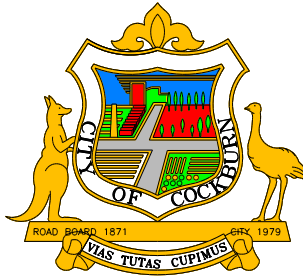


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

FOR

TUESDAY, 16 SEPTEMBER 2003

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 16 SEPTEMBER 2003 AT 7:00 PM

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 16 SEPTEMBER 2003 AT 7:00 PM

1. **DECLARATION OF MEETING**
2. **APPOINTMENT OF PRESIDING MEMBER (If required)**
3. **DISCLAIMER (To be read aloud by Presiding Member)**

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.
4. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)**
5. **APOLOGIES AND LEAVE ABSENCE**
6. **ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil
7. **PUBLIC QUESTION TIME**
8. **CONFIRMATION OF MINUTES**
 - 8.1 **(OCM 16/09/2003) - ORDINARY COUNCIL MEETING - 19/8/2003**

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Tuesday, 19

August 2003, be accepted as a true and accurate record.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

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

Nil

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

13. COUNCIL MATTERS

13.1 (OCM 16/09/2003) - MINUTES OF INTERNAL AUDIT COMMITTEE MEETING - 5 AUGUST, 2003 (5017) (DMG) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Internal Audit Committee Meeting held on 5 August 2003, and the recommendations contained therein be adopted.

COUNCIL DECISION

Background

A Meeting of the Internal Audit Committee was conducted on 5 August, 2003. The Meeting considered the Annual review undertaken by

K.P.M.G. and the interim Audit undertaken by Council's external Auditor, Barret and Partners.

Submission

N/A

Report

The Financial Compliance Review is in its final year of a four-year schedule and indicates a high level of compliance, with the Committee considering there were two matters of concern which require further attention through internal procedures. The Interim Audit identified some minor issues requiring attention for which affected staff have given assurances of full compliance by the time of the follow up (annual) Audit in October 2003.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

Legal Implications

Local Government (Financial Management) Regulation 5(2)(c) refers.

Community Consultation

N/A

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

Nil.

13.2 (OCM 16/09/2003) - AMENDMENTS TO THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (LJCD) (ATTACH)

RECOMMENDATION

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

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council on 17 June 2003, resolved to amend the City of Cockburn (Local Government Act) Local Laws 2000 to include a definition to bring Wattleup within the ambit of the Local Laws and to provide for improved licensing conditions on Hawkers, Stallholders and Street Traders, relative to insurances required by operators.

The requirements of section 3.12 (3) of the Local Government Act 1995, were satisfied by publishing two advertisements in The West Australian on 28 June 2003 and 5 July 2003.

Submission

N/A

Report

Although no submissions were received from the public following the public consultation period, the amendments to the Local Laws presented to Council in June 2003 have been administratively amended slightly by inserting before item 2, the Part of the Local Laws to which the amendment relates, along with the appropriate Division. Notwithstanding this, the Local Laws remain the same as presented to Council on 17 June 2003, and this inclusion does not significantly alter the Local Laws.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

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

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

Mobile Vendors licensed under Part VI of the Local Laws provide services in competition to local shop based businesses.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM 16/09/2003) - DEDICATION OF LOT 501 HAMMOND ROAD, BEELIAR AS ROAD RESERVE (4413976) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) pursuant to Section 56 of the Land Administration Act 1997, request that the Minister for Planning and Infrastructure dedicate Lot 501 Hammond Road, Beeliar to Road Reserve; and
- (2) indemnify the Minister for Planning and Infrastructure against any claim for compensation in respect of Lot 501 Hammond Road, Beeliar.

COUNCIL DECISION

Background

Lot 501 Hammond Road was purchased in March 2003 by the City to be added to the future Hammond Road Reserve.

Submission

N/A

Report

Lot 501 is within the future reservation of Hammond Road. Contributions have been made by subdividers in Beeliar in order to purchase land and construct Hammond and other roads. These funds were used to purchase this particular land parcel.

In time, Hammond Road will be upgraded to service the needs of the future residential area. Rather than hold the land as a freehold parcel, it is considered preferable to have it vested as a road reserve.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

14.2 (OCM 16/09/2003) - ROAD CLOSURE - PORTION OF PROUT WAY, BIBRA LAKE (451151) (KJS) (ATTACH)

RECOMMENDATION

That Council request the Minister for Planning and Infrastructure to close portion of Prout Way, Bibra Lake, pursuant to Section 58 of the Land Administration Act 1997.

COUNCIL DECISION**Background**

The owners of Lots 300, 301 and 121 have requested the road closures in conjunction with subdivisions of their land.

In 1999, in conjunction with the subdivision of land in the vicinity of Bramley Way, portions of Prout Way were closed and included in the residential subdivision. Only those portions of road required to be incorporated into the subdivision were closed. The total road closure advertised included those parts of Prout Way south of the subdivision and on the east side of Prout Way.

Submission

Allerding Burgess Planning Consultants have, on behalf of the owners, requested the road closures advertised that were not included in the 1999 subdivision.

The plan of the road closure required by the subdivision was prepared by the subdivision's consultant surveyor and did not include the full extent of the advertised closure.

Report

Department for Planning and Infrastructure Asset Management has requested that updated responses be sought from the service authorities and updated plans of the extent of the road closures. All of the service authorities have responded and plans drawn. Conditions sought by the service authorities will be addressed within the associated subdivision.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

14.3 (OCM 16/09/2003) - JANDAKOT AIRPORT SAFETY (1211) (WJH)

RECOMMENDATION

That Council:

- (1) receive the report; and
- (2) require the Principal Environmental Health Officer to prepare a further report to be provided to Elected Members through the Elected Members Info, upon receipt of the final Australian Transport Safety Bureau Report into the fatal aviation accident that occurred at Jandakot Airport on 11 August 2003.

COUNCIL DECISION

Background

On 11 August 2003, an aeroplane crashed at Jandakot Airport killing one person and injuring five others. The crash site was within the Airport property. The aeroplane caught fire and was attended by the FESA O'Connor Brigade, which is understood to have taken 13 minutes to arrive on the scene.

Submission

At its meeting of 19 August 2003, Council received a request from Mayor Lee as a matter to be noted for investigation without debate, to have a report prepared on safety issues at Jandakot Airport. In light of recent accidents, the report should address the lack of a fulltime fire

service at one of Australia's busiest Airports, manning hours in the Control Tower and any other issues of safety that may be pertinent to the users of the airport and the residents of the City.

Report

The primary authority for investigating the fatal aviation accident that occurred at Jandakot Airport on 11 August 2003, is the Australian Transport Safety Bureau (ATSB). There will also be a Coronial enquiry.

The ATSB is a Bureau within the Commonwealth Department of Transport and Regional Services (DoTRS). The ATSB's Director of Air Safety Investigation is responsible for the investigation of aircraft accidents, serious incidents, incidents and safety deficiencies within the aviation system.

The Civil Aviation Safety Authority (CASA) is another Commonwealth Government entity, which has responsibility for the safety regulation of civil air operations. CASA's role is to investigate regulatory breaches and to assist ATSB with its inquiry

Airservices Australia (ASA) is a Commonwealth Government business enterprise providing air traffic management, air navigation infrastructure services and aviation rescue and firefighting. ASA does not have a formal role in the investigation of the accident.

A Memorandum of Understanding exists between ATSB and CASA, which sets out the processes and actions to be taken to maximise aviation safety outcomes and enhance public confidence in aviation safety.

The Principal Environmental Health Officer has written to ATSB requesting:

- confirmation of timing of investigation reports into the accident;
- copies of the reports as they become available;
- statistical information regarding accident and serious incident rates at Jandakot Airport; and
- comparative data for similar airports elsewhere in Australia.

Verbal agreement has been given to forward copies of the reports, as they become available.

The ATSB recently released a draft report "Aviation Safety Indicators 2002: A report on safety indicators relating to Australian aviation" for public comment. The report and discussion papers are available on the internet at http://www.atsb.gov.gov.au/public/discuss/asi_2002.cfm.

This report finds that:

- *“Total activity in the general aviation sector, as measured by hours flown, was relatively flat over the decade, with no significant trends in any of the types of operation within the sector.”*
- *“There were 433 fatalities recorded in the general aviation sector from 1992 to 2002...”*
- *“The general aviation annual fatality rate (fatalities per 100,000 hours flown) was 49% lower in 2002 than in 1993, with 46 fatalities in 1993 and 23 in 2002.”*
- *“The general aviation annual accident rate (accidents per 100,000 hours flown) declined by 48% between 1993 and 2002.”*
- *“The general aviation accident rate (fatal accidents per 100,000 hours flown) declined by 54% between 1993 and 2002.”*
- *“The general aviation annual accident rate and the general aviation fatal accident rate were found to exhibit statistically significant declining trends.”*

The ATSB also publishes road fatality statistics. An analysis of available data shows that in the ten years between 1992 and 2001, (inclusive) 18,686 people died on Australian roads.

The following information has been provided by Jandakot Airport Holdings (JAH):

- Airservices Tower Hours:

May-August	0800 - 2000 hours
Sept – Apr	0800 - 2100 hours
- Circuit training hours:

Mon – Sat	0600 – 2230 hours
Sunday	0800 – 1800 hours
- JAH has in place an “Airport Emergency Plan” as required by the *Civil Aviation Safety Regulations 1998*.
- CASA carry out an annual airport safety audit, issuing audit reports and making recommendations for action.
- JAH as the Airport operator, carries out biennial Emergency Plan exercises, provides training to airport emergency agencies and operators and actively participates in the following safety related committees:
 - Jandakot Airport Emergency Committee
 - District Emergency Management Committee
 - Perth Airport Emergency Committee

The incidents recorded below eventuated due to either aircraft landing gear failure or failures during the landing and take off phase of operation. Major injuries to persons were sustained in only two of the reported crashes. Other incident categories, including full emergency and local standby, are not shown here.

<u>Year</u>		<u>Total Crashes</u>
1999	1	
2000	1	
2001	3	
2002	8	
2003	2	(1 fatality)

The Airport Rescue and Firefighting Service was closed effective from 30 June 1991. Verbal advice from CASA confirms that under the provisions of the *Civil Aviation Safety Regulations 1998*, there is no obligation for such a service to be provided at Jandakot Airport.

Jandakot Airport is covered by the Fire and Emergency Services Authority fire services.

Verbal advice from the State Department of Planning and Infrastructure indicates that they do not have jurisdiction over safety at Jandakot Airport, they do not have a position regarding safety at Jandakot Airport, nor do they have the expertise to assess or comment on safety at Jandakot Airport.

From the above it appears that:

- General aviation accident and fatal accident rates have fallen significantly over the past 10 years.
- Compared to the number of aircraft movements at Jandakot Airport, the crash rate is very low.
- The airport operations are subject to regulation and regular safety audits by CASA.
- The provision of Rescue and Firefighting equipment is in accordance with regulatory requirements.
- The fatality that occurred as a result of the accident of 11 August 2003, appears to be a very rare occurrence.
- ATSB and Coronial enquiries into the fatal accident of 11 August is underway.

It could be that the ATSB report may make recommendations that satisfy the Mayor's concerns in respect to a fulltime fire service, manning hours in the control tower and other related safety issues. Because of this, it is considered premature for Council to undertake these investigations.

Considering all of this, it is recommended that Council resolve to receive this report and require the Principal Environmental Health Officer to prepare a further report upon receipt of the final Australian Transport Safety Bureau report into the fatal aviation accident that occurred at Jandakot Airport on 11 August 2003. This report will be provided to Elected Members through the Elected Members Info.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Information collected from ATSB, JAH and CASA.

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

Regulation and control of aviation safety at Jandakot Airport and in the airspace above the City are the responsibility of the Commonwealth Government. Council activity in this area could be interpreted as inappropriate duplication of services provided by the Commonwealth Government.

14.4 (OCM 16/09/2003) - PROPOSED CONCRETE BATCHING PLANT - LOT 28; 57 HOWSON WAY, BIBRA LAKE - OWNER: CEPTRÉ NOMINEES PTY LTD & CAREW NOMINEES PTY LTD - APPLICANT: W LUKIC (4109349) (VM) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant approval for the proposed Concrete Batching Plant on Lot 28; 57 Howson Way, 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. Retaining wall(s) being constructed in accordance with a

suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.

4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
5. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the Council prior to the erection of any signage on the site/building.
6. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
7. A landscape plan must be submitted to the Council and approved, prior to applying for building licence and shall include the following:-
 - (1) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area being in conformity with the City of Cockburn Greening Plan
 - (2) any lawns to be established
 - (3) any natural landscape areas to be retained;
 - (4) those areas to be reticulated or irrigated; and
 - (5) verge treatments
8. The gradient of cut and fill batters within a development which is set aside for drainage to be retained in a natural state are not to exceed 1 in 3, comprise clean fill and be stabilised, and areas which are proposed to be grassed and maintained abutting a natural area are to be separated by a physical barrier to the specification and satisfaction of the Council.
9. The carrying on of the development must not cause a dust and smoke 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 Health Services prior to the commencement of earthworks and complied with during the life of the development. The burning of vegetation is prohibited.

10. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
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. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
13. An approved effluent disposal system to the satisfaction of Council's Health Service and/or the Department of Health must be installed prior to the occupation of any habitable building to be erected on the land. (Council's Health Service)
14. A minimum of one disabled carbay designed in accordance with Australian Standard 2890.1 - 1993 is to be provided in a location convenient to, and connected to a continuous accessible path to, the main entrance of the building or facility. Design and signage of the bay(s) and path(s) is to be in accordance with Australian Standard 1428.1 - 1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in conjunction with the Building Licence application.
15. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
16. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Council.
17. Access onto the site shall be restricted to that shown on the plan approved by the Council.

Conditions to be Complied with Prior to Occupation

18. The landscaping must be completed in accordance with an approved detailed landscape plan, prior to the occupation of any building.

19. Landscaping is to be undertaken in the street verge adjacent to the Lot(s) in accordance with the approved plans and be established prior to the occupation of the building; and thereafter maintained to the Council's satisfaction.

Special Conditions

20. The internal roadways to be sealed to Council's satisfaction to ensure dust emissions from trucks are not a nuisance.
21. The approval of the Environmental Protection Authority is required prior to development under the provisions of the Environmental Protection Act 1986.

Standard 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. Until the Council has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any such purpose.
3. The development is to comply with the requirements of the Building Code of Australia.
4. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
5. The operations should comply with all environmental standards as specified in any works approvals, licence, conditions of approval applied under the *Environmental Protection Act 1986*.
6. The Council takes no responsibility or liability in respect to maintenance and reinstatement of any verge area landscaped as a condition of approval.

7. 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*.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant accordingly; and
- (3) advise those who lodged submissions of Council's decision.

COUNCIL DECISION

Background

ZONING:	MRS:	Industrial
	TPS3:	Industry
LAND USE:	Concrete Batching Plant	
LOT SIZE:	2.4281ha	
AREA:	Approx. 1970m ² of site works	
USE CLASS:	Industry General (licensed)	

Submission

Council has received an application dated 7 July 2003, from the landowner(s) of the subject property, Ceptre Nominees Pty Ltd & Carew Nominees Pty Ltd, for planning approval to develop a concrete batching plant on the site.

The proposed development includes the following site works:

- Entrance to the site being gained from Howson Way. Provision of a wide driveway (approximately 11m wide) and bitumen crossover.
- Minor site works to create the necessary falls for process water and stormwater management.
- Significant retaining wall structures may be required along the Western boundary.
- Excavation for mass concrete footings for silo, hoppers and below ground sumps and compensating basins.
- The development of the eastern portion of the site with a concrete batching plant incorporating cement storage silos (up to 19m in height), weigh hoppers (with dust covers), water tank, conveyors for the mixing of cement, sand and aggregate.

