wall in order to place the proposed new retaining wall along the correct the alignment of the boundary.

The rear adjoining landowner/s lodged a complaint with City Officers with regards to the removal of the retaining wall and provided background information to the boundary alignment issue. The owners of the rear adjoining property (6 Strickland Court) advised that although the retaining wall had been installed incorrectly, the previous landowner of 6 Cadiz Place (subject site) was aware of the anomaly and allowed them to use the additional land parcel.

The owners of 6 Strickland Court have since lodged a written application to the Registrar of Titles for adverse possession of the relevant portion of land pursuant to the *Transfer of Land Act 1893*. The owners have subsequently requested that Council defer consideration of the subject application until a determination has been made by the relevant authority.

It is considered that the application need not be deferred by Council as the proposed walls are fully contained within both the current and potentially modified boundaries of the subject lot. Furthermore, the proposed eastern retaining wall is located along the western boundary of the sewer easement and will therefore not be affected by any potential change to the common boundary which is located on the east

of the sewer easement. Deferral could only have been considered had the proposal not have been revised to relocate the boundary retaining wall to 1.6 metres away from the common boundary.

Alternatives to Proposed Development

Although the latest revised plans are an improvement on the original plans submitted as part of the application, it is considered that given the validity of the submissions received from adjoining landowners, a further reduction of the height of the proposed retaining walls is required. Given that the previous 1.5 metre high retaining wall was considered the rear 'natural' ground level of the subject site, the development of an additional 0.5 metres retaining above the historical retaining could be considered to be acceptable in terms of the R Codes.

With the existing rear retaining wall having already been removed, the revised site levels are identified as ranging from 7.0 metres (AHD) at the rear to 10.5 metres (AHD) at the frontage. Therefore the development of a 2.0 metre high retaining wall at the rear of the site will achieve an average site level of 9.0 metres (AHD) which is consistent with surrounding development.

Conclusion

Based on the above discussion, Council is presented with three options as follows:

Option 1

That the proposed development be refused based on the following reasons:

- The proposal is contrary to the objective of the R Codes Element 6.6 – Site Works, “to preserve the sense of the natural topography of the site and locality with a view to the protection of streetscape and the amenity of adjoining properties”.
- The proposal is contrary to the R Codes Performance Criteria 6.6.1 – Excavation or Fill by virtue of “not retaining the visual impression of the natural level of the site as seen from the street or adjoining properties”.
- The proposal is contrary to the R Codes Performance Criteria 6.9.1 – Excavation or Fill provisions of 6.9.1 - Solar Access for Adjoining Sites by virtue of “not being designed to protect solar access for neighbouring properties taking into account the potential to overshadow outdoor living areas and major openings to habitable rooms”.

- The proposed height of the retaining will set an undesirable precedent for residential development in the area.

OR

Option 2

That the proposed development be approved in its current form based on the following reasons:

- The walls are required in order to facilitate the construction of a dwelling on the property at street level;
- With suitable fencing the proposal would not cause any privacy or overlooking issues to adjoining properties.

OR

Option 3

That the proposed development be conditionally approved with a reduced maximum rear retaining wall height of 2 metres (above ground level) based on the following reasons:

- Reducing the approved height of the rear wall to 2 metres above ground level will reduce the impact of retaining on adjoining landowners and retain the natural impression of the site from the street.
- Retaining above the 0.5 metre maximum prescribed by Acceptable Development Criteria 6.6.1 (A1.4) of the R Codes is required in order to facilitate the construction of a dwelling and functional private open space on the property;
- With suitable fencing and screening measures, the proposed lower wall height should not cause any privacy or overlooking issues to adjoining properties.

It is recommended that Council approve the application subject to revised plans with a reduced wall height based on the reasons mentioned in Option 3 above.

Strategic Plan/Policy Implications

The Planning Policy which applies to this item is:-

APD50 - Residential Design Codes – Neighbour Consultation Guidelines

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

In accordance with Council's Policy APD50, the proposal was advertised to five (5) surrounding neighbours for comment. four (4) neighbours responded with submissions objecting to the proposal.

Attachment(s)

1. Location Plan (indicating submissioners)
2. Site Plan
3. Elevation
4. Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 February 2009 Council Meeting.

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

Nil.

14.19 (OCM 12/2/2009) - CONSIDERATION TO ISSUE TAKING ORDER AND DEDICATION OF LAND FOR ROAD PURPOSES - LOT 3000 ON DEPOSITED PLAN 56714 (4110065) (K SIM) (ATTACH)

RECOMMENDATION

That Council:

- (1) request the Minister for Lands to issue a taking order pursuant to

Section 177 of the Land Administration Act 1997 to take Lot 3000 on Deposited Plan 56714;

- (2) request the Minister for Lands to dedicate Lot 3000 on Deposited Plan 56714 as a road reserve, pursuant to Section 56 of the Land Administration Act 1997; and
- (3) indemnify the Minister for Lands against reasonable costs incurred in considering and granting this request.

