

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 18 MARCH 2003 AT 7:30 PM

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	Page
1. DECLARATION OF MEETING.....	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED) .....	1
3. DISCLAIMER (READ ALOUD BY PRESIDING MEMBER) .....	1
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (BY PRESIDING MEMBER) .....	2
5. APOLOGIES AND LEAVE ABSENCE .....	2
6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	2
7. PUBLIC QUESTION TIME .....	2
8. CONFIRMATION OF MINUTES.....	8
8.1 <u>(MINUTE NO 1942)</u> (OCM 18/03/2003) - ORDINARY COUNCIL MEETING - 18/2/2003.....	8
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE.....	9
10. DEPUTATIONS AND PETITIONS .....	9
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED) .....	9
12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER .....	9
13. COUNCIL MATTERS.....	9
13.1 <u>(MINUTE NO 1943)</u> (OCM 18/03/2003) - RESOLUTION - ANNUAL GENERAL MEETING OF ELECTORS - 4 FEBRUARY, 2003 - WAR IN IRAQ (1247) (DMG) (ATTACH) .....	9
13.2 <u>(MINUTE NO 1944)</u> (OCM 18/03/2003) - LOCAL GOVERNMENT STATUTORY COMPLIANCE RETURN - 2002 (1332) (DMG) (ATTACH) .....	11
13.3 <u>(MINUTE NO 1945)</u> (OCM 18/03/2003) - OBJECTION TO NOTICE SERVED PURSUANT TO SEC. 3.25 OF THE LOCAL	

	GOVERNMENT ACT, 1995 - KINCARDINE HOLDINGS PTY LTD - 38 BRIGGS STREET, SOUTH LAKE (5516736) (DMG) (ATTACH).....	12
13.4	<u>(MINUTE NO 1946)</u> (OCM 18/03/2003) - ANNUAL GENERAL MEETING OF ELECTORS MOTION - COUNCIL LAND - CIVIC CENTRE SITE - ROCKINGHAM ROAD/COLEVILLE CRESCENT, SPEARWOOD (1247; 2201726) (RWB).....	14
14.	PLANNING AND DEVELOPMENT DIVISION ISSUES .....	18
14.1	<u>(MINUTE NO 1947)</u> (OCM 18/03/2003) - CLOSURE OF HOPE ROAD, BIBRA LAKE, EPA BULLETIN 1088, FEBRUARY 2003 (9701) (450009) (SMH) (ATTACH).....	18
14.2	<u>(MINUTE NO 1948)</u> (OCM 18/03/2003) - PERTH AIRPORTS MUNICIPALITIES GROUP - RECONSIDERATION OF MEMBERSHIP (1212) (WJH) (ATTACH) .....	27
14.3	<u>(MINUTE NO 1949)</u> (OCM 18/03/2003) - RESERVE 43701 MANAGEMENT ORDER REVOCATION (2211988) (KJS) (ATTACH).....	29
14.4	<u>(MINUTE NO 1950)</u> (OCM 18/03/2003) - PROPOSED STRUCTURE PLAN FOR PORT COOGEE MARINA (3209006) (SMH) (ATTACH).....	31
14.5	<u>(MINUTE NO 1951)</u> (OCM 18/03/2003) - PROPOSAL TO ESTABLISH A MARKET GARDEN - LOT 902 (327) WATTLEUP ROAD, WATTLEUP - OWNER: V & S CECIC - APPLICANT: JOE GIANOLI C/- SOUTHSIDE REALTY ON BEHALF OF QUANG GIAU LE & THI THAN TUC PHAN HOA TRAN (4411498) (CP) (ATTACH).....	34
14.6	<u>(MINUTE NO 1952)</u> (OCM 18/03/2003) - CITY OF ARMADALE TOWN PLANNING SCHEME NO. 2 - AMENDMENT NO. 185 - ERADE VILLAGE CONCEPT - PT LOT 114 WARTON ROAD AND PT LOT 3 NICHOLSON ROAD, FORRESTDAL (9154) (VM) (ATTACH) .....	39
14.7	<u>(MINUTE NO 1953)</u> (OCM 18/03/2003) - SINGLE DWELLING - R- CODES VARIATIONS - LOT 380 (44) KOORALBYN VALLEY CRESCENT, JANDAKOT - OWNER: GM & V BUKTENICA - APPLICANT: SUMMIT HOMES (5518149) (CP) (ATTACH).....	44
14.8	<u>(MINUTE NO 1954)</u> (OCM 18/03/2003) - PROPOSED DEMOLITION OF JANDAKOT WOOL SCOURING BUILDINGS AND SITE REMEDIATION - LOT 1 & 5 PARKES STREET AND (NO. 1) PARKES STREET, JANDAKOT (4412998) (4313401) (MR) (ATTACH) .....	48
14.9	<u>(MINUTE NO 1955)</u> (OCM 18/03/2003) - PROPOSED CONCRETE BATCHING PLANT - LOT 42 SPEARWOOD AVENUE, BIBRA LAKE (1105097) (MR) (ATTACH).....	52
14.10	<u>(MINUTE NO 1956)</u> (OCM 18/03/2003) - PROPOSED SINGLE	

	HOUSE - LOT 205 (NO. 10) RICHARDSON ROAD, COOGEE (3317083) (MR) (ATTACH) .....	58
14.11	<u>(MINUTE NO 1957)</u> (OCM 18/03/2003) - PROPOSED STRUCTURE PLAN - LOT 458/501 (EASTERN PORTION) RUSSELL ROAD, SUCCESS - OWNER: IAN DAVIE (UNDER CONTRACT TO AUSTRALAND) - APPLICANT: TAYLOR BURRELL (9638D) (JW) (ATTACH) .....	66
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES .....	72
15.1	<u>(MINUTE NO 1958)</u> (OCM 18/03/2003) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH) .....	72
15.2	<u>(MINUTE NO 1959)</u> (OCM 18/03/2003) - VARIOUS DEBTS - WRITE OFF (5651) (KL) .....	73
16.	ENGINEERING AND WORKS DIVISION ISSUES .....	75
16.1	<u>(MINUTE NO 1960)</u> (OCM 18/03/2003) - ENTRY STATEMENT SIGNAGE/ARTWORK - PHOENIX ROAD, SPEARWOOD (2201177; 450005) (AC) (ATTACH) .....	75
16.2	<u>(MINUTE NO 1961)</u> (OCM 18/03/2003) - TENDER NO. 01/2003 - PURCHASE OF THREE (3) 6 X 4 SIDE LOADING 23M3 REFUSE COMPACTOR TRUCKS (4408) (GG) (ATTACH) .....	79
16.3	<u>(MINUTE NO 1962)</u> (OCM 18/03/2003) - STOCK ROAD TRAFFIC LIGHTS FILTER ARROWS - ANNUAL GENERAL MEETING OF ELECTORS (1247) (JR) .....	81
16.4	<u>(MINUTE NO 1963)</u> (OCM 18/03/2003) - FRESHWATER PARK PLAYGROUND PROPOSAL (JS) (517953) (ATTACH) .....	83
16.5	<u>(MINUTE NO 1964)</u> (OCM 18/03/2003) - PROPOSED TRAFFIC TREATMENT AT PROGRESS DRIVE, NORTH LAKE (450691) (SL) (ATTACH) .....	86
17.	COMMUNITY SERVICES DIVISION ISSUES .....	90
17.1	<u>(MINUTE NO 1965)</u> (OCM 18/03/2003) - RECREATION ADVISORY COMMITTEE MEMBERSHIP (8162) (AJ) .....	90
17.2	<u>(MINUTE NO 1966)</u> (OCM 18/03/2003) - SOUTH LAKE LEISURE CENTRE OPERATING COST REPORT (8143) (SH) .....	92
18.	EXECUTIVE DIVISION ISSUES .....	100
19.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	100
20.	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING .....	100

21.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY COUNCILLORS OR OFFICERS .....	101
21.1	<u>(MINUTE NO 1967)</u> (OCM 18/03/2003) - COOGEE BEACH - ESTABLISHMENT OF CAFE/KIOSK - RESERVE 46664 - APPOINTMENT OF A PROJECT MANAGER (3319158).....	101
22.	MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE.....	101
23.	CONFIDENTIAL BUSINESS .....	101
24.	(MINUTE NO 1968) (OCM 18/03/2003) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995).....	102
25.	CLOSURE OF MEETING.....	102

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 18 MARCH 2003 AT 7:30 PM

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### PRESENT:

#### ELECTED MEMBERS

Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr A Edwards	-	Councillor
Mr L Humphreys	-	Councillor
Mrs N Waters	-	Councillor
Mr M Reeve-Fowkes	-	Councillor
Mrs V Oliver	-	Councillor

#### IN ATTENDANCE

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

### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.30pm.

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

Nil.

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

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written



advice from the Council prior to taking action on any matter that they may have before Council.

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

Written advice of financial interest has been received from Cllr Waters and Cllr Whitfield in regards to item 17.2 which will be read aloud at the appropriate time.

**5. APOLOGIES AND LEAVE ABSENCE**

Mayor S. Lee (Apology)  
Cllr K. Allen (Apology)  
Mr R. Brown (Apology)

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

Nil

**7. PUBLIC QUESTION TIME**

**Shirley Ross**, Coogee - The Presiding Member advised that an emailed letter has been received from Mrs Ross regarding the issue of Council's Circus Policy and requesting the letter be read aloud at tonight's meeting, even though she acknowledges the matter is not one for consideration on tonight's agenda. Whilst he did not read the letter, its intent was to urge Elected Members to rescind Council's current policy which allows circuses with exotic animals to perform in Cockburn, when the matter comes before Council for consideration.

**Mary Peck**, Coolbellup – The Presiding Member read a letter received from Mrs Peck regarding Sea Swap which asked the following questions:

“I would like some responses to the following questions and areas of concern I currently have about the Sea Swap in Western Australia – in MY neighbourhood.

A report in the Boston Globe on 15 November 1999 stated that the US Department of Defense “is the world's biggest polluter.

**Q1.** What guarantees have the US Government given that it will work within Australian environmental laws and this appalling situation is not repeated in Western Australia?



- A.** This would not appear to be relevant as the Sea Swap Programme does not contemplate the establishment of US Bases in Western Australia. Any pollution concerns associated with the programme would, presumably, relate to shipping waterways only, in which case the relevant State Government agencies would be responsible for monitoring.
- Q2.** If the Sea Swap is going to be a permanent feature in Western Australia, will the US Government advise when it is carrying nuclear weapons/ammunition on its ships?
- A.** The US Government is not required to advise the City of Cockburn, or any other local government, of the contents of its ships. This is a matter for the Federal Government.
- Q3.** The City of Cockburn has a policy of being “nuclear free zone” – does this policy still stand?
- A.** Council was a member of the WA Branch of the Australian Nuclear Free Zone Secretariat and provided delegates to this organisation, until it was disbanded in the mid 1990’s. In 2001, Council was invited to join the newly founded Local Government Nuclear Free Zones and Toxic Industries Secretariat. Council subsequently resolved to subscribe to this organisation, primarily because of its concerns with noxious industries being established in the District.
- Q4.** Does the Cockburn Council have an emergency plan in place with regard to a nuclear accident/biological accident/ammunitions explosion?
- A.** No. Such matters would be the responsibility of the State Emergency Services, although lower level accidents which occur locally (eg: chemical spillage) are covered under a Local Emergency Management Plan.
- Q5.** Can the Cockburn Council provide more details about what could happen to Cockburn Sound? If the Sound is going to be dredged how will this affect the substantial housing development and canal development at Port Coogee?
- A.** It is understood that under the Sea Swap Programme, no dredging of Cockburn Sound, or any other water, is requested, desired or necessary.
- Q6.** Is the Council aware of the social and environmental costs in Vieques, Puerto Rico and the closed Clark Air Base in the Phillipines [sic]?
- A.** No we are not.



- Q7.** What amount of research was conducted by the City of Cockburn with this proposal?
- A.** None. The Sea Swap proposal is not one which requires any approvals or permission by the City of Cockburn or any other local government.

**Patrick Thompson**, Edeline Street Spearwood, commented on the provision of glass bus shelters on Rockingham Road. He stated that since the bus stops on Rockingham Road were changed from concrete to glass, they have been smashed almost every week for the last three years. Although the glass is cleaned up very quickly, some is left in the sand nearby which can be dangerous. He also mentioned that the glass shelters may shelter some rain but offer no protection from the sun.

Director Engineering & Works advised that the bus shelters are the Council's responsibility. Various bus shelter designs were considered before Adshell was the chosen supplier however, if the current design is not effective, this can be reconsidered given Mr Thompson's comments.

**John Billingham**, Hamilton Hill stated that he had heard that the premises at 22 Frederick Road were to be used for the "Great Mates" crisis accommodation. He said that in the past, they had had problems with vandalism etc so the premises was closed down and the surrounding residents were told that it would only be used for residential purposes in the future. He asked what was happening.

Manager Community Services responded that as of today's correspondence, Council had been informed that the Frederick Road premises was not to be used for that program but that an alternative venue was being sourced and if a location is found, there would be consultation with the local residents.

**Ray Lees**, ratepayer mentioned that at the Meeting of Electors he raised the issue of the clean up of the Coojee Beach Hotel but noticed it was not on the agenda.

Acting Chief Executive Officer explained that only motions carried at an Electors Meeting are required to be formally considered by Council. The matter of the hotel and its unsightly look was referred to the officers for investigation who have had discussions with Main Roads but he was not aware of the situation to date.





**Ron Heath**, Frederick Road Hamilton Hill, tabled a petition consisting of 33 individual letters objecting to the proposed crisis accommodation nearby. He asked if the final decision would be made by Council.

Director Planning & Development advised that Council has not received a planning application at this time. If a decision of Council was required, it would be placed on the agenda however it may be a decision that is made by officers under delegated authority.

**Rosemary Fielder**, Edeline Street Spearwood, advised that the incidences of graffiti had increased lately in her street and that even though it is cleaned up quickly, it soon returns. She recalled answering a survey a few months ago on the issue of security patrols and felt that patrols would help with this matter but has heard nothing since and asked what was happening in that regard.

Deputy Mayor Graham responded that he was pleased to hear the graffiti was cleaned up quickly.

Manager Community Services added that the Administration has been conducting a survey of random people as well as advertising calling for public submissions on security patrols. The findings will be included in a report to Council in the near future.

**Andrew Sullivan**, representing the Coogee Coastal Action Coalition regarding agenda item 14.3, felt that the proposed road closures were premature and seem to pre-empt the outcome of both the MRS Amendment and the Council's consideration of the TPS Amendment. He believed the community is justified in questioning why Council is rushing forward with the closures and now this transfer of the foreshore reserve before the community has been asked for its views on the development proposal. He asked the following questions:-

- How does the Council know that the community will agree with the proposal that Ocean Road will need to be closed or relocated as part of the redevelopment of the Port Catherine site?
- How does the Council know that the community wants the existing beaches and sand dunes, which form part of the foreshore reserve, to be handed back to the WAPC as proposed by Council in this resolution?
- Will the Council consider deferring these road closures and reserve transfers until after the MRS Amendment, the TPS Amendment and the Structure Plan have been fully considered and finalised so that the community can participate in the coming consultation process without



being hindered by the perception that the Council has already decided the outcomes?

- Will the Council provide more detailed information about the timing and purpose of these road closures and foreshore reserve transfers to the community through the local newspapers?

The Presiding Member advised that the questions will be taken on notice and a written response provided.

**Bert Renner**, March Street Spearwood, commented in regard to an earlier speaker's comments about security patrols, that the number of offences has increased in Beeliar since the patrols began.

**Ron Brooks**, representing the owners of 12A Richardson Road Coogee, believed that they would have an enormous loss of amenity and views if the application for 10 Richardson Road was approved as it is. They accept that the applicant has the right to develop his property and that there will be some loss of amenity and views. They concur with the officers recommendation regarding the reduction in height however moving the building forward is not acceptable. He suggested that Council consider amending Special Condition 5. so the front setback be reduced to 6 metres measured from the main wall of the building with the portico projecting into the front setback as per the residential design codes. He also stated that if there were any concerns, Mr Ellis would be happy to meet with the applicants to resolve the matter.

**Joe Branco**, representing North Lake Residents Association, in regards to item 14.2, mentioned that his Association and the associations in the area, have met over the last year and one of the outcomes was the community's concerns about environmental issues and their desire to see Hope Road closed and also look at other ways of making the park better. Although they would also like to see consultation if Council decides to delete Hope Road to allow people to put forward their ideas on what they would like to see done to the area. By closing Hope Road, Council is taking away the possibility of any future development of a pseudo Roe Highway. The EPA has stated that the area should be placed back to its environmental state by suggesting that Hope Road be downgraded or deleted. He was in favour of that although the Association requested that community consultation take place. He asked Council to seriously consider taking the decision to delete it but opening discussion to the community for more consultation.

**David Winter**, representing Jandakot Wool Scourers, commented that it was difficult for him to ask a question on a matter on the agenda when he could not obtain a copy.



Deputy Mayor Graham responded that the agendas were available on Council's Website and at the three libraries on the Wednesday prior to a Council meeting.

**Patrick Thompson**, in regards to item 13.4, commented that he was at the AGM of Electors where a number of gentlemen spoke with pride about the Council land. As a group, a motion was passed that the land be held but upon reading the agenda, the officer's recommendation is to take no action on the basis that such a decision would not be binding. The feeling of the meeting at that time was that this land should be held. He suggested that if it was a case of rewording the AGM's motion to make it suitable, then he asked that a decision be deferred and the motion be rewritten with the appropriate wording to make it suitable for the desired outcome.

Mr Thompson said the same applied to item 13.1. He strongly objected to motions that were passed by the electors to reflect the community's wishes, being ignored by the staff when submitting the matter to Council. He stated that Councillors needed to be reminded that they were in place to represent the wishes of the ratepayers and they should therefore, support the motions moved at the AGM.

The Presiding Member responded that Elected Members do represent the people of Cockburn and are very proud to do so and he believed that most of the community thought they were doing a very good job. He explained that motions passed at an AGM, under the Local Government Act, are not binding according to law.

The Acting Chief Executive Officer explained that the AGM can pass any resolution it wishes but those items are then required to come before Council for it to formally consider. There are certain things councils can and cannot do and the two resolutions Mr Thompson referred to, were examples of that. On the issue of Council's land, there is a very distinct legal application that the City of Cockburn cannot sustain and that is trying to be explained in 13.4. Council does not want to mislead anyone by make a decision it cannot sustain.