- Ancillary structures including a slump stand, sumps, water tanks etc.
- Construction of product storage bins (tilt up concrete panels) with dust covers to 6m in height.
- A site office building incorporating a despatch office, lunchroom and toilet.
- Appropriate landscaping to Council requirements.
- Concrete seal portions of the site for vehicle and truck parking, loading and movements.

As part of the Development Application the applicant provided the following documents:

- Copy of Environmental Protection Authority Code of Practice 1991 – Concrete Batching Plants.
- Description of Concrete Batching Plant and elevation drawings.

Report

The application complies with the car parking, building setbacks, building height/scale, landscaping and amenity provisions of the Scheme.

Concrete batching or cement products manufacturing land use require a license under the Environmental Protection Regulations 1987. As a license is required by the Department of Environmental Protection, the proposed use falls within the Use Class Category of “Industry General (licensed)”.

The subject site is zoned “Industry” under the City of Cockburn Town Planning Scheme No.3. An “Industry General (licensed)” use is a “D” use within an Industry Zone under the Zoning Table of the Scheme. The Scheme specifies that a “D” use means that the use is not permitted unless the local government has exercised its discretion by granting planning approval. The application has been referred to Council for determination following receipt of submissions in objection from landowners of neighbouring properties.

The nature of the objections relate primarily to dust pollution from the concrete batching plant activities and the inappropriate location of the concrete batching plant in relation to existing neighbouring landuses, especially a grain storage premises and wool storage premises.

As part of the application the applicant prepared a Works Approval Application “Notice of Intent” and submitted to the Department of Environment (DOE) for approval as required by the legislation.

In addressing the concerns of dust pollution, the applicant has provided Council with a copy of the Department of Environmental Protection

Works Approval Application, which provides details on concrete batching dust management on-site. Verbal discussions between Council Health Services and staff of DOE indicate that the proposed concrete batching plant and dust management measures are acceptable in terms of the Environmental Code of Practice for Concrete Batching Plants. To date Council has not received a written response from the DOE in relation to the matter. However, DOE has advised that the proposed noise emissions from the Concrete Plant have been thoroughly addressed and that the proposed dust emissions should be no greater than the current use of the lot. DOE officers also advise that the Works Approval Application submitted is awaiting final approval.

To further explain the operations of the proposal with regards to the emission of dust from the operation, the applicant submitted a letter dated 2 September 2003 and this is attached to the Agenda.

Conclusion

As the application complies with the provisions of the City of Cockburn Town Planning Scheme No.3 and staff at the Department of Environment have verbally indicated that the proposal is acceptable, it is considered that the application can be conditionally approved, subject to conditions such as the implementation of a Dust Management Plan and the sealing of internal roads to address the impacts of dust and noise nuisance from the premises to adjoining properties. Given the above, the application is therefore recommended for approval with conditions.

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

The Council Policies which apply to this item are:-

APD17 Standard Development Conditions And Footnotes

Budget/Financial Implications

N/A

Legal Implications

N/A

Public Consultation

In accordance with the requirements of the Scheme, the proposal was advertised for comment in accordance with Clause 9.4.3. At the conclusion of the advertising period on 4 August 2003, five submissions were received, all objecting to the proposal. A copy of the submissions is included in the Agenda attachments.

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

Nil.

14.5 (OCM 16/09/2003) - NOMINATION OF FRANKLAND PARK (RESERVE 27057) WATTLEUP ROAD, WATTLEUP, AS A BUSH FOREVER SITE (4412178) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise the Department for Planning and Infrastructure Bush Forever Office that the City of Cockburn, being the responsible authority for the care, control and management of Frankland Reserve (R27057) agrees to the inclusion of Frankland Reserve as a Bush Forever site, subject to the Department for Planning and Infrastructure:
 1. acknowledging that an area of some 4.0 hectares in the south-eastern corner of the reserve is to be developed for active recreation purposes as and when the surrounding land is developed for residential purposes and this will not be affected by the inclusion of the Reserve as a Bush Forever site, given that 3.5 hectares in this location has already been cleared;
 2. agreeing to investigate the realignment of existing Frankland Avenue as shown in the Metropolitan Region

Scheme and the proposed future alignment of Rowley Road, such that these reserves do not impinge on Frankland Reserve, so as to maximise the conservation values of the land; and

- (2) advise landowners immediately adjacent to the reserve of Council's decision.

COUNCIL DECISION

Background

Council at its meeting held on 16 March 1999, considered a report on Bush Plan (now Bush Forever) and resolved to forward a submission to the then Ministry for Planning which provided comments on Bush Plan and nominated additional sites for consideration to be included in Bush Plan. Nominated additional Site 6 was the Frankland Reserve.

At its meeting held on 17 July 2001 (Item 14.13), Council considered a report on the application to mine sand within Frankland Reserve and a possible land exchange and resolved not to support any proposed exchange and to strongly object to the mining of sand within Frankland Reserve.

Council at its meeting held on 21 August 2001, again considered the question of sand mining in Frankland Reserve and resolved to reconfirm its strong opposition to the sand mining within the land and instructed its Solicitor, McLeod & Co, to represent the Council in the Mining Warden's Court to oppose the issue of a Mining Licence to Amity Holdings Pty Ltd to quarry sand from Frankland Reserve.

Council has not received any advice in respect to the determination of the mining application for Frankland Reserve.

Submission

The Bush Forever Office within the Department for Planning and Infrastructure has reviewed the proposed nomination of Frankland Reserve as a Bush Forever site and has concluded that the property contains bushland of regional significance.

The care, control and management of Frankland Reserve rests with the City of Cockburn and accordingly, the Bush Forever Office has sought

Council's formal agreement to include the reserve as a Bush Forever site. A copy of correspondence dated 26 July 2003, is included in the Agenda attachments.

Report

The following matters are pertinent in considering the nomination of Frankland Reserve as a Bush Forever site:

1. The nomination is in accordance with an earlier resolution of Council.
2. The nomination should be supported by local residents in the area. In response to the proposal to exchange Frankland Reserve for other land, the Frankland Reserve Community Committee in numerous letters, points out the recreational and conservation values of the land.
3. Planning of the future urban area around Frankland Reserve has identified the need for a 4 hectare active recreation area for development of playing fields and provision of clubroom facilities. The alternatives for this are to set aside a significant portion of a number of the private lots in the area which will necessitate difficult public open space provision arrangements, or the incorporation of the facility within Frankland Reserve.

Within Frankland Reserve there is an area in the south-eastern corner which has been previously cleared, that is of suitable size and of gentle grade, which has been identified as suitable for that purpose.

Given the need for an active recreation area and the suitability of a portion of Frankland Reserve, it is recommended that any acceptance of Frankland Reserve being nominated as a Bush Forever site be conditional upon this activity being acceptable.

The letter from the Bush Forever Office dated 26 July 2003, advises that more active recreation such as an oval located in an area that is completely cleared of native vegetation may be suitable if appropriately designed and managed to avoid impact on the surrounding regionally significant bushland. Council has a number of reserves which integrate both conservation and active recreation uses and it is considered that the management of the interface is not an issue.

4. Frankland Reserve has a total area of 24.28 hectares. Of that, an area of approximately 3.5 hectares has been cleared in the south-east corner, 1.5 hectares is reserved for the extension of Frankland/Hammond Road and 2.1 hectares is required for the future alignment of Rowley Road. Of the balance 17.18 hectares of

land which is considered to be of conservation value, this is severed by the current alignment of Frankland/Hammond Road, leaving 2 areas being 3.32 hectares on the west and 13.86 hectares to the east.

It is considered that if Frankland Reserve is to be retained substantially for conservation purposes as a Bush Forever site, that the alignments of Rowley Road and Frankland/Hammond Road should be realigned and not be allowed to encroach on the reserve. This would maximise the area for conservation, diminish edge impacts and contribute to the easier management of the land.

Rowley Road is not in the Region Scheme at this time and accordingly, urgent consideration should be given by the Department for Planning and Infrastructure to the repositioning of the road reserve to the immediate south of Frankland Reserve. Frankland Reserve is already in the Metropolitan Region Scheme and the Department for Planning and Infrastructure should be requested to initiate an amendment to the Region Scheme to relocate the road reserve to the west of Frankland Reserve. A sketch showing the possible realignment of Rowley and Frankland Roads is included in the Agenda attachments.

The proposed realignment of Rowley and Frankland Roads is a view shared by Mr Jim Scott MLC, who in writing in support of the Frankland Reserve Community Committee's stance against the proposed mining of Frankland Reserve, states:

"to ensure that the reserve gains the protection it deserves, consideration needs to be given to rezoning of the reserve and re-evaluation of road proposals in the vicinity of Frankland Reserve."

5. Inclusion of Frankland Reserve as a Bush Forever site would provide significant support to the City now and in the future in preventing the mining of the land for sand.

6. Conclusions.

It is recommended that Council support the nomination of Frankland Reserve as a Bush Forever site, subject to:

- (i) Agreement by the Bush Forever Office that the degraded area in the south-east corner be available for development as an active recreation area as and when the surrounding land is developed for residential purposes.
- (ii) The Department for Planning and Infrastructure support and initiate actions to realign the existing Frankland Avenue reserve in the Metropolitan Region Scheme and the

proposed reservation for future Rowley Road so as to avoid Frankland Reserve.

Strategic Plan/Policy Implications

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

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

The Council Policies which apply to this item are:-

Nil

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Nil to date. Extensive public consultation will be required as part of any proposal to realign existing Frankland Avenue in the MRS and TPS No. 3.

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

Nil.

- 14.6 (OCM 16/09/2003) - PROPOSED CHILD CARE CENTRE - LOT 1; 752 NORTH LAKE ROAD, SOUTH LAKE - OWNER: B & R INVESTMENTS (WA) PTY LTD - APPLICANT: LAND ALLIANCE PTY LTD (5515212) (JP) (ATTACH)**

RECOMMENDATION

That Council:

- (1) grant approval to the establishment and operation of a childcare centre for up to 72 children on Lot 1 (752) North Lake Road

South Lake, subject to the following 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. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer’s design and a building licence being obtained prior to construction.
5. The hours of operation are limited to 7am to 6pm Monday to Friday.
6. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
7. A landscape plan must be submitted to the Council and approved, prior to applying for building licence and shall include the following:-
 - (1) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area being in conformity with the City of Cockburn Greening Plan;
 - (2) any lawns to be established;
 - (3) any natural landscape areas to be retained;
 - (4) those areas to be reticulated or irrigated; and
 - (5) verge treatments.
8. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
9. 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 and designed on the basis of a 1:10 year storm event, to the satisfaction of the Council.

10. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
11. A minimum of 1 disabled carbay designed in accordance with Australian Standard 2890.1 – 1993 is to be provided in a location convenient to, and connected to a continuous accessible path to, the main entrance of the building or facility. Design and signage of the bay(s) and path(s) is to be in accordance with Australian Standard 1428.1 – 1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in conjunction with the Building Licence application.
12. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Council.
13. Refuse bins shall be provided adequate to service the development and the bins are to be screened from view to the satisfaction of the Council before the development is occupied or used.

Special Conditions

1. A masonry wall not less than 2 metres in height shall be constructed along the boundary with the adjoining Residential Zoned land as marked on the approved plan.

Footnotes

1. The development is to comply with the requirements of the Building Code of Australia.
2. 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.
3. Until the Council has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the

- purposes of the development herein conditionally approved and the land shall not be used for any such purpose.
4. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
 5. The development is to comply with the Environmental Protection Act 1986 which contains penalties where noise limits exceed the prescribed by the Environmental Protection (Noise) Regulations 1997.
 6. The development site should be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
 7. Uncovered parking bays shall be a minimum of 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant accordingly.
 - (3) advise those who lodged submissions of the Council decision.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3:	Mixed Business – Restricted Use 10
LAND USE:	Vacant land	
LOT SIZE:	8383m ²	
AREA:	426m ² building	
USE CLASS:	Child Care Premises (“D” Use)	

Submission

Council has received an application dated 23 April 2003, for planning approval to develop a childcare centre on Lot 1 (752) North Lake Road,

South Lake. Lot 1 is situated on the corner of North Lake Road and Rimmington Court, South Lake.

The proposed childcare centre is designed to cater for up to 72 children from ages 0 – 6 years with up to 11 staff on site. The design of the childcare centre facility has a domestic appearance and will be constructed in brick for the walls and zincalume custom orb for the roof. A total of 19 car parking bays are provided on site with landscape areas along the Rimmington Court frontage and also integrated within the development. The operational hours of the childcare centre would be the same as normal opening hours of childcare centres in Perth, being from 7am to 6pm Monday to Friday.

Initially, the applicant proposed the childcare centre to be located on the corner of Lot 1 with frontage to North Lake Road and access/egress from Rimmington Court. The design was amended following discussions between the applicant and Council Planning and Engineering Services, in particular, in relation to traffic planning and management for the future commercial development of the site as a whole and the anticipated future increase in traffic movement along North Lake Road. It was considered more suitable for the childcare centre to be relocated towards the rear of the site with frontage only to Rimmington Court. The reconfiguration of the childcare centre away from the North Lake Road frontage also addressed the safety and health of children attending the facility specifically in relation to noise and possible health implications associated with vehicle emissions. The amended plan also provides opportunity for an internal service road to be developed as part of the future commercial development of the balance of the site. The amended design reflects a better outcome for future traffic movement and flow on-site both in terms of traffic safety, in particular access/egress to and from North Lake Road.

A copy of the amended site plan, elevations and concept plan for Lot 1 are contained in the agenda attachments.

Report

Zoning

The subject site is zoned “Mixed Business – Restricted Use 10” (“RU10”) under the City of Cockburn Town Planning Scheme No.3. The provisions of RU10 do not prohibit the development of a “Child Care Premises” however, the “Design and Application Requirements” of RU10 specify certain restrictions and requirements for any development on the site. These are as follows:

- A masonry wall not less than 2 metres in height shall be constructed along boundaries with land zoned Residential.
- No vehicular access being permitted to Labyrinth Way.

- Preparation of a traffic and circulation study by a suitably qualified and independent consultant at the developer's cost, to the Council's satisfaction.
- Information of the possible impact of lighting and noise on the adjoining residences being submitted by the developer to the satisfaction of the Council.
- The development application being advertised for public comment to the satisfaction of the Council.

A "Child Care Premises" is a "D" use within a Mixed Business Zone under the Zoning Table of the Scheme. The Scheme specifies that a "D" use means that the use is not permitted unless the local government has exercised its discretion by granting planning approval. The application has been referred to Council for determination following receipt of submissions in objection from landowners of adjoining properties.

Community Consultation

The proposal was advertised for comment on two occasions due to changes in the location of the Child Care Centre on the site. At the conclusion of the advertising period, six(6) submissions were received, with two of those submissions objecting to the proposal. The following table is a summary of the submissions received:

Submitter	Objection/ Support/Neutral	Summary of Submission
E & T Petrone 1 Impson Gardens South Lake	No Objection	No Objection
F & L Ryan 6 Rimmington Court South Lake	No Objection	No objection provided a traffic study does not identify problems.
M Pollard Unit 2/13 Rimmington Court South Lake	No Objection	No objection provided parking does not spill into Rimmington Court.
N Mawson Unit 8/13 Rimmington Court South Lake	Objection	Development will lead to a significant increase in traffic. Increase in noise from facility and traffic would disadvantage shift workers' sleep patterns.
T Glen Unit 9/13 Rimmington Court South Lake	Objection	Child Care Centre would de-value surrounding properties and reduce the range of tenants.
E & O McGuire Unit 11/13 Rimmington Court South Lake	No Objection	No Objection

Compliance with Town Planning Scheme No.3

The application complies with the car parking, building setbacks, building height/scale, landscaping and amenity provisions of the Scheme.