COUNCIL DECISION

Background

Council at its meeting held on 8 March 2007 resolved to:

- (1) *agree to purchase the land required for the extension of Spearwood Avenue, Barrington Road to Sudlow Road as follows:*
 - *Portion of Lot 26 Howson Way, Bibra Lake*
 - *Portion of Lot 33 Miguel Road, Bibra Lake*
 - *Portion of Lot 303 Miguel Road, Bibra Lake*
 - *Portion of Lot 42 Miguel Road, Bibra Lake;*

subject to any purchases being supported by a Valuation report prepared by a Licensed Valuer on behalf of the City.
- (2) *further to (1), if the Valuation Reports prepared by the City's Licensed Valuer is within 15% of the report prepared by the land owner's Licensed Valuer, then a conference is to be requested between both Licensed Valuers to discuss and agree on a common valuation, following which the Chief Executive Officer finalise the land acquisition at that agreed value.*
- (3) *if the Valuation Reports prepared for the City and the land owners have a variance in excess of 15%, or if the City and the land owner cannot reach agreement as outlined in (2) above, the City shall request the Minister for Planning and Infrastructure to compulsory acquire any outstanding*

portion of land identified in (1) above that has not been voluntarily acquired.

Submission

N/A

Report

Since the Council resolution of 8 March 2007 agreement to purchase has been reached with most of the affected landowners. Purchase prices have been within the bounds of Council's resolution.

Agreement regarding Lot 3000 on Deposited Plan 56714 has however been protracted and drawn out, and has been difficult to conclude. Due to these problems, Council officers started to commence compulsory acquisition processes in accordance with Council's earlier resolution. The first step involved in this, is legally identifying the subject land, by preparing Deposited Plan 56714 to identify Lot 3000.

However, agreement has recently been reached with the landowner of Lot 3000, and a contract has been prepared and signed to purchase the subject land pursuant to Section 168 of Land Administration Act 1997. Accordingly, given that agreement has now been reached, Council can request the Minister for Lands to make a taking order in relation to Lot 3000. This process offers time and cost savings to the City of Cockburn, and is recommended to be proceeded with on this basis. The dedication of Lot 3000 as a road reserve can then take place under Section 56 of the Land Administration Act 1997.

Strategic Plan/Policy Implications

Demographic Planning

- To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.
- To ensure development will enhance the levels of amenity currently enjoyed by the community.

Budget/Financial Implications

The dedication is pursuant to Section 56 of the Land Administration Act 1997, which requires the City to indemnify the Minister in respect to all costs and expenses, incurred considering and granting the request. These cannot be quantified at this time, but are expected to be minor if at all.

Legal Implications

Land Administration Act 1997 refers.

Community Consultation

N/A

Attachment(s)

Location Plan.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM 12/2/2009) - LIST OF CREDITORS PAID - NOVEMBER AND DECEMBER 2008 (5605) (K LAPHAM) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for November 2008 and December 2008 respectively, as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

The list of accounts for November and December 2008 respectively is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – November 2008 and December 2008.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (OCM 12/2/20099) - STATEMENT OF FINANCIAL ACTIVITY - NOVEMBER AND DECEMBER 2008 (5505) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Statements of Financial Activity and associated reports for November & December 2008 respectively, as attached to the Agenda.

COUNCIL DECISION**Background**

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

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

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

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents are to be presented to the Council.

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for November & December 2008. As Council does not meet in January, there is a requirement to receive two reports at this meeting. These include explanations for material variances within operating revenue and expenditure, as well as for capital works & project expenditure.

Note 1 shows the program split for grants and contributions received towards asset purchase and development.

Note 2 provides a reconciliation of Council's net current assets (adjusted for restricted assets and cash backed reserves). This provides a financial measure of Council's working capital and an indication of its liquid financial health.

Also provided are Reserve Fund and Restricted Funds Analysis Statements. These assist to substantiate the calculation of Council's net current assets position.

The Reserve Fund Statement reports the budget and actual balances for Council's cash backed reserves, whilst the Restricted Funds Analysis summarises bonds, deposits and infrastructure contributions held by Council. The funds reported in these statements are deemed restricted in accordance with Australian Accounting Standards.

Material Variance Threshold

For the purpose of identifying material variances in Statements of Financial Activity, Financial Management Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality. This standard defines materiality in financial reporting and states that materiality is a matter for professional judgement. Information is material where its exclusion may impair the usefulness of the information provided. AAS5 does offer some guidance in this regard by stating that an amount that is equal to or greater than 10% of the appropriate base amount may be presumed to be material.

The materiality threshold adopted by Council for the 2008/09 financial year is \$50,000 or 10% (whichever is the greater). In applying the threshold, officers give due regard to the nature of the data and how it is best consolidated (e.g. at an individual project level, specific works program, distinct activity, nature and type level etc).