**Andrew Sullivan** representing Coogee Coastal Action Coalition, in regards to item 14.4, stated that the Coalition had mixed feelings on the proposal to advertise the Structure Plan. The group is concerned that this will be the only chance the community will have to comment on this massive redevelopment and therefore, Council needs to extend every opportunity to the community to be informed about the proposal and to understand that alternatives can and should be considered. He requested that Council ensure the consultation process is fully endorsed and has a degree of independence from the developers marketing machine. On that basis, he asked Council to consider the following:



- Will the consultation phase provide the opportunity for the community to describe to the Council, what they would prefer to see at the Port Catherine site rather than just telling the Council what they hate about the privatised canal development proposal?
- Will the Council release a copy of the officers' assessment report on the Structure Plan prior as part of the consultation phase?
- Will the Council ensure that the advertising period for the Structure Plan is at least 90 days to ensure that sufficient time is available for the community to be fully informed about the proposal prior to making comments?
- Will the Council include as part of the conditions of approving the advertising of the Structure Plan, that the procedures for advertising the Structure Plan and the methodology for the community consultation be further considered and endorsed by Council prior to the commencement of this advertising process? Will the Council also require, as part of the community consultation process, independent workshops to be conducted that enable the community to explore alternatives to the single option proposal that is presented in the developer's Structure Plan?

Deputy Mayor Graham advised that Council will take Mr Sullivan's comments into consideration when deliberating the matter.

## 8. CONFIRMATION OF MINUTES

### 8.1 (MINUTE NO 1942) (OCM 18/03/2003) - ORDINARY COUNCIL MEETING - 18/2/2003

#### **RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Tuesday, 18 February 2003 be confirmed as a true and accurate record.

#### **COUNCIL DECISION**

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

**CARRIED 8/0**



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

Nil

**10. DEPUTATIONS AND PETITIONS**

Clr Tilbury tabled a petition that reads "*We the undersigned wish to convey to the Cockburn City Council our opposition to their decision to allow circuses with animals to use Council or private land whether or not for the purpose of using animals in the circus. We wish to see the ban reinstated and become Council policy on the use of all public or private land for animal circuses.*"

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

Nil

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

Nil

**13. COUNCIL MATTERS****13.1 (MINUTE NO 1943) (OCM 18/03/2003) - RESOLUTION - ANNUAL GENERAL MEETING OF ELECTORS - 4 FEBRUARY, 2003 - WAR IN IRAQ (1247) (DMG) (ATTACH)****RECOMMENDATION**

That Council not adopt a position on the war in Iraq however, the resolution of the Annual Electors Meeting be forwarded to the Federal Member for Fremantle, Carmen Lawrence, MP and the Western Australian Local Government Association.

**COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr A Edwards that the recommendation be adopted.

**CARRIED 8/0**

**Background**

The Annual General Meeting (AGM) of Electors was held on 4 February 2003.



## **Submission**

At the AGM, the following resolution was carried:-

“That the City of Cockburn does not support the War in Iraq”

Council is required to consider all resolutions passed by the AGM.

## **Report**

Whilst it is acknowledged that there are concerns within the community about Australia's involvement as part of a potential future international military conflict in Iraq, such matters are not within the jurisdiction of local government to influence. Issues such as this are a national responsibility and can only be decided upon by the Federal Government. Therefore it is recommended that Council not formally adopt a position on this issue.

Despite this, enquiries have been made with the W.A. Local Government Association (WALGA) on whether it has been approached by any other Councils on this matter. Coincidentally, a related motion was considered by the South East Metro Zone of the Association, as per the attachment. The motion was subsequently lost and replaced with a broader perspective which embraced the effects of major catastrophes and disasters upon local communities. This position then includes a broad spectrum of disastrous events which could adversely impact on one, or many, communities and include a role for local governments to assume in such circumstances.

This position is considered far more positive and effective than a simply framed “conscience” motion serving no tangible purpose.

Anti war campaigners would be better served lodging objections to any Australian involvement in the Iraqi conflict with their Federal Member(s) of Parliament.

However, as WALGA acts as the peak body for local government in this State, a copy of the resolution could be provided to it.

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

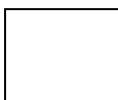
N/A

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Section 5.33 of the Local Government Act, 1995, requires decisions made at Electors Meetings to be formally considered by Council.



## Community Consultation

Refer "Westpoll" figures – February 3-4, attached.

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

Military matters and issues of national defence are the responsibility of the Federal Government.

### 13.2 (MINUTE NO 1944) (OCM 18/03/2003) - LOCAL GOVERNMENT STATUTORY COMPLIANCE RETURN - 2002 (1332) (DMG) (ATTACH)

#### **RECOMMENDATION**

That Council adopts the Local Government Compliance Audit Return for the period 1 January 2002 to 31 December 2002, as presented.

#### **COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr A Edwards that the recommendation be adopted.

**CARRIED 8/0**

## Background

Since 2000, completion of this Return has been mandatory for all local governments in this state.

## Submission

To adopt the Return in its submitted form.

## Report

The annual Compliance Audit Return is to be presented to, and adopted by, a meeting of Council.

Following adoption by Council, a certified copy of the Return, signed by the Mayor and Chief Executive Officer, along with a copy of the relevant section of the Council Minutes, is required to be submitted to the Director General, Department of Local Government.



Although the 2002 Return does not reflect full compliance, issues identified as requiring attention have been subject to internal process modification to ensure that there is no repetition of the matters which have been identified this year.

In any case, the Return indicates a conformity rating in excess of 96% for the year.

**Strategic Plan/Policy Implications**

Key Result Area “Managing your City” refers.

**Budget/Financial Implications**

N/A

**Legal Implications**

Local Government (Audit) Amendment Regulations, 1999 (Regs 14 & 15) refer.

**Community Consultation**

N/A

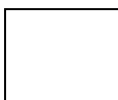
**Implications of Section 3.18(3) Local Government Act, 1995**

Nil.

**13.3 (MINUTE NO 1945) (OCM 18/03/2003) - OBJECTION TO NOTICE SERVED PURSUANT TO SEC. 3.25 OF THE LOCAL GOVERNMENT ACT, 1995 - KINCARDINE HOLDINGS PTY LTD - 38 BRIGGS STREET, SOUTH LAKE (5516736) (DMG) (ATTACH)**

**RECOMMENDATION**  
That Council revoke the decision objected to by the owners of 38 Briggs Street, South Lake, to remove all overgrown vegetation from the land and substitute a Notice requiring the removal of all disused materials on the land, not otherwise in keeping with the natural vegetation.

**COUNCIL DECISION**  
MOVED Clr M Reeve-Fowkes SECONDED Clr A Edwards that the recommendation be adopted.  
**CARRIED 8/0**





## **Background**

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

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

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

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

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

## **Submission**

An objection has been lodged by the owner of 38 Briggs Street, South Lake against the Notice requiring the removal of unsightly vegetation from the property.

## **Report**

The property at 38 Briggs Street, South Lake was identified as containing unsightly material during a routine inspection of the District. A letter requesting the removal of unsightly vegetation was sent to the landowner however, no action was taken and subsequently, a Notice requiring the removal of the vegetation from the property was sent.

The owner has lodged an objection against the requirement citing the land is a broad acre lot containing natural vegetation not uncommon to other similar sized properties in the District. Upon inspection of the property, it is difficult to imagine how the landowner could remove the vegetation without removing a substantial number of thriving trees and bushes which have obviously been located on the property for many



years. Only a large scale clear felling operation would satisfy the requirements of the original Notice.

While acknowledging that there is some untidy tracts of overgrown vegetation on the property, it is doubtful whether selective cosmetic clearing would raise the overall standard of appearance.

However, there are signs of disused materials (tin, iron etc) which have either been dumped on the site in the past or are the result of past dilapidated structures which have since fallen into disrepair. This material is unsightly and should be removed. This requirement should be able to be undertaken with minor effort by the landowner and a Notice should be issued to this effect. Once the offending material is removed, it is considered that the land in its otherwise natural state, will be left in an acceptable state.

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

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

### **Budget/Financial Implications**

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

### **Legal Implications**

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

### **Community Consultation**

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

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

Nil

- 13.4 (MINUTE NO 1946) (OCM 18/03/2003) - ANNUAL GENERAL MEETING OF ELECTORS MOTION - COUNCIL LAND - CIVIC CENTRE SITE - ROCKINGHAM ROAD/COLEVILLE CRESCENT, SPEARWOOD (1247; 2201726) (RWB)**

### **RECOMMENDATION**

That Council:



- (1) take no action to guarantee *“that the land on which the current Council building is located on, should never be sold and kept in perpetuity for the people of the City of Cockburn”*, as such a decision would not be binding on a future Council; and
- (2) advise Mr Evas of the Council decision.

#### **COUNCIL DECISION**

MOVED Cllr L Humphreys SECONDED Cllr N Waters that Council:

- (1) acknowledges that the land on which the current Council building is located is of such historical significance that it should be kept in perpetuity for Civic/Community purposes;
- (2) recognises it is not possible to provide a guarantee to this effect, as such a decision would not be binding on a future Council; and
- (3) advise Mr Evas of the Council decision.

**CARRIED 8/0**

#### **Explanation**

Although it is recognised that it is not possible to bind a future Council to never relinquishing the subject land, it is appropriate for Council to acknowledge the history and importance of the land and that it would be ideal to retain it for the benefit of the community in future.

#### **Background**

A report was presented to Council in February 2001, proposing to rezone the land on which the Civic Centre is located to 'commercial'. The primary intention of the item related to the Civic Centre Hall, however all the land comprised in Lot Pt 20 on the corner of Rockingham Road and Coleville Crescent, was included to provide for future flexibility should Council so require.

Council deferred the proposal to enable public consultation and advice from pioneers of the district who had knowledge about the history of the site. It was noted that the land had significant history and *“Councillors should be made aware of the facts relating to the history of the site.”*

In August 2001, Council determined :-



- “(1) as part of its forward planning, authorise the CEO to investigate the acquisition of suitable land within the Thomsons Lake Regional Centre, to accommodate Council’s future needs;*
- (2) at this stage, maintain the Administration Centre within Spearwood; and*
- (3) require that a report be submitted to a future Council meeting, outlining the findings of the investigations together with recommendations on the possible acquisition of land.*

*CARRIED 10/0*

***Explanation:*** *Council is not prepared to commit to relocating its administration centre to Thomsons Lake Regional Centre. It is of the view however, that land should be secured to enable a future Council to determine the extent of presence at the Regional Centre.* “

There has been discussion between Elected Members and Mr Srdarov and Mr Evas, former members of the now defunct Spearwood Fruitgrowers and Market Gardeners Association. A number of letters have been exchanged between Council and Messrs Srdarov and Evas.

It can be seen that Council intends to provide the opportunity for a future Council to make a decision on the extent of a Council presence at the Regional Centre.

### **Submission**

At the Annual General Meeting of Electors held on 4 February 2003, the following resolution was carried:

*“that the Council guarantee that the land that the current Council building is located on, should never be sold and kept in perpetuity for the people of the City of Cockburn, as was originally intended.”*

### **Report**

In 1963, the formed Spearwood District Fruitgrowers and Market Gardeners Association transferred, by way of sale to the Shire of Cockburn, *“all its estate and interests in all that piece of land being portion of Cockburn Sound Location 400 and being Lot 1 on Plan 4709 and being the whole of the land comprised in Certificate of Title Volume 952 Folio 11.”*

The land was transferred for the sum of five hundred pounds (£500).



The subject area comprises of the land that the Administration Centre, Library, Bowling Club and carpark is situated, excluding the Civic Centre Hall and staff carpark (this land was purchased in 1969).

Accompanying the transfer of the land from the Association was a Deed dated 8 July 1963. The Deed required Council to lease to the Spearwood Rovers Soccer Club, an area of land where the Bowling Club is presently sited.

An agreement dated 8 July 1963, with the Soccer Club was also entered into providing for a 21 year lease.

In December 1965, the above lease was surrendered and replaced by another lease for land basically relating to the existing Civic Centre carpark. This was to allow for the Bowling Club to be developed.

In 1973, the Soccer Club, then known as the Cockburn United Sports and Leisure Club, agreed to move to new premises at Hamilton Road (Beale Park).

The Bowling Club was not involved with the original land transfer in 1963.

The 1963 agreement also provided that subject to ratepayers approval, the Council would raise a loan for the construction of a suitable hall in keeping with the district's requirement within three(3) years of the transfer. Council later constructed the Civic Centre Hall on adjacent land.

The requirements of the 1963 Deed relating to the Soccer Club and hall have long been extinguished.

The current Council's position is that it does not have any plans for the sale of the land which the current Civic buildings are located on. It has reached agreement with the Health Department, for the sale of some adjacent land for the establishment of a dental clinic.

Any Council decision to "guarantee" that the former Spearwood Fruitgrowers and Market Gardeners Association land will "never be sold and kept in perpetuity for the people of Cockburn..." would not be binding on any future Council.

As an indication that this Council has no intention of disposing of the land, Council recently replaced the reticulation system serving the grounds; is in the process of extending the library; is in the process of upgrading the civic courtyard; and has provided for the refurbishment of the Council Chambers/ Reception Room, including the provision of a lift.



Future decisions of Council with regard to the Council owned land at Rockingham Road/Coleville Crescent, will need to be made in the best interests of the community appropriate to the time.

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

#### Managing Your City

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

#### Planning Your City

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

### **Budget/Financial Implications**

The land is held in freehold and represents a substantial asset to Council.

### **Legal Implications**

A Council resolution to “guarantee” the land will be held, is not binding.

### **Community Consultation**

Consultation has only been undertaken with former members or persons associated with the defunct Spearwood Fruitgrowers and Market Gardeners Association.

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

Nil

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

### **14.1 (MINUTE NO 1947) (OCM 18/03/2003) - CLOSURE OF HOPE ROAD, BIBRA LAKE, EPA BULLETIN 1088, FEBRUARY 2003 (9701) (450009) (SMH) (ATTACH)**

#### **RECOMMENDATION**

That Council:-

- (1) receive the report;
- (2) close Hope Road, between the Wetlands Education Centre and Progress Drive, in order to remove the only major barrier to the terrestrial fauna movement between North Lake and Bibra Lake



(Bulletin 1088 pp13);

- (3) initiate the closure of Hope Road and Dixon Road between Progress Drive and the entrance to the Wetlands Education Centre to all traffic, under Section 58 of the Land Administration Act, and the road pavement be removed and the land rehabilitated so that the North Lake and Bibra Lake Reserves can be directly connected to form one continuous area of Region Open Space;
- (4) advise the Minister for Planning and Infrastructure that in the event that the Roe Highway Stage 8 reservation is deleted from the Metropolitan Region Scheme, that the reserve be included in the Parks and Recreation Reserve to protect the regionally important upland vegetation, as described in the Environmental values associated with the alignment of Roe Highway (Stage 8) advice on pages 10, 11, 13 and 16 of EPA Bulletin 1088, dated February 2003.

#### **COUNCIL DECISION**

MOVED Cllr A Tilbury SECONDED Cllr I Whitfield that Council:-

- (1) receive the report;
- (2) acknowledge that EPA Bulletin 1088 recommends Hope Road be downgraded to strengthen ecological linkages between North Lake and Bibra Lake;
- (3) write to the EPA, clarifying the intended meaning of "downgrading" as expressed in para 63 of EPA Bulletin 1088;
- (4) survey residents of North Lake and Bibra Lake localities using a letter-box drop survey form, to provide an opportunity for community comment on whether Hope Road should remain open or be closed;
- (5) provide an information sheet, along with the survey in (4), outlining benefits and disadvantages of closing Hope Road; and
- (6) advise the Minister for Planning and Infrastructure that in the event that the Roe Highway Stage 8 reservation is deleted from the Metropolitan Region Scheme, that the reserve be included in the Parks and Recreation Reserve to protect the regionally important upland vegetation as described in the Environmental values associated with the alignment of Roe Highway (Stage 8) advice on pages 10, 11, 13 and 16 of EPA Bulletin 1088 dated February 2003.

**Explanation**

The meaning of 'downgrading' in the EPA Bulletin is unclear and needs to be clarified before it is relied upon in the decision-making process. Council believes it needs to consult residents before making a decision to close Hope Road.

**Background**

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 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. This review is incomplete. The Local Impact Committees continue to meet, and final decisions have not yet been made about the future of the local road system.

However, the State Government has:-

- decided to build Roe Highway Stage 7.
- initiated an amendment No. 1055/33 to the MRS to delete the Fremantle Eastern Bypass reservation and reclassify the land to urban.





- completed an evaluation of the environmental values associated with the Roe Highway Stage 8, published in EPA Bulletin 1088 in February 2003.

The purpose of this report is to comment on the EPA advice and address the final conclusion made in Bulletin 1088, which is:-

*“...it is recommended that consideration be given to downgrading the eastern section of Hope Road, which currently runs through the subject area, with further rehabilitation to strengthen the ecological linkages within the area.”*

The Council is the only authority which can consider the future of Hope Road, as it is a local road vested in the care and control of the Council.

The officer's report prepared for the Council meeting held on 19 February 2002, recommended the permanent closure of Dixon Road and Hope Road, but the Council decided to defer the matter until the outcome of the Freight Planning Congress was known.

The outcome of the Freight Planning Congress did not make any recommendations about the future of Dixon or Hope Road.