The design requirements of RU10 are addressed as follows:

- *A masonry wall not less than 2 metres in height shall be constructed along boundaries with land zoned Residential.*

This requirement is included as a recommended condition of planning approval in which the applicant is to construct the wall to the satisfaction of Council.

- *No vehicular access being permitted to Labyrinth Way.*

No vehicular access is proposed to Labyrinth Way as part of the development proposal as shown on the concept plan accompanying the application.

- *Preparation of a traffic and circulation study by a suitably qualified and independent consultant at the developer's cost, to the Council's satisfaction.*

The applicant has engaged the services of Van Der Meer Consulting Engineers to provide a traffic impact study of the proposed development. The report demonstrates that the traffic attracted to the proposed childcare centre will have little impact on the surrounding road network. Analysis shows that the intersection of North Lake Road/ Rimmington Court will operate in an acceptable manner with the proposed development.

- *Information of the possible impact of lighting and noise on the adjoining residences being submitted by the developer to the satisfaction of the Council.*

It is considered that the child care centre will not have an adverse impact on surrounding residential land uses in regards to lighting as the operational hours are during the day and there is no night time activity proposed as part of the development.

The child care centre may generate noise at a level which exceeds that associated with normal residential land use from time to time. However, the requirement under RU10 in Schedule 3 (which is a recommended condition of town planning approval) to construct a masonry wall not less than 2 metres in height along boundaries with land zoned "Residential" should reduce the emission of noise

emanating from the childcare centre which may affect adjoining residential land use.

It should be noted that the subject site is zoned "Mixed Business – Restricted Use 10" and Use Classes permitted include Commercial Warehouse, Showrooms and Offices, Place of Worship, Restaurant, Health Studio and Medical Centre. Some of these uses could have the potential to generate more noise and traffic than the proposed childcare centre.

- *The development application being advertised for public comment to the satisfaction of the Council.*

In accordance with the provisions of the Scheme, the application was referred by Council to the landowners of surrounding residential properties not only in relation to the original plan submitted, but also for the amended development plan.

The application was referred to the Department of Planning & Infrastructure for comment in relation to the subject site having frontage to North Lake Road, which is reserved as "Other Regional Road" under the Metropolitan Region Scheme. The Department of Planning & Infrastructure has no objections to the proposed development.

Conclusion

The application complies with the provisions of the City of Cockburn Town Planning Scheme No.3. It is considered that the proposed childcare centre will not have a significant impact on traffic movements, safety and convenience and the childcare centre will not emit noise levels in significant excess of landuses which are permitted under the Scheme in a Mixed Business Zone,

It is considered therefore, that the application can be conditionally approved.

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

The Council Policies which apply to this item are:-

APD17 Standard Development Conditions And Footnotes

Budget/Financial Implications

N/A

Legal Implications

N/A

Public Consultation

Application advertised for comment.

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

Nil.

14.7 (OCM 16/09/2003) - PROPOSED AMENDMENT TO TOWN PLANNING SCHEME NO. 3 - LOT 501 TROODE STREET, MUNSTER - OWNER: HOTLAND PTY LTD (UNDER CONTRACT TO AUSTRALAND) - APPLICANT: ROBERTS DAY GROUP (9658; 3315202) (JW) (ATTACH)

RECOMMENDATION
That Council:

(1) adopt the following amendment:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME NO.3 (TPS3)

AMENDMENT NO. 9

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

Planning Scheme by:-

1. rezoning lot 501 Troode Street, Munster from 'SU 10 – Special Use' to 'DA 12 - Development Zone and Parks & Recreation Reserve' as depicted on the amendment map;
2. adding to the Eleventh Schedule – 'Development Areas' in the Scheme Text, 'Development Area (DA 12), Troode Street, Development Zone' and appropriate provisions as follows:-
 - (i) An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.
 - (ii) To provide for Residential development.
 - (iii) The provision of the Scheme shall apply to the zones and land uses classified under the Structure Plan in accordance with Clause 4.3 and 6.2.6.3
3. amending the Scheme Map accordingly.

Dated thisday of2003

Chief Executive Officer

- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed document together with the Structure Plan and report to the Environmental Protection Authority in accordance with Section 7 (A) (1) of the Town Planning and Development Act;
- (4) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission for consent to advertise;
- (5) advise the proponent that the buffer to the wetland at the entry off Troode Street is to be increased by reducing the width of the road to 13m and realigning the northern portion in line with the Southern portion.
- (6) advertise the proposed Structure Plan for Lot 501 Troode Street, Munster, subject to the Structure Plan being amended to the

satisfaction of the Director, Planning and Development, in accordance with the provision of Clause 6.2 of Town Planning Scheme No.3; at the same time as the advertising of Amendment No.9 to TPS3, with the closing date for public submissions being the same;

- (7) notwithstanding (4) above, the Director of Planning and Development may refer the Scheme Amendment to the Council for its reconsideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, to determine whether the Council should proceed or not proceed with the Amendment; and
- (8) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48A of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
- (9) advise the applicant of the Council's decision.

COUNCIL DECISION

Background

The owner of the Cable Water Ski Park is proposing to redevelop the land for residential development.

Submission

A submission has been received from Roberts Day on behalf of Australand to amend TPS3 for Lot 501 Troode Street, Munster. The Amendment proposes to rezone the land from 'Special Use' to 'Development Zone and Parks & Recreation Reserve'.

A draft Structure Plan outlining the future subdivision and development of the land has also been submitted to Council, together with engineering and environmental details to supporting the rezoning.

Extensive discussions have been undertaken between the City officers, representatives from environmental authorities, the proponents and Bowman Bishaw Gorham (BBG) environmental consultants in regard to some outstanding issues presented in the Amendment documents and

Structure Plan, with particular concerns on the environmental issues relating to the wetland and Bush Forever sites located on the western and southern portions of the land. The Structure Plan and Amendment map were amended following the discussions to seek Council's support to proceed with the TPS 3 Amendment (see Agenda attachments).

Report

Lot 501 Troode Street, Munster is zoned "Urban" under the Metropolitan Region Scheme and 'Special Use 10 – Private Recreation' in Schedule 4 of Town Planning Scheme No. 3. TPS3 restricts the use of the subject land to 'Water Ski Park'.

The subject land is approximately 14.4 hectares and contains the 'Cable Water Ski Park' consisting of two ski lakes and associated facilities. Wetland and Bush Forever Site No. 435 (approximately 33% of the land) are located on the western and southern portions of the site.

The applicant initially sought approval to amend TPS3 by rezoning the subject land from 'Special Use' to 'Development Zone' to facilitate future residential development as depicted in the Structure Plan and report received in May. As indicated in the Environmental Assessment Report prepared by BBG Environmental Consultants, the wetland to the south is protected by the Swan Coastal Plain Lakes Environmental Protection Policy and the wetland near the western boundary is a Resource Enhancement category sumpland (see agenda attachments).

The proposed Scheme Amendment and development proposal raised significant environmental concerns on the Bush Forever site and wetlands. A meeting was held on 18 July 2003 between representatives from the Bush Forever Office, the Water and Rivers Commission and the City in order to achieve a consistent and considered response to the proposal. At the meeting, general agreement was made between Bush Forever Office and WRC that the Resource Enhanced Wetland (REW) boundary is taken as the current Bush Site boundary given that the original wetland boundary as indicated on the Water and Rivers Commission maps is no longer relevant because of the extensive clearing and earthworks undertaken on the site altering the topography.

It was also indicated that the classification of the wetland is likely to be upgraded from Resource Enhancement to Conservation Category Wetland, given that it supports regionally significant bushland recognised in Bush Forever. As such a 50m fully revegetated buffer will be required along Bush Forever boundary between the development and the wetland. The Structure Plan was considered inappropriate as it indicates the development directly abutting the edge of the wetland vegetation without addressing the required 50m buffers.

The City has conveyed this consideration to the proponent after the meeting and requested the proponent further explore the opportunity to achieve the required buffer and minimize the potential impact on the wetland from the development, in consultation with the Council and relevant environmental agencies.

Further discussions have been undertaken between the City officers, the proponent and environmental consultants from BBG in regard to various issues, with particular concerns on the above mentioned wetland and buffer issues. A site inspection was also undertaken to gain a better understanding on these issues. The proponent subsequently amended the TPS Amendment map and document as well as the Structure Plan, and submitted them on 29 August 2003 to seek Council's support.

The revised TPS3 amendment map indicates rezoning of the subject land from 'Special Use' to 'Parks & Recreation Reserve' for the Bush Forever site and 'Development Zone' for the balance. City officers support the inclusion of the Bush Forever site and wetland area as "Parks and Recreation", which will give statutory force to protect the environmental values present on site.

The originally submitted Structure Plan provided minimal wetland buffers. Subsequent to discussions with the City the lot layout and road network were amended to provide an increased buffer albeit still less than the normal 50 metres. The proposal also intends to utilise a portion of the cleared Bush Forever site at the southwest corner of the lot for grouped housing development (see Agenda attachments). The proponent has argued that the proposal was considered reasonable for ceding approximately 33% of the land (Bush Forever site) for conservation and undertaking to rehabilitate approximately 1.5ha of the site as part of the development.

An Environmental assessment was undertaken by Council's Environmental Officer providing comments on the manner in which the proponents delineate the wetland boundary and the development layout. The assessment shows that the reduction of buffer distance will increase the risk of degradation of the respective elements of the wetland and ultimately this could threaten the prospects of upgrading this wetland to Conservation Category and/or may require significant resources from the City in the long term to protect the identified environmental values of the wetland. The identified values are as follows:

- part of a regionally significant wetland system in regard to the saline influenced vegetation associations;
- part of a Nationally and Internationally significant wetland system in regard to the calcite and dolomite muds and the mineralisation processes occurring within the wetlands;

- the wetlands are likely to be visited by birds protected.
- The heteroform vegetation complexes within the wetland contain *Melaleuca raphiophylla*, *M.cuticularis*, *Suaeda australis*, *Juncus kraussii* and *Gahnia grifca*;
- The wetland also provides a visual amenity of remnant vegetation and seasonal open water.

In light of the assessment it is considered that a 50m buffer to minimise the risk of weed invasion and protection of bird habitat, and a 10 – 50m buffer to improve aesthetics and as a barrier against inappropriate values of the wetland is required. However, if these buffer distances are to be reduced in the development, the proponent should prepare and implement comprehensive planning and environmental protection strategies and methods to minimise the risk to the wetland from the proposed development. Notwithstanding this, it is recommended that the alignment of the entry road off Troode Street be modified as the current plan provides no buffer. The minimum acceptable would be for this section of the road to be moved in an easterly direction so as to be in line with the southern portion of the road. The road reserve width should also be reduced to 13m marginally increasing the width of the buffer.

It is recommended the environmental assessment will be made available to the proponents, and the Structure Plan and report be amended subject to further consideration by the proponent to demonstrate that the development will achieve the desired environmental merits. The Structure Plan and report will also need to be reviewed and amended accordingly to address other planning issues such as road network, laneway development, POS provision and drainage issues etc. in consultation, and to the satisfaction of the Director, Planning and Development before the proposal be advertised for public comments.

It is recommended that TPS3 amendment for Lot 501 Troode Street, Munster be initiated by Council and referred to the EPA together with the Structure Plan and report to ensure that sufficient information be provided to enable the EPA to set the appropriate level of assessment. The advertising of the Structure Plan is to be undertaken at the same time as the advertising of the Amendment No. 9 to TPS3, with the closing date for public submissions being the same. During the advertising period, the Structure Plan and reports will be assessed in detail and form the basis of a report to Council.

At the conclusion of the public comment period for both Amendment No.9 and the Structure Plan, Council Planning officers will provide a combined set of comments and recommendations to Council based on the internal assessment from Council officers and submissions received from the public and agencies.

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."
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 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."

The Planning Policies which apply to this item are:-

SPD1	Bushland conservation Policy
SPD3	Native Fauna Protection
SPD5	Wetland Conservation Policy
APD4	Public Open Space
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

N/A

Legal Implications

The provisions of TPS No.3
Metropolitan Region Scheme

Community Consultation

To be undertaken as part of the Amendment process.

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

Nil.

14.8 (OCM 16/09/2003) - PROPOSED STRUCTURE PLAN - LOT 1 HAMMOND ROAD, SUCCESS - OWNER: AUSTRALAND HOLDINGS LTD - APPLICANT: ROBERTS DAY GROUP (9659) (JW) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Local Structure Plan and report for Lot 1 Hammond Road and note the Schedule of Submissions contained in the Agenda attachments:
- (2) advise the proponent that:
 1. a) Council is not prepared to adopt the proposed Structure Plan for Lot 1 Hammond Road until the design and land requirements for Russell Road Buffer Lake (RRBL) (including the bypass channel) has been finalised.
 - b) the Structure Plan and report will need to be reviewed and appropriately modified following the completion of the RRBL design (including the bypass channel) by the Water Corporation.
 - c) the POS provision schedule will need to be reviewed and appropriately modified following the completion of the RRBL design (including the bypass channel) by the Water Corporation, and addressing related issues;
 - d) the temporary drainage arrangements proposed, need to be detailed in the Structure Plan Report, together with undertaking to rehabilitate the area once the drainage is redirected to the bypass channel.
 - e) the Structure Plan and report will need to be reviewed and modified to address the following:
 - (i) land requirement for Hammond Road Realignment Other Regional Road Reserve in accordance with ORR reservation boundaries as shown on WAPC MRS Clause 42 Certificate N. 74102;
 - (ii) the balance of the lot between existing and future Hammond Road being incorporated into the Structure Plan and not treated as a deduction from

- the POS provision;
- (ii) the location and area of temporary drainage swales being clearly shown in the Structure Plan and 50% credits being sought if the design complies with Council Policy APD 28 – Public Open Space Credit Calculations;
 - (iv) the dual use path and footpath plan being amended to the satisfaction to the Director, Planning and Development, paths being clearly shown on the Structure Plan and referenced in the movement network section in the report;
 - (v) local and district community facility provisions and the subject land's accessibility to community facilities being addressed in the report;
 - (vi) an indicative traffic management design for the proposed "4 way intersection" on Hammond Road realignment being shown in the Plan, taking consideration of the land requirements and potential impact on adjoining landholdings;
 - (vii) street hierarchy and likely traffic volume on the entry road being addressed in the report.
2. consultation should take place with the Water Corporation, DEP and WRC to expedite the finalisation of the RRBL design requirements occurs as a matter of priority;
 3. the following requirements will need to be addressed through the subdivision process:
 - (a) 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, the Environmental Management Programme for the South Jandakot Drainage Scheme and the Southern Suburbs District Structure Planning Area: Russell Road Arterial Drain Scheme prepared by David Wills & Associates.
 - (b) the subdivider shall prepare and implement an Environmental Management Plan addressing the potential impacts of subdivision on the Beeliar Regional Park. A Revegetation and Landscape Program shall be provided to ensure that

revegetation in the POS area and the wetland buffer zone shall be locally endemic species and be consistent with Beeliar Regional Park.

- (c) 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 proponent should ensure that flora species known to be invasive or environmentally damaging are not used in any landscaping projects to protect the Beeliar Regional Park.
- (d) the subdivider shall prepare a fire management plan to demonstrate that the subdivision is in compliance the relevant fire management requirements.
- (e) 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.
- (f) the site should be further investigated for the potential to generate Acid Sulfate Soils (ASS), in accordance with the Department of the Environment Acid Sulfate Soils Management Series. If the site is found to be at high risk of generating ASS then an ASS Management Plan should be prepared that minimises disturbance to at risk soils and details long-term management arrangements to prevent the generation of low pH drainage or groundwater.
- (g) subdivision proposals for land adjacent to future Hammond Road will need to address noise and amenity issues.
- (h) subdivision proposals for the subject land will attract conditions requiring contributions towards the widening and upgrading of Hammond Road and Russell Road in accordance with Development Contribution Area 2 (Success Lakes).
- (i) groundwater availability in this region may be limited and it is suggested the applicant liaise with the Water and Rivers Commission in this regard.