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Where variances reported are of a permanent nature (i.e. not due to timing issues), they will impact Council's end of year surplus/deficit position. Variances identified to the end of December, have been addressed in the mid-year Budget Review (see separate agenda item this meeting).

Legal Implications

Section 6.4 of the Local Government Act, 1995 and Regulation 34 of the Local Government (Financial management) Regulations 1996, refer.

Community Consultation

N/A

Attachment(s)

1. Statement of Financial Activity and associated reports - November 2008.
2. Statement of Financial Activity and associated reports - December 2008.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.3 (OCM 12/2/2009) - REVIEW OF BUSINESS PLAN 2008/09 AND BUDGET REVIEW PERIOD ENDING 31 DECEMBER 2008 (5402) (S DOWNING) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Business Plan Review for 2008/09;
- (2) amend the Municipal Budget for 2008/09 as set out in the attached Schedule of Budget amendments; and
- (3) adopt the fees as contained in the Planning Bulletin 93 of the Planning and Development (Local Government Planning Fees) Regulation 2000, as attached to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

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

Council adopted its annual Business Plan at the June 2008 Ordinary Council Meeting. In accordance with Policy SC34 *Annual Budget Preparation*, a formal report on the progress of the Plan is to be presented at the February 2009 Ordinary Council Meeting.

Submission

N/A

Report

Business Plan Review 2008/09

The attached Business Plan Review outlines the progress made in achieving Council's business activity plan and program budgets for FY 2008/09. The review identifies that the operational income and expenditure forecasts are running close to expectations given the world financial crisis. There has also been considerable progress in achieving the program objectives of each of the City's Business Units.

The capital works program is progressing, but with year to date expenditure being behind projections. A small number of high value projects are not proceeding as originally planned, which has affected the cash flow forecasts. The majority of capital works will still be delivered as per the Budget. Further details on the Business Plan are available in the attachment.

Budget Review

A detailed report on the review of the Municipal Budget for the period 1 July 2008 to 31 December 2008 is attached to the Agenda. The report sets out details of all proposed changes and a brief explanation as to why the changes are required. All forecasts are post allocation of ABC cost charges or income recoveries. A list of significant revenue and expenditure items are noted below with a detailed budget reference linking to the attached schedules.

The 2008/09 mid-year Budget Review reflects the current world financial crisis as it continues to impact on the City's finances. The City commenced the financial year with strong growth in:

Rating Income - resulting from rapid development of both high value residential developments at Port Coogee and North Coogee as well as various industrial precincts. The interim rating resulted in just under

\$2.00m in higher interim rates as well as administration fees and interest income. January 2009 and forward will see very a slow growth and a reduction in interim rating income for the balance of the year. It is expected that there will be minimal interim rating income for the balance of the financial year.

Development Application, Building Licences, Sub-division supervision and Structure plan fees - The slow down in the development as well as the building industry has seen a budget amendment sought reducing fee income for the second half of the financial year by a total of \$570,000. This position could further deteriorate if the economy and the building industry in particular goes into recession.

Sale of Recyclable Materials - The collapse of the recycling market for iron and non-ferrous metals will result in a reduced income stream of \$190,000. The City was receiving \$200 per tonne for recycled iron and steel in September 2008, the price the City now receives is \$20 per tonne.

Interest Income: general - It is forecast that the current full year budget of \$3.35m will be met. As at 31 December 2008, the interest income is approximately \$500,000 above budget. No budget amendment is being recommended as the fall in interest rates from 7.25% - 8.0% to the current 4.25% and may be 3.25% or lower will see a rapid slowing of interest income. Based on an average deposit base of \$55m, each full 1% in the interest rate will see a fall in income to the City of \$550,000. Translated, for a full year, a 4% reduction in interest rates will mean \$2.2m in lower income.

Land Sales - With the slowing of the economy, land sales income has literally ground to a halt. Although less income is being received, the loss of income from these land sales will not impact on the Municipal Budget as the funds were to be transferred to reserve. The land sales will proceed over the balance of 2008/09 and 2009/10.

To offset, the slowing revenue streams operating and capital projects have been reviewed and where allowed have been deferred until 2009/10. An example of a number of projects deferred are:

- Hammond Road facilities (not to be confused with the Regional Recreational Facility in Hammond Road)
- Construction of Cell 7 and the transfer station at the Henderson landfill

A number of projects exceeded budget but are now complete:

- The Memorial Hall refurbishment program
- Administration Building
- Spearwood Ave (Cockburn to Hamilton Roads) extension

- Russell Road dual carriage way construction (Western Power extra costs)

The final area is the additional costs incurred in the course of business:

- The Extraordinary Election of Mayor and East Ward Councillor (cost estimate \$100,000)
- Higher software maintenance costs for new and existing software platforms

Non-Cash Adjustments

The funds associated with Development Contribution Areas (DCA's) are self-balancing, that is no expenditure is incurred without the funds having first been received from the developers in the respective DVA areas. The adjustments shown in the mid-year budget review reflect this principle.

