

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 15 MARCH 2005 AT 7:00 PM

	Page
1. DECLARATION OF MEETING.....	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)	1
3. DISCLAIMER (READ ALOUD BY PRESIDING MEMBER)	1
4 (OCM 15/03/2005) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)	2
5 (OCM 15/03/2005) - APOLOGIES AND LEAVE ABSENCE	2
6 (OCM 15/03/2005) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
7 (OCM 15/03/2005) - PUBLIC QUESTION TIME.....	4
8. CONFIRMATION OF MINUTES.....	17
8.1 <u>(MINUTE NO 2728)</u> (OCM 15/03/2005) - ORDINARY COUNCIL MEETING - 15/02/2005.....	17
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE.....	17
10. DEPUTATIONS AND PETITIONS	17
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED)	17
12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER	17
13. COUNCIL MATTERS.....	18
13.1 <u>(MINUTE NO 2729)</u> (OCM 15/03/2005) - PROPOSED AMENDMENT TO THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (DMG) (ATTACH).....	18
13.2 <u>(MINUTE NO 2730)</u> (OCM 15/03/2005) - LOCAL GOVERNMENT STATUTORY COMPLIANCE RETURN - 2004 (1332) (DMG) (ATTACH)	20

13.3	<u>(MINUTE NO 2731)</u> (OCM 15/03/2005) - 2005 ANNUAL GENERAL MEETING OF ELECTORS - MOTION - NO CONFIDENCE IN THE MAYOR OF THE CITY OF COCKBURN (1713) (DMG) (DMG)	21
13.4	<u>(MINUTE NO 2732)</u> (OCM 15/03/2005) - MUSEUM ADVISORY COMMITTEE MEETING MINUTES, 22 FEBRUARY 2005. (1960) (DMG) (ATTACH).....	24
13.5	<u>(MINUTE NO 2733)</u> (OCM 15/03/2005) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING MINUTES 23 FEBRUARY 2005 (1054) (DMG) (ATTACH).....	25
	<u>(MINUTE NO 2734)</u> (OCM 15/03/2005) – DAPPS COMMITTEE MINUTES – 23 FEBRUARY 2005 – ITEM 9.5 – POLICY SC3 “COUNCIL MEETINGS” (1054) (DMG)	27
	<u>(MINUTE NO 2735)</u> (OCM 15/03/2005) – DAPPS COMMITTEE MINUTES – 23 FEBRUARY 2005 – ITEM 10.8 – POLICY apd13 – “TELECOMMUNICATIONS POLICY – HIGH IMPACT FACILITIES (9003) (MR).....	27
14.	PLANNING AND DEVELOPMENT DIVISION ISSUES	28
14.1	<u>(MINUTE NO 2736)</u> (OCM 15/03/2005) - OVERSIZE OUTBUILDING AND REDUCED REAR SETBACK - LOT 61; NO. 115 ELDERBERRY DRIVE, SOUTH LAKE - OWNER: M J TESTER - APPLICANT: COASTLINE SHEDS (5113699) (JB) (ATTACH).....	28
14.2	<u>(MINUTE NO 2737)</u> (OCM 15/03/2005) - ACQUISITION OF LOT 29 ON DIAGRAM 42435 LOMAX COURT, BEELIAR (3316149) (KJS) (ATTACH)	31
14.3	<u>(MINUTE NO 2738)</u> (OCM 15/03/2005) - ACQUISITION LOTS 22 & 24 IMLAH COURT, JANDAKOT - MAIN ROADS WA (5515183; 5515185) (KJS) (ATTACH)	34
14.4	<u>(MINUTE NO 2739)</u> (OCM 15/03/2005) - PROPOSED (INITIATION) REZONING AMENDMENT TO TOWN PLANNING SCHEME NO.3 - LOT 8001 COCOS DRIVE, BIBRA LAKE - OWNER/APPLICANT: WHITE RIVER PTY LTD (4412800) (JB) (ATTACH)	36
14.5	<u>(MINUTE NO 2740)</u> (OCM 15/03/2005) - PROPOSED EXPENDITURE OF PUBLIC OPEN SPACE CASH-IN-LIEU IN WOODMAN VILLAGE ESTATE (WAPC REF: 122857) - LOT 13 & 9001 ROCKINGHAM ROAD, MUNSTER - OWNER: COBERG NOMINEES (122857; 9477) (JU) (ATTACH).....	42