- (j) the road reserves and pavements widths to be designed in accordance with Council policy APD30 –Road Reserve and Pavement Standards.
 - (k) proposed Hammond Road (Re-alignment) Other Regional Road reservation being ceded by the subdivider transferring the land required to the Crown free of cost and to be shown on the first Deposited Plan or Diagram of Survey.
- (3) adopt the Schedule of Submissions as contained in the Agenda attachment; and
- (4) advise the Western Australian Planning Commission and those persons who made a submission of Council's decision.

COUNCIL DECISION

Background

ZONING:	MRS:	URBAN
	DZS:	Development Zone and falls within Development Area 8, and Development Contribution Area 2.
LAND USE:	VACANT	
LOT SIZE:	14 ha (approx)	
AREA:		
USE CLASS:	N/A	

This report concerns a proposed structure plan prepared by Roberts Day Group on behalf of Australand Holdings for land located within the Success Lakes Development Area – DA8 (Refer to Agenda attachments).

The Structure Plan was submitted in June 2003 for consideration. Officers, 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 Lot 1 Hammond Road, Success, which is one of the landholdings backing onto the Beeliar Regional Park. The subject land is approximately 14 hectares and comprises two parcels of land separated by the Hammond Road realignment.

The structure plan area is mainly coded R20, with two R30 residential areas located close to the proposed Public Open Space (POS) at the southern western portion of the land adjoining with a Resource Enhancement wetland, known as Lake Copulup.

The structure plan proposal was advertised for public comment for a period of 28 days, and concluded on 8 August 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 seven submissions were received including comments from WAPC, DPI, WRC, Water Corporation, Alinta Gas, and CALM. A Schedule of Submissions and the recommended responses is included in the Agenda attachments.

Report

The proposed Local Structure Plan is consistent with the endorsed Southern Suburbs District Structure Plan (stage 1) and generally meets most planning criteria for a proposal of this type. There are however two outstanding issues that require further consideration. These are as follows.

1. Lake Copulup

The south-western corner of Lot 1 Hammond Road contains portion of the wetland known as Lake Copulup, which covers a total area of approximately 3.5ha and is spread over four separate titles: Lot 1 Hammond Road, Pt Lot 458 (Parkwind Holdings) and Pt Lot 458 (Australand Holdings) to the south, and the Thomson's Lake Nature Reserve further west. The Water and Rivers Commission has classified the lake as a sumpland with an assigned management category of "Resource Enhancement".

The advice from Water Corporation (Submission No 2) indicates that this area is required for the future Russell Road Buffer Lake (RRBL). The purpose of the RRBL is to accommodate regional drainage so that detrimental impacts upon Thomsons Lake from stormwater runoff from urban development are minimised. The RRBL is to be constructed in accordance with the requirements of the South Jandakot Drainage Management Plan 1990 and the Environmental Management Programme for the South Jandakot Drainage Management Scheme

1991, as well as Southern Suburbs District Structure Planning Area: Russell Road Arterial Drain Scheme prepared by David Wills and Associates(DWA).

The Structure Plan has taken into account the role of Lake Copulup as a regional drainage facility. It indicates approximately 1 ha wetland set aside for drainage purposes and treated as a deduction from the POS contribution calculation. Public Open Space was proposed adjoining the Buffer Lake incorporating the 50m buffer as required by DEP and WRC for the Resource Enhancement category wetland. The Structure Plan also indicates that the Water Corporation's bypass drainage channel is planned to be located along the north eastern side of Lake Copulup within the proposed POS.

The difficulty in assessing the proposal is that the extent of land required for the RRBL is not yet known as no design has been finalised by the Water Corporation. The comments from Water Corporation states that the area required for the future Russell Road Buffer Lake will be dependent on the Water Corporation's review of the alternative drainage management strategy to the 1990 South Jandakot Drainage Management Plan and the outcome of the review is Southern Suburbs District Structure Planning Area: Russell Road Arterial Drain Scheme, which was adopted by Council in May 2003. The DWA drainage strategy was referred to DEP on 4 August 2003. Following its approval by the DEP, a detailed analysis is to be done by Water Corporation to finalise the Buffer Lake design and to determine the precise location of the drainage bypass.

Therefore it is not possible, at this stage, to endorse the proposal in the way it delineates the land requirements for the future RRBL, bypass channel and POS area until the RRBL design is finalised. Furthermore, Officers do not support the bypass channel being located within the POS area given that the bypass channel is an integral part of the regional drainage system and should be managed and maintained by the Water Corporation.

WRC also provided comments on Lake Copulup regarding wetland boundary and buffers, wetlands/drainage management Plan and potential nuisance-insects problems (submission No 3). The comments also indicate that there should be no direct stormwater flow into Lake Copulup. However, it appears that the comments do not fully account for the future role of Lake Copulup as a regional drainage facility and the Water Corporation will be the responsible authority for its design, construction and management. It is therefore necessary that the proponent undertake further consultation with the Water Corporation, DEP and WRC to achieve a consistent inter-departmental position on the Buffer Lake design issues and amend the Structure Plan and report accordingly to the satisfaction of the City. It is also considered that the DEP should urgently consider the DWA drainage strategy and work

with Water Corporation, WRC, the City and consultancies to finalise the RRBL design requirements.

2. Public Open Space (POS)

Although the POS Schedule shows that a total area of approximately 1.4776ha of Public Open Space (12.3%) is proposed within the Structure Plan area, there remain a number of issues that require further consideration regarding this POS provision and calculation methods applied (Submission No 1). These are as follows:

- Hammond Road Realignment Other Regional Road (ORR) Reservation

The Structure Plan shows that a 0.99ha separate lot is to be created for future Hammond Road realignment acquisition, and deducted from the POS calculation. The area of the lot is slightly different from ORR reservation boundaries as shown on WAPC MRS Clause 42 Certificate N.74102 comprising an approximate area of 0.9082 ha. This should be clarified in the Structure Plan Report, subject to detailed survey.

- Balance Portion of the Subject Land

The subject land comprises a 0.2528 lot being the balance of the land between the existing Hammond Road reserve and Hammond Road Realignment reserve. The Structure Plan indicates that the balance lot is to be excluded from this proposal and deducted from the POS provision. This is not considered acceptable given that the land is not included in any other local structure plan prepared for the adjoining properties and it should be addressed as part of this Structure Plan to satisfy the 10% POS requirement.

- Temporary Drainage Swales

The Structure Plan and POS Schedule indicates the use of temporary drainage swales (to accommodate the interim overflow before the Water Corporation's drainage outlet being constructed) in the POS area with 100% credits being sought. The extent of the temporary drainage swales should be stated and the area shown on the Structure Plan. The use of open space for temporary drainage would only be acceptable if the area required does not adversely impact on the overall useability of the open space area for recreation purposes and there is some agreement in place that the drainage area will be suitably remediated once the permanent drainage area is established.

- Russell Road Buffer Lake design and Bypass Channel

The provision and calculation of the POS will be affected by the design and land requirements of future RRBL and the location of the bypass channel as previously discussed. It is also noted that the POS and

drainage area shown in the Structure Plan are inconsistent with the POS Schedule.

It is therefore required that the Structure Plan and POS Schedule be amended to appropriately address the above issues and detail the exact areas proposed for the open space, the respective vesting arrangements and accreditation being sought, as well as the Buffer Lake land requirements in consultation with the Water Corporation and relevant environmental referral agencies.

Other issues

Other issues raised in the submissions include dual use path, accessibility to community facilities, road network and traffic study, Beeliar Regional Park interface, groundwater level, midge buffer, fire management etc. These issues are detailed in the schedule of submissions. It is considered that these issues can be appropriately addressed through the Structure Plan approval and subdivision process.

Summary

The format, rationale and content of the proposed Structure Plan generally addresses the Western Australian Planning Commission's policies and meets Council's Town Planning Scheme No3 requirements for a proposal of this type. However, the finalisation of RRBL design is a major issue that needs to be resolved and its determination could have a significant impact on the POS provision and development layout. It is there recommended that Council not adopt the Structure Plan until such time as the RRBL design has been finalised by Water Corporation and the Structure Plan and report has been amended accordingly together with other recommended modifications.

There is a pressing need to complete the RRBL design to facilitate the urban development in this area (including Pt Lot 458), and therefore the proponent should undertake further consultation with the Water Corporation, DEP and WRC to expedite finalisation of the RRBL design requirements.

Strategic Plan/Policy Implications

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

Planning Your City

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

- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

Conserving and Improving Your Environment

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

Facilitating the needs of Your Community

- *"To facilitate and provide an optimum range of community services."*
- *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*

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:-

SPD1	Bushland conservation Policy
SPD3	Native Fauna Protection
SPD5	Wetland Conservation Policy
APD4	Public Open Space
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
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 comments from 11/7/2003 to 8/8/2003 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.

14.9 (OCM 16/09/2003) - TEMPORARY USE OF TRANSPORTABLE BUILDING FOR CLASSROOM - BLUE GUM MONTESSORI SCHOOL - LOT 67; 4 HOMESTEAD AVENUE, BIBRA LAKE - OWNER: BLUE GUM MONTESSORI SCHOOL INC - APPLICANT: R WHITAKER & T BOCKING (1108028) (JP) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the proposed Temporary Use of a Transportable Building for use as a Classroom on Lot 67; 4 Homestead 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. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
5. 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 and designed on the basis of a 1:10 year storm event.

6. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
7. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Council.

SPECIAL CONDITIONS

8. The total number of students enrolled at the school shall not exceed 90.
9. Parents shall not park on the street pavement or verge area in either Homestead Avenue or Hope Road, with the exception of the verge area abutting Meller Park on Hope Road when dropping off or picking up children.
10. No classes or school related activities are to be conducted on Saturday, Sunday and public holidays, excluding the maintenance of the school buildings and grounds, commencing from beginning of the 2004 school year.
11. The school is to establish and immediately implement a formal complaints policy and procedure to the satisfaction of the Council.
12. Provision of one (1) bicycle rack for every four (4) primary school students.
13. This approval shall expire on the date of conclusion of the second school term (June 2004), and the transportable building shall be removed from the site within 14 days, unless the Council has granted approval for a renewal of the planning permission.

FOOTNOTES

1. This approval supersedes the approval issued by Council at its Ordinary Meeting held 20 May 2003.
2. The development is to comply with the requirements of the Building Code of Australia.
3. The use of the premises must comply with the *Health (Food Hygiene) Regulations 1993* and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only).

4. This development has been defined as a public building and shall comply with the provisions of the Health Act 1911 relating to a public building, in the Public Building Regulations 1992. An application to construct, extend or alter a public building is to be submitted with the Building Licence application.
 5. The development is to comply with the *Environmental Protection Act 1986* which contains penalties where noise exceeds the limits prescribed by the *Environmental Protection (Noise) Regulations 1997*.
 6. The drainage of all car parking areas and access ways so as to ensure that the site is drained and provision is made for the disposal, to the satisfaction at all times of the Council, of roof water, water from paved areas and all other stormwater PROVIDED THAT the approval of a particular design to achieve the foregoing purposes or the issue of a building licence shall not imply that the Council is satisfied once and for all that the applicant has complied with this condition and the Council may require compliance with this condition at any time in the future if it is not satisfied that the site has been drained in accordance with this condition. (Ref. Engineering Department)"
 7. Uncovered parking bays shall be a minimum of 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant accordingly; and
- (3) advise those who lodged submissions of the Council decision.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Pre-School, Junior Primary & Middle Primary School	
LOT SIZE:	2,101m ²	
AREA:	Transportable Building 30.2m ²	
USE CLASS:	Educational Establishment	

At its Ordinary Meeting held 20 May 2003 Council granted town planning approval for additions to the school. The additions included the construction of a classroom, small library, storage room and administration block totalling 191m² of building floor space on the property's eastern boundary. The additions were proposed to allow the school to accommodate existing students who will be moving into grades 4-7.

The Blue Gum Montessori School has since determined that it is not in the best interests of the school in the long term to build the proposed additions which Council approved at the above meeting. This is due to a number of reasons, one of which primarily is due to the capping of 100 students for the school imposed by Council at its 20 May 2003 meeting. The school recognises that the current site is quite restricted in terms of expansion and it is foreseeable that the site cannot support the long term vision and function of the school. It is therefore proposed that temporary arrangements for students be made whilst the school investigates its options. The proposed transportable building for a classroom will accommodate existing students who will be moving into grades 4-7.

Submission

Council has received an application dated 29 July 2003 from the Blue Gum Montessori School for planning approval for the use of a temporary transportable building for a classroom. The flat roof, rectangular shaped, transportable building is constructed of colorbond cladding (colour "Mist Green") having dimensions of 3.6 x 8.4m (30.24m²) and 2.9m from the ground to the roof (2.4m from floor to ceiling). The location of the transportable classroom is in the south-east section of the property, setback 4.2m from the side boundary and 1.1m from the school carpark.

Report

Zoning

The subject site is zoned "Residential R20" under the City of Cockburn Town Planning Scheme No.3. An "Educational Establishment" is a "D" use within a Residential Zone under the Zoning Table of the Scheme. The Scheme specifies that a "D" use means that the use is not permitted unless the local government has exercised its discretion by granting planning approval. The application has been referred to Council for determination following receipt of submissions from landowners of neighbouring properties objecting to the proposal.

Community Consultation

In accordance with the requirements of the Scheme, the proposal was advertised for comment. At the conclusion of the advertising period two submissions were received both objecting to the proposal. The nature of the objections relate to noise levels from the operation of the school and fears that the school will subtly expand and exceed its 100 student limit.

In addressing issues of noise and the future expansion of the school, Council at its meeting held 20 May 2003 resolved to approved additions to the school subject to conditions, which included the following:

- *“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.*
- *The total number of students enrolled at the school shall not exceed 100.”*

The current application for a transportable building is different to the previous application and should be assessed on its own merits. The applicant proposes a maximum of 89 students at the school as a result of the transportable building addition. It is recommended that the above conditions be imposed for the current application but with a limitation of 90 students instead of 100 due to the smaller scale of the development. Even though the proposed development is smaller in scale to the previous application, it is considered that with the addition of the transportable classroom, the site will be fully developed as an educational establishment.

Compliance with Town Planning Scheme No.3

The application complies with the car parking, building setbacks, building height/scale, landscaping and amenity provisions of the Scheme. The transportable building is considered an acceptable temporary addition to the school. The applicant has advised Council that the transportable building should only be required for a minimum of 1 school term and a maximum of 3 school terms, which would extend through to the end of the second school term in June 2004. In order to provide certainty to the applicant and submitters, it is recommended that Council grant a Temporary Planning Approval, expiring at the end of the second school term June 2004, pursuant to Clause 10.6 of the Scheme.

Conclusion

As the application complies with the provisions of the City of Cockburn Town Planning Scheme No.3 and is of lesser scale than the previous

approved additions and is located further away from the eastern property boundary, it is considered that the application can be conditionally approved.

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

The Council Policies which apply to this item are:-

APD17 Standard Development Conditions And Footnotes

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Application advertised for comment.

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

Nil.

14.10 (OCM 16/09/2003) - PETITION - BIBRA LAKE CAFE/KIOSK (1114553) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the petition and letter from Mrs H Lang opposing the proposed development of a cafe/kiosk at Bibra Lake;
- (2) advise Mrs H Lang that;
 1. Council has previously commissioned independent surveys and sought expert advice on the proposed development of a café/kiosk at Bibra Lake and, based on that advice, Council at its meeting held on 17 June 2003 resolved to proceed with the proposal and call for submissions from suitably qualified and experienced consultants to manage the project; and
 2. A business plan for the project will be prepared as part of the project and will be advertised for public comment.