The final adjustment is a non-cash provision for a write down in the value of the Helium component of the Helium/Argon investment. Based on advice received from Oakvale Capital, it is anticipated that Helium may default in the 2009 calendar year. It has not yet defaulted and interest income is still being received. The market value of this part of the Argon/Helium structured investment has been marked down to market substantially. If the Helium component defaults, the City will receive the full value of the defaulting component, with the balance of the Argon component being invested in a CBA senior bond (zero coupon). The balance will be received by the City in 2018. All of the City's principal is protected, but the City will not receive interest, hence the adjustment by the non-cash provision.

Summary of major revenue and expenditure items in the mid-year Budget Review

<u>Ref</u>	<u>Significant Revenue Items</u>	<u>Amount</u> \$	<u>Comment</u>
Favourable			
Pg 4	Rubbish removal charges	313,000	Larger income than anticipated has been generated.
Pg 4	Rating revenue	2,000,000	Increased rating revenue due to larger base and higher than anticipated part-year rating.
Pg 6,7	Interest earnings on DCAs	200,350	Higher interest earnings
Unfavourable			
Pg 6,2	Structure plan/Sub Div fees	-170,000	Significant downturn in subdivision activity
Pg 4	Sale of Salvaged Recycle Mats	-190,000	Global financial crisis resulting in lower returns on

<u>Ref</u>	<u>Significant Revenue Items</u>	<u>Amount</u> \$	<u>Comment</u>
Pg 1	Spinnaker Hts Construction of single c/way	250,000	Not supported at this stage by developer (WAPC) and no strong demand from community
Pg 4	Construction cell 7 Landfill	235,000	Construction will not commence this financial year
Pg 4	Transfer station landfill	200,000	Commercial Transfer Station cannot be sited until intermodal options are finalised.
Pg 2	Streetscape Southwell Cr Ely/Quickly	180,500	Funding transferred to CW 5087 - project for Phoenix Rise Public Domain Works Stage 3
Pg 1	Road link-Plantagenet /Helena	120,000	Deferred to later budget as modified links require land dealings and subdivision approvals
Pg 1	Rockingham Rd signalised ped cross	102,950	Crossing not supported by Phoenix SC - Loading dock area disruptions
Pg 5	Contaminated sites investigation	101,792	Have held back on commencing some investigations based on discussions with Finance around time of finance market collapse - preparation for situations such as this where we are tightening our belts.
Pg 4	Waste transfer station stage 1	101,340	The Temporary Transfer Station is complete, though funds are required for 15m3 bin purchases.
Unfavourable			
Pg 4	Russel Rd (ashendon) Cont dual cway	-411,704	Western Power infrastructure renewal extra charges plus extra costs being questioned
Pg 3	Rubbish collection costs	-285,000	Increase plant hire rate from \$75 to \$85/hr. Large fuel and parts increase plus extra truck.
Pg 5	Memorial hall	-207,000	Costs for works exceeded budget inc. to cover landscaping, parking areas and access road Variations
Pg 1	Building surveying	-190,000	Consultancy Expenses have

<u>Ref</u>	<u>Significant Revenue Items</u>	<u>Amount</u> \$	<u>Comment</u>
	consultancies		increased because all Consultant's Invoices for building surveying services are being allocated to Consultancy Expenses not Salaries.
Pg 2	Hammond Rd Street lighting	-165,000	Stage 1 budgeted for, however prudent to complete whole project in one hit.
Pg 3	Phoenix Rise Stg 3 domain works	-133,000	Southwell Park and Southwell Cr works were budgeted against CW 5187. As Council's cost of works is to be met by future proceeds from land sales, it is proposed that the pre-funding be provided from the Land Development Reserve.
Pg 1	Administration building – facility costs	-115,352	Increased operating costs arising from the completion of the admin building program.
Pg 4	Spearwood Ave (Hamilton/Cockburn)	-111,834	Additional street lighting and roadworks at Cockburn Rd
Pg 1	Software maintenance costs	-104,500	14000 - Virus and Spam Filtering for 2006/2007 that wasn't invoiced that year, 25000 - Infomaster maintenance not mentioned to IT at budget time, 51500 - Increase in maintenance from previous year across 5 products, 14000 - Works and Assets maintenance pro rata from Oct 08 to Jun 09
Pg 6	Election expenses	-100,000	To fund the March 09 by-election
	<u>Non-Cash Adjustment</u>		
Pg 1	Charge for impairment	-2,000,000	Due to continuing deterioration in financial markets, the Helium component within the Argon investment is likely to default within the next 6 months. There is no direct impact on the Municipal budget as write-down relates to non-current Reserve investments.
Pg 1	Distributed DCA funds	-1,760,575	DCA expenditure off-set by

<u>Ref</u>	<u>Significant Revenue Items</u>	<u>Amount</u> \$	<u>Comment</u>
			reduction in income.
Pg 6,7	DCA owner contributions	-3,364,610	Reduction in DCA owner contributions offset by lower transfers to restricted funds

Review of Statutory Planning Fees

Attached is Planning Bulletin 93 Planning and Development (Local Government Planning Fees) Regulations 2000. The Planning Bulletin outlines changes to the Planning and Development fees chargeable to developers for the whole of the State.