### **Submission**

The purpose of the EPA report is described as:-

*“Following a request from the Minister for Planning and Infrastructure, the Minister for the Environment and Heritage sought advice from the Environmental Protection Authority (EPA) in late August 2002 pursuant to Section 16(j) of the Environmental Protection Act 1986 in relation to the alignment for Stage 8 of Roe Highway. Specifically, the Minister for the Environment and Heritage sought the EPA's confirmation of the environmental values that would be impacted if Stage 8 of Roe Highway were to be constructed.*

*This EPA report provides environmental advice on the key environmental values associated with the alignment of Roe Highway Stage 8 and likely impacts arising if construction was undertaken.*

*This advice is issued by the EPA under Section 16 of the Environmental Protection Act 1986 and does not constitute a formal assessment or approval by the EPA. The purpose of the advice is to provide independent guidance on environmental issues to government at a stage when formal assessment by the EPA under Part IV of the Environmental Protection Act 1986 is not possible. There is no right of appeal against Section 16 advice.”*

The conclusion of the report is as follows:-



*“This report provides advice on the key environmental values that would be impacted by construction of a highway within the alignment of Roe Highway Stage 8.*

*The area within and adjacent to the alignment where it bisects Beeliam Regional Park is considered to be of high conservation value and significance due to the ecological linkages it provides and the wetland, vegetation, faunal, ecological, aboriginal and social values that are represented. In addition to directly impacting on the wetland, vegetation and faunal values, the construction and operation of a highway through the area will also lead to further severance of these ecological linkages, reducing the area’s viability and long-term management.*

*As well as the direct impacts of the construction of a road, there would also be a significant increase in traffic moving through the area. The current projections for the number of vehicles that would travel through this area as a result of construction and operation of Roe Highway Stage 8 is estimated to be approximately 40,000. This would have a significant impact on the area’s wetlands, vegetation, fauna and ecological linkage. Construction and operation of a highway would also significantly impact on the fauna movement through the area due to the significant barrier it would pose as well as the potential for increased road kills. There is also the potential for spillages due to the significant increase in freight moving through the area.*

*Accordingly, the EPA concludes that any proposal for the construction of the alignment of Roe Highway Stage 8 through the Beeliam Regional Park would be extremely difficult to be made environmentally acceptable. It is accepted that through design and construction there is the potential to manage and minimise the potential impacts to a certain extent. However, the EPA is of the opinion that the overall impacts of construction within the alignment, or any alignment through Beeliam Regional Park in the vicinity of North Lake and Bibra Lake, would lead to the ecological values of the area as a whole being diminished in the long-term. Every effort should be made to avoid this.*

*It is recommended that other alternatives to direct freight through the general area, which do not involve the clearing and filling of wetlands within the Beeliam Regional Park, be pursued.*

*Any associated upgrading and/or changes within the existing road and rail network would require the careful management of impacts associated with social amenity and risk in order to ensure that residences and sensitive land uses within the general area are not significantly impacted.*

*The EPA recommends that if a decision is made on environmental and planning grounds not to proceed with Roe Highway Stage 8, the road reserve be removed from the MRS and the area bounded by the*



*Beeliar Regional Park be reserved as Parks and Recreation in the MRS and incorporated into the Regional Park.*

*Additionally, it is recommended that consideration be given to downgrading the eastern section of Hope Road, which currently runs through the subject area, with further rehabilitation to strengthen the ecological linkages within the area.”*

## **Report**

An assessment of the EPA Bulletin 1088 is attached to the Agenda.

The EPA advice is superficial and contains no research or validated data. It uses a number of references contained in Appendix 1 to the report, some published, others unpublished and ranging from 1976 through to 2002.

All of the 15 publications referred to have been produced by State agencies or consultants, except for one document produced by the North Lake Residents Association (Inc) unpublished in 2001. This relates to the Association opposition to the proposed Roe Highway Stage 8 through the Beeliar Regional Park.

Although there is no right of appeal in relation to an EPA 16(j) advice, it is important that the Council is made aware of its limitations, particularly when the advice is being accepted in the community as the “final word” on the environmental acceptability of building Roe 8.

Environmental considerations are only one consideration, albeit an important consideration, in the decision to build a strategically important regional road, such as the Roe Highway. Obviously traffic considerations are fundamental to any decision made.

In the conclusion the EPA recommends that “...*if a decision is made on environmental and planning grounds not to proceed with Roe Highway Stage 8, the road reserve be removed ...*” This clearly implies that the EPA accepts that the environmental considerations are not the only determinate.

The Roe and Reid Highway “ring” road was planned to serve the metropolitan region from Hillarys in the north to the port in the south, a distance of around 58 kilometres. Roe 8 and the Fremantle Eastern Bypass represent the final 12 kilometres or 20% of the system.

The EPA addresses the key environmental values that could be impacted on by building Roe 8 in its existing alignment, and was undertaken without considering road design or alternatives to the alignment of the existing MRS reservation.



The report contains incorrect information and makes uncollaborated assumptions on the detrimental impact that Roe 8 'will' have on the environmental values of the area, should it be constructed. The 16(j) advice is very general, and could not be used as the basis of determining the likely environmental impacts of a road designed to be environmentally acceptable.

The report does say "*It is accepted that through design and construction there is the potential to manage and minimise the potential impacts to a certain extent.*" The qualification is not quantified therefore the 'extent' is uncertain.

Given that the Council has already resolved not to support Roe 8 because of the potential impacts on Bibra Lake and North Lake, it is likely that the Council will support the conclusions drawn by the EPA, but this has implications for the Council in respect to other roads within the Beeliar Regional Park, that may need to be constructed or duplicated in the future.

One of the important aspects of the EPA advice is that it includes an assessment of the Karrakatta and Bassendean vegetation complexes west of Progress Drive (pp10 and 11) and is perceived as being regionally significant, and this would be adversely impacted on by Roe 8. This is important because it means that the upland vegetation should be retained, and this can only be achieved if it remains undeveloped.

However, the report falls short, in concluding the road reserve west of Progress Drive be reserved for Parks and Recreation under the MRS, and confines the recommendation to only that part of the reserve within the Beeliar Regional Park be included in the Parks and Recreation Reserve (pp17).

Never-the-less, the statements relating to the regional significance of the upland vegetation contained on pages 10, 11, 13 and 16 of the Bulletin, clearly indicate that the construction of Roe 8, through the reserve west of Progress Drive, would have a significant effect on the flora and fauna located within it.

Should the State Government and the Council accept the advice given in EPA Bulletin 1088, then the Council should consider recommending to the Minister for Planning and Infrastructure that in the event of the Roe 8 reservation being deleted from the Metropolitan Region Scheme, the land be reserved for Parks and Recreation in order to protect the regionally significant upland vegetation within the reserve identified by the EPA.

In relation to Hope Road, the report says that "*The area also maintains a high degree of ecological integrity despite some historical and current degradation, with the only major barrier to terrestrial fauna movement being Hope Road.*" (pp13)



In the conclusion to the report, the EPA recommends that consideration be given to down grade Hope Road to strengthen the ecological linkages within the area.

EPA recommendation to downgrading Hope Road appears to have its origins in the community survey conducted by the North Lake Residents Association (Inc) Action Committee published in October 2001, where 84% of those surveyed agreed that Hope Road should be down graded to a local road to reduce road kill and enhance the bushland.

In order to clarify what the conclusion relating to the eastern section of Hope Road meant in terms of its “downgrading”, the matter was discussed with a senior officer in the Department of Environment, Water and Catchment Protection (DEWCP) who was not sure, but could mean closing the road to public access between North Lake and Bibra Lake, to achieve the outcomes for terrestrial fauna movement and to enable ecological linkages between the wetlands. This cannot occur if the road is retained.

Currently Hope Road is a minor local road. Its characteristics are:-

- a 2 lane bitumen road
- a pavement width of 7m
- built to a rural standard (ie no kerb and water table)
- carries 4400 vehicles per day (vpd) of which 3% is commercial vehicles (2001)
- average traffic speed of 72 kph (designated speed limit 70 kph)
- the vpd indicates local rather than district usage.

Hope Road has only two connections, one at each end, being Bibra Drive in the east and Progress Drive in the west.

It is not clear what is meant by the “eastern” section of Hope Road given that all of Hope Road, between Bibra and Progress Drives is in the subject area.

Along its route it only has a minor driveway connection to the Wetlands Education Centre and associated facilities.

The road is already at the lowest level in the hierarchy and therefore to downgrade it further would mean closure to through traffic.

Closure is also the only way that adequate rehabilitation can take place to strengthen the ecological linkages within the area, as recommended by the EPA.

The closure of Hope Road in the low lying section between Progress Drive and the Wetlands Education Centre is recommended with the



existing road pavement being removed, the ground ripped and revegetated with plant species endemic to the area.

This would allow the flora and fauna to reconnect, and eliminate the potential for road kill.

Access to the Wetlands Education Centre would be maintained from Bibra Drive in the east.

Regardless of the future of the Roe Highway Stage 8, the closing of Hope Road is a desirable action to take in order to maintain the environmental values contained in the EPA Bulletin in relation to this road crossing. This is because Hope Road is built on the ground and acts as a barrier in the low lying section between North Lake and Bibra Lake Reserves.

Dixon Road is a vacant road reserve that connects to Hope Road from the north. Dixon Road has never been constructed and if Hope Road is closed, Dixon Road should be closed simultaneously.

Except for the recommendation relating to Hope Road, the Environmental value assessment relating to the existing Roe 8 MRS alignment undertaken by the EPA is not a valid or acceptable basis upon which any decision could be made about the environmental impacts that a highway crossing may have on the North Lake and Bibra Lake reserves. Moreover, environmental considerations are only one important consideration (pp17 Bulletin 1088) in determining the future of strategically important public infrastructure.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
  
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*



### **Budget/Financial Implications**

Following the closure of Hope Road, the Council would need to meet the cost of removing the existing road pavement and to revegetate the vacated road reserve.

### **Legal Implications**

The permanent closure of a public road is provided for under Section 58 of the Land Administration Act.

### **Community Consultation**

The closure of a public road involves referrals to various government agencies and provides for public submissions.

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

Nil.

## **14.2 (MINUTE NO 1948) (OCM 18/03/2003) - PERTH AIRPORTS MUNICIPALITIES GROUP - RECONSIDERATION OF MEMBERSHIP (1212) (WJH) (ATTACH)**

### **RECOMMENDATION**

That Council:-

- (1) resolve to confirm its withdrawal from membership of the Perth Airports Municipalities Group and decline the invitation of the Perth Airports Municipalities Group Chairman to rejoin the group; and
- (2) advise the Perth Airports Municipalities Group accordingly.

### **COUNCIL DECISION**

MOVED Clr N Waters SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 8/0**

### **Background**

The Perth Airports Municipalities Group (PAMG) is constituted primarily *"...to provide a forum for meaningful discussion on issues which affect*



*the Perth International Airport and Jandakot Airport and their environs and to investigate, report and formulate recommendations in respect of matters affecting or likely to affect the development of these airports and to monitor their use and environmental impact on neighbouring communities.”*

The City of Cockburn was a member of PAMG for at least 7 years.

At the Ordinary Meeting of Council held on 15 October 2002, Council resolved to:-

- “(1) *withdraw from membership of the Perth Airports Municipalities Group; and*
- (2) *advise the Perth Airports Municipalities Group accordingly”.*

### **Submission**

On 18 December 2002, the Mayor, Councillor Reeve-Fowkes and the Principal Environmental Health Officer met with Mayor Passeri (Chairperson of PAMG) and Juliette Gillan (City of Belmont Planning Officer) to discuss the benefits of continued participation in PAMG. Following this on 12 February 2003, a fax was received from Mayor Passeri to Mayor Lee (copy attached) asking for reconsideration of Council’s withdrawal from PAMG and pointing out constitutional provisions regarding the appointment of delegates and the benefits of continued membership.

### **Report**

Having considered discussions held on 18 December 2002, and the content of Mayor Passeri’s fax the Principal Environmental Health Officer holds firm to the view expressed in his report of October 2002 as follows:

1. The business dealt with by the PAMG is predominately Perth Airport related and not relevant to the City of Cockburn.
2. In recent years, the Jandakot Airport Community Consultative Committee (JACC) has provided a more relevant forum for addressing matters related to Aircraft noise and airport related issues affecting the City of Cockburn.

It is therefore recommended that Council confirm its withdrawal from membership of the Perth Airports Municipalities Group.

Should Council prefer to rejoin PAMG the following alternative recommendation may be useful for consideration:

“That Council:





- (1) renew its membership of the Perth Airports Municipalities Group;
- (2) nominate Councillor \_\_\_\_\_ as delegate and Councillor \_\_\_\_\_ as Deputy Delegate; and
- (3) advise the Perth Airports Municipalities Group accordingly.”

**Strategic Plan/Policy Implications**

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*

**Budget/Financial Implications**

N/A

**Legal Implications**

Nil.

**Community Consultation**

N/A

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

Nil.

**14.3 (MINUTE NO 1949) (OCM 18/03/2003) - RESERVE 43701 MANAGEMENT ORDER REVOCATION (2211988) (KJS) (ATTACH)**

**RECOMMENDATION**

That Council:-

- (1) support the transfer of the southern portion of Reserve 43701 to the Western Australian Planning Commission; and
- (2) advise the Department of Land Administration that it has no objection to the revocation of the Management Order for the southern portion of Reserve 43701.



**COUNCIL DECISION**

MOVED Clr N Waters SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 8/0**

**Background**

Reserve 43701 is a reserve for the purpose of Foreshore Management currently managed by the City of Cockburn.

**Submission**

The Department of Land Administration has written to Council requesting agreement to the revocation and the transfer of the land to the Western Australian Planning Commission of the southern portion of Reserve 43701.

**Report**

The revocation and the transfer as proposed will assist the Western Australian Planning Commission manage the Port Catherine (Port Coogee) Development.

The reserve is in two parts. The southern portion of the proposed Port Catherine (Coogee), if development proceeds, will become residential lots. The northern portion of Reserve 43701 is not affected by the development. Officers at the Department of Land Administration have confirmed that it should stay in its current form.

**Strategic Plan/Policy Implications**

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

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

**Budget/Financial Implications**

N/A

**Legal Implications**

Nil.



**Community Consultation**

N/A

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

Nil.

**14.4 (MINUTE NO 1950) (OCM 18/03/2003) - PROPOSED STRUCTURE PLAN FOR PORT COOGEE MARINA (3209006) (SMH) (ATTACH)****RECOMMENDATION**

That Council:-

- (1) receive the report;
- (2) subject to the applicant agreeing in writing that Clause 6.2.8 of Town Planning Scheme No. 3 will not apply until the WAPC has granted approval to advertise Amendment No. 3 to Town Planning Scheme No. 3:-
  1. advertise the Port Catherine (Port Coogee) Local Structure Plan dated December 2002 for public comment during the advertising of Amendment No. 3 to Town Planning Scheme No. 3 relating to Port Coogee, granted by the Western Australian Planning Commission;
  2. require the Planning and Development Division to prepare a report on the proposed Local Structure Plan for Port Coogee and include comments and recommendations on any public and agency submissions received during the public advertising period relating to the Structure Plan, for the Council's consideration;
  3. advertise the Structure Plan in accordance with the provisions of Clause 6.2 of Town Planning Scheme No. 3 with the close of the public submission period to coincide with the close of the public comment period for Amendment No. 3;
- (3) upon acceptance by the applicant to (2) above, advise the Western Australian Planning Commission of the Council's decision accordingly.

**COUNCIL DECISION**

MOVED Clr N Waters SECONDED Clr V Oliver that the



recommendation be adopted.

**CARRIED 8/0**

### **Background**

The Council, at its meeting held on 21 January 2003, considered an application from Port Catherine Developments Pty Ltd to amend the scheme to provide for the Port Coogee Marina, in accordance with the MRS Amendment 1010/33 and to consider the proposed Structure Plan for adoption.

The Council resolved to initiate Amendment No. 3 to its Town Planning Scheme No. 3, but did not consider the proposed Structure Plan.

In relation to the Structure Plan, the Council explained that it needed time to consider the proposal in greater detail before proceeding further.

On 25 February 2003, an information session on the Structure Plan was held between the Elected Members and senior staff to discuss issues and matters relating to the plan. No decisions were made or directions given at the information session, except that it was generally agreed that the matter be brought back to Council and it be advertised for public comment at the same time that Amendment No. 3 to Town Planning Scheme No. 3 was undertaken.

### **Submission**

The submission under consideration is the Port Catherine (Port Coogee) Local Structure Plan dated December 2002, and prepared for Port Catherine Developments Pty Ltd by Taylor Burrell, Bowman Bishaw Gorham and Sinclair Knight Merz.

The Elected Members have each received a complete copy of the Local Structure Plan report. When the amendment to the Town Planning Scheme is published for public comment, the report and plans will become available to the public.

### **Report**

Following the information session conducted on 25 February 2003, the Structure Plan, as submitted, be advertised for public comment in accordance with Clause 6.2 of the Council's TPS No. 3.



The advertising of the Structure Plan is to be undertaken at the same time as the advertising of Amendment No. 3 (Port Coogee) to TPS No. 3, with the closing date for public submissions being the same.

During the advertising period, the Planning and Development Division will assess the Structure Plan proposals as the basis of a report to Council.

At the conclusion of the public comment period for both Amendment No. 3 and the Structure Plan, the Planning and Development Division is to combine its technical report with a report on the public and agency submissions received on the Structure Plan, in order to provide a combined set of comments and recommendations.

The report is to have due regard for the issues and matters raised by Councillors at the information session held on 25 February 2003.

Under Clause 6.2.8 of TPS No. 3, the Council is required to advertise the Structure Plan within 60 days of it being received, which in this case is unlikely to be achieved. The Clause however, does allow the Council and the applicant to agree in writing to an extension of time.

In the circumstances, it would be desirable for the Council and the applicant to agree to an indefinite extension, related to the WAPC granting approval to advertise Amendment No. 3 to TPS No. 3, because at this time, it is not known when this will occur, but most likely beyond 60 days.

The WAPC should be advised of the Council decision.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*



4. Facilitating the needs of Your Community
- *"To facilitate and provide an optimum range of community services."*

**Budget/Financial Implications**

N/A

**Legal Implications**

The provisions of Clause 6.2 of TPS No. 3 apply.

**Community Consultation**

Clause 6.2.8 requires proposed Structure Plans to be advertised for a minimum of 21 days.

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

Nil.

**14.5 (MINUTE NO 1951) (OCM 18/03/2003) - PROPOSAL TO ESTABLISH A MARKET GARDEN - LOT 902 (327) WATTLEUP ROAD, WATTLEUP - OWNER: V & S CECIC - APPLICANT: JOE GIANOLI C/- SOUTHSIDE REALTY ON BEHALF OF QUANG GIAU LE & THI THAN TUC PHAN HOA TRAN (4411498) (CP) (ATTACH)**

**RECOMMENDATION**

That Council:-

- (1) approve the application to establish a market garden on Lot 902 (327) Wattleup Road, Wattleup subject to the following conditions:

Standard Conditions:

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".



4. Only wholesale sales being permitted from the premises or site.
5. The carrying on of the development must not cause a dust nuisance to neighbours.
6. The vehicle access and hardstand/parking area shall be constructed and maintained to the satisfaction of the Council, with stormwater disposed of on-site.