COUNCIL DECISION

Background

Council at its meeting held on 15 May 2001 (Item 19.1), resolved that a report be presented to a future Council Meeting on the possibility of establishing a restaurant, café or fixed–building Kiosk on the Bibra Lake Reserve.

At its meeting held on 21 August 2001 (Item 14.14), Council resolved to:-

- “(1) *appoint a suitable consultant to undertake the market research to determine community acceptance and patronage of a restaurant/café/kiosk located on Lot 309 Progress Drive, Bibra Lake;*
- (2) *appoint a suitable consultant to undertake environmental and geotechnical investigation on a site adjacent to and just south of the playground equipment located on Lot 309 Progress Drive*

Bibra Lake, to determine the suitability of the site for a restaurant/café/kiosk;

- (3) as part of the public consultation process and through the "Cockburn Soundings" publicise and entice comments and submissions from the ratepayers and interested users of the parkland as to the proposed restaurant/café; and*
- (4) transfer \$15,000 from the Land Development Reserve Fund to undertake (1) and (2) above. "*

At its meeting held on 19 March 2002 (Item 14.3), it was resolved that Council:

- "(1) determine all the necessary approvals required to facilitate the construction of a Café/Kiosk on Lot 309 Progress Drive within the Bibra Lake Reserve and the level of support from the decision making authorities to the proposal;*
- (2) subject to (1) above, engage the services of a suitably qualified commercial consultant to prepare a report on the viability of the proposed Café/Kiosk at Bibra Lake;*
- (3) following the outcome of (1) and (2), prepare a Business Plan for the establishment and operation of a Café/Kiosk within the Bibra Lake Reserve for Council's consideration; and*
- (4) advise the Bibra Lake Residents Association and North Lake Residents Association of Council's decision."*

Council at its meeting held on 17 June 2003 considered the Economic Modelling and Financial Feasibility report on the proposed Bibra Lake café/kiosk and resolved to

- "(1) receive the report;*
- (2) provide \$400,000 on the 2003/04 Municipal Budget for the project management, design, construction and servicing of the Bibra Lake Café/Kiosk;*
- (2) call for submissions from suitably qualified and experienced consultants to manage the Bibra Lake Café/Kiosk project on a phased basis;*
- (3) require the preparation of a report on the submissions by consultants for the project management of the Bibra Lake Café/Kiosk project for consideration by Council; and*

- (4) *defer the requirement for the preparation of a Business Plan until such time as accurate development costing and lease arrangements are known.*"

Submission

Mrs H Lang of Coolbellup has presented a 400 signature petition opposing the proposed Bibra Lake Café/kiosk.

Report

The petition itself states "We the undersigned do oppose a kiosk being built at Bibra Lake". It provides no reasons or on what basis the proposed cake/kiosk is opposed.

The letter from Mrs H Lang accompanying the petition states that;

- The existing caravan is doing a good job, the prices are good and it is uniquely different to other reserves.
- Whilst enjoying a coffee and snack after a walk, she and others spoken to would not use the proposed café/kiosk on principal.
- Concerned that the facility will be vandalised like other improvements that have been provided in that locality.
- Disagrees with the view that you won't have to go to Fremantle to get a coffee if the café /kiosk is established arguing that people go to Fremantle as there is more to do.

There are 400 signatures on the petition of which approximately 50% were people living within the City. The balance were drawn from a wide area from Mandurah to Duncraig and Byford/Armada.

Council has previously sought community views on the proposed café/kiosk and obtained the following;

- The survey undertaken by Patterson Market Research in December 2001 found that the majority of respondents (73%) were in favour of a permanent food and drinks facility at Bibra Lake similar and 48% indicated that the development of the facility would increase their use of the area. Only 6% claimed that such a move would put them off future visits.
- An article on the proposed Café/Kiosk was included in the December 2001 edition of Cockburn Soundings. Ten letters of support and four against were received from residents in the area in response to the article. The Bibra Lake Residents Association also made a submission opposing the proposal.

The outcomes of the independent research and surveys do not accord with the points made in the letter by Mrs H Lang against the proposed development.

It recommended that Council note the petition and advise the organiser, Mrs H Lang, that Council has previously commissioned independent surveys and sought expert advice and, based on that advice, Council at its meeting held on 17 June 2003 resolved to proceed with the proposal and call for submissions from suitably qualified and experienced consultants to manage the project.

Strategic Plan/Policy Implications

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

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

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."*

The Planning Policies which apply to this item are:-

Nil

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The community consultation has been limited to the survey conducted by Paterson Market Research in December 2001, together with an article in December 2001 issue of the Cockburn Soundings. Letters of advice were also sent to the Bibra Lake and North Lake Residents Association in April 2003.

The required business plan will be advertised for public comment at the appropriate time in the process.

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

Nil.

14.11 (OCM 16/09/2003) - TENDER NO. 32/2003 - PROJECT MANAGEMENT - BIBRA LAKE CAFE/KIOSK PROJECT (1114553) (AJB) (ATTACH)**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) accept the tender submitted by Voran Consultants for the total cost of \$38,428.50 to project manage the Bibra Lake café/kiosk project; and
- (3) authorise the Chief Executive Officer to expend additional funds based on the hourly rates as specified in the tender documents for any agreed additional work.

COUNCIL DECISION**Background**

Council at its meeting held on 17 June 2003 considered the Economic Modelling and Financial Feasibility report on the proposed Bibra Lake café/kiosk and resolved to call tenders for the project management of the proposal.

Submission

Tenders from Project Directors Australia Pty Ltd and Voran Consultants

Report

The tender for the appointment of a project manager to manage the Bibra Lake café/kiosk project was advertised in the West Australian on 30 July 2003 and closed at 2.30pm on Thursday 14 August 2003.

At the close of the tender period the following two tenders had been received;

1. Project Directors Australia Pty Ltd
2. Voran Consultants

The tenders were assessed by a panel comprising;

Manager Planning Services, Mr Allen Blood
City Land Officer, Mr Kevin Sim

The tenders were assessed against the criteria set out in clauses 1.7.1 and 1.7.2 of the tender document which are as follows;

- Demonstrated experience in completing similar projects 25%
- Skills and experience of Key personnel 25%
- Tenderer's resources 15%
- A demonstrated understanding of the required tasks 15%
- Tendered price 20%

Relevant information is as follows:-

- Both tenderers provided details demonstrating relevant experience in land development, building, project management and marketing.

Tender prices were requested two options for phase 5 of the project being for the construction of the café/kiosk by Council (Option a) and for a ground lease with Council providing all servicing infrastructure (Option b). A copy of the relevant section of the tender document setting out the various phases is contained in the Agenda attachments. For phase 5a and 5b the tender document provided the option for the tenderer to provide a fixed price or percentage of contract value. Both tenderers offered a fixed price only.

Option 5a (Council construction of the facility) involves the maximum extent of work and is the most likely scenario and accordingly the tender prices have been assessed on the basis of phases 1 to 5a. If the project had been assessed on the basis of a ground lease as per 5b, the assessment would have favoured Voran Consultants, given their price was considerably cheaper than Project Directors Australia Pty Ltd.

LUMP SUM TENDER PRICES FOR PHASES 1 TO 5a

Tender No	Consultant	Tender Price (Incl GST)
1	Project Directors Australia Pty Ltd	40,700.00
2	Voran Consultants	38,428.50

The results of the multi criteria assessment were as follows

Tender No	Consultant	Total Score
1	Project Directors Australia Pty Ltd	65.71
2	Voran Consultants	71.29

Voran Consultants scored highest in the multi criteria assessment and was the lowest priced tender.

In accordance with the outcome of the multi criteria assessment, it is recommended that Voran Consultants be appointed as project manager for the Bibra Lake café/kiosk project.

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."*

Planning Policies which apply to this item are:-

Nil

Budget/Financial Implications

Account No CW 4087 Bibra Lake café/kiosk has adequate funds for this purpose.

Legal Implications

N/A

Community Consultation

The community consultation has been limited to the survey conducted by Patterson Market Research in December 2001, together with an article in December 2001 issue of the Cockburn Soundings. Letters of advice were also sent to the Bibra Lake and North Lake Residents Association in April 2003.

The required business plan will be advertised for public comment at the appropriate time in the process.

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

Nil.

14.12 (OCM 16/09/2003) - VARY A RESTRICTIVE COVENANT - TWO PROPOSED DWELLINGS - LOT 120; 379 ROCKINGHAM ROAD, SPEARWOOD - OWNER: FRANKO & JAKICA SEPAROVICH - APPLICANT: GREG ROWE & ASSOCIATES (3309609) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) approves the application to construct a second dwelling on Lot 120 (379) Rockingham Road, Spearwood 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 the approved plan attached.
2. 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.
3. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of Council.
4. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.
5. 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.
6. All earthworks and/or associated drainage details shall be in accordance with plans and specifications approved by the Council.
7. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless such wall or fence is

truncated.

8. All stormwater must be contained and disposed of on-site.
9. 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.
10. The development must be connected to the Water Corporation's sewer.
11. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
12. A Building Licence must be issued before any work commences on the site.
13. Refuse bins adequate to service the development shall be provided to the satisfaction of the Council before the development is occupied or used.
14. Prior to the commencement of any on-site works and applying for a Building Licence the applicant must submit stormwater drainage details to the Council's satisfaction.
15. Any existing crossover(s) not required as part of this development being closed, the kerblines reinstated and the verge graded, stabilised and landscaped to the satisfaction of the Council prior to the development first being occupied.

SPECIAL CONDITIONS

16. Prior to the issue of a building licence, the restricted covenant registered on the title to Lot 120 Rockingham Road shall be amended by the Council's solicitors at the applicant's expense to allow for no more than 2 dwellings to be constructed on the subject land.
17. The dwelling shall be designed to fully comply with the relevant requirements of the R-Codes to the satisfaction of the City.

FOOTNOTES

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

2. Nothing in the approval of these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
 3. Until the Council has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any such purpose.
 4. The applicant/landowner is to comply with the Environmental Protection Act 1986 which contains penalties where the noise limits prescribed by the Environmental Protection (Noise) Regulations 1997 are exceeded.
 5. The drainage of all car parking areas and access ways so as to ensure that the site is drained and provision is made for the disposal, to the satisfaction at all times of the Council, of roof water, water from paved areas and all other stormwater PROVIDED THAT the approval of a particular design to achieve the foregoing purposes or the issue of a building licence shall not imply that the Council is satisfied once and for all that the applicant has complied with this condition and the Council may require compliance with this condition at any time in the future if it is not satisfied that the site has been drained in accordance with this condition.
- (2) issue a schedule 9 Notice of Determination on Application for Planning Approval to the applicant accordingly;
 - (3) provide recommendations to the Western Australian Planning Commission on the subdivision application consistent with the outcome of the development application; and
 - (4) advise the submitter accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS:	Development Area 1: "Packham" Structure Plan Area. Density: Residential R-30
LAND USE:	Residential	
LOT SIZE:	1960m ²	
USE CLASS:	Grouped dwelling: "P" Use	

The property described as Lot 120 (379) Rockingham Road is located in the "Packham" Structure Plan area of the City. In this area, 75% of the lots are to be developed for the purpose of single dwellings. The subject site is a 1960m² property which is nominated as a single dwelling lot notwithstanding the zoning being Residential R-30. Development of this lot is currently restricted by way of a restrictive covenant registered on the title.

Restrictive Covenants have been applied to the Packham Urban Development area as the means by which the 75% single house requirement is enforced. This requirement has been applied since 1990.

Submission

Application has been received by the City for the construction of a second dwelling and an outbuilding on the subject land. A subdivision referral has also been received from the WAPC which proposes to create a 551m² lot around the proposed new dwelling.

The site has an existing dwelling and a large shed located upon it, and although the plans show the existing dwelling is to be demolished, no application has been received to date for this to occur. As such, the proposal has been treated as a grouped dwelling development on the site.

The proposed dwelling is designed to address and gain access from Zukova Place. The existing dwelling fronts onto Rockingham Road. A large outbuilding is to be demolished to accommodate room for the proposed new dwelling.

Report

Subject to the proposed dwelling being shifted slightly back to achieve an average front setback of 4m, the proposal would be deemed to comply with the R-Code development standards.

Clause 5.5 (Restrictive Covenants) of the City's Town Planning Scheme 3 states:

“Subject to Clause 5.5.2, a restrictive covenant affecting any land in the Scheme Area by which, or the effect of which, is that the number of residential units which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme”.

Clause 5.5.2 states:

“Where Clause 5.5.1 operates to extinguish or vary a restrictive covenant to local government is not to grant planning approval to the development of the land, which would, but for the operation of Clause 5.5.1, have been prohibited unless the application has been dealt with as an ‘A’ use and has complied with the all of the advertising requirements of Clause 9.4”

The area of the land is such that under the R-30 coding, the site has the potential density yield of 5 dwellings. Approval of a second dwelling is therefore well within the scope outlined in Clause 5.5.1 above.

The application was advertised in accordance with Clause 9.4 of the Scheme, whereupon one submission was received. The submission stated concerns about the potential for 5 additional dwellings to be constructed and impacts this level of development could have on property values, the owner’s wellbeing and lifestyle. The submitters seek the total development density for Lot 120 to be restricted to no more than two dwellings.

In physical terms, it is clear that the subject land can easily accommodate the second dwelling for which consent is currently sought. At the same time, the current structure plan provisions prevent the construction of any additional dwellings on the land, notwithstanding the R30 coding of the site. In addition, adjoining owners have an expectation for the level of development afforded by the structure plan, which limits 75% of the lots in Development Area 1 to single dwelling lots. Although the subject land falls into this category of lot, the development of a second dwelling is not considered to be inappropriate given the area of the lot involved (1960m²) and is in fact considered to be an efficient use of the land. The proposal is well within the parameters outlined in Clause 5.5.1 of the Scheme.

For the above reasons, approval to the application is recommended, subject to a restrictive covenant being amended to limit development on the Lot 120 to two dwellings.

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 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:-

APD3 Packham Urban Development Area
APD17 Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Application was advertised for submissions.

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

Nil.

14.13 (OCM 16/09/2003) - PROPOSED REALIGNMENT OF RUSSELL ROAD - FRANKLAND SPRINGS ESTATE, HAMMOND PARK - OWNER: AUSTRALAND HOLDINGS - APPLICANT: TAYLOR BURRELL AND DEPARTMENT FOR PLANNING & INFRASTRUCTURE (450011) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) advise the Department for Planning and Infrastructure and Australand that the proposed alternative alignment for Russell Road is not supported on the basis of reduced safety, the potential for increased accidents at proposed intersections with Russell Road and that there is no tangible land use or community benefits; and
- (3) provide a copy of the Agenda report to the Department for Planning and Infrastructure for their information.

COUNCIL DECISION

Background

Council at its meeting held on 16 July 2002 approved a local structure plan for the Frankland Springs Estate (Item 14.11).

The Agenda report provided the following detail on the alignment of Russell Road;

“Russell Road is an “Other Regional Road” in the Metropolitan Region Scheme (MRS) and identified by Main Roads Western Australia as a designated freight route. The continued expansion of the Australian Marine Complex at Cockburn Sound and the future extensive industrialisation of Wattleup (FRIARS) will further reinforce the role of Russell Road as a critical component of the regional freight network. Russell Road will also be important in providing access between Kwinana Freeway and the future residential communities that will develop in Success and Hammond Park, including the Frankland Springs estate.