The existing regulations have been amended to increase the 2008/09 fees to reflect the consumer price index of 3.4%. The regulations were gazetted on 10 October 2008. All planning fees can be charged at the higher rate once the Council has adopted the attached schedule.

Despite lobbying the relevant State Government Minister, the newly gazetted fees do not reflect the cost for the provision of the planning services to land developers even after the increase noted above. The City will subsidise the land development industry by \$624,473 in 2008/09 for statutory planning services.

Creation of a new Reserve

The City is forecasting a surplus of funds from the Community Security Service Charge for 2008/09. The funds have arisen due to costs not increasing as fast as anticipated from the contractor. In accordance with Section 6.38 of the Local Government Act 1995 and as noted below, surplus funds raised by a Levy should be quarantined and placed into a Reserve created and approved by Council. This occurs for the Waste Management Levy and the Specified Area Rate for Port Coogee.

6.38. *Service charges*

- (1) *A local government may impose on —*
- (a) *owners; or*
 - (b) *occupiers,*

of land within the district or a defined part of the district a service charge for a financial year to meet the cost of providing a prescribed service in relation to the land.

- (2) *A local government is required to —*

- (a) *use the money from a service charge in the financial year in which the charge is imposed; or*
- (b) *to place it in a reserve account established under section 6.11 for the purpose of that service.*
- (3) *Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —*
- (a) *change the purpose of the reserve account; or*
- (b) *use the money in the reserve account for a purpose other than the service for which the charge was imposed, and sub-sections (2), (3) and (4) of section 6.11 do not apply to such a reserve account.*
- (4) *A local government may only use the money raised from a service charge —*
- (a) *to meet the cost of providing the specific service for which the service charge was imposed; or*
- (b) *to repay money borrowed for anything referred to in paragraph (a) and interest on that money.*

As such a new Reserve, called the Community Security Service Charge is to be created. It should be noted that surplus funds in prior years have been carried forward and retained for the purpose of expending on community surveillance purposes.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

A number of amendments to the Budget are recommended as attached.

Legal Implications

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

Community Consultation

N/A

Attachment(s)

1. Business Plan Review 2008/09 (separate booklet)
2. Schedule of Budget amendments
3. Schedule of Planning Fees

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM 12/2/2009) - SOUTHERN METROPOLITAN REGIONAL COUNCIL MEMBER REPRESENTATION (4994) (M LITTLETON)

RECOMMENDATION

That Council resolve to appoint Cllr _____ as its representative to the Southern Metropolitan Regional Council (SMRC).

COUNCIL DECISION

Background

The Southern Metropolitan Regional Council (SMRC) currently acts as a disposal point for all of the City of Cockburn's domestic waste (i.e. waste generated by our residential properties). It operates a multifaceted waste management facility which uses alternative waste treatment technology to maximize the recovery of MSW (municipal solid waste) and to divert as much waste as possible away from landfill. The facility consists of a number of treatment processes including:

- Waste composting facility – which subjects MSW to a process of segregation, anaerobic digestion and microbial stabilization to produce compost and residual waste.
- Material recovery facility – separation of recyclable waste stream.
- Green waste – shreds and processes clean green waste stream.

The SMRC is a Regional Council made up the municipal districts of the City of Cockburn, City of Rockingham, City of Fremantle, Town of East Fremantle, City of Canning, Town of Kwinana and City of Melville. It is formally constituted under the auspices of the Local Government Act 1995 and must comply with that legislation. It was established to plan, develop, coordinate and implement sustainable waste management solutions and greenhouse gas abatement programs with, and for, its 7 member Councils and their communities.

Submission

Seeking a City of Cockburn representative on the SMRC Council.

Report

The City of Cockburn is one of the original member councils of the SMRC and currently holds a 26.95% stake in the RRRC business (a contingent liability of approximately \$13M). As such, Council is eligible to have a voting member on the board. Council's current representative on the SMRC Council was (former) Mayor Stephen Lee however due to his resignation on 7 January 2008; a vacancy now exists to represent the interests of the City of Cockburn.