Special Conditions:

7. The application of sprays shall be in accordance with the "Code of Practice for the use of agricultural and veterinary chemicals in Western Australia" dated October 2002 – copy attached.
8. A solid screen fence 1.8m high shall be erected along the common boundary with Lot 901 Wattleup Road in the location identified on the attached approved plan.
9. A Nutrient and Irrigation Management Plan is to be submitted in accordance with the Department of Environment, Water and Catchment Protection requirements as described in the Water Quality Protection Note *Nutrient and Irrigation Management Plans* to the satisfaction of the Council.

Footnotes:

1. This approval is issued by the Council under its Town Planning Scheme, and approvals or advice by other agencies may be required, and it is the responsibility of the applicant to ensure that all other approvals/advice are issued prior to commencing development or use of the land, and a copy of the approval/advice should be provided to the Council.
2. The development is to comply with the *Environmental Protection Act 1986* which contains penalties where noise limits exceed the prescribed by the *Environmental Protection (Noise) Regulations 1997*.
3. A copy of the Water Quality Protection Note *Nurseries and Garden Centres* is attached for assistance in preparing the Nutrient and Irrigation Management Plan required in Special Condition 9.
4. The proposal is located within the Cockburn



Groundwater Area under the Rights in Water and Irrigation Act 1914. The proponent is encouraged to contact the Allocation section of the Department of Environment, Water and Catchment Protection at the Kwinana Peel Region Office for more detailed information on water licensing as it relates to this property.

5. The applicant s reminded of the Local Law 5.10 of the *City of Cockburn (Local Government Act) Local Laws 2000*, which states:

*An owner or occupier of land or premises, from which any sand or dust is released or escapes, whether by means of wind, water or any other cause, commits an offence.*

(2) issue a Schedule 9 Notice of Determination on Application for Planning Approval and an MRS Form 2 Notice of Approval valid for 24 months to the applicant; and

(3) advise those who made submission of the Council's decision.

**COUNCIL DECISION**  
 MOVED Clr N Waters SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Rural
	DZS:	Rural
LAND USE:	Dwelling an shed on rural pasture land	
LOT SIZE:	1.9431ha	
USE CLASS:	Use not listed	

**Submission**

It is proposed to re-establish a commercial market garden on the subject property. It is understood from the applicant that the property had been used as a market garden for about 27 years, but which ceased operating approximately 2 years ago. Under Town Planning Scheme No.3, a fresh development application is required in order for the market garden to re-establish.





It is proposed to cultivate about 1.8ha of the site and grow the following crops:

- Snow peas
- Capsicums
- Chinese vegetables
- Swedes
- Turnips
- Beetroots
- Tomatoes.

The applicant has submitted that pesticides and fertilizers will be applied to the land, but in minimum quantities recommended by suppliers to minimise groundwater contamination. There is an existing water bore on site.

The operation will entail the use of tractors, rotary hoe, tractor-mounted forklift, utility vehicle and/or truck to transport the produce to buyers. It is also possible the applicant may wish to establish a cool store in the future, but no further information on this matter has been provided.

The property is currently the subject of an offer and acceptance, with the transfer pending on the outcome of this process.

The application documents and site plan are contained in the agenda attachments.

### **Report**

The application was advertised for comment whereupon 6 submissions were received, of which three were received late. One submission opposed the application, while the other submissions did not, but raised issues for the Council to consider such as the following:

- The potential for spray drift and impact on nearby properties;
- The potential for dust from farm equipment operation affecting nearby houses;
- The provision of on-site parking and the need for speed controls along Wattleup Road;
- The need for a Nutrient and Irrigation Management Plan to be prepared and possible amending of any existing groundwater license.

The submission opposing the application was on the basis that the current proposal “could cause implications on re-zoning of the land in the future and therefore cause problems for other land owners who wish to sell or develop”. The concerns expressed are not considered to be valid as Town Planning Scheme 3 was only recently gazetted and is



not due for review for another 5 years, at which time any re-zoning will be in accordance with any strategy the Council may have for the area.

Although the site is zoned "Rural" in the City's Town Planning Scheme No.3, the use defined as "Agriculture – Intensive" is inexplicably classified as a "use not listed". Fundamentally, it is considered that the market garden is an appropriate use for the zone, but that control needs to be exerted over the potential adverse effects the activity may have on the environment.

The following is an assessment of the potential environmental effects of the proposed market garden:

Dust and Spray Drift: The likelihood of a dust nuisance being generated once crops have been planted with reticulation operating is considered to be low. There is potential for dust to be generated however in the initial cultivation stage. In this regard, the Council's Local Laws include provisions on activities or businesses that emit dust, fumes, smoke, light or odour, with which the proponents will need to comply or face enforcement action.

The application of chemical sprays should be in accordance with the Agriculture WA "Code of Practise for Use of Agricultural and Veterinary Chemicals in Western Australia". Compliance with these best practise principles will minimise the likelihood of spray drift affecting other properties. This may be incorporated as a condition of approval.

Given the proximity of the market garden to the dwelling on the adjoining Lot 901 (321) Wattleup Road and the concerns raised in submissions, it is considered appropriate to require the construction of a solid screening fence along the common boundary as indicated on the attached plan.

Traffic: It has been indicated that approximately 4 truck movements could be expected to be generated per week. The site has a large, formed hardstand area in front of the existing shed, which is sufficient to accommodate truck manoeuvring and car parking. Adequate sight distance exists along Wattleup Road at the entrance of the site to ensure traffic safety will not be compromised.

Finally, if it is intended by the proponent to incorporate a cool store as part of this application, it is recommended they provide further information on the nature and effects of the cool store (such as the noise of cooling systems on nearby residents) for the Council to consider at or prior to the Council meeting that will decide this application.

In conclusion, it is recommended the application be approved subject to the conditions listed above.



### Strategic Plan/Policy Implications

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

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

The Planning Policies which apply to this item are:-

APD17          Standard Development Conditions and Footnotes

### Budget/Financial Implications

Nil

### Legal Implications

Nil

### Community Consultation

Application advertised for comment.

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

Nil.

- 14.6 **(MINUTE NO 1952) (OCM 18/03/2003) - CITY OF ARMADALE TOWN PLANNING SCHEME NO. 2 - AMENDMENT NO. 185 - ERADE VILLAGE CONCEPT - PT LOT 114 WARTON ROAD AND PT LOT 3 NICHOLSON ROAD, FORRESTDAL (9154) (VM) (ATTACH)**

#### RECOMMENDATION

That Council:-

- (1) receive the report;
- (2) support the City of Armadale Scheme Amendment No. 185 and



associated Structure Plan as proposed by Development Planning Strategies subject to:-

1. The Metropolitan Region Scheme Amendment No. 1028/33, which proposes to rezone the site from Rural to Urban being finalised by the Hon Minister;
2. The Urban Water Management Strategy (UWMS) prepared by the Department of Environment, Water and Catchment Protection being approved by the Environmental Protection Authority and Western Australian Planning Commission;
3. The proposed stormwater drainage and management techniques to incorporate principles of water sensitive urban design such as nutrient stripping basins;
4. The proposed buildings to be setback 10 metres from Warton Road and the setback area to be landscaped to provide a soft edge to the adjacent Resource zoned land in the City of Cockburn Town Planning Scheme No. 3;
5. The proposed service station located within the Commercial Precinct to incorporate Best Practice Environmental measures such as groundwater maintenance bores.

**COUNCIL DECISION**

MOVED Clr N Waters SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 8/0**

**Background**

The City of Armadale, in a letter dated 28 January 2003, requested comments from the City on a proposed Scheme Amendment No. 185 and associated Structure Plan for Pt Lot 114 Warton Road and Pt Lot 3 Nicholson Road, Forrestdale. The City of Armadale has called for public submissions, which close on 12 March 2003, which has been extended to the City of Cockburn to 19 March 2003.

The City of Armadale, in requesting comments on the proposed Amendment from the City of Cockburn, has provided a background to



the proposed development in particular the “ERADE Village”. The City of Armadale advises the following:

*“At its meeting of December 1999, Council resolved to approve the Masterplan for the proposed Education, Research and Development and Employment (ERADE) Village on Lot 114 Warton Road, Forrestdale. This proposal is located within the District Structure Plan for the Southern River, Forrestdale, Brookdale and Wungong, released in January 2001 by the Western Australian Planning Commission, and represents an integral component of the Forrestdale Urban Planning Area.*

*Since the Masterplan was approved, approvals have subsequently been issued for the development of 30 incubator units, and for an incidental café/deli to service the village.*

*The subject land portion proposed to be rezoned is included within the Metropolitan Region Scheme Amendment No.1028/33, which proposes to rezone the site from Rural to Urban. It is expected that the MRS Amendment will be finalised by late September 2002, which would permit rezoning of the site for urban purposes under the City’s Scheme.”*

### **Submission**

Development Planning Strategies (the applicant) proposes to rezone a portion of Lot 114 Warton Road and a portion of Lot 3 Nicholson Road, Forrestdale, from General Rural to “Special Use” and “Residential – Development Area”. The proposed rezoning will provide statutory controls for the City of Armadale’s TPS No. 2 for the development of the ERADE Village and neighbourhood centre.

The application proposes to incorporate the ERADE Village and neighbourhood centre within the same Special Use zone, incorporating a range of residential, commercial and other land uses, with the general positioning of land uses to be located through the proposed Structure Plan.

Attached to the Agenda is the proposed City of Armadale Special Use Development requirements and the ERADE Village Land Use Precinct Plan.

### **Report**

The proposed City of Armadale Scheme Amendment No. 185 is in essence a development in line with State and local governments initiatives for such a village, “ERADE Village”, which incorporates research and development facilities, main street commercial attributes and associated residential components, therefore there is no basis for the Council to oppose the proposal.



The subject land is incorporated within MRS Amendment No. 1028/33 as proposal No. 40 rezoning the subject site from Rural to Urban.

The proposed MRS Amendment was presented to the City of Armadale Ordinary Meeting in September 2001. At the meeting, the City of Armadale resolved to advise the WAPC that the City of Armadale supports the MRS Amendment 1028/33 and particularly proposal No. 40 for the CY O'Connor ERADE (Education Research and Development Employment) Village.

The extent of the MRS Amendment does not include the portion of Lot 114 containing the proposed ERADE Village Incubators and the existing Immunogenetics Research Foundation. However, it was considered that this portion should be included within the Special Use zone, as it is an integral component of the ERADE Village. Therefore the proposed Amendment No. 185 includes portion of Lot 114.

The TPS No. 2 Special Use zoning has been applied throughout the City of Armadale on sites which are zoned Urban and Rural under the MRS. The proposed Special Use zone seeks to ratify a use which has been approved over the site by the City of Armadale through the ERADE Village Masterplan. The Structure Plan associated with the proposed Special Use zone provides the ability to limit the establishment of uses to those which are compatible with the MRS Rural zoning.

It is understood that the development will generate an attractive Village Centre with all necessary residential convenience facilities such as medical centres, shops, restaurants etc, which will be of benefit to surrounding residents, including those residing in the City of Cockburn who live in proximity to the development.

The proposal is considered appropriate for the area, however there are some considerations from the City of Cockburn that need to be accommodated such as:-

- The City supports the amendment only when the MRS Amendment No. 1028/33 is finalised by the Hon. Minister for Planning and Infrastructure.
- The amendment area is outside the Jandakot Groundwater Mound Catchment, however the impacts of the stormwater drainage of the accommodation and associated buildings, tennis courts and ovals, within the Business Incubators Precinct are to be managed appropriately, incorporating principles of water sensitive design measures, such as inclusion of nutrient stripping stormwater basins to ensure the Jandakot Groundwater Mound is protected given its proximity (ie: 20 metres away to the closest building).



- Within the district of the City of Cockburn, residents along Warton Road enjoy a rural lifestyle with large setback areas incorporating dense vegetation. To ensure the resource area landscaped attribute of the area is maintained along Warton Road, the proposed buildings of the ERADE Village future nursery expansion should be setback 10 metres and not 7.5 metres from Warton Road as illustrated, in line with the Resource zone setback.
- In addition, the proposed service station located along the main street commercial precinct should be conditional with environmental measures (eg: Groundwater maintenance bores) to ensure the groundwater is protected.

The Council Planning Department supports the City of Armadale in only proceeding with the proposal when the Urban Water Management Strategy (UWMS) prepared by DEWCP has been approved by the EPA and WAPC.

As part of the scheme amendment, the City of Armadale will specify land uses classification for the Special Use zone for the proposal. The City of Armadale will also introduce additional uses to the Special Use zone such as "Convention Centre", "Research Facility" and "Short Stay Accommodation".

The Council's Planning Department does not have any objections to the proposed use classifications of the proposed amendment. However, the Planning Department provides the following consideration to the Research Facility use. The Research Facility use should be amended to include reference to incidental uses such as office, storage and shop sales as most Research Facilities will have those associated uses. To ensure the objectives of the Special Use zone and the Research Facilities are achieved, the City of Armadale should include a maximum floor area for incidental uses of the Research Facility use. Therefore the definition should read as:-

***"2. Research Facility: Premises used and designed for research purposes and may involve the keeping of animals for research purposes and may include incidental uses such as office, warehouse and storage to a maximum 25% of the total building area of the Research Facility."***

The Planning Department supports the City of Armadale's decision to adopt the proposed Structure Plan for public advertising, subject to the provision of additional information and details land uses and layout of the ERADE Village Centre.

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

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



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

The Planning Policies which apply to this item are:-

APD20	Design Principles for Incorporating Natural Management Areas Including Wetlands and Bushlands in Open Space and / or Drainage Areas
APD26	Control Measures for Protecting Water Resources in Receiving Environments

**Budget/Financial Implications**

Nil.

**Legal Implications**

Nil.

**Community Consultation**

N/A.

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

Nil.

- 14.7 (MINUTE NO 1953) (OCM 18/03/2003) - SINGLE DWELLING - R-CODES VARIATIONS - LOT 380 (44) KOORALBYN VALLEY CRESCENT, JANDAKOT - OWNER: GM & V BUKTENICA - APPLICANT: SUMMIT HOMES (5518149) (CP) (ATTACH)**

RECOMMENDATION That Council:-  (1) grant its approval for the development of a single dwelling (R-Codes Variations) on Lot 380 (No. 44) Kooralbyn Valley
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Crescent, Jandakot, subject to the following conditions:

**STANDARD CONDITIONS**

1. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
  2. Earthworks over the site and batters must be stabilised to prevent sand blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand is blown from the site.
  3. All stormwater must be contained and disposed of on-site.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval valid for 24 months to the applicant; and
- (3) advise those who made a submission of Council's decision.

**COUNCIL DECISION**

MOVED Clr N Waters SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Vacant residential land	
LOT SIZE:	518m <sup>2</sup>	
USE CLASS:	"P" Permitted	

**Submission**

The applicant proposes to erect a single dwelling on the subject land that fails to comply with the Residential Design Codes of WA (the "R-Codes") in the following respects:

- A portion of the garage is less than 4.5m from the front boundary;
- The garage parapet wall is located 5m back from the front boundary, instead of 6m;



- A portion of the dwelling is located closer than 1.5m from the southern side boundary.

A locality map, a copy of the site plan and elevations is contained in the agenda attachments.

### **Report**

Comments were sought from the potentially affected landowners, being Lots 379 (46) and 381 (42) Kooralbyn Valley Crescent.

The landowners on the south side (Lot 381) have no objection to the proposal, while concerns were received from the owners of Lot 379 to the north. The concerns relate specifically to:

- The proposed parapet wall being located forward of the house on the adjoining Lot 379, blocking views from that house and creating overshadowing;
- Requesting the parapet wall is shifted back to align with the master bedroom of the house on Lot 379 (i.e. approximately 12m back from the front boundary).

In response to the concerns raised, the proponents have submitted the following points to note:

- The irregular shape of Lot 380 has forced the basic design of the house to be long and narrow and has been built back against the longest boundary, being the common boundary with Lot 379. It is for this reason, the garage has been set forward of the home, thus reducing the setback to 4.1m at its closest point to the street.

City Officer(s) inspected the property and consider the following points are also of relevance:

- Lot 379 is on the north side of Lot 380, therefore concerns about overshadowing of Lot 379 are unfounded;
- The house on Lot 379 is setback on the site considerably more than it needs to be. The effect of 'enclosure' referred to in the submission is likely to be experienced on Lot 379 in any event, where the minimum R-Code setbacks are adhered to on adjoining land;
- Although the boundary parapet wall is located 1m closer to the street boundary than the R-Codes specify (at nil setback from the side boundary), the net difference in effect on streetscape and amenity of Lot 379 is minor.



- The constraints created by the shape of Lot 380 are such that justify varying the R-Codes on the basis that the following performance objective can be satisfied:

*“The setting back of garages and carports so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa”.* (Element 2, P3)

The degree of building encroachment along the southern side boundary setback is very minor (0.6m at one point) and the agreement of the affected owner has been obtained. Notwithstanding this, it is the officer’s opinion that granting a variation will not be inconsistent with the following performance objective:

*“Buildings setback from boundaries other than street boundaries so as to:*

- *Provide adequate direct sun and ventilation to the building;*
- *Ensure adequate direct sun and ventilation being available to adjoining properties;*
- *Provide adequate direct sun to the building and appurtenant open spaces;*
- *Assist with protection of access to direct sun for adjoining properties;*
- *Assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *Assist in protecting privacy between adjoining properties”* (Element 3, P2).

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

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

1. Managing Your City
  - *“To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.”*
2. Planning Your City
  - *“To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens.”*
  - *“To ensure that the development will enhance the levels of amenity currently enjoyed by the community.”*
3. Conserving and Improving Your Environment
  - *“To conserve the quality, extent and uniqueness of the natural environment that exists within the district.”*



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

The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions And Footnotes

**Budget/Financial Implications**

N/A

**Legal Implications**

Nil

**Community Consultation**

Comments provided by affected landowners.

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

Nil.