The Southern Suburbs district Structure Plan reflects the MRS alignment for Russell Road. The Frankland Local Structure Plan Option 2 (Figure 11) also reflects the MRS alignment. This has previously been established as Council’s preferred alignment, whereas the proponent favours retaining Russell Road close to its constructed alignment as shown in Option 1 (Figure 9). The proponent and Officers of the City have, for some time, debated the comparative merits and problems with the two alignments.

Officers of the City and the Department of Planning and Infrastructure recently met with Australand and its representatives, where a process to have the two alternative alignments reviewed and compared was agreed. This process has only just commenced and will be some time before being completed and it is possible the Metropolitan Region Scheme will have to be amended as a result. It is not reasonable to delay consideration of the Frankland Local Structure Plan until this review is completed and on the basis of the agreed process of review, the City consented to advertising and assessing the two plan options concurrently. It should be made clear to the proponent that in concurrently assessing both options, Council is not making a determination of the appropriateness of the road alignment, but rather the proposed layout and nature of abutting development. Furthermore, the proponent should be informed that subdivision proposals for development affected by either alignment option, will not be considered favourably until the road alignment issue is resolved.”

The relevant portions of Councils resolution relating to Russell Road are as follows;

- “(1) noted that the proposed Frankland Local Structure Plan includes two options for the development of Lot 202 Russell Road.*
- 6. Council’s acceptance of Option 1 (Figure 9) should not be construed as support for the Russell Road alignment proposed by this option, as this is a matter still to be resolved through the process agreed by the City of Cockburn, the Department for Planning and Infrastructure and Australand and its representatives for determining the most appropriate alignment and land requirements for Russell Road and, if necessary, the progression of an amendment to the Metropolitan Region Scheme;”*

Submission

Taylor Burrell, of behalf of Australand, has requested the Department for Planning and Infrastructure (DPI) to support an alternative alignment for the Russell Road through lot 202 between Hammond Road and Frankland Avenue to that currently included in the Metropolitan Region Scheme. A detailed report has been prepared in support of the proposal.

Prior to formally considering the matter DPI has sought Councils comments as the proposal is unlikely to proceed without the City’s support. A copy of correspondence from DPI dated 9 June 2003 is included in the Agenda attachments.

Report

Russell Road is designated "Other Regional Road" in the Metropolitan Region Scheme and is a designated Primary Freight Route in Main Roads WA classification. It plays an extremely important role in the road network providing a direct connection between the Kwinana Freeway and the Australian Marine Complex, Henderson industrial area and access to the northern end of the Hope Valley - Wattleup industrial area. As a result it is expected that Russell Road will carry a high volume of trucks including B doubles that are permitted on designated Primary Freight Routes.

Recent traffic studies prepared for Council by Uloth and Associates forecasts that traffic volumes on Russell Road will be in the order of 11,000 to 15,000 vehicles per day by 2026. This modelling was with the Roe Highway in the network and its possible deletion is likely to further increase traffic volumes and the number of trucks on Russell Road. The forecast traffic volumes confirm the need for Russell Road to be constructed as a high standard four lane median divided arterial road.

The existing alignment of Russell Road does not meet the required design requirements for this standard of road. The Metropolitan Region Scheme provides for the realignment of Russell Road south of its current alignment between Frankland Avenue and a point to the east of existing Hammond Road. Consultants to Australand are promoting an alternative alignment to that in the MRS. The existing Russell Road, the current MRS reservation for its realignment and the alternative proposed by Taylor Burrell are shown on the plan included in the Agenda attachments.

The proposal to realign Russell Road by Australand is not new. There have been discussions with City Officers for some 2-3 years and in each instance, City Officers have advised that the proposal was not supported given the strategic role of Russell Road in the road network and this should not be compromised to simply suit Australand's marketing needs and requirements. The proposal has been primarily driven by financial and marketing considerations given that there was a small severed portion of the original land holding north of the current MRS alignment. However the current justification also includes matters of land use scenarios and amenity.

The supporting report prepared by Taylor Burrell details the existing MRS and the alternative alignment for Russell Road, provides plans showing the resultant developments in respect to each and discusses their relative merits. Development proposals for the land adjacent to Russell Road for both the alternative promoted by Australand (Option 1) and the existing MRS alignment (Option 2) are included in the Agenda attachments.

The supporting report prepared by Taylor Burrell sets out the relative advantages of the alternative alignment for Russell Road. These points are detailed in the following section together with the views of councils engineering and planning services and other agencies as appropriate.

1. Road requirements.

Taylor Burrell Report

“The existing alignment has been proposed on an efficient freight transport route.

Acknowledge that Russell Road is a freight route but consider the road should be designed to suit the residential objectives as opposed to the design of the residential area acknowledging and responding to the road requirement. The consultant engineers have confirmed that the horizontal and vertical alignment of the revised road has been undertaken for an 80 kph design speed. It is noted that the intersection geometry was designed to 70 kph design standards. This affects the length of turning lanes which can be revised during the detail design phase.

The report also includes a safety audit of the proposed alignment.”

Officer comments.

The safety audit was undertaken to address any road safety concerns, not to rate or compare the designs of the existing or alternative alignments.

The design plans assessed in the safety audit only show the intersection of Russell Road with existing Hammond Road and the future Frankland Avenue. The plans did not include the proposed direct access points into the service station, fast food outlets and commercial sites shown on the alternative land use strategies Options 1 and 2.

Councils engineering services do not support any direct access off Russell Road for safety reasons.

Engineering Services are strongly of the view that Russell Road should be designed to the minimum design standards as per the alternative alignment (Option 1) given it is a strategic freight route which will have a high number and percentage of heavy and over length trucks which require increased stopping distances.

The main difference between the existing and alternative alignment from a safety aspect is the reduced sight distances along Russell Road when approaching the Hammond Road intersection from the east and Ashendon Boulevard from the west. This reduced sight distance significantly increases the risk of accidents at these two intersections (It

should be noted that the safety audit does not assess or take into consideration the potential for accidents).

Department for Planning and Infrastructure (DPI) comments

The letter from the Department for Planning and Infrastructure dated 9 June 2003 states;

- *“Russell Road is and will continue to be an important east – west regional road in the South West Corridor for regional traffic, particularly freight traffic and as such is designated as a designated Freight Route in Main Roads Classification. Due to the significant role of Russell Road it is important that the long term planning of the road meets best practice and most desirable engineering standards rather than the minimum standards”.*
- *“The department is yet to be convinced of the relative merits of the proposal on the basis of long term road network grounds. Whilst the Australand proposal satisfies minimum engineering and safety requirements, the existing reservation may provide a better safety margin for future road improvements”.*

The above comments by DPI are consistent with the views and concerns expressed by Councils Engineering Services.

Transport Forum WA

In an article in the West Australian on August 25 2003 the Chief Executive of Transport Forum WA states the following in respect to freight routes;

- Freight routes need to be direct, with reasonable gradient, sufficient lanes and few stops.
- It is important to plan freight routes well to minimise disruption to residents and ensure efficiency for the industry. Too often roads originally designed for heavy freight use such as Leach Hwy ended up with commercial premises fronting them.
- People perceived more of a problem with big trucks when they stopped and started. When the traffic flowed smoothly, trucks were noticed less.

It is clear that mistakes have been made in the past in the planning of freight routes and the lessons of the past should be recognised and new freight routes designed accordingly. It is considered that the alternative alignment and the proposed direct access from Russell Road to abutting development does not adequately reflect sound principles for the design of freight routes.

2. Noise, Buffers, land use interface and pedestrian movements

Taylor Burrell Report

“The report states that the proposed alignment (Option 1) provides a better land use solution with greater separation between residential uses and Russell Road and the provision of a main street pedestrian based neighbourhood centre.

The preferred option is likely to result in less pedestrian cross movements at the Hammond Road/ Russell Road intersection than the existing alignment option.”

Officer comments

The extent of urban development adjacent to Russell Road between Frankland Avenue and the Kwinana Freeway is approximately 1.4 km. The section under consideration is only 0.5 km or 35% of the total length.

With the exception of a small area on the southern side of Russell Road near the Freeway, this is the last area adjacent to Russell Road to be planned. The issue of the need for buffers has never been raised in any of the previous planning of the area adjacent to Russell Road by either Australand, Taylor Burrell or any other landowner or consultant.

Option 2 shows 12 lots separated from Russell Road by a service road. This is exactly the same design solution Taylor Burrell used for land on the north side of Russell Road and east of Hammond Road where the projected traffic volumes are higher and hence potential impacts are greater than for the section that is under consideration.

Option 2 shows 12 lots fronting the service road to the South of Russell Road. If there were significant impacts this could be reduced by reorientating the lots to front the side streets thus reducing the number of lots facing Russell Road to six.

The land use plans for both the proposed alignment (Option 1) and the existing alignment (Option 2) include proposed main street pedestrian based neighbourhood centres. Accordingly neither plan has a distinct advantage in this regard.

There is no guarantee that the neighbourhood centre will be developed on the basis of main street principles. There is still major market resistance to main street development with a strong preference by retailers for the conventional doughnut big box centres with the shopping centre located in the centre of the site surrounded by a sea of car parking. Unless there is a total commitment by Australand to the main street concept, and it can be secured by way of a legal agreement between Australand and Council, there is every likelihood

that development of the neighbourhood centre will not be based on main street principles.

The proposed intersection of Hammond Road and Russell Road is designed to be traffic light controlled under both scenarios. Traffic lights provide the highest level of pedestrian and cyclist safety. The potential neighbourhood centre catchment population to the north and south of Russell Road is not significantly different and accordingly there is no basis to the claim that the location of the neighbourhood centre as per the alternative alignment will result in less pedestrians crossing Russell Road. Notwithstanding that, both land use scenarios (Options 1 & 2) show the main street retail development south of the respective Russell Road alignments. Uses such as service station and fast foods are predominantly car based activities and accordingly are not a relevant consideration.

3. Severance, land requirements and costs.

Taylor Burrell Report

“The alternative alignment (Option 1) has significantly less impact of severance on lot 202 than the existing alignment. Australand advises that if the alternative alignment is adopted it will not seek compensation for the severed portion of the land (650m²).

Development Engineering Services estimate that the differences in cost for the two options is as follows:

	<u>Current MRS</u>	<u>Proposed alt alignment</u>	<u>Difference</u>
Severed area	1.6140 ha	0.0650 ha	1.5490 ha
Road land area	2.3090 ha	1.3930 ha	0.9160 ha
Road land value	\$ 578,408	\$ 314,344	\$264,064
Works	\$ 831,408	\$ 711,558	\$119,730
Total (excl GST)	\$1,409,816	\$ 1,025,902	\$383,794

The major savings incurred are in respect to the land and in particular any payment for severance. As would be expected savings in construction are relatively minor give the overall road lengths are similar.”

Officer comments

Australand purchased the land knowing that a portion of the land was severed by the MRS alignment for Russell Road. On this basis it is unlikely that payment for severance could be substantiated.

The 1.6140 ha severed area associated with the existing MRS alignment is of sufficient area and dimension to enable it to be sensibly developed as demonstrated on the Option 2 plan.

In early discussions with the previous General Manager of Australand, Mr Nick Perignon, the major issue was that the severed area would not be able to be developed and marketed as part of the Frankland Springs Estate. Subsequently Australand purchased land to the immediate north of the severed area and accordingly now can form a logical part of their total development and marketing strategy.

The cost of providing land required for Russell Road and the construction of full earthworks, single carriageway and dual use path is a cost shared by all landowners to the north and south of Russell Road in accordance with the requirements of Development Contribution Areas 2 (Success Lakes) and 3 (Gaebler Road). Accordingly the savings will be to the landowners and has no implications for Council.

The cost of construction for the alternative alignment may be underestimated given that very little if any of the current carriageway can be used due to changes in the horizontal curvature to the existing road, that the existing carriageway forms part of the ultimate east bound and west bound lanes and hence a significant portion ends up in the median area and that the tie in to the existing carriageway west of Frankland Avenue is likely to be much further west for the alternative alignment than for the current MRS alignment.

4. Other matters.

Officer comments

To the east of Hammond Road, the alternative alignment more adversely affects the property located on the north side of the road. In this respect the alternative alignment shifts some of the disbenefits of land adjacent to Russell Road from Australand's holding to that of another owner.

East of Frankland Avenue the alternative alignment extends outside the existing MRS Reserve and will require a portion of the Thomsons Lake Nature Reserve to be required for road purposes. It should be noted that part of the existing Russell Road carriageway already traverses a portion of the Thomsons Lake Nature Reserve. CALM will need to be consulted on this matter.

Council support of the alternative alignment could expose it to future claims for damages if, through the frequency and severity of road accidents, it is determined that the road has been developed to inappropriate standards when it was previously open to Council to have the road built to a higher standard, that is, on the current MRS alignment.

5. Conclusions

Taylor Burrell report

“Considers that the alternative alignment (Option 1) is superior on the basis of noise and buffers, land use and landscaping buffer, severance and land costs.

It is difficult to justify the additional cost of some \$383,794 (excl GST) for the current MRS alignment.”

Officer comments

Council officers concur with DPI comments that Russell Road is and will continue to be an important east – west regional road in the South West Corridor for regional traffic, particularly freight traffic and accordingly it is important that the long term planning of the road meets best practice and most desirable engineering standards rather than the minimum standards to reduce the cost to landowners.

Further it is considered that the alternative alignment does not deliver any tangible land use benefits. The issue of buffers and setbacks of residential development from Russell Road has not been previously raised as a concern in other planning undertaken along Russell Road by either Taylor Burrell and Australand and both options provide the opportunity for the development of a main street retail centre on the south side of the Russell Road alignment.

6. Recommendation

Based on the above assessment of the relative merits of the 2 alignments, it is recommended that Council advise the Department for Planning and Infrastructure that the proposed alternative alignment for Russell Road is not supported on the basis of reduced safety, the potential for increased accidents at proposed intersections with Russell Road and that there are no tangible land use or community benefits.

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.”*

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."

The Planning Policies which apply to this item are:-

SPD4 'Liveable Neighbourhoods'

Budget/Financial Implications

Costs associated with the provision of land and the construction of one carriageway of Russell Road are part of developer contributions required under DCA 2 Success Lakes and DCA 3 Gaebler Road.

In the event that the alternative alignment is supported it will be necessary for Council to commission consultants to prepare detailed designs and costings for the road and land valuations in accordance with the Development Contribution Area provisions in TPS 3. These costs will be included in Development Contribution Plan. There are adequate funds in the relevant contribution plans for this purpose.

Legal Implications

Nil

Community Consultation

The proposal only directly affects Australand and accordingly wider community consultation is not required at this time. If the Australand proposal is supported then it will need to be advertised for public comment as part of an amendment to the Metropolitan Region Scheme and Councils Town Planning Scheme No 3.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM 16/09/2003) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors paid for August 2003, as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

15.2 (OCM 16/09/2003) - CLAIM FOR REIMBURSEMENT OF LEGAL EXPENSES - MR J GRLJUSICH (1335) (ATC) (ATTACH)

RECOMMENDATION

That Council advise Mr J Grljusich that it is not prepared to reconsider the reimbursement of legal expenses incurred as a result of the

inquiries into the City of Cockburn, as there is no evidence that the findings of the Douglas Inquiry have been overturned.

COUNCIL DECISION

Background

At its meeting of 19 April 2001, Council rejected a claim by Mr J Grljusich for reimbursement of legal and other expenses incurred as a result of the Martin & Vicary and Douglas Inquiries.

Submission

Correspondence has been received from Mr Grljusich's lawyers, Hammond Worthington, calling upon the City to reimburse their client's legal expenses to the extent of \$40,000. A copy of the letter which sets out the basis of his claim is attached to the Agenda.

Report

After considering legal advice from Watts and Woodhouse Solicitors at its meeting on 17 October 2000, Council resolved to advise Mr J Grljusich and several other Councillors "*that the City considers that by virtue of Clauses 18 and 19 of Policy A1.18, the authorisation of financial assistance in respect of the Douglas Inquiry be revoked*". A copy of the legal advice is forwarded under separate cover.