The issue of waste management is a complex one and the SMRC business continues to face many challenges. It is essential that Council has a representative on the Regional Council and fulfills its decision making obligations. The position would be ideally suited to an Elected Member who has a strong understanding of business finance and is interested in progressing waste minimisation philosophy.

The advantages of the SMRC councils include:-

1. Opportunities in resource sharing and economies of scale – by working collectively, Council staff will share information and expertise and save time in developing possible future activities for implementation.
2. SMRC councils have demonstrated a collective approach works and these examples have provided a good working model.
3. Financial incentives by working together in developing joint initiatives, councils can then apply for AGO funding on a regional scale. This will provide greater opportunities to access large funding sources.

It is recommended that Council nominate an Elected Member as its representative on the SMRC Council.

Structure

The Southern Metropolitan Regional Council comprises of one delegate from each member local government with equal voting rights, except the Chairman who may exercise a second vote where the vote is a tie. The tenure of members of the Regional Council continues until the member ceases to be a member of the participating Council or until the member is removed by the participant Council.

The Regional Council meets 7 times per year, on the fourth Thursday of the month commencing at 5.00 p.m. Special meetings and Councillor briefing sessions may be held from time to time.

Standing Committees represented by regional councillors are:

- Audit Committee,
- Public Relations Committee
- CEO Remuneration Committee

Councillor’s Annual Allowance Fee	\$7,000
IT Annual Allowance	<u>\$1,000</u>
Total fees p.a.	\$8,000

The 2009 Council meeting dates are:

Thursday 26 February 2009	Town of East Fremantle
Thursday 23 April 2009	City of Fremantle
Thursday 28 May 2009	City of Melville
Thursday 25 June 2009	Town of Kwinana
Thursday 23 July 2009	City of Rockingham
Thursday 24 September 2009	City of Canning
Thursday 26 November 2009	City of Cockburn

These meetings will all commence at 5.00 p.m. in the respective Council Chambers/Rooms.

Strategic Plan/Policy Implications

Governance Excellence

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

Natural Environmental Management

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

Budget/Financial Implications

The SMRC Council decisions impact on the City of Cockburn because their fees and charges are used as part of the equation to derive the annual service charge levied to our residents.

Legal Implications

Local Government Act 1995.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.2 (OCM 12/2/2009) - ROE HIGHWAY EXTENSION TO STOCK ROAD (9701) (M LITTLETON) (ATTACH)**RECOMMENDATION**

That Council:

- (1) advises MRWA that before Council formally reconsiders any proposal to extend Roe Highway from the Kwinana Freeway to Stock Road it seeks information and supporting documentation on the following:
 1. Justification for the project.
 2. The impacts of the proposal on the connecting road network.
 3. The alignment selected.
 4. The environmental detail supporting the project.
- (2) seek a briefing by the Commissioner of Main Roads on the project for March 2009.

COUNCIL DECISION

Background

The Roe Highway Stage 8 reservation (between Kwinana Freeway and formerly Fremantle Eastern Bypass) is included in the Metropolitan Region Scheme as a Primary Regional Road. The previous State Government stated that it did not intend to complete Stage 8 of the metropolitan ring road, which was in conjunction with deleting the Fremantle Eastern Bypass from the Metropolitan Region Scheme.

Council at its meeting held on 20 March 2001 resolved that:-

“Council write to the State Hon. Minister for Transport, local members of the Legislative Assembly, the Legislative Council and the local member of the House of Representatives, expressing opposition to the construction of Stage 8 of the proposed Roe Highway, given that it would impact adversely upon environmentally sensitive wetlands areas between North Lake and Bibra Lake.”

This is the Council's current position on the Roe Highway Stage 8.

On 19 February 2002, the Council considered a report on the possible impacts on local roads without the Roe Highway Stage 8 and it was resolved that Council:-

“Await the outcome of the Hon. Minister for Planning and Infrastructure's Freight Planning Congress before considering the future of Farrington Road, Hope Road and Dixon Road.”

The outcome of the Freight Planning Congress workshops was published in August 2002.

The outcome was fed into the Metropolitan Freight Network Review. Final decisions have not yet been made about the future of the local road system.

Council at its meeting held on 13 October 2005 resolved that:-

“Council request that the Western Australian Planning Commission include an amendment to the Metropolitan Region Scheme to reclassify the Roe Highway Stage 8 from a Primary Regional Road Reserve to a Parks and Recreation Reserve, in the next Omnibus Amendment to the South-West Corridor.”

This is the Council's current position on the Roe Highway reservation.

Submission

The current Government has given a commitment to construct Roe Highway to Stock Road. Cllr Val Oliver has requested a report to be forwarded to Council to re-affirm its position to oppose the construction of Roe Highway Stage 8.