**14.8 (MINUTE NO 1954) (OCM 18/03/2003) - PROPOSED DEMOLITION OF JANDAKOT WOOL SCOURING BUILDINGS AND SITE REMEDIATION - LOT 1 & 5 PARKES STREET AND (NO. 1) PARKES STREET, JANDAKOT (4412998) (4313401) (MR) (ATTACH)**

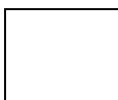
**RECOMMENDATION**

That Council:

- (1) grant approval to the demolition of buildings and remediation of the site known as Jandakot Wool Scourers at 29 Parkes Street, Jandakot subject to the following conditions:-

**STANDARD CONDITIONS:**

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No activities causing noise and/or inconvenience to



neighbours being carried out after 7.00pm or before 7:00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

4. The carrying on of the demolition and earthworks must not cause a dust nuisance to neighbours. The developer is required to submit a Dust Management Plan in accordance with the Council's Guidelines for the Preparation of Dust Management Plans for development sites within the City of Cockburn. The plan is to be approved by the Council's Principal Health Officer prior to the commencement of earthworks and complied with during the life of the development. The burning of vegetation is prohibited.
5. 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 Council in the event that sand or dust is blown from the site.
6. All stormwater being contained and disposed of on-site.
7. The applicant engaging a suitably qualified practicing Engineer to certify that the whole of the lot subject to earthworks is suitable for development to the satisfaction of the Council prior to applying for subsequent development approval and a Building Licence.

#### SPECIAL CONDITIONS

8. The removal of any soil or material deposited onto Hammond Road and Parkes Street being to the satisfaction of the City's Engineering Services.
9. The 1937 wool scouring plant (machinery) approx 2 x 8m being retained together with a plaque and relocated into a small building approved by Council, following the completion of earthworks. Explanatory text relating to history of the area must also be displayed.
10. No clearing of vegetation or earthworks is to occur within 50 metres of Lake Yangebup as depicted "in red" on the approved plans.
11. A maximum batter or slope of 1:6 being provided along the 50-metre perimeter described in special condition 10.
12. All contaminated soil and material must be removed from the site and disposed off in accordance with the



specifications of the Department of Environmental Protection, to the satisfaction of the Council.

13. A final report prepared by a suitably qualified Environmental Consultant must be undertaken to outline the suitability of the site for mixed business development following the completion of site remediation and earthworks.

(2) issue a Schedule 9 notice of approval accordingly.

**COUNCIL DECISION**  
 MOVED Clr N Waters SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban
	DZS2:	Mixed Business
LAND USE:	Existing Industrial Buildings and Settlement Ponds	
APPLICANT:	David Barnao & Co	
OWNER:	Jandakot Wool Scouring Co. Pty Ltd	
LOT SIZE:	27ha	
USE CLASS:	Demolition – Use not Listed	

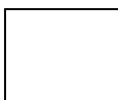
**Submission**

The applicant seeks approval from the Council to demolish the existing buildings and ponds to facilitate the environmental clean up of the site in accordance with the Department of Environmental Protection requirements.

The site remediation and earthworks are proposed over most of the 27ha site. Work involves the clearing of all vegetation from within the earthwork area and removal of topsoil to a stockpiled area. The volume of sludge to be excavated and respread as topsoil is 16,000m<sup>3</sup>. The volume of contaminates to be removed from the site is 5,000 m<sup>3</sup>.

In the works specifications, the contractor is required to limit the movement of equipment and manpower to the minimum area necessary and protect all vegetation elsewhere on-site.

Dust control includes the following dust suppression measures:-



Typical Working hours are:-

- Monday to Friday 7.00am – 4.30pm
- Saturday 7.00am – 1.00pm
- Watering carts are capable of watering the whole of the works area including haulage roads and stockpiles. Provision has been made for extra water carts if necessary.
- Wind fencing is to be installed along Parkes Street, Hammond Road and Yangebup Road before the start of clearing.
- Cessation of works may occur due to strong wind conditions at the direction of the Superintendent and suppress dust as far as possible;
- Following completion of works, the topsoil is to be respread and the surface stabilised with hydromulch.

## Report

The Jandakot Wool Scourers is a place that has been entered onto the City's Municipal Heritage Inventory as having historic, scientific and social significance. The wool scouring started on the site in 1927 and more recently, was decommissioned and relocated to the Kwinana Industrial Heavy Industrial strip. The Management Category of the Site is "C" which simply stated:-

*"Retain and conserve if possible: endeavour to conserve the significance of the place (historical, economic and social) through the provisions of the Town Planning Scheme: more detailed Heritage Assessment to be undertaken before approval given for any major redevelopment or demolition: photographically record the place prior to any major redevelopment or demolition. Possible future relocation has been suggested."*

In accordance with the above requirements, the City's Heritage Architect was engaged to undertake a more detailed heritage assessment of the place. The following summary was provided:-

*"The site is of social significance to the area.  
The buildings generally are typical industrial style extended and modified considerably mainly built over the years 1980-90.*

*There appears to be no reason why they should not be demolished.*

*It is suggested that:*

*The 1937 wool scouring plant (machinery) approx 2 x 8m should be retained together with a plaque.*

*The machinery could fit in a small building, or be part of a larger one when the site is developed. Explanatory text relating to history of the area could be displayed around it."*



The proposed demolition of the wool scouring buildings was also advertised for public comment in a display advertisement in the local newspapers circulating in the district. No submissions of objection were received.

There are no objections to the redevelopment of the site from a planning viewpoint, subject to the above heritage recommendation being implemented and the protection of fringe lake dependant vegetation that is not subject to the removal of contaminates.

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

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

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

### **Budget/Financial Implications**

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

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

Nil

## **14.9 (MINUTE NO 1955) (OCM 18/03/2003) - PROPOSED CONCRETE BATCHING PLANT - LOT 42 SPEARWOOD AVENUE, BIBRA LAKE (1105097) (MR) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) grant approval to the proposed concrete batching plant at Lot 42 Spearwood Avenue, Bibra Lake subject to the following conditions:-

#### **STANDARD CONDITIONS:**

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





3. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
4. The carrying on of the development must not cause a dust nuisance to neighbours. The developer is required to submit a Dust Management Plan in accordance with the Council's Guidelines for the Preparation of Dust Management Plans for development sites within the City of Cockburn. The plan is to be approved by the Council's Principal Health Officer prior to the commencement of earthworks and complied with during the life of the development. The burning of vegetation is prohibited.
5. 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 Council in the event that sand or dust is blown from the site.
6. All stormwater being contained and disposed of on-site.
7. Stockpiles must be screened from view of the street and surrounding development by existing and/or proposed screen walls and proposed vegetation as approved by the Council.
8. A landscaping plan must be submitted to the Council and approved prior to applying for building licence and shall include the following:- (1) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area being in conformity with the City of Cockburn Greening Plan; (2) any lawns established; (3) any natural landscaped areas to be retained; (4) those areas to be reticulated or irrigated; and (5) verge treatments.
9. The verge area being landscaping to a minimum of a grass standard, reticulated and maintained to the satisfaction of the Council.
10. The landscaping installed in accordance with the approved detailed landscaping plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
11. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a



suitably qualified practicing Engineer, to the satisfaction of the Council.

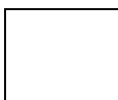
12. The parking bays, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the Council.
13. Access onto the site shall be restricted to that shown on the plan approved by the Council.
14. An approved effluent disposal system to the satisfaction of the Council's Health Service and/or Department of Health must be installed prior to the occupation of the site.

#### SPECIAL CONDITIONS

15. The proposal must comply with the State Government Sewerage Policy for the Perth Metropolitan Region, by the provision of reticulated sewerage to service the lot at the cost of the applicant.

#### FOOTNOTES

1. The proposal must comply with the State Government Sewerage Policy for the Perth Metropolitan Region, by the connection to reticulated sewerage to service the lot at the cost of the applicant, when the service becomes economically available.
2. The development is to comply with the requirements of the Building Code of Australia.
3. This approval is issued by the Council under its Town Planning Scheme, and approvals or advice from other agencies may be required, and it is the responsibility of the applicant to ensure that all other approvals/advice are issued prior to commencing development or use of the land, and a copy of the approval/advice should be provided to the Council.
4. The proposed septic installations must comply with the requirements of the Government Sewerage Policy and the *Health Act 1911*. Application for approval of the



construction of septic tanks is to be made to the Council's Health Service.

(2) issue a Schedule 9 notice of approval accordingly.

**COUNCIL DECISION**

MOVED Clr N Waters SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Industry
	DZS2:	Industry
LAND USE:	vacant	
APPLICANT:	Walter Lukic	
OWNER:	P.M.R Quarries Pty Ltd trustee Company for WA Limestone	
LOT SIZE:	1.07ha	
USE CLASS:	General Industry (Licensed)	

**Submission**

The applicant seeks approval from the Council to develop a concrete batching plant on the site. The plant is intended to produce pre-mixed concrete. The process involves the weighed batch of cement, sand and aggregates, which is then transferred into trucks with the required amount of water added.

The applicant provided the following additional information:-

- The land is situated within the Bibra Lake Industrial Estate adjoining the Cocos Drive Industrial Park. The area is a developing general industrial estate. There are two other pre-mixed concrete batching plants developed in the estate including one directly opposite the subject site.
- The batching plant will use the latest industry standards, which will result in the development of a clean industry.
- The plant will employ in the order of 8 to 10 employees.



- The batching plant will be about 19 metres high. Its narrow construction will not dominate the skyline of the lot and is similar to existing operations in the area.
- The plant is subject to the requirements of the Environmental Protection (Concrete Batching and Cement Products Manufacturing) Regulations 1998, that stipulates amongst other things, the minimisation of dust, product storage, cement silo cleaning systems, control of waste water and disposal of waste. This is a separate works approval to the development application. The proponent acknowledged that they must meet all statutory and environmental obligations.

### **Report**

The proposal is a General Industry (Licensed) use, which is not permitted unless the Council exercises its discretion by granting its approval. Accordingly, the Council can approve the proposal (with or without conditions) or refuse the proposal. The use is a Prescribed Premises – (Category No 77 in Schedule 1 of the Environmental Protection Regulations 1987 (page 59) – Concrete Batching or Cement Products Manufacturing. The proposal therefore must comply with environmental management practices outlined by the applicant.

The City's Environmental Health Services assessed the proposal and consider that the main issues relate to dust, noise, waste water and solid waste.

#### Dust

Dust is a major issue, particularly since the prevailing winds from the southwest will push dust in the direction of Spearwood Avenue. The applicant must submit a dust management plan indicating how dust will be controlled through from the deposit of sand, aggregate etc. in the production bins, through to the batching process and then the removal from the site. Furthermore they will have to include dust suppression methods for dry production remaining in-situ.

#### Noise

The applicant needs to be aware of noise emissions which may emanate from the site during working hours. The position of the proposed development is approximately 1km from the nearest residential premises, however measures need to be undertaken to minimise noise impact on surrounding businesses. From past experience, the majority of noise complaints relating to batching plants were relating to the starting times, scraping of loader buckets along the asphalt when picking up aggregate and heavy vehicles entering and leaving the site where the premises was much closer to a residential area (200m). It is expected that there will not be any adverse impacts associated with noise being received to the closest residential area.



Waste Water

The applicant is incorrect in the statement that reticulated sewer is available to the property. The Water Corporation advised the City that the site is not connected to sewer and is not within any of the proposed sewer conversions for the next 5 years (ie up to 2008).

The State Government Sewerage Policy for the Perth Metropolitan Region 1995, contains specific measures to place greater emphasis on reticulated sewerage as a means of eliminating the health and environmental risks posed by septic systems both in Perth to assist in orderly development and redevelopment of land.

While the Government acknowledges that there have been improvements in the technology associated with on-site wastewater treatment, reticulated sewerage remains the most reliable and environmentally acceptable means of wastewater disposal. It also provides flexibility to accommodate changes in land uses. It is recommended that the site be connected to sewer when this service becomes economically available.

The applicant has proposed to employ between 8 to 10 people on site. An effluent disposal system comprising of two septic tanks and two six (6) metre leach drains are sufficient for up to 10 people in most cases.

Waste water from the batching works conducted on-site, including washing of machinery, trucks etc. is not permitted to enter the on-site effluent disposal system. A separate system must be installed on-site to cater for the volumes of process waste water envisaged.

Solid Waste Water

Solid waste generated from the process will most likely be inert waste which should not cause any odour but should be screened from view.

Town Planning Scheme No 3

The proposal complies with the requirements of TPS3 in respect to car parking, landscaping etc.

**Strategic Plan/Policy Implications**

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

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



**Budget/Financial Implications**

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

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

Nil.

**14.10 (MINUTE NO 1956) (OCM 18/03/2003) - PROPOSED SINGLE HOUSE - LOT 205 (NO. 10) RICHARDSON ROAD, COOGEE (3317083) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

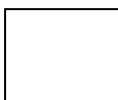
- (1) request the applicant to amend the proposal to reduce the finished floor level of the ground floor to FFL 10.55 and reposition the house to a front setback of 5.5 metres average;
- (2) upon submission of amended plans complying with (1) above, delegate authority to the Principal Planner to approve the proposal for a single house – Lot 205 (No 10) Richardson Road, Coogee, subject to the following conditions:-

**STANDARD CONDITIONS:**

- 1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
- 2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- 3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
- 4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7:00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

**SPECIAL CONDITIONS**

- 5. The ground floor FFL to be reduced to 10.55 and the front setback being reduced to a minimum of 5.5 metres.



6. Issue a Schedule 9 notice of approval accordingly.

FOOTNOTE

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

**COUNCIL DECISION**

MOVED Cllr L Humphreys SECONDED Cllr V Oliver that Council:

- (1) request the applicant to amend the proposal to reduce the finished floor level of the ground floor to FFL 10.55 and reposition the house to a front setback of 5.5 metres average measured from the front wall of the house;
- (2) upon submission of amended plans complying with (1) above, delegate authority to the Principal Planner to approve the proposal for a single house – Lot 205 (No 10) Richardson Road, Coogee, subject to the following conditions:-

STANDARD CONDITIONS:

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7:00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

SPECIAL CONDITIONS

5. The ground floor FFL to be reduced to 10.55 and the front setback being reduced to a minimum of 5.5 metres measured from the front wall of the house.
6. Issue a Schedule 9 notice of approval accordingly.



## FOOTNOTE

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

**CARRIED 8/0****Explanation**

The minor change to sub-recommendation (1) and Special Condition 5. should assist all concerned in retaining some views.

**Background**

ZONING:	MRS:	Urban
	DZS2:	Residential R20
LAND USE:	Existing Dwelling	
APPLICANT:	Zorzi Builders Pty Ltd	
OWNER:	Joseph Negulic	
LOT SIZE:	1023m <sup>2</sup>	
USE CLASS:	Single House "P" Permitted	

**Submission**

The applicant seeks approval from the Council to demolish the existing dwelling and redevelop the property with a new residence. The applicant requested preliminary approval from the City's Building Services prior to the gazettal of the new Residential Design Codes on 4 October 2002. The applicant states:-

*"The proposed floor levels have been achieved because of the proposed undercroft garage. The design of the front facade is to give a two storey appearance from Richardson Road, the rear swimming pool/terrace area has been raised to give access from the main living area's to the rear yard. The terrace area has been lowered from the ground floor level to reduce the impact on affected neighbours."*

The applicant has provided the following comments which have been summarised in support of the proposal:-

- In absence of a local planning policy or scheme provisions, the Council should have regard to the desired height of buildings in the locality as outlined in the performance criterion of the Codes (3.7.1).
- Prior to the Residential Design Codes, it was not uncommon for the Council to approve three storey residences.





- There is no effect on the direct sun to buildings and open spaces, daylight to major openings to habitable rooms or access to views of significance which is the performance criteria in this instance.
- The building would be 10.85m (not 13m) above natural ground level as the objector at 12A has stated. There is only 1.9m above the building height controls of the Codes.
- The building setbacks for all boundaries complies with the Codes so there is no requirement to move it closer to the street.
- The objection based on loss of views from 12A has no credibility as their residence is located to the eastern side of the adjoining lot and looks down a common driveway to the west. Whether it was a two storey house or three storey house at 10 Richardson Road, it would have the same effect on their property.
- The impact of the southern wall is reduced because the wall would be recessed to the upper floor, when combined with the driveway from the adjoining residence, the setbacks are about half of the width (10.4m to 11.9m) to a residential block from residence to residence. With these setbacks, it is considered that the protection of views enjoyed by the neighbours has been achieved.
- The applicant has also outlined an extensive background to submitting plans to Council on 28 August 2002, before the new Residential Design Codes were gazetted and the numerous discussions held with City Officers since then.
- The applicant believes that the performance criterion has been achieved and is consistent with the desired building height in the locality. It is requested that the Council grant planning approval for the residence on the above basis.

A copy of the applicant's submission is attached to the report and should be read in conjunction with this report.

The submitted plans were amended following further consultation with Council Officers (refer to the attachment).

### **Report**

Council has the discretion to either approve the proposal (with or without conditions) or refuse the proposal.

The subject property is situated on the west side of Richardson Road, and has a pleasant aspect overlooking Cockburn Sound. The property contains an existing single storey residence that would be demolished in place of a two-storey residence with an undercroft garage. The locality itself is characterised by large houses of single and two-storey



construction, with the desire for an increasing number of three storey houses.

The subject lot has a gradual slope to the rear, with a cross fall from RL 9.98 on the left front corner to RL 8.54 in the left rear corner. The proposed undercroft garage with house above, effectively raises the finished floor level to RL 11.743 which is 3.2 metres higher than the lowest point on the property. As a consequence, the ground floor level of the house doesn't have a good ratio of "cut to fill". The undercroft garage by comparison, has an FFL of 9m being no more than 1m below natural ground level. The finished floor level of the adjoining houses is 10.55 and 9.84m (12A). An average floor level between the two houses would be 10.19 in comparison with 11.743 proposed.

The Residential Design Codes were recently gazetted on 4 October 2002. The City has been advised by the Western Australian Planning Commission that all planning approval and building licence applications lodged with the City prior to 4 October 2002, but not determined by that date, are required to be determined under the new R-Codes. This is in accordance with the general principle of administrative law. That is the Council is required to make a decision in accordance with the laws that are in effect on the day the decision is made, not the laws that existed on the day the application was lodged.