Clauses 18 and 19 of Policy A1.18 stated as follows:

18. An indemnity or authority given under this Policy, or a contingent authorisation under Clause 15 shall be and is hereby revoked, in the following circumstances:
 - (a) if in the Inquiry or otherwise, it is found that a person has acted illegally, dishonestly, against the interests of the City or otherwise in bad faith in connection with the matter for which the person was granted financial support or given contingent authority; and
 - (b) all opportunities for appealing against or otherwise challenging that finding have been exhausted; or

- (c) information provided to the Chief Executive Officer in the application is materially false or misleading.

19. If under the preceding clause, the indemnity or authority or a contingent authorisation is revoked, then the person who sought or obtained the financial support shall be taken to have released the City absolutely from any liability to provide financial support and when called upon by the City, shall repay any moneys provided under the revoked indemnity, authority or contingent authorisation. The City shall take action to recover any such moneys in a court of competent civil jurisdiction and/or shall deduct such moneys from any allowance or salary payable by the City to the person.

At its meeting of 19 April 2001, Council rejected a claim by Mr Grljusich for reimbursement of legal and other expenses incurred as a result of the Martin & Vicary and Douglas Inquiries. Council considered that the authorisation of financial assistance was revoked pursuant to Clauses 18 and 19 of the previous Policy A1.18 at the Council Meeting on 17 October 2000. This explanation has been provided to Mr Grljusich in response to his query as to why the claim was rejected in a letter dated 11 July 2001. The Council Meeting held on 19 April 2001, was attended by Mr J Woodhouse, Partner Watts and Woodhouse Solicitors.

In August 2001, Mr Grljusich requested Council to finance an appeal on his behalf against the findings of the Martin & Vicary and Douglas Inquiries. Council, at its meeting on 21 August 2001, resolved that:-

- (1) *it is not prepared to finance an appeal on his behalf against the Martin and Vicary and Douglas Inquiry findings; and*
- (2) *should any appeal instigated by himself result in the findings of the Douglas Inquiry being overturned, then Council would be prepared to reconsider its position with regard to the payment of legal expenses as determined by Council at its meeting of 28 September 1999, which limited payment to a maximum of \$40,000.*

Over three(3) years has passed since the Douglas Inquiry handed down its report. Previous legal advice has indicated that no known grounds are available for any valid appeal against the Douglas Inquiry findings. Mr Grljusich has not provided any evidence to show that he has successfully appealed against the findings of the Douglas Inquiry.

Strategic Plan/Policy Implications

Council's current Policy SES4 - Legal Representation - Indemnification of Costs which was first adopted on 20 November 2001, requires repayment of any financial assistance provided:

"in the event that:

- (i) a finding is made in the report of the Inquiry that the member or employee has acted illegally, improperly, dishonestly, against the interests of the City or in bad faith; or
- (ii) where information provided to the Chief Executive Officer in the application is materially false or misleading."

Budget/Financial Implications

No funds are provided in the 2003/04 Budget to meet costs in regards to reimbursement of legal expenses.

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM 16/09/2003) - COCKBURN YOUTH ADVISORY COUNCIL MEMBERSHIP (8304) (MA)

RECOMMENDATION

That Council, in accordance with Section 5.10 of the Local Government Act 1995, appoint the following individuals as new members of the Youth Advisory Council:

- Melanie Bird
- Nigel Morrison
- Kirstin Semple,

in place of retiring members:

- Rebecca Mellowship
- Daniel Milne

- Anita Smith

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The Cockburn Youth Advisory Council was established as a Junior Council in 1993 to provide advice to the City on youth issues. In 1997, the State Minister for Youth Affairs encouraged the establishment of Youth Advisory Councils. At this time, the Cockburn City Council adopted the changeover of the Junior Council to Youth Advisory Council. Members of the Youth Advisory Council are between the ages of 12 and 21.

The Youth Advisory Council established a Charter in 1997 to outline the objectives and administrative processes for the Youth Advisory Council. In 2003, the Charter was revised and reformatted as the Youth Advisory Council Terms of Reference.

Submission

N/A

Report

Seats on the Youth Advisory Council are advertised as they become vacant. Applications for vacant positions are publicised through posters, leaflets and public notices in local publications and through local networks, for example the Cockburn Gazette, Cockburn City Herald, school newsletters and in notices to community and sporting groups.

The Junior Mayor, Deputy Junior Mayor and Youth Services Coordinator interviewed Youth Advisory Council applicants. The names put forward for consideration by Council are those considered most appropriate for the role of Youth Advisory Council Member.

Strategic Plan/Policy Implications

To identify current community needs, aspirations, expectations and priorities of the services provided by the Council.

Budget/Financial Implications

The Youth Advisory Council is allocated an annual budget of \$2000.

Legal Implications

Sec 5.10 of the Local Government Act, 1995 refers.

Community Consultation

Seats on the Youth Advisory Council are advertised as they become vacant. Applications for vacant positions are publicised through posters, leaflets and public notices in local publications and through local networks, for example the Cockburn Gazette, Cockburn City Herald, school newsletters and in notices to community and sporting groups.

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

Nil.

17.2 (OCM 16/09/2003) - DISABILITY ADVISORY COMMITTEE MEMBERSHIP (8413) (JZ) (ATTACH)

RECOMMENDATION

That Council

(1) in accordance with section 5.10 of the Local Government Act, approve the following individuals as members of the Disability Advisory Committee for 2003/2004:

- Elected Members: Clr Val Oliver & Clr Sue Limbert
- Lyn Payne – Consumer Representative
- Beverly Ross – Consumer Representative
- Pam Jones – Consumer Representative
- Rosemary Fielder – Consumer Representative
- Gaye Robertson – Consumer Representative
- Shanthy Jeyaraj – Consumer Representative
- Gwenneth Williams – Consumer Representative
- Geoff West – Industry Representative
- Lesley Cangemi – Industry Representative
- Dani Connolly – Industry Representative;
- Social Services Manager – Gail Bowman (Advisor)
- Disability Access Officer – Jill Zumach (Advisor)

- (2) adopt the Disability Advisory Committee's "Terms of Reference" as attached to the Agenda.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

On 5 December 1995, Council approved the appointment of a Disability Advisory Committee to monitor and prioritise the implementation of the Cockburn Disability Services Plan.

The Disability Advisory Committee's Mission is to advise the City of Cockburn on the provision of universal access to all facilities and resources within and for the local community.

Submission

N/A

Report

Nominations for new community based members were called for this committee through advertisements in the local papers (Herald & Gazette) and posters placed in public buildings. Applicants were required to be a resident of the City of Cockburn who have a disability, or a parent, carer or advocate of a person with a disability. All applicants met the required criteria and are duly recommended for appointment by Council.

During the last year, the committee has been actively involved in the Universal Playground at Manning Park, employment opportunities for people with disabilities, disability awareness training in primary schools and accommodation for people with disabilities.

A recommendation that the Terms of Reference be adopted was carried by all members of the Committee at the Annual General Meeting on 5 August 2003.

Strategic Plan/Policy Implications

The Committee will continue to provide advice and information on disability issues within the district and to monitor the implementation of the City's Disability Services Plan.

Budget/Financial Implications

The Disability Advisory Committee is allocated an annual budget of \$2000.

Legal Implications

Local Government Act, 1995, Sec 5.10 refers.

Community Consultation

The positions for the Disability Advisory Committee were well advertised and open to all members of the public who met the criteria.

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

Nil.

17.3 (OCM 16/09/2003) - COCKBURN CENTRAL COMMUNITY FACILITIES (8136A) (RA)

RECOMMENDATION

That Council:-

- (1) commit to the development of community facilities in Cockburn Central (Success) of approximately 2,500m² in accordance of the Success Community Facilities Working Party recommendations with a timeframe to allow for services to be operational from the facility by November 2006;
- (2) appoint an architect to carry out the necessary design, documentation and supervision of works for the facilities;
- (3) approve the design and external funding for the Cockburn Central facilities prior to the construction works going to tender;
- (4) explore the opportunity to include and externally fund a business incubator within the Cockburn Central Community Facility Project;
- (5) enter a lease agreement with the owners of the Gateway

Shopping Centre for Shop 1 at the lease fee of \$65,000 plus outgoings with other terms and conditions to the satisfaction of the Chief Executive Officer for a period of three (3) years effective as of 1 November 2003, with the additional amount of \$21,000 to cover the increased rent being provided as part of the Budget Review;

- (4) allocate \$75,000 in the current budget for the cost of establishing the Success Library in the new location with funds being transferred from the Community Recreation Facilities Reserve Fund to cover related expenditure.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council at its meeting of 15 July 2003, resolved as follows:

“(1) defer consideration of this item pending:

1. *A report being provided to Council on the feasibility of relocating the Success Public Library to a higher floor space alternative location within the Gateways Shopping Centre precinct.*
2. *The report in (1) above specifically reporting on:*
 - (i) the feasibility of relocating to the former Video Ezy store.*
 - (ii) canvassing a range of alternative location options.*
 - (iii) varying lease period options for between 3 and 10 years.*
- (2) *from now on refer to the proposed "Success Community Facilities" as the "Cockburn Central Community Facilities"; and*
- (3) *publish the White Paper referred to in the report on Council's website and at Council's public libraries. “*

The matter of provision of community facilities has been before Council many times over the past several years. Following is a summary of information provided to Elected Members over the period.

- June 2000 - Principal Activity Plan identified funds for a temporary shopfront library to be in place in the Gateway Shopping Centre prior to the construction of a purpose built centre to include a library.
- June 2001 - Principal Activity Plan identified community facilities for Success/Cockburn Central and advised that they would possibly cost in excess of \$5 million.
- May 2002 - Council resolved at an Ordinary Meeting of Council to establish a working party “...to investigate the requirements for and timing of community facilities to be located on the community purposes site on the corner of Beeliar Drive and Wentworth Parade in Success.”
- November 2002 - agenda item prepared and included the considerations from the working party following several meetings and site visits. The agenda item included a comprehensive report and attached to the agenda was a Business Social Case for the facility. The matter was deferred, “*pending further consideration by Elected Members of the information provided.*”
- December 2002 - Agenda item recommitted back to Council which then resolved at its meeting of 17 December 2002, in part for a white paper to be prepared to cover a range of issues including possible sites for the facility including the purchasing of land, use of leased property and of the community purposes site.
- May 2003 - Elected Members were given a briefing on the white paper. The clear understanding from that meeting was that Elected Members supported the placement of the community facilities on the community purposes site and that Council would proceed to develop these facilities in a timely manner to seek to have them developed by or near to the time that the lease for the shopfront library expires.
- July 2003 - Council at its Ordinary Council Meeting held on 15 July 2003, resolved to defer consideration of this item pending:
 1. A report being provided to Council on the feasibility of relocating the Success Public Library to a higher floor space alternative location within the Gateways Shopping Centre precinct.
 2. The report in (1) above specifically reporting on:

- (i) the feasibility of relocating to the former Video Ezy store.
- (ii) canvassing a range of alternative location options.
- (iii) varying lease period options for between 3 and 10 years.

Submission

N/A

Report

The additional information provided to address Council's decision of 15 July 2003, has been added to the front of the report with this information included in the July meeting retained.

Advice from the agents for the Gateways Shopping Centre in response to the letter sent from the City in relation to the possible lease of alternative shops for the Success Library, is that they would not be prepared to lease a shop for greater than five(5) years pending the possible redevelopment of the centre in several years time. They have however offered the following alternative:

- Shop 1 (ex Video Ezy) This shop is 247.2m² and is located at the north entry. The lease fee is:
 - \$65,000 per annum plus GST and outgoings for a 3-year period with the rent reviews annually and fixed at 4%.
 - \$62,000 per annum plus GST and outgoings for a 5-year period with reviews annually and fixed at 4%.

There will also be legal fees of \$1,000 for the drawing up of the lease, stamp duty and a Commercial Register for \$29.

The cost to equip and furnish the alternative premises and move the existing stock and equipment to the proposed library in shop 1 has an estimated total cost of \$75,000. This is comprised of \$35,000 for shopfront and cabinetwork for the new shop and making good the existing shop with a further \$40,000 for the relocation of existing equipment, purchase of more equipment to meet the needs of the larger space and provision of services such as telephone and internet.

There would be no penalty or additional cost imposed on the lessee should it decide to move from the existing shop used as the Success Library to an alternative shop.

Written advice has been received from the owners of the Southgate Commercial Centre which are also owners of the Gateways Shopping Centre, that they are not prepared to lease an area within this building for a library, as it is not in harmony with the commercial marketing strategy for this building.

At present the service is a recipient in the state government's \$4m in 4 Years plan to improve the level of book stocks in those local authorities that are below the state's standard of 1.25 per capita. Currently Cockburn stands at about 0.90. The programme will by the end of 2005, have delivered or be about to deliver a total of about 17,500 new books to Spearwood Library. Some 5,900 of Spearwood's stock is located in Success and a move to shop 1 would enable another 3,000 to 3,500 to go there. While it is difficult to determine exactly when the libraries will run out of space, it is likely that it will happen before the end of 2004, with the programme still having a year or so to run. The alternatives are clear – either material will have to go into store or the State Library will have to be advised that Cockburn can no longer accommodate further material.

The Coastal Business Centre (Inc.) has written to the City indicating an interest in establishing a business incubator in the City. A business incubator is a facility that provides office space and business assistance to start up a growth business. The location of a business incubator in a Regional Centre is seen by the Coastal Business Centre as a means of assessing the success of the facility. All construction costs associated with a business incubator would come from external sources.

Information included for the 15 July 2003 meeting of Council is as follows. **Note that the timetable will have to be altered to reflect the current circumstances.**

Site Location

The white paper was prepared and presented to a briefing session to Elected Members held on 27 May 2003.

The white paper presented identified two location options for permanent community facilities constructed by the City; on the community purposes site on the corner of Beelihar Drive and Wentworth Parade in Success and within the proposed Town Centre precinct. It was agreed that on balance, the best option is for the facilities to be located on the community purposes site. The details of the pros and cons of each site are included in the white paper previously provided to Elected Members.

Building Dimensions

It ought to be noted that the original officer's recommendation in the Business/Social case included a wet and dry arts area and a crèche. The areas apportioned for each service were also generally larger, in particular the library proposed was 1700m², giving a total floor area of 3,051m².

Council at its meeting of 21 May 2002, resolved to establish a working party to consider the scope and range of services that could be provided from facilities located in the area. Whilst there was some debate in the working party as to the size of the library, there was general agreement on the following elements that could be included in the facility and their approximate sizes. These are listed as follows:

Working Party

<u>Facility</u>	<u>Indicative cost</u>	<u>Size m²</u>
Youth Resource Centre	\$95,700	50
Satellite Council Offices	\$95,700	50
Meeting Rooms (total area)	\$191,400	100
Lecturette (to seat 140)	\$421,080	220
Offices (3) (for Podiatry, Public Trustees, JP and the like)	\$91,872	48
Training Room	\$95,700	50
Gallery/Foyer (designed to allow for the presentation of art works and formal functions)	\$421,080	220
Children's Services	\$430,650	225
Support Services	\$183,744	96
Kitchen area (similar to Council reception area kitchen)	\$57,420	30
Staff Room (shared with all staff)	\$76,560	40
Storage space (final locations and sizes to be developed)	\$143,550	75
Library	\$2,296,800	1200
Total Area		2404

* Note that the indicative cost is inclusive of all costs including fees and fit out and has been calculated on the basis of the recommended working party floor area of 2400m² divided by the estimated total cost of \$4,594,800 which equates to \$1,914 per square metre. These figures provide a sense of what the various areas would cost and are very much approximations.