Report

The future of Roe Highway Stage 8 has been uncertain for some years, and Council has addressed its construction on a number of occasions, particularly as it affects environmentally sensitive areas and traffic on other local and distributor roads in the municipality:-

- Council meeting 20 March 2001 – opposed Roe Highway Stage 8 construction.
- Council meeting 19 February 2002 – deferred considering the future of Farrington Road, Hope Road and Dixon Road until the outcome of the Freight Planning Congress was released.
- Council meeting 18 March 2003 – acknowledged that EPA Bulletin 1088 recommends Hope Road be downgraded to strengthen ecological linkages between North Lake and Bibra Lake and supported the Roe Highway Stage 8 reservation be included in Parks and Recreation Reserve should it be deleted.
- Council meeting 13 October 2005 – requested an amendment to the Metropolitan Region Scheme to reclassify Roe Highway Stage 8 from a Primary Regional Road Reserve to a Parks and Recreation Reserve.
- Council meeting 14 September 2006 – endorsed the use of the City of Cockburn District Traffic Study 2016 and 2031 Traffic Forecasts as a base document for the Future Transport Strategy for the City.

As part of the recent state government election campaign, the Liberal Government (then in opposition) promised to construct Roe Highway to Stock Road. The Liberal Government is now in power and has allocated \$20M towards commencing this project.

The Deputy Mayor and Director Engineering, along with other representatives from neighboring local governments, were invited to attend an initial discussion on the project on 14 November 2008. At that meeting both the Deputy Mayor and Director reinforced Council's current position on the Roe Highway extension (copy of the minutes attached).

In the past, the Roe Highway extension has largely been considered in the context of providing a linkage from the Kwinana Freeway through to

the Cockburn coast and linking with the proposed Fremantle Eastern Bypass. Whilst Council rightly identified a range of environmental concerns as the alignment passed through the Bibra Lake Reserve and Beeliar Regional Park, the linkage did at least offer some benefits to the City by creating a substantial and essential east west connection.

Whilst the current proposal by the State Liberal Government is only in its infancy, it does not appear to offer any real advantages to the City of Cockburn. In fact the proposal to extend Roe Highway to Stock Road will largely only serve to remove traffic from Leach Highway between the Freeway and Stock Road thus resolving the traffic problems in the City of Melville in this location yet doing very little to address the problems in the City of Fremantle and serving to increase the traffic in the City of Cockburn. Traffic analysis must quantify the impacts of this on the City of Cockburn's road network.

There has been no traffic analysis to support the current proposal, no real understanding of the impacts of establishing the linkages on the local road network that will exist around the district distributor road and no analysis which would justify the link as proposed. It is understood that DPI and MRWA have commissioned studies to address these concerns; however, the outcomes are as yet unknown. It is difficult to provide any further advice without first receiving and reviewing the traffic studies currently being completed.

Council however, must start to understand the implications of both regional and local development on its road network. Fiona Stanley Hospital, Latitude 32 (potential Intermodal), Outer Harbour development, Inner Harbour growth and increasing container movement, Cockburn coast, Cockburn Commercial Park, AMC, Jandakot City are all developments in and around our municipality which will impact on traffic generation. Unless clear and defined linkages are created to service traffic, the City of Cockburn local distributors will be subjected to increasing traffic and 'rat running'. This is already an issue as traffic builds up on the Kwinana Freeway in the morning peak, leaving the potential for increased traffic on Beeliar, Berrigan and North Lake Roads. The studies being completed by the MRWA and DPI are critical for us in our future planning and informing an opinion on the Roe Highway extension.

Given the current lack of information on the justification for the project, the impacts of the proposal on the connecting road network, the alignment selected and the environmental detail supporting the project, officers could not recommend supporting the proposal given the concerns outlined in this report. It is however, recommended that Council advises MRWA that before formally considering any proposal to extend Roe Highway from the Kwinana Freeway to Stock Road, it seeks information and supporting documentation on the following:

- justification for the project
- the impacts of the proposal on the connecting road network
- the alignment selected
- the environmental detail supporting the project

It is also recommended that Council seek a briefing by the Commissioner of Main Roads on the project for March 2009.

Strategic Plan/Policy Implications

Transport Optimisation

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.

Budget/Financial Implications

The financial implications of construction Roe Highway Stage 8 will be broadly contained in our Transport Strategy and specifically identified in each annual budget.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Minutes from MRWA Meeting - 14 November 2008

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.3 (OCM 12/2/2009) - COOGEE BEACH DRAFT MANAGEMENT PLAN (9120) (L METZ) (ATTACH)

RECOMMENDATION

That Council:

- (1) advertise the draft Coogee Beach Environmental Management Plan for public consultation for a period closing forty-two(42)

days from the date of advertisement; and

- (2) refer the draft Coogee Beach Environmental Management Plan to the relevant stakeholder agencies and groups for their review and comment prior to the amendment and adoption of the Coogee Beach Environmental Management Plan.