The proposal represents a variation to the acceptable development requirements of Element 7 – Building Height Requirements of the Codes. Table 3 Category B Code requirements are outlined below:-

Table 3 – Extract Maximum Building Heights (i) Area		
	Required	Provided
Top of external wall (roof above) (ii)	6m	8.3m
Top of pitched roof (iii) (iv)	9m	10.9m

The applicant has sought approval for a variation of the acceptable development requirements. Council has the discretion to approve or refuse the building height variation. Critical to the determination of this proposal, is for the Council to have due regard to the performance objectives of the Codes as follows:-

“3.7.1 Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:

- *Adequate direct sun to buildings and appurtenant open spaces;*
- *Adequate daylight to major openings to habitable rooms; and*
- *Access to views of significance. “*

The proposal was referred to the surrounding neighbours for comment within 14 days. At the close of the submission period, three



submissions were received. Two submissions of objection were received and one submission of no objection. (12B Richardson Rd)

The concerns expressed by the side neighbour at 12A are summarised as follows:-

- The building height would exceed the requirements of the Codes and dominate over the adjoining living area.
- The performance criteria of the Codes identifies the need to protect the amenities of the adjoining properties where appropriate. The development would obliterate the views to Cockburn Sound and therefore does not comply with the Codes.
- The western portion of the ground floor is 2.5m above natural ground level which is unreasonable.
- Page 75 of the Codes requires designers to take into consideration the protection of views enjoyed by neighbours and in some cases, changing their designs which should be the case in this instance.
- The applicant should relocate the dwelling 5.5m from the front boundary (6m average) to increase the rear setback. This will preserve some views.
- Secondly the dwelling ground floor should be lowered to 1.25m above natural ground level. The height will still exceed the Codes but believe this is a fair compromise for both parties.

The objector had incorrectly stated that the house would be generally 12m high from natural ground level and up to 13m high but this is incorrect. (Refer to Table 3)

The neighbour at 9 Richardson Road expressed similar concerns as follows:-

- Excessive volume/scale, building will fill block and form a huge visual barrier, no garden or green relief.
- Over height limit. An exemption will encourage others and force/encourage those in the back rows to apply to maintain their current views.
- Residents have paid a premium for blocks knowing the height was restricted to 6m. If Council changes this, they are responsible for a huge loss in value of properties.

Views have not traditionally been a valid planning consideration unless these are contained within a town planning scheme. Part 10 of TPS3



doesn't include any provisions relating to the protection of views but does allow the Council to have regard to the following matters:-

- (i) *the compatibility of the development within its setting;*
- (o) *the relationship of the proposal to develop on adjoining land or on the other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.*

The height of the adjoining development is provided by comparison:-

	Residence at 12A Richardson	Residence at 8 Richardson	Proposed House
Top of external wall (roof above) (ii)	5.4m difference -2.9m	6.3m difference -2m	8.3m
Top of pitched roof (iii) (iv)	7.4m difference -3.5m	9.3m difference -1.5m	10.9m

From the above table, it is clearly demonstrated that the proposed house has a significant height difference from the adjoining development particularly from the grouped dwellings at 12A. The proposed building height has been justified on the basis that the proposal is consistent with the desired building height in the locality (2 and 3 storeys) but this is dependant upon satisfying the performance criteria of the Codes.

*Adequate direct sun to buildings and appurtenant open spaces:*

A significant shadow over 10 metres in width would be cast over half of the adjoining lot (12A and 12B) at 12 noon on 21 June (winter solstice). This will reduce direct sun to buildings and open spaces. The impact on open spaces would be mainly experienced along the common driveway but also in the front courtyard to 12A and 12B and ground floor windows.

The proposal also fails to comply with Element 9 – Design for Climate of the Codes where development in the South-west of the State is to be designed so that its shadow cast at midday, 12 June onto any adjoining property does not exceed 25% of lot Coded R25 or lower. A detailed check revealed that almost half of the southern adjoining lot (12A & 12B) would be in shadow and therefore the proposal fails to comply with this standard.

Adequate daylight to major openings to habitable rooms.

There will also be a reduction in the daylight at 12 noon, 21 June to the ground floor habitable rooms to units 12A and 12B.



Access to views of significance

The proposal also doesn't take into consideration the impact on the loss of views from 12A which is a valid consideration based on page 75 of the Codes which state:-

*"Because views are an important consideration of amenity enjoyed by people in certain areas, designers should take into account the desirability of protecting views enjoyed by neighbours and, in some cases, modify the design of dwellings accordingly."*

*"While the Codes cannot guarantee the protection of views, Council's may exercise a degree of control by primary and secondary street setbacks and height controls – enhanced by Local Planning Policies as permitted under Element 2 and Element 7 respectfully."*

The loss of views from the neighbour on the opposite side of the road can't be maintained given that a two-storey house is an 'as of right' under the Codes. The increased height and bulk is a valid consideration however, where the building would be noticeably higher than the neighbouring houses.

The impact on the views to the adjoining owner at 12A and 12B is a reasonable proposition since their balconies are positioned in a manner that has an outlook down their common driveway and to the rear. Only a slight adjustment to building setback would maintain some of their current views that would be otherwise significantly diminished. This would not be at the loss of privacy to the subject lot. Views in this instance are a valid planning consideration since the adjoining development is designed and oriented to take advantage of its coastal outlook where adjustments to the proposed building can be made within the Codes. It is therefore appropriate and reasonable for the building to be positioned slightly closer to the front boundary to reduce the "funnel effect" of the extensive side boundary wall.

Conclusion

In the absence of any Council Policy, it is recommended that the proposal be modified by reducing the FFL of the ground floor to no higher than 10.55. The proposal should also be setback a minimum of 5.5 metres from the front lot boundary to maintain better coastal aspects to the side neighbours. These measures will reduce the building height and bulk on the side neighbours and reduce the impact on their current level of amenity. In doing so, the proposed building design will not be substantially affected only refined by the changes proposed.



### Strategic Plan/Policy Implications

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

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

### Budget/Financial Implications

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

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

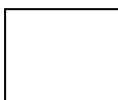
Nil.

**14.11 (MINUTE NO 1957) (OCM 18/03/2003) - PROPOSED STRUCTURE PLAN - LOT 458/501 (EASTERN PORTION) RUSSELL ROAD, SUCCESS - OWNER: IAN DAVIE (UNDER CONTRACT TO AUSTRALAND) - APPLICANT: TAYLOR BURRELL (9638D) (JW) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) adopt the proposed Structure Plan for Lots 458 & 501 Hammond Road, Success dated 12 December 2002, subject to the following:
  1. Modification of the plan to indicate the elimination of the proposed service road next to the existing Russell Road, and the adjacent development layout being amended to the satisfaction of the Director of Planning and Development.
  2. Modification of the plan to indicate the incorporation of the existing Russell Road as part of the proposed road network in the event that future Russell Road being constructed.
  3. Modification of the plan to indicate higher density housing in the vicinity of the proposed Mixed Business/R40 lots and public open space.
  4. The Structure Plan report being amended to reflect the above requirements.



- (2) request the applicant to explore the opportunity for rationalizing the public open space and the adjacent development layout by incorporating the drainage reserve 2054 Russell Road as part of the required POS provision;
- (3) advise the applicant that 8% public open space as proposed is accepted on the basis that the 2% cash in lieu is used to upgrade the adjoining reserve which Council proposes to have revested as a recreation area;
- (4) advise the applicant that the following requirements will need to be addressed through the subdivision process:
  1. The subdivider undertaking an assessment of soil conditions prevailing on the site to determine the extent and severity of any contamination that may have resulted from previous use of the land for market gardening and should contamination be evident, a Site Remediation and Validation Report shall be produced in consultation with the Department of Environmental, Water and Catchment Protection's Contaminated Site Branch.
  2. The subdivider shall prepare and implement a Drainage and Nutrient Management Plan for the subdivision, which shall be consistent with the South Jandakot Drainage Management Plan and the Environmental Management Programme for the South Jandakot Drainage Scheme, and the draft Southern Suburbs District Planning Area-Russell Road Arterial Drain Scheme Report prepared by David Wills and Associates.
  3. The subdivider shall prepare a Public Open Space Development and Management Plan, which needs to provide landscaping, earth works, drainage and public amenity facilities. The Plan should reflect the use of native plants.
  4. The road reserves and pavements widths to be designed in accordance with Council Policy APD30 – 'Road Reserve and Pavement Standards'.
  5. Groundwater availability in this region may be limited and it is suggested the applicant liaise with the Water and Rivers Commission in this regard.
  6. Subdivision proposals for the subject land will attract conditions requiring contributions towards the construction of Hammond and Russell Road in accordance with Development Contribution Plan 2

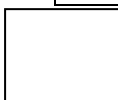
- (Success Lakes).
7. Detailed area plans are required to be prepared for all land indicated on the Structure Plan for Mixed Business development in accordance with the requirements of Council's Planning Scheme. In addressing these requirements, particular attention needs to be paid to the interface of commercial and residential development, land use control, relationship with Russell Road, local road design, traffic, pedestrian and cyclist safety, site access and other associated engineering requirements.
  8. Detailed area plans are required to be prepared for all laneway lots.
  9. Subdivision proposals for land adjacent to future Hammond Road and existing Russell Road will need to address noise and safety issues associated with these roads, given their role as designated freight routes.
- (5) adopt the Schedule of Submissions as contained in the Agenda attachment;
  - (6) request DOLA to change the vesting of that portion of reserve 2054 Russell Road not being acquired by Australand from Drainage to a reserve for Recreation and Drainage; and
  - (7) advise the Western Australian Planning Commission and those persons who made a submission of Council's decision.

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

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban
	DZS:	Development Zone and falls within Development Area 8, and Development Contribution Area 2.
LAND USE:	Vacant	
LOT SIZE:	6.3374ha	
AREA:	-	
USE CLASS:	N/A	





This report concerns a proposed structure plan prepared by Taylor Burrell on behalf of Australand Holdings Ltd for land located within the Success Lakes Development area. (See agenda attachment A for proposal location details).

The subject land falls within the Southern Suburbs District Structure Plan (SSDSP) Stage 1 area. The Structure Plan was submitted in December 2002 for consideration. Staff, acting under the delegated authority of Council (APD 42), determined that the proposal was suitable to be advertised for public comment.

### **Submission**

The submitted Structure Plan was prepared for the eastern portion of Lots 458 & 501 Hammond Road, Success. It proposes the development of a residential estate on approximately 6 hectares of land located north of the Frankland Springs Estate. (See agenda attachment B)

The structure plan area is primarily designated R20 residential uses, with the south-eastern corner designated Mixed Business/R40 in accordance with the Southern Suburbs District Structure Plan.

The structure plan proposal was advertised for public comment for a period of 28 days, with the comment period concluding on 7 February 2003. Owners of property near the subject land and various agencies and servicing authorities were invited to comment by letter. The local newspapers circulating in the locality carried advertisements of the proposal. A total of five submissions were received including comments from DPI, W&RC, Water Corporation, Alinta Gas, and Development Planning Strategies. A schedule of submissions and the recommended responses is included in the Agenda attachments.

Following the discussion between Council's planning officers and the proponent, a revised structure plan was received on 25 February 2003, which shows the inclusion of the additional areas of R25 in the vicinity of the Mixed Business/R40 and public open space (see agenda attachment C). Further modifications including the treatment and use of existing Russell Road and possible extension of POS on drainage land to the south were discussed on 27 February and need to be reflected on a revised Local Structure Plan.

### **Report**

The proposed Structure Plan is generally acceptable to the various agencies consulted and meets most planning criteria for a proposal of this type. There are however, two outstanding issues that require consideration as follows:



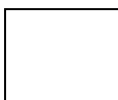
### Public Open Space Provision

The proposal provides 0.507 hectares of parkland adjacent to Council's existing drainage reserve in the south-western portion of the site, which equates to 8% of the nett subdividable area. The 8% POS provision is below Council's traditional requirement for 10% POS provision, which has been applied to the development of the adjoining sites (eg. Parkwind and Frankland Structure Plans) and other Council's development areas.

In the letter dated 25/02/2003, the applicant however indicated that it is prepared to contribute the additional 2% POS as cash in lieu with the funds contributing towards the development of the drainage reserve adjacent to the POS. The City considered this arrangement is acceptable given that there is a possibility to rationalise the required POS provision by incorporating portion of the drainage reserve as part of POS, and revert the remaining portion for Recreation purposes. Developing and upgrading the DOLA drainage reserve will optimise an opportunity to develop an integrated and high standard POS area at the corner of the future Hammond Road and Russell Road by incorporating the POS provided under the subject proposal, the drainage reserve 2054 and the proposed POS as shown in the adopted Frankland Spring Structure Plan. The City has conveyed its consideration to the proponent at the meeting held on 27 February 2003 and has requested the proponent further explore the opportunity to achieve a rationalized POS provision and development layout in consultation with the Council.

### Existing Russell Road

The advertised structure plan shows service road adjacent to the existing Russell Road to provide access to the future subdivision. This is based on the proponent's consideration of the current controlled access to the existing Russell Road, as the alignment and construction of the future Russell Road realignment is yet to be determined. Although Council officers support the controlled access to the existing Russell Road before realignment is constructed, it is strongly recommended that as a long term planning solution, the existing Russell Road be incorporated as part of the road network to provide a more rational movement network and land use plan. It should also be noted that the high voltage power lines along the road reserve restrict the chances of converting the existing Russell Road into other land uses in the future. It is therefore recommended the road layout be modified to eliminate the service road and, as the short term solution, the proposed north-south direction roads be extended to the existing Russell Road reserve and be closed as temporary culs-de-sac to provide the direct access to future subdivision. Appropriate landscaping and uniform fencing along the proposed lot boundaries abutting the existing Russell Road shall be provided as conditions during the subdivision process, to control the direct access to the existing Russell



Road. In the event that the future Russell Road being constructed, the existing Russell Road can then be incorporated into the movement network and provides direct access to the development area.

It is recommended that Council approve the subject Structure Plan with appropriate conditions related to the POS provision and service road issues detailed above.

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

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

2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
  
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - *To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
  
5. Maintaining Your Community Facilities
  - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

SPD4	'Liveable Neighbourhoods'
APD4	Public Open Space
APD20	Design Principles for Incorporating Natural Management Areas Including Wetlands and Bushlands in Open Space and / or Drainage Areas
APD28	Public Open Space Credit Calculations
APD30	Road Reserve and Pavement Standards
APD31	Detailed Area Plans



**Budget/Financial Implications**

N/A

**Legal Implications**

Nil.

**Community Consultation**

Advertised for public comment from 9 January 2003 to 7 February 2003 in local papers and adjoining owners and relevant authorities were sent letters advising the proposal.

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

Nil.

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

**15.1 (MINUTE NO 1958) (OCM 18/03/2003) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for February 2003, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Clr L Humphreys SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

**CARRIED 8/0**

**Background**

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

**Submission**

N/A



**Report**

N/A

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.

**15.2 (MINUTE NO 1959) (OCM 18/03/2003) - VARIOUS DEBTS - WRITE OFF (5651) (KL)**

**RECOMMENDATION**

That Council write off the following debts:

- (1) owed by West Coast Down Under Horizontal Boring, the sum of \$392.00; and
- (2) owed by Andrew Metes, the sum of \$685.20.

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

**COUNCIL DECISION**

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

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



## **Background**

Council's Auditors have, in the past, suggested that where all avenues for the recovery of outstanding debts have been fully examined and exhausted that those debts be removed from the Debtors Ledger.

## **Submission**

N/A

## **Report**

### West Coast Down Under Horizontal Boring

This debt relates to private works undertaken on request of the company to carry out concrete and bitumen reinstatements in Hamilton Hill. When the debt became overdue, the Debtor's Clerk was informed that the company was in liquidation under the administration of Clout and Associates.

A conversation with the liquidator revealed that they had resolved to wind the business up and no pay-outs would be received by the Creditors. Given that there is no chance of the money being recovered, the debt owing of \$392.00 should be written off.

### Andrew Metes

The debt incurred relates to Centenary Hall hire expenses from the month of June 2002 to September 2002, when Mr Metes finished using the Centenary Hall. He commenced usage of the hall in April 2002.

A letter was sent to Mr Metes giving him the City of Cockburn's bank account details so that he could deposit the money directly into Council's account, regardless of his location. The first and only payment received was on 12 September 2002, when he arranged for a total of \$300.00 to be deposited into the City of Cockburn's bank account.

When further attempts to chase payment from Mr Metes by phone calls and letters failed, the matter was forwarded to Dunn and Bradstreet. Their efforts to date have also been unsuccessful.

What makes this debt unlikely to be able to be recovered, is that the only contact telephone number available was Mr Metes' mobile number, which has now been disconnected. His service address was a post office box and there is no phone listing for him in the white pages, making it impossible to contact or trace him.

A total of \$150.00 which Mr Metes paid as a bond for use of the hall has been forfeited to the City of Cockburn.



The current arrangement for regular users of Council Halls is for invoicing to be done monthly. Regular users tend to be Community Groups or individuals offering a specific service such as Karate lessons. A flexible attitude is taken with user payments to minimise inconvenience and punitive action. A change to this arrangement will undoubtedly result in the number of community organisations and individuals having their rights to the use of halls revoked. There are numerous users of Council Halls and regularity of payments is closely monitored.

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

1. Managing the City  
*Managing the City in a competitive, open and accountable manner.*

### **Budget/Financial Implications**

Outstanding debts to Council totalling \$1,077.20.

### **Legal Implications**

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

### **Community Consultation**

N/A

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

Nil.

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

### **16.1 (MINUTE NO 1960) (OCM 18/03/2003) - ENTRY STATEMENT SIGNAGE/ARTWORK - PHOENIX ROAD, SPEARWOOD (2201177; 450005) (AC) (ATTACH)**

#### **RECOMMENDATION**

That Council:-

- (1) re-allocate \$33,670 (Account Number 5026) set-aside in the 2002/2003 financial year Budget, for the purpose of establishing reticulation in the median strip of Phoenix Road, to establishment of an Entry Statement sign/artwork in Phoenix Road, west of Stock Road, identifying the locality of Spearwood;

- (2) establish a contract between the City of Cockburn and the School of Art and Design Central Metropolitan College of TAFE to develop the design and install the selected design at the nominated site; and
- (3) nominate the Cultural Advisory Committee to recommend the sign of the entry statement.

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

**COUNCIL DECISION**

MOVED Clr L Humphreys SECONDED Clr I Whitfield that Council:-

- (1) re-allocate \$33,670 (Account Number 5026) set-aside in the 2002/2003 financial year Budget, for the purpose of establishing reticulation in Phoenix Road, to establishment of an Entry Statement sign/artwork in Phoenix Road, west of Stock Road, identifying the locality of Spearwood;
- (2) establish a contract between the City of Cockburn and the School of Art and Design Central Metropolitan College of TAFE to develop the design and install the selected design at the nominated site; and
- (3) nominate the Cultural Advisory Committee to recommend the sign of the entry statement.