The total site areas including car parks for the working party proposal and the original administration proposal are 6,100m² and 6,750m² respectively. These requirements can readily fit upon the available Success site.

The cost of the community facilities construction can only be accurately estimated when Council makes a decision on what services and facilities it would like provided. As an indication the following information is provided:

Building Construction Costs**Administration Proposal**

• 3051m ² @ \$1400/m ²	\$4,271,400
• Car parking 150 cars	\$150,000
• Landscaping	<u>\$50,000</u>
Sub Total	\$4,471,400
Fees 8%	\$357,700
• Fit out	
◦ Library	\$500,000
◦ Fit out balance of building	<u>\$250,000</u>
	\$750,000

ANTICIPATED TOTAL (PRESENT VALUES) \$5,579,100

Working Party Proposal

◦ 2400m ² @ \$1400/m ²	\$3,360,000
◦ Car parking 150 car	\$150,000
◦ Landscaping	\$50,000
◦ Sub Total	
	\$3,560,000
◦ Fees 8%	\$284,800
◦ Fit out	
◦ Library	\$500,000
◦ Fit out balance of building	\$250,000
◦	\$750,000

ANTICIPATED TOTAL (PRESENT VALUES) \$4,594,800

Depending upon the type of facilities provided for in the building, it is possible that external funding may be sourced. As an indication, the Lotteries Commission may contribute up to \$300,000. The level of financial commitment from external parties is dependant upon the nature of the facilities and services provided.

Operating Costs:

Most of the staff costs associated with the provision of services from the new facilities are already included in the Municipal Budget or come from State/Commonwealth Government sources. The additional costs will arise out of the expansion of the library from the Gateways Shopping Centre, operation of the Council information service and the operating and maintenance of the building itself.

BUDGET

Library

Expenditure		Current	Additional
Current	Salaries and on costs Operating	\$173,000 \$36,000	
Additional	Salaries Operating		\$253,600 \$Nil (saving in rent on Success Library)
	INCOME Photocopier	\$10,000	-\$10,000

Information office/building coordinator

		Current	Additional
Additional	Salaries L3/1:L4/1 Operating		\$83,700 \$12,000

Building Operation

		Current	Additional
Additional	Operation 2% of Capital		\$100,000
	Income User contribution		-\$11,000
	Hire Lecturette/ rooms		-\$15,000

There is scope within the existing budgets for services funded from external sources to pay a rental fee for space occupied

TOTAL ADDITIONAL OPERATIONAL FUNDS REQUIRED \$423,300

Timetable for Development

- August 2003 - Council commitment to the Success Community facilities to be constructed and fitted out by February 2006.
- August 2003 - Development of project brief for architect.
- September/October 2003 - appointment of project architect.
- November/December 2003 - concept and schematic design developed.
- February/March 2004 - Public Comment.

- April/May 2004 - Grant applications for external funding submitted.
- July 2004 - Final concept design adopted by Council.
- August to October 2004 - detailed design, documentation, specifications completed.
- November/December 2004 - Building tender period.
- January 2004 - Council acceptance of tender.
- February 2005 to December 2005 - Construction period.
- January 2005 to March 2006 - building fit out ready for occupation in March 2006.

This rather tight timeframe will require an extension to the current lease for the Success Library from at least September 2005 to March 2006, this is for a seven-month period.

Strategic Plan/Policy Implications

Facilitating a range of services responsive to community needs.

Budget/Financial Implications

Council has previously been advised that there was \$400,000 budgeted by the Department for Community Development to go towards the project. However, as there was no commitment to proceed with the project by Council the funds had been redirected by the Department. It is expected that additional funds will be available for the project from sources such as Lotteries Commission and the Department for Community Development. However the extent of these funds is dependent upon the scope and nature of the facilities provided.

There is provision made within the Principal Activity Plan for the Success Community Facilities to be constructed by the end of 2006 with an allowance of \$400,000 made for operating expenses.

Should the Council decide to take up a lease of Shop 1, there would be an additional \$75,000 required for the relocation and equipment and an additional \$21,000 in rent for the balance of the year 1 November 2003 to 30 June 2004. This figure is inclusive of additional power consumption anticipated with a larger area.

It is proposed that the \$75,000 be drawn from the Community Recreation Facilities Reserve Fund. The additional funds to cover the increased rent will be provided as part of the Budget Review.

Legal Implications

N/A

Community Consultation

This would appear unnecessary in respect to the change of the location of the library 'shop'. The proposal to develop community facilities has been well canvassed. Should Council decide to proceed with this development of the community centre, there would be a community consultation process built into the Architectural services contract.

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

Nil.

17.4 (OCM 16/09/2003) - MANAGEMENT ORDER LOT 393 AND 172 BAKER COURT BIBRA LAKE (1100097) (RA) (ATTACH)

RECOMMENDATION

That Council:

- (1) accept the transfer of the Management Order with the power to lease for Lots 172 and 393 Baker Court North Lake, from the Western Australian Planning Commission to the City of Cockburn; and
- (2) through the appropriate legal instrument, transfer the existing leases for Lots 172 and 393 Baker Court Bibra Lake, to the City of Cockburn from the Western Australian Planning Commission.

COUNCIL DECISION

Background

Council currently leases from the WAPC at nominal fee an area of 26 hectares, as indicated on the attached plan. The City in turn sub-leases areas of land to the Spanish Club, Murdoch Pines Golf Course and the Lakeside Baptist Church. The areas of land being Lots 172 and 393 Baker Court, North Lake.

Submission

The Western Australian Planning Commission has written to the City advising that at its meeting of 5 August 2003, endorsed the transfer of the area of Lots 393 and 172 Bibra Lake to the City of Cockburn.

Report

There has been an indication for many years from the Department for Planning and Infrastructure (previously DPUD) that the owners of the land intend to transfer the whole of Lot 393 and 172 land to Crown Reserve and have it vested in the City for recreational purposes. This action would result in Council being able to control the land without the requirement for approval from DPI to sub lease or alter the conditions off any sub lease. Whilst the intentions of DPI are known, on past experience the actual transfer is likely to take a considerable time. There is a modest income generated from the sub lease areas which would result in no additional costs to Council should the transfer of the land proceed. The most significant advantage to the City of having control over the land is that any decisions on the land could be made promptly without the time consuming process of having to seek approval from the Planning Commission.

The Cockburn Ice Arena has indicated an interest in leasing a portion of the land in question to establish a new facility. Under the proposed recommendation, this matter would be dealt with without the involvement of D.P.I.

Strategic Plan/Policy Implications

- 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

The Lakeside Baptist Church and Spanish Club pay a lease fee equivalent to the rates for the property. Murdoch Pines Golf pays a portion of the gross turnover which equates to approximately \$3,000 p.a.

Legal Implications

The proposed arrangement will streamline the current arrangements where, under the terms of the head the lease the City is required to seek the agreement of the Western Australian Planning Commission for any changes to or creation of a sub lease.

Community Consultation

The proposed changes are administrative in nature and of no consequence to the general public.

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

Not applicable as this is related to land vested in the Crown.

**17.5 (OCM 16/09/2003) - SECURITY PATROL SERVICE (8957) (RA)
(ATTACH)**

RECOMMENDATION

That Council:-

- (1) supports the development of a detailed Business Plan for a Security Patrol Service based upon Model 2 as outlined in the report; and
- (2) enter negotiations with the Australian Services Union for an Enterprise Bargaining Agreement specifically for a Security Patrol Service with the outcome of the negotiations to be available for inclusion in the agenda item on Security Patrols for the November 2003 Meeting of Council.

COUNCIL DECISION

Background

Council, at its meeting of 17 June 2003, resolved as follows:-

- “(1) based on the findings of the research into security and safety issues in Cockburn, support the concept of providing a security service in the form of a district wide mobile security/surveillance patrol to operate on a full time (i.e. 24 hours/7 days per week) basis;*
- (2) require the preparation of a Business Plan to include amongst other matters, costs associated with establishing an “in house” patrol service comprising of staff and equipment recruited/acquired by the City of Cockburn to undertake the functions described in (1) above; and*

- (3) *upon completion of the investigation undertaken in (2) above, report the resultant information back to Council for further consideration.”*

The City Administration has carried out preliminary investigation into the many aspects of the provision of a security patrol service for the City. It is considered opportune and of value to seek some more specific direction from Council on the nature and extent of the service envisaged, particularly in light of the likely costs associated with the various possible service models.

Submission

N/A

Report

Security Patrol Services come in many forms and consequently with varying costs. In accordance with the general direction provided by Council at its June 2003 meeting three (3) Service Models have been developed and approximate costs established.

It is to be noted that the response times are indicative only as the level and nature of call-outs are unknown at this time. There is reference to response times as being Category One calls which can be defined as where there is a safety issue with a threat to person or property. It is assumed that the patrol will provide the same level of service to Council property as other property in the district.

MODEL 1

Scope

A Security Patrol that provides ongoing pro-active patrols throughout the whole of the City with an “On Call” Service to ratepayers of the City of Cockburn.

A full coverage service designed to ensure all street and public areas in the City are patrolled on a regular basis. The Service will also act as a visual deterrent to criminals and reassurance to citizens that assistance is close at hand should they need it. This service is designed to rapidly respond to customer’s requests for service in line with Council’s priority specifications.

Staff Requirements

The role of the attending staff is seen as predominately a containment role before the arrival of other agencies (police, ambulance, fire and other council services etc).

This model provides 5 operational patrols on each 12-hour shift 7 days per week.

It is expected that this model would provide a service in which 90% of category 1 calls would have a vehicle in attendance within 10 minutes.

The Service staff will have access to a number of agencies whose details and information they can pass onto the person requesting the assistance.

MODEL 2

Scope

A Community Watch Service that essentially provides for an 'On Call' Service whilst ongoing pro-active patrols are being conducted throughout the City, with identified crime/anti social behaviour hotspots receiving particular attention.

The Service will respond to calls for assistance within the City boundaries and the timeliness of those responses will be determined by four levels of priority provided for in the Service Standards together with consideration of current workloads.

Staff Requirements

The role of the attending staff is seen as predominately a containment role before the arrival of other agencies (police, ambulance, fire and other council services etc).

This model provides for an average of 4 operational patrols on each 12-hour shift 7 days per week.

It is expected that this model would provide a service in which 90% of category 1 calls would have a vehicle in attendance within 20 minutes.

The Service staff will have access to a number of agencies whose details and information they can pass onto the person requesting the assistance.

MODEL 3

Scope

A Security Service that provides for primarily an "On Call" vehicular patrol service. There will also be limited vehicular patrols of streets within the City when tasking allows.

Staff Responsibility

The role of the attending staff is seen as predominately a containment role before the arrival of other agencies (police, ambulance, fire and other council services etc).

This model provides for an average of 3 operational patrols on each 12-hour shift 7 days per week.

It is expected that this model would provide a service in which 90% of category 1 calls would have a vehicle in attendance within 30 minutes.

The Service staff will have access to a number of agencies whose details and information they can pass onto the customer requesting the assistance.

The vast majority of the costs associated with security patrols are staff related. The current award under which the patrol officers would be employed is poorly adapted for extended out of hours services such as security patrols. It is understood that there may be scope through the development of a specific Enterprise Bargaining Agreement for Cockburn Security Patrols to achieve a more flexible and cost effective wage structure. The salaries/wage costs identified for the service are conservative with some potential for negotiated savings. The other significant cost is that of vehicles' operating, maintenance and replacement. For the broad costings provided the average annualised whole of life cost for a range of vehicles from 4 to 6 cylinders has been used. All other operating costs are of lesser significance and have a high level of confidence in accuracy.

A summary of operating cost estimates for each service model are as follows:-

YEAR 1			
	Model One (1)	Model Two (2)	Model Three (3)
Salaries and On Costs	\$1,335,725	\$1,081,980	\$828,235
Other Operating	\$59,500	\$58,500	\$57,500
Vehicles (Operating and replacement)	\$117,743	\$94,194	\$49,452
Total	\$1,512,968.00	\$1,234,674.00	\$935,187.00

YEAR 2			
	Model 1	Model 2	Model 3
Salaries and On Costs	\$1,550,942	\$1,254,453	\$957,965
Other Operating	\$81,275	\$76,625	\$71,975
Vehicles (Operating and replacement)	\$117,743	\$94,194	\$49,452
Total	\$1,749,960.00	\$1,425,272.00	\$1,079,392.00

YEAR 3			
	Model 1	Model 2	Model 3
Salaries and On Costs	\$1,799,092	\$1,455,165	\$1,111,239
Other Operating	\$59,500	\$58,500	\$57,500
Vehicles (Operating and replacement)	\$117,743	\$94,194	\$49,452
Total	\$1,976,335.00	\$1,607,859.00	\$1,218,191.00

YEAR 4			
	Model 1	Model 2	Model 3
Salaries and On Costs	\$2,086,947	\$1,688,000	\$1,289,037
Other Operating	\$59,500	\$58,500	\$57,500
Vehicles (Operating and replacement)	\$117,743	\$94,194	\$49,452
Total	\$2,264,190.00	\$1,840,694.00	\$1,395,989.00

The significant increase in costs from year 1 to year 2 is mainly due to the increase in wages. Under the Award, staff progress through 4 levels usually on a year-by-year basis subject to staff performance. This requirement could be addressed in a specific E.B.A. for security patrols. The other increase is due to recurring costs following the initial establishment costs. Note there has been no inflation figure factored into the year 2 budget.

On the assumption that there are approximately 30,000 levied properties within the City, the cost per rateable property for the 3 models over the initial two years are as follows:-

	Model 1	Model 2	Model 3
Year 1	\$49.73	\$40.45	\$30.47
Year 2	\$58.33	\$47.51	\$35.98
Year 3	\$65.88	\$53.60	\$40.61
Year 4	\$75.48	\$61.37	\$46.53

These figures would recoup the annual operating expenses for the service models as described, not including set up costs.

There are significant costs associated with the establishment of a security patrol service, the most significant being vehicle purchase and

equipping and accommodation. As there is no space available within the depot for a base for the patrol service, new accommodation would be required. The cost of another module to be added to the budgeted depot extension with fit out is estimated to be \$145,000.

The total Capital cost for the various models is as follows:-

Model 1	Model 2	Model 3
\$560,237	\$503,865	\$444,433

The availability of funds for the purchase of these capital items has yet to be identified, although a source(s) of funding will be evident by the time the Business Plan is due in November 2003.

Council has the option of utilising its own funds or amortising them over, say, a 5-year period through the service charge. If this latter option were taken up, the additional charge on the levy would be without interest on the money as follows:

Model 1	Model 2	Model 3
\$3.74/year	\$3.37/year	\$2.97/year

Another matter that needs to be considered should the City proceed with a security patrol service, is when it is to begin and from what point the levy is imposed. Section 6.38 of the Local Government Act gives the power to impose a service charge and the associated regulation allows such a charge to be imposed for security patrols.

Realistically, given that Council is to consider the Business Plan for Security Patrols in November 2003, an on the road patrol service could not be operational before 1 March 2004. In any case, it is highly questionable whether Council can, in fact, raise a service charge outside the annual budget adoption timeframe.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

Security patrols are able to be funded by a separately costed Service Charge (levy), or may be absorbed into general rates.

Legal Implications

Local Government (Financial Management) Amendment Regulations 1999 refer (Reg. 54)

Community Consultation

Extensive community opinion has been sought. Should the Council proceed with the security patrol services, then there will be a requirement to prepare a Business Case which could most likely involve community consultation.

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

Private security patrols are hired by individual businesses in the district to undertake after hours patrols. Any district-wide programme could incur an additional service charge on all properties within Cockburn identified as being recipients of the service.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

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

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

23. CONFIDENTIAL BUSINESS

Nil

24. (OCM 16/09/2003) - 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

25. CLOSURE OF MEETING