COUNCIL DECISION

Background

Requests for quotations were called on July 2007 for a suitably qualified and experienced multi-disciplinary consultancy to prepare a management and development plan for Coogee Beach and immediate environs. The project was awarded to environmental consultants *Ecoscape*.

A first draft was issued to the working group members representing major stakeholders and community members, for review and comment, in June 2008. Officers of the City provided a substantial list of amendments and queries and the draft document was revised and reissued in December 2008.

Submission

Council to consider the draft Coogee Beach Environmental Management Plan (MP) and endorse it for advertising for public comment for a period of sixty days.

Report

The focus of the Coogee Beach Management Plan is on the conservation of the existing natural dune system, however the plan also includes some landscaping and recreation components. The plan incorporates all of the reserve except for a 3.5ha parcel of land located between the Coogee Beach Holiday Village and Cockburn Road, which is not managed by the City.

The Management Plan discusses the following issues:

- weed management
- pest fauna management
- rehabilitation
- fire management

- Infrastructure and landscape
- recommendations (Attachment 1),
- cost estimates (Attachment 2)
- landscape analysis and opportunities (Attachment 3).

Environmental Services were consulted and provided information for the report. Environmental Staff are supportive of the report as it gives clear direction for future management.

Strategic Plan/Policy Implications

Infrastructure Development

- To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.

Natural Environmental Management

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.

Lifestyle and Aspiration Achievement

- To deliver our services and to manage resources in a way that is cost effective without compromising.

Budget/Financial Implications

Table 20 appended to this report identifies the cost of proposed implementation of the recommendations contained within the Draft Plan.

Recommendations and associated costs (in the vicinity of \$852,316) include “business as usual” current programs for maintenance and asset upgrades, in addition to new capital works for the construction of infrastructure. It is expected that the construction of infrastructure will be undertaken over a number of years thus spreading costs. Funding for maintenance and capital works will also be sourced from other sources such as grants and volunteer resources.

Caring for Our Country Community Coastcare Grant of \$15,035.91 has been secured for revegetation works to be conducted in 2009/2010. Volunteer in-kind contributions of over \$3,000 have been committed to activities at Coogee Beach for 2009. In this current financial year Coastwest funding to a value of \$12,000 has also been secured.

In the current operational works program the funds allocated to this project area is \$66,479 and \$3,366 from Coastwest funding.

- OP 8085 Coogee Beach Dune Rehabilitation
- OP 8098 Coastwest Grant- Dune Rehabilitation

In the current capital works program the following projects have funds allocated to this project area:

- CW 5564 Coogee Beach Seats x 2 \$5,000
- CW 5567 Coogee Beach Rationalise Access Paths \$7,200

Legal Implications

N/A

Community Consultation

Copies of the draft *Coogee Beach Environmental Management Plan* are available in the City Libraries and on the City's website. A public comment period of 60 days will be advertised in local papers and in the City's other usual media. Council are therefore likely to consider the recommended final MP at the May 2009 OCM.

A request for comment and approval will be issued with copies of the draft document to:

- Department for Environment and Conservation
- Woodman Point Regional Park Community Advisory Committee
- Heritage Council of Western Australia
- The City of Cockburn Aboriginal Reference Group
- Main Roads Western Australia
- Perth NRM-South Metro Coastcare Officer
- Coogee Beach Progress Association

An invitation to comment with directions to the City's website will be issued to:

- Coogee Beach Surf Life Saving Club
- Friends of Woodman Point

Officers will make themselves available for briefing presentations to representative groups and Authorities during the comment period. Comments will be collated, and presented to Council at consideration of adopting the finalised management plan.

Attachment(s)

1. Coogee Beach Management Plan - Summary
2. List of Recommendations
3. Opinion of Probable Cost (Table 20)
4. Study Area Location
5. Landscape Analysis and Opportunities

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

Nil

18. EXECUTIVE DIVISION ISSUES

18.1 (OCM 12/2/2009) - CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE - 4 DECEMBER 2008 (1192) (S CAIN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 4 December 2008, as attached to the Agenda, and adopts the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee met on 4 December 2008. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

Submission

The minutes of the Committee meeting are attached to the Agenda. Items dealt with at the Committee meeting form the basis of the Minutes.

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

Governance Excellence

- *To maintain a professional, well-trained and healthy workforce that is responsive to the community's needs.*

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

As contained in the Minutes.

Community Consultation

Nil.

Attachment(s)

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee 4 December 2008 are provided to the Elected Members as confidential attachments.

Advice to Proponent(s)/Submissioners

The CEO has been advised that this item will be considered at the February 2009 Ordinary Council Meeting.

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

As contained in the Minutes.

19. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
20. **NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**
21. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS**
22. **MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**
23. **CONFIDENTIAL BUSINESS**
24. **OCM 12/2/2009 - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

RECOMMENDATION

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

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

COUNCIL DECISION

that

25. **CLOSURE OF MEETING**

Nil