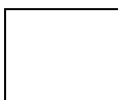
**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Explanation**

By not restricting the placement to just the median strip, allows staff the option to put the reticulation on the verge if necessary.

**Background**

At the time of budget preparation for the 2001/2002 Financial Year, \$40,000 was approved for the provision of a water source, irrigation and grassing to the median island of Phoenix Road from Stock Road to Rockingham Road. Subsequent investigation and preliminary planning for the project indicated that these funds would be insufficient for the purpose.





At the budget discussion workshop, there was a view expressed that an entry statement could be installed at the Stock Road/Phoenix Road intersection.

Construction of the entry statement artwork at the intersection of Stock Road and Phoenix Road was dependent upon approval being granted from Main Roads Western Australia, the authority that has jurisdiction over land at this location. On 12 November 2002, Main Roads Western Australia formally advised the City that its application to display artwork within the road reserve was declined.

Reasons given for declining the application were:

1. Stock Road is a high speed control access road with a large volume of traffic.
2. Artwork would distract motorists and also cause the vehicles to stop to allow pedestrians to walk around.
3. The art works do not appear to be frangible, the bricks may give way but the steel pipe bolted to the concrete footing appears to be a solid object.
4. The City of Cockburn already has an entry statement located in the road reserve at the intersection of Stock and Winterfold Road.

### **Submission**

N/A

### **Report**

As a consequence of Main Roads Western Australia declining to approve installation of the entry statement artwork at the intersection of Stock and Phoenix Roads, Officers from the City investigated alternative locations within the vicinity of the intersection that may be suitable. A site in the central median of Phoenix Road, approximately 100 metres west of the intersection with Stock Road, has been identified as a potentially suitable site for an entry statement sign/artwork. However, of importance to note is that the concept design for the original location is not suitable for installation at this site, because the land rapidly slopes away to the south.

Coincidentally, Mr. Tony Jones, a lecturer at the School of Art and Design Central Metropolitan College of TAFE, contacted the City during November 2002 and again in January 2003, seeking an opportunity for students to undertake a design and construct public art project as a part of their course study.



Mr. Jones proposes that a contract is established between the City of Cockburn and the School of Art and Design Central Metropolitan College of TAFE, for an Advanced Diploma group of students under his direction, in association with other staff experienced in public art, to have students:

1. Undertake research of Spearwood for the purpose of entry statement/signage background information.
2. Prepare a selection of designs based on a brief prepared by the City of Cockburn, which includes such things as budgets, project timelines, location in which the work is to be constructed, safety requirements, protection from vandalism, insurance, engineering requirements etc.
3. Make scale models of their designs.
4. Prepare presentation documents and make formal presentations of their designs in person (not more than five designs) to a selection panel nominated by the City.
5. Construct a single design selected by the City of Cockburn.
6. Install the selected design at the nominated site.

The proposal put forward by Mr. Jones affords an opportunity for the Council to choose a design from among a variety of presentations, assist students of public art in their educational pursuits and obtain a piece of public art for the cost of materials only.

Officers from the City support the proposal from Mr. Tony Jones, based on the Council's previous experience with his work. Mr. Jones is the artist that designed, constructed and installed the C.Y O'Connor statue at Point Catherine. In addition, the School of Art and Design Central Metropolitan College of TAFE has successfully undertaken similar projects for the City of Rockingham, Kings Park Board and the Shire of Wongan Ballidu, within the past three years. Telephone reference checks with these authorities indicated that they were satisfied with the outcomes achieved.

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

The proposal meets at least two objectives of the City's Strategic Plan.

#### **Planning your City**

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

#### **Conserving and Improving Your Environment**



To conserve the character and historic value of the human and built environment

### **Budget/Financial Implications**

The cost of the entry statement can be accommodated within the remaining funds of \$33,670 on the budget.

### **Legal Implications**

Nil.

### **Community Consultation**

N/A

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

Nil.

## **16.2 (MINUTE NO 1961) (OCM 18/03/2003) - TENDER NO. 01/2003 - PURCHASE OF THREE (3) 6 X 4 SIDE LOADING 23M<sup>3</sup> REFUSE COMPACTOR TRUCKS (4408) (GG) (ATTACH)**

### **RECOMMENDATION**

That Council, for Tender No. 01/2003 – Purchase of Three (3) 6x4 Side Loading 23m<sup>3</sup> Refuse Compactor Trucks,

- (1) accept the tender from Skipper Trucks, for the outright purchase of three (3) Acco F2350G/250 6x4 trucks with Wastemaster side-loading refuse compactor bodies, for a total price to Council of \$885,357 including GST, fitted with the options of,
  - (a) “Hendricks” HAS461C air bag suspension in lieu of 6 rod suspension with compatible weighing system for \$5,400 (incl GST), and
  - (b) third LCD camera for \$13,022 (incl GST);
- (2) accept the tender from W & P Truck and Machinery Sales for the outright sale of trade-in vehicles 7501, 7511 and 7531 for \$154,833 including GST; and
- (3) remove Plant Nos. 7501, 7511 and 7531 from the Assets Register.



**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

In the Major Plant Budget, there is a requirement to replace four (4) of Council's Waste Collection 4x2 side loading refuse compactors and the outright purchase of one (1) 6x4 side loading refuse compactor. With Council's decision to dispose of domestic waste at the new Resource Recovery Centre in Bannister Road, Canning Vale in July 2003, operational needs will require larger capacity trucks due to lead times and additional travelling distances involved.

It is recommended, rather than replacing the existing 4x2 side loading refuse compactors with same, to replace with three (3) 6x4 side loading refuse compactors, which will enable a larger carrying capacity. This will therefore provide a more efficient collection and disposal service. The fourth 4x2 side loading refuse compactor is not required to be replaced at this time.

Accordingly tenders were called.

**Submission**

At close of tender period, eight (8) submissions were received with various options as detailed in the summary table attached to the Agenda. Three of the submissions did not comply with the specifications. Two submissions were for outright purchase of trade-in vehicles.

**Report**

The most advantageous purchase to Council at this time, is from Skipper Trucks with the Wastemaster side loading refuse compactor with stated options at a total purchase price of \$903,779 including GST.

A weighted evaluation was carried out as per qualitative criteria in the tender. This involved Council's Fleet Consultant, Waste Services and Plant Departments to evaluate the whole of life costs, technical specifications, serviceability and operator suitability.

The top 3 collective weightings of the complying tenders are as follows:



Skipper Trucks (MacDonald Johnston body)	Skipper Trucks (Wastemaster body)	Major Motors (MacDonald Johnston Body)
83%	85%	72%

The air bag suspension with the weighing system is recommended to maximize payload, reduce the liability of overloading, reduce maintenance costs and provide a better operator/driver comfort.

The additional camera is required as a health and safety issue, as it allows drivers to focus attention forward rather than turning their head to locate bins.

The most advantageous outcome for all three (3) trade-in vehicles is as an outright sale to W & P Truck Machinery, at a total credit to Council of \$154,833, including GST.

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

To manage a fleet of plant and vehicles that contribute to the efficient operation of Council's services.

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

The replacement purchases as recommended can be accommodated within the current Major Plant Budget.

#### **Legal Implications**

Nil.

#### **Community Consultation**

N/A

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

Nil.

### **16.3 (MINUTE NO 1962) (OCM 18/03/2003) - STOCK ROAD TRAFFIC LIGHTS FILTER ARROWS - ANNUAL GENERAL MEETING OF ELECTORS (1247) (JR)**

#### **RECOMMENDATION**

That Council notes:-

- (1) filter turn treatments to the Stock Road intersections with



Spearwood Avenue and Yangebup Road by Main Roads WA as part of the National Blackspot Program are planned to be installed by 30 June 2003; and

- (2) Main Roads WA will be re-assessing the filter turn requirements of the Stock Road/Forrest Road intersection.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

The Annual General Meeting of Electors (AGM) was conducted on 4 February 2003.

**Submission**

At the AGM, the following resolution was carried:-

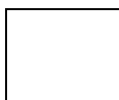
*“That Council meet with Main Roads as a matter of urgency to pursue the installation of filter arrows to the traffic lights at the intersections of Stock Road and Spearwood Avenue, Stock and Yangebup Roads and Stock and Forrest Roads.”*

Council notes the proposed signal modification works and re-assessment planned by Main Roads WA at the Stock Road intersections with Spearwood Avenue, Yangebup Road and Forrest Road.

**Report**

Main Roads WA have been contacted with regard to the resolution of the Electors Meeting and advised as follows:

1. The installation of right turn signal arrows on the eastern approach to the Stock Road/Spearwood Avenue intersection is programmed to be installed in May 2003 as part of the National Blackspot Program.
2. The installation of right turn signal arrows on the western approach to the Stock Road/Yangebup Road intersection is



programmed to be installed in June 2003 as part of the National Blackspot Program.

3. There are already right turn signal arrows for Stock Road traffic at the Stock Road/Forrest Road intersection. The introduction of right turn signal arrows for Forrest Road traffic will unacceptably reduce the level of service of the intersection in its current configuration. Notwithstanding this, Main Roads will be re-assessing the intersection to optimise the traffic signal operation and address safety issues.

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

N/A

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Section 5.33 of the Local Government Act, 1995, requires decisions made at Electors meetings to be formally considered by Council.

### **Community Consultation**

N/A

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

Nil.

## **16.4 (MINUTE NO 1963) (OCM 18/03/2003) - FRESHWATER PARK PLAYGROUND PROPOSAL (JS) (517953) (ATTACH)**

### **RECOMMENDATION**

That Council proceed with the design and installation of a playground at Freshwater Park Atwell.

### **COUNCIL DECISION**

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

**CARRIED 8/0**



## Background

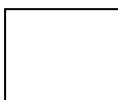
Council allocated an amount of \$20,000 on the 2002/03 Municipal Budget for the establishment of a playground at Freshwater Park, bounded by Hawkesbury Retreat, Lydon Boulevard, Paradise Green and Claire Gardens, Atwell. During question time at the Ordinary Council Meeting of 17 December 2002, a petition was presented with some 41 signatories objecting to the installation of playground equipment at Freshwater Park, Atwell and requesting for it to be maintained as a nature reserve with uninterrupted open space.

On 20 January 2003, the City issued a letter and survey form to 358 residents within a 400 metre walking distance of Freshwater Park, requesting comment and an indication of support of or objection to the proposal for a playground at the recreation reserve. (See Attachment 2)

## Submission

Of the 358 letters, the City received 95 (26.7%) responses. Of the 95 responses, 70 (73.7%) supported the proposal and 25 (26.3%) did not. Many of the response proformas were supported with detailed comments and letters. The following tables show the number and types of comments received.

<b>SUPPORTIVE COMMENTS</b>		
<b>COMMENT</b>	<b>Number</b>	<b>OFFICER RESPONSE</b>
Many small children in close proximity to the Park	29	See Attachment 1
Suggested rubber/synthetic turf under surfacing to reduce potential risk from sharp objects	8	Not accommodated in current 2002/03 Capital Works Budget
Vandalism and unsavoury behaviour is not a significant reason to not have the playground.	5	Staff are alerted to monitor this location
Can have a playground at no detriment to the bushland	5	Achievable under current management practices
Suggested items of equipment	4	Considered within design
Install practice goal posts and basketball ring	3	May be more suitable for another larger level location nearby
Install lighting to deter night time activity	1	Not warranted at this time
Locate closer to Lydon Boulevard	1	Not supported given traffic speeds on Lydon Blvd.





Use materials sympathetic with the bushland setting	1	Achievable in current budget allocation
Install 'no parking' signs	1	Not warranted at this location
Install shade structure over the playground	1	Not accommodated in current 2002/03 Capital Works Budget
Request for a dog poo bin	1	Not warranted at this location

<b>NON SUPPORTIVE COMMENTS</b>		
<b>COMMENT</b>	<b>Number</b>	<b>CITY'S RESPONSE</b>
Concern for night time activity	9	See Attachment 1
Spend the funds elsewhere (Lydon Boulevard POS or for older children)	9	Subject to a recommendation for Council endorsement
Locality sufficiently provided with playgrounds	8	See Attachment 1
Increased threat to conservation area	5	See Attachment 1
Parking facilities required	1	See Attachment 1
Risk of flooding	1	Data does not indicate a risk
Road safety issues may be exacerbated	1	See Attachment 1
Desire to retain uninterrupted views of the bushland	1	See Attachment 1

Seventeen (17) of the 25 objectors to the proposal live directly opposite the park on Paradise Green (7), Lydon Boulevard (5), Saint Claire Gardens (4) and Hawkesbury Retreat (1). The remaining 8 objectors reside in streets leading directly to (3) or set back two or three streets from (5) the park.

### **Report**

A 26.7% response to the survey is considered a good representative sample of the sample population. The Australian Bureau of Statistics recommend a 3-4% response as sufficient. Therefore, support for the playground is considered a majority (73.7%) response. To address some of the objectors concerns, it is recommended that the following be considered:

- The playground is installed at the optimum location within the park to reduce obstruction of residents' views, proximity to the roads and



proximity to the bushland, whilst under surveillance from a number of residences. This is most likely to be achieved at the north eastern end near the corner of Paradise Green and Saint Claire Gardens, within a low open grass area. It is usual practice for the City to install an advisory sign at the site of the proposed playground allowing residents to provide feedback to the City regarding the appropriateness of the location and any design considerations.

- The Rangers and Parks Field Staff are alerted to monitor and report all incidences of vandalism and unsavoury behaviour, in order to deter events and ameliorate resident concerns.

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

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

5. Maintaining Your Community Facilities
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*

### **Budget/Financial Implications**

\$20,000 allocated on 2002/03 Municipal Budget for the establishment of a playground at Freshwater Park.

### **Legal Implications**

Nil.

### **Community Consultation**

Surrounding owners contacted by letter 20 January 2003 and asked for comments regarding this proposal.

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

Nil.

## **16.5 (MINUTE NO 1964) (OCM 18/03/2003) - PROPOSED TRAFFIC TREATMENT AT PROGRESS DRIVE, NORTH LAKE (450691) (SL) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) not proceed with the proposed budgeted traffic treatment at Progress Drive between Hope Road and Farrington Road, North



Lake;

- (2) consider in the 2003/04 budget, the installation of a footpath on the western side of Progress Drive between Hope Road and Farrington Road;
- (3) not proceed with the partial or full closure of Progress Drive near Hope Road; and
- (4) advise the respondents to the community consultation of Council's decisions.

#### **COUNCIL DECISION**

MOVED Cllr A Tilbury SECONDED Cllr V Oliver that this matter be deferred until the April 2003 Council Meeting to enable further consideration of this matter by Elected Members.

**CARRIED 8/0**

#### **Explanation**

The North Lake Residents Association has approached Elected Members seeking a deferral of the item to enable further consultation to be undertaken.

#### **Background**

Funds are available in the 2002/03 Budget for the installation of traffic measures in Progress Drive between Hope Road and Farrington Road. This is due to residents' requests and the prevailing traffic speed remaining high at 68km/h.

A proposal involving modifying the existing traffic calming devices was developed. The North Lake residents were consulted on the proposal.

The consultation involved:

- sending an explanatory covering letter, plans and questionnaires to the residents and owners of properties on Progress Drive;
- the same letter and plans were also displayed at the Spearwood and Coolbellup Libraries, and on Council's website; and
- information signs were erected on Progress Drive and the adjoining roads to alert motorists of the proposed modifications.



## Submission

N/A

## Report

A good response to the consultation was received. Many people telephoned, emailed and came to the Council Offices to request further information or to voice their opinions.

The results of Council's community consultation are as follows:

- A total of twenty-six (26) submissions were received from the suburb of North Lake - 9 in favour and 19 against.
- 12 out of the 19 not in support of the proposal requested that Progress Drive be fully or partially closed at the Hope Road roundabout.
- Half of the total submissions came from the householders in Progress Drive, in which 3 are in favour of the proposal and 10 against.
- The North Lake Residents' Association was in support of the proposal. In addition, it proposed to cul-de-sac Progress Drive and/or Hope Road and the provision of further dual used paths in Progress Drive.

A member of the North Lake Residence (sic) Support Group (NLRSG) (not the North Lake Residents Association), delivered leaflets to all residents of North Lake and arranged a meeting to discuss the "pros and cons" of the proposal. Council Officers were not made aware of or invited to attend this meeting. Following this meeting, a questionnaire was distributed to all North Lake residents by NLRSG. The City was not made aware of this until a few days after the distribution.

The results of the NLRSG's survey are that:

- A total of 21 responses were sent to Council instead of NLRSG, as no return address was specified in the survey – 8 in favour of the proposed traffic treatment and 13 against.
- 5 out of the 13 who are not in support of the proposal, requested that as an alternative treatment, Progress Drive be fully or partially closed at the Hope Road roundabout.

There are 26 submissions to Council's community consultation and the NLRSG's survey requesting the installation of a footpath on the western side of Progress Drive.



It is concluded that the majority of respondents:

- Do not support the proposed modifications/improvement to the existing traffic treatment in Progress Drive;
- Consider a more effective treatment would be to partially or completely close Progress Drive at the Hope Road roundabout; and
- Would like a footpath to be installed on the western side of Progress Drive, starting from Rossetti Court and linking to the bus stop in Farrington Road.

Despite there being 18 submissions to suggest a partial or full closure of Progress Drive at the Hope Road end, this cannot be interpreted as the wishes of the North Lake residents, as the City has not consulted the North Lake residents on this issue. Many residents rang to express their concerns about the closure of Progress Drive. They were assured that the City only consulted them on the proposed traffic calming treatment and not on the closure of Progress Drive, as the City has not recommended it.

Progress Drive is a scenic route. It should be kept open for all people to enjoy. Traffic calming measures should be used to encourage the general compliance with the speed limit, not road closure. Road closure does not solve the speeding problems as they occur along Progress Drive, not at the Hope Road roundabout. Furthermore, the elimination of through traffic does not guarantee the reduction of high prevailing speeds in Progress Drive.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Facilitating the needs of Your Community
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
3. Maintaining Your Community Facilities
  - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised"*



*standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*

### **Budget/Financial Implications**

There is \$50,000 in the current Budget for the capital work (CW2037). Should the project be cancelled, funds can be transferred to other projects. This could be considered during the next Budget Review.

### **Legal Implications**

Nil.

### **Community Consultation**

Residents in Progress Drive, North Lake were consulted on the proposal. Plans were also displayed at the Spearwood and Coolbellup Libraries and on Council's website and information signs were erected on Progress Drive and the adjoining roads to alert motorists of the proposed modifications.

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

Nil.

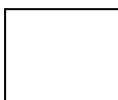
## **17. COMMUNITY SERVICES DIVISION ISSUES**

### **17.1 (MINUTE NO 1965) (OCM 18/03/2003) - RECREATION ADVISORY COMMITTEE MEMBERSHIP (8162) (AJ)**

#### **RECOMMENDATION**

That Council:

- (1) in accordance with Section 5.10 of the Local Government Act, appoint the following individuals as members of the Recreation Advisory Committee:
  - Elected Members: Cllr Alistair Edwards and Cllr Ian Whitfield
  - Recreation Services Coordinator: Adrian Jarvis (Advisor)
  - Sporting Representatives: Bret Gabrielson and Jack Monaco
  - Recreation Representatives: Andrea Morgan and Steven French
  - Community Representatives: Bill Wallington and Val Ellement
  - Aged/Disability Representative: David Troup
  - Youth Representative: Paul Bridle
  - Business Representative: No delegate appointed.



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

**COUNCIL DECISION**

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

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

**Background**

At the Ordinary Council Meeting of 15 January 2003, a new membership structure for the Recreation Advisory Committee was established to broaden the advisory capacity of the Committee.

**Submission**

The new structure is proposed as follows:

- Two (2) Elected Members
- Recreation Services Coordinator (Advisor)
- Two (2) Sporting Representatives
- Two (2) Community Representatives
- Two (2) Recreation Representatives
- One (1) Business Representative
- One (1) Youth Representative
- One (1) Aged/Disabled Representative

**Report**

All positions on the Recreation Advisory Committee (other than those of Elected Members) were advertised on 5 February 2002. Incumbent members were encouraged to apply. At the Ordinary Council Meeting of 15 January 2002, Cllr Ian Whitfield and Cllr Alistair Edwards' positions on the committee were confirmed.

At this stage, despite efforts by the committee, the Business Representative position remains vacant.

As a Business Representative has not been found to date, it has been decided to proceed in accordance with Section 5.10 of the Local Government Act 1995.



**Strategic Plan/Policy Implications**

Key Result Areas "Facilitating the needs of your community" refer.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

The positions for the Recreation Advisory Committee were publicly advertised and open to all members of the public.

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

Nil

**DECLARATION OF FINANCIAL INTEREST**

**Clr Waters and Clr Whitfield** declared a financial interest in Agenda Item 17.2. The nature being that they are employed by the Education Department of Western Australia (closely associated person) and property acquisition negotiations between Council and the Department are proposed in this item.

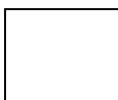
AT THIS POINT THE TIME BEING 8.29PM, CLR WATERS AND CLR WHITFIELD LEFT THE MEETING.

**17.2 (MINUTE NO 1966) (OCM 18/03/2003) - SOUTH LAKE LEISURE CENTRE OPERATING COST REPORT (8143) (SH)**

**RECOMMENDATION**

That Council:

- (1) reduce the current operating hours of the centre on weekends from 7.00am-6.00pm during the off peak season (April to October) to 7.00am-5.00pm;
- (2) reduce the current operating hours of the centre from 8.00am-7.00pm on selected public holidays from 10.00am-5.00pm;





- (3) Undertake an Energy Audit at the South Lake Leisure Centre to determine viable energy saving measures at the Centre;
- (4) seek to negotiate an Enterprise Bargaining Agreement for the South Lake Leisure Centre, which reflects the organisational requirements of the centre; and
- (5) consider in its future forward plans, funds to expand the gymnasium within the South Lake Leisure Centre through the acquisition of internal space currently shared with the Education Department.

### **COUNCIL DECISION**

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

- (1) reduce the current operating hours of the centre on weekends from 7.00am-6.00pm during the off peak season (April to October) to 7.00am-5.00pm;
- (2) reduce the current operating hours of the Centre from 8.00am-7.00pm on selected public holidays to 10.00am-5:00pm;
- (3) undertake an Energy Audit at the South Lake Leisure Centre to determine viable energy saving measures at the Centre;
- (4) seek to negotiate an Enterprise Bargaining Agreement for the South Lake Leisure Centre, which reflects the organisational requirements of the centre;
- (5) require the Chief Executive Officer to:
  - a) direct appropriate staff to commence negotiations with EDWA on the acquisition of shared internal space, to facilitate future expansion of the Centre's Gym;
  - b) ensure Elected Members are updated on the progress of negotiations referred to in 5(a) through *Elected Members' Information*;
  - c) consider funding future expansion of the Centre's Gym after negotiations referred to in 5(a) have been commenced.

**CARRIED 6/0**

### Explanation

Clause (2) corrects a typing error. Clause (5) outlines a logical process for expansion of the Centre's Gym.

### Background

At the Ordinary Meeting of Council held on 19 November 2002, Deputy Mayor Graham requested that a report be prepared outlining options available to Council to reduce the South Lake Leisure Centre's annual budget deficit. The report should:

- (a) include background information on the budget deficit;
- (b) group options as short, medium and long term; and
- (c) indicate the budgetary positions of leisure centres operated by comparative metropolitan local governments.

### Submission

N/A

### Report

As with all aquatic leisure facilities operated by local authorities, the South Lake Leisure Centre's operating expenses are subsidized. The following table demonstrates the actual financial position of the South Lake Leisure Centre over the past five years.

Area	97/98	98/99	99/00	00/01	01/02
<b>Income</b>					
Overhead	76258	64143	63619	74302	76650
Aquatic	299830	303566	281529	308095	302599
Swim School	238759	245290	273855	319628	301070
Fitness	205404	269271	329403	303495	329260
Program	239728	247812	270896	285694	257276
Kiosk	298396	323929	327903	291757	297316
<b>Total Inc.</b>	<b>1358375</b>	<b>1454011</b>	<b>1547205</b>	<b>1582971</b>	<b>1564171</b>
<b>Expenses</b>					
Staff Exp.	871284	949164	1086488	1134015	1110044
Utilities	212263	192267	166286	175797	199621
Office	40743	46339	49832	56812	60887
Building	173956	180458	183829	194541	221650
Other	89250	82381	111354	105014	74299
Kiosk	156159	169840	170428	158372	154881



<b>Total Exp.</b>	<b>1543655</b>	<b>1620449</b>	<b>1768217</b>	<b>1824551</b>	<b>1821382</b>
<b>Op.Loss</b>	<b>-185280</b>	<b>-166438</b>	<b>-221012</b>	<b>-241580</b>	<b>-257211</b>

The above table reflects the operating income and expenses of the South Lake Leisure Centre and is exclusive of depreciation, service provider and management charges. The donation to the Swim Club of \$100,000 per annum is included in the income. It is understood that most swim clubs operating from municipal pools are also subsidised.

### Income

From an income perspective, the Centre has seen an income increase of 15% (\$205,796) over the 5 years. Significant income increases have come from the areas of Fitness (60% increase) and Swim School (26% increase) over the same period. All other areas have tended to remain stable across the five-year period.

The stability of the Aquatic area reflects the casual nature of much of the income generated in this area. Income is largely weather dependant and increasing competition from the development of new and larger centres has meant that income increases have not resulted despite price increases each year.

As can be noted in the Program area, income has fluctuated over the period. This is due to various activities the Centre has undertaken, some of which cost more in wages than the income generated and were subsequently dropped.

The Kiosk is dependant on the core activity areas of the Centre for attracting customers to the venue. Consequently, the Kiosk income tends to be a reflection on the usage of the South Lake Leisure Centre.

An important factor when considering income, is the introduction of the GST in July 2000. This has had an adverse affect on increasing income trends as people find themselves paying significantly more for the same service. The Centre has seen that where people used to undertake more than one activity, they now participate in only one. The secondary spending has also been affected with fewer people willing to spend money at the kiosk or spending the same amount of money that is then reduced by the GST component.

### Expenses

The South Lake Leisure Centre has seen an increase in expenses of 18% (\$277,727). This has almost exclusively come from 2 areas, Staff Expenses and Building.

Staff expenses have increased by 27% (\$238,760) over the five-year period. This is a reflection of increases in staff wages, superannuation, workers compensation costs and the labour intensive nature of the



Leisure Centre. A staff restructure in 2001/2002 resulted in a decrease in Staff Expenses on the previous year despite EBA pay increases and additional superannuation contributions by Council.

Increases in Building Expenses have resulted primarily from increases in building maintenance and insurance. It is anticipated building maintenance costs will only increase in the coming years, as the Centre ages and more significant maintenance is required.

The stability of other expense areas demonstrates the regular reviews undertaken of the Centre's requirements and the best way to meet these requirements in the most cost effective manner.

#### Financial Performance of Other Leisure Facilities

The below table identifies four facilities and their respective financial performance last financial year. Other facilities were contacted but were not forthcoming with information. Figures are rounded to the nearest thousand. Expense figures are exclusive of depreciation and council allocated charges. A brief description of each facility follows the table.

#### Financial Performance 2001/02

	Altone (Beechboro)	Terry Tyzack Centre, Inglewood	Gosnells	Swan	Cockburn
Income	1,200,000	2,100,000	1,380,000	1,314,000	1,564,171
Staff exp	980,000	1,370,000	1,200,000	1,060,000	1,110,044
Power & Gas	191,000	500,000	174,000	139,000	199,621
Other Exp	354,000	500,000	394,000	545,000	282,537
Total Op Exp	1,525,000	2,370,000	1,768,000	1,744,000	1,821,382
<b>Profit/ Loss</b>	<b>-325,000</b>	<b>-270,000</b>	<b>-388,000</b>	<b>-430,000</b>	<b>-257,211</b>

Altone Park: Is a large multi use facility in the north eastern suburbs of Perth. The Centre has an indoor 6 lane 25m swimming pool, leisure pool space, spa & sauna, 3 stadium courts, 1 rebound court, gymnasium, aerobics studio, large function room with dance floor plus other multi purpose rooms.

Terry Tyzack Aquatic Centre: Is located in Inglewood. The Centre has an indoor 8 lane 25m pool, separate leisure pool, spa & sauna, outdoor 50m pool and leisure pools, large gymnasium, aerobics room and a function room with full kitchen facilities.



Gosnells Leisure World: Features an 8 lane 25m pool, common water leisure pool, indoor slides, spa, sauna and steam room. The facility also houses a small fitness area and aerobics studio.

Swan Park Recreation Centre: Features two separate swimming pools. The lap pool is an 8-lane 2m deep competition pool kept at 26 degrees all year round. The leisure pool is used for a variety of aquatic activities that require the use of warmer water. The Centre includes a sports stadium with four multi use courts and a meeting room that is available for functions. The Centre also has a large tiled spa and sauna.

As can be seen from the table, the South Lake Leisure Centre has an operating deficit lower than all of the centres identified above.

It is acknowledged that it would be of benefit to have the number of entries per year for each centre to allow for a calculation of the level of subsidy per centre. Unfortunately other centres are either not prepared to provide this information or are only able or prepared to give an estimate of the number of entries per year. Any calculations made on this level of information is likely to be misleading and of little benefit.

### **Options for Reducing the Budget Deficit**

The Centre has only limited options for addressing the budget deficit. Recent staff restructures, renegotiation of maintenance contracts and renegotiation of gas tariffs have all led to more cost effective operation.

Options available to the Centre should be looked at from the perspective of increasing income and controlling expenses.

#### Short Term

In the short term, the Centre can attempt to increase income generation by raising its fees for use of the facility. However, it must be noted that the Centre can only increase its fees by a nominal amount not likely to exceed 5% of the current service price, in order not to alienate its customers. Any increase will then only be in line with inflation increases and even then, given the increased competition in the market, is likely to reduce the patronage and only maintain income levels.

A second option would be to modify the Centre's opening hours, particularly on weekends and public holidays. It is recommended that for the majority of public holidays, the Centre reduce its opening hours to 10am – 5pm. This will see reductions in wage costs on heavily penalty-loaded days. Additionally, in the off-season for the facility (April to October), the Centre could change its weekend opening hours to



7am – 5pm, as the Centre experiences only very low usage after 5.00pm. These changes could be expected to save the Centre \$4,000 per annum which comprises savings in staff wages. In a test two month period during the off peak season, only one member regularly used the facilities and would be affected by the proposed change to off peak hours.

A final short-term initiative could be to remove the South Lake Skate Park and all associated costs, from the South Lake Leisure Centre budgets. This would result in a saving of up to \$7,000 per year in maintenance and vandalism expenses.

It should be commented that increasing income in areas such as Swim School and Programs is not viable to put forth as an option. Increases in income in these areas will only result from an increased market size and gradual program growth. This will happen naturally as the developments down the length of the Freeway increase the Centre catchment population, and improvement in the demographics of the area result in more people with discretionary money to spend on the services offered by the South Lake Leisure Centre.

The replacement of the pool bowl will generate an estimated \$40,000 in savings in a full year due to a significant reduction in water loss and the saving on the cost associated with the heating and treatment of the additional water.

#### Medium Term

The South Lake Leisure Centre has three medium term options for reducing the budget deficit.

Firstly, there is an increasing market for gym and fitness facilities in the area. The option exists for the City of Cockburn to negotiate with the Education Department to acquire the Health Education room currently shared by both the Centre and the School. This area could then be used to expand the Gymnasium. The Centre predicts that, in time, it would be able to increase the membership base by 600 people with the additional space available. This would equate to an increase in income of over \$220,000 per year. Naturally, operating expenses would increase but only by an estimated \$35,000 per year. It is estimated that the capital costs for acquiring the room, modifying the space and purchasing the equipment would be \$350,000. In real terms, this is less than a two-year payback once the membership numbers have been realised.

Secondly, there is still potential to achieve energy reductions at the Centre. The City of Cockburn could conduct an energy audit of the South Lake Leisure Centre and identify energy saving options for consideration. Further to this, items with a 3-year pay back or less could be adopted depending on financial viability.



Finally, the staffing of the South Lake Leisure Centre sees the staff employed under a variety of award agreements and negotiated rates. Staff are currently employed under the LGO award, MEU award, Tea Rooms and Restaurants award. Additionally, separate negotiated rates are in place for Swim Teachers, Course Instructors, Fitness Instructors, Gym Attendants, Cleaners and Umpires.

The above arrangements see some staff paid loading rates for weekends and work after 7pm, while other staff are not entitled. Currently, weekend reception staff can be paid more than \$28 per hour while Coordinators who are in charge of the facility may only be paid less than \$22 an hour.

Given that the Leisure Centre's opening hours are from 5.30am – 10.30pm on weekdays and that the facility is open seven days a week, conventional Council Awards lead to inequity in staff wages and have resulted in greatly inflated staff costs. People choosing to work in the Leisure Industry are aware of the working times when approaching positions and should not receive greatly inflated hourly rates for working in their chosen area.

There is the potential for a Centre based award or agreement to be developed that will bring equity to staff pay rates and ensure that all staff are paid suitable rates for the work being done, rather than greatly inflated rates for working the standard operating hours of a leisure facility. The development of this award will allow all Centre Staff to be covered under a recognised agreement and will pay people according to the work they do and the responsibility their position requires.

### Long Term

It must be realised that the South Lake Leisure Centre has a finite lifespan. Given that the facility has been built on Education Department land, it is unable to expand outside the existing building structure.

The population in the South Lake Leisure Centre's key catchment areas is increasing at 7.7% per year. Considering this, the City of Cockburn needs to examine the long-term ability of the Centre to adequately meet its resident's needs. It is unlikely that in 10 years time, the South Lake Leisure Centre will be able to suitably meet the needs of the City of Cockburn given the current Recreation and Leisure facilities in the City.

It is recommended to not extend the facility any further than the scheduled pool redevelopment and suggested gym redevelopment. Both of these measures are designed to allow the South Lake Leisure Centre to meet the current demands and needs of the City in the next five years, as well as improve the financial performance of the facility.



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

The report has sought to balance the following strategic objectives:

- To deliver services and to manage resources in a way that is cost effective without compromising quality.
- To facilitate and provide an optimum range of community services.

### **Budget/Financial Implications**

Details included in the body of the report.

### **Legal Implications**

N/A

### **Community Consultation**

Proposed changes impacting on the community will be publicly notified on a widespread basis prior to being implemented.

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

Council has previously resolved to provide and operate the South Lake Leisure Centre facilities. The facility is subject to competition from both private and publicly owned and operated facilities throughout the metropolitan area.

AT THIS POINT THE TIME BEING 8.30PM, CLR WATERS AND CLR WHITFIELD RETURNED TO THE MEETING.

## **18. EXECUTIVE DIVISION ISSUES**

Nil

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

Nil

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

Nil





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

**21.1 (MINUTE NO 1967) (OCM 18/03/2003) - COOGEE BEACH - ESTABLISHMENT OF CAFE/KIOSK - RESERVE 46664 - APPOINTMENT OF A PROJECT MANAGER (3319158)**

**COUNCIL DECISION**

MOVED Cllr A Edwards SECONDED Cllr I Whitfield that Council:-

- (1) call for tenders from suitably qualified and experienced Project Managers to manage the Coogee Café/Kiosk project in the Powell Road Reserve Coogee on a phased basis;
- (2) authorise the Chief Executive Officer to assess and appoint a suitably qualified and experienced Project Manager for the Coogee Café/Kiosk project; and
- (3) request the Chief Executive Officer provide a written report at the end of each phase to Council.

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

**Explanation**

Council, at its meeting of 18 February 2003, resolved to proceed with the planning and development of the Coogee Café/Kiosk. Having reviewed the time and work program and having regard to Council's resources, it is considered appropriate that the project be managed by a suitably qualified and experienced Project Manager. Given that there are a number of phases in the program and the need for Council's determination to proceed at each of these points, the appointment of the Project Manager should be on a phased basis and progress reports provided to Council.

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

Nil

**23. CONFIDENTIAL BUSINESS**

Nil



**24. (MINUTE NO 1968) (OCM 18/03/2003) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

MOVED Clr L Humphreys SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

**CARRIED 8/0**

**25. CLOSURE OF MEETING**

**MEETING CLOSED AT 8.36 PM.**

**CONFIRMATION OF MINUTES**

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

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