14.6	<u>(MINUTE NO 2741)</u> (OCM 15/03/2005) - DEDICATION OF LAND AS ROAD PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 - PORTION LOT 258 BEING RESERVE 2054 (5514362) (KJS) (ATTACH).....	45
14.7	<u>(MINUTE NO 2742)</u> (OCM 15/03/2005) - GROUPED (R-CODE) DWELLING - 3A CLAYGATE ROAD, HAMILTON HILL - OWNER: T PETRIDIS & D A ROWE - APPLICANT: JANE WETHERALL & GEOFF WARN ARCHITECTS (6001838) (ACB) (ATTACH)	47
14.8	<u>(MINUTE NO 2743)</u> (OCM 15/03/2005) - PROPOSED AMENDMENT TO TOWN PLANNING SCHEME NO. 3 - COMPULSORY RAINWATER TANKS (6605) (MR).....	52
14.9	<u>(MINUTE NO 2744)</u> (OCM 15/03/2005) - REGISTER OF HERITAGE PLACES - PERMANENT ENTRY - SOUTH FREMANTLE POWER STATION (1048) (MR) (ATTACH).....	56
14.10	<u>(MINUTE NO 2745)</u> (OCM 15/03/2005) - REVISION TO THE STRUCTURE PLAN - SOUTH BEACH STRUCTURE PLAN - VARIOUS LOTS ON ROLLINSON ROAD, O'CONNOR CLOSE AND SOUTH TERRACE, HAMILTON HILL (9653) (VM) (ATTACH).....	61
14.11	<u>(MINUTE NO 2746)</u> (OCM 15/03/2005) - FARRINGTON ROAD, LEEMING - TRAFFIC MANAGEMENT CONCEPT PLAN - CITY OF MELVILLE (450501) (SMH) (ATTACH)	65
14.12	<u>(MINUTE NO 2747)</u> (OCM 15/03/2005) - PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 24 - ADDITIONAL USE - LOCKUP STORAGE - LOT 5 LYON ROAD, AUBIN GROVE - OWNER: CARMEL PTY LTD - APPLICANT: CARDNO BSD PTY LTD (93025; 5513285) (CP) (ATTACH).....	75
14.13	<u>(MINUTE NO 2748)</u> (OCM 15/03/2005) - SCHEME AMENDMENT RE-CODING FROM R30 TO R20 PACKHAM DEVELOPMENT - DEVELOPMENT AREA 1 (93031) (MR) (ATTACH)	81
14.14	<u>(MINUTE NO 2749)</u> (OCM 15/03/2005) - CLEARING OF VEGETATION - LOT 301 KNOCK PLACE, JANDAKOT - OWNER: SOLTOGGIO HOLDINGS PTY LTD (6002846; 6000744) (GB) (ATTACH)	86
	<u>(MINUTE NO 2750)</u> (OCM 15/03/2005) – EXTENSION OF TIME	89
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES	89
15.1	<u>(MINUTE NO 2751)</u> (OCM 15/03/2005) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)	89

	Page
16. ENGINEERING AND WORKS DIVISION ISSUES.....	90
16.1 <u>(MINUTE NO 2752)</u> (OCM 15/03/2005) - LANCASTER HOUSE CROSSOVER - REQUEST FOR FULL REFUND (450162) (JR)	90
17. COMMUNITY SERVICES DIVISION ISSUES.....	93
17.1 <u>(MINUTE NO 2753)</u> (OCM 15/03/2005) - COCKBURN INCIDENT CONTROL VEHICLE (1550) (RA)	93
17.2 <u>(MINUTE NO 2754)</u> (OCM 15/03/2005) - WETLANDS EDUCATION CENTRE PRECINCT (4617) (RA).....	96
17.3 <u>(MINUTE NO 2755)</u> (OCM 15/03/2005) - COMMUNITY SAFETY CRIME PREVENTION STRATEGIC PLAN (8953) (JJ) (ATTACH)	100
17.4 <u>(MINUTE NO 2756)</u> (OCM 15/03/2005) - SOUTH LAKE LEISURE CENTRE GYMNASIUM EXPANSION (8143) (SH)	102
17.5 <u>(MINUTE NO 2757)</u> (OCM 15/03/2005) - REQUEST FOR TENDER 03/2004 RECREATION RESERVE - PORTION LOT 393 BAKER COURT, NORTH LAKE (1100097) (RA)	107
18. EXECUTIVE DIVISION ISSUES	110
19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	110
20. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING.....	110
21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS	110
22. (OCM 15/03/2005) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE	110
23. CONFIDENTIAL BUSINESS.....	112
24. <u>(MINUTE NO 2758)</u> (OCM 15/03/2005) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)	112
25. (OCM 15/03/2005) - CLOSURE OF MEETING	112

CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 15 MARCH 2005 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

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

IN ATTENDANCE

Mr D. Green	-	Acting Chief Executive Officer
Mr S. Hiller	-	Director, Planning & Development
Mr B. Greay	-	Director, Engineering & Works
Mr K. Lapham	-	Manager, Finance
Mr R. Avard	-	Acting Director, Administration & Community Services
Mrs B. Pinto	-	Secretary/PA, Finance & Corporate Services
Mr A. Jones	-	Communications Manager

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.02 pm.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil

3. DISCLAIMER (Read aloud by Presiding Member)

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



4 (OCM 15/03/2005) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised the meeting that he had received a written declaration of interest from Deputy Mayor Graham and from himself, which will be read at the appropriate time.

5 (OCM 15/03/2005) - APOLOGIES AND LEAVE ABSENCE

Clr Val Oliver	-	Apology
Clr Alistair Edwards	-	Apology
Mr Stephen Cain, CEO	-	Leave of Absence

6 (OCM 15/03/2005) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Colin Crook – Ordinary Council Meeting – 21 December 2004 – raised the following issues:

1. Requested Council to consider employing the caretaker at Coogee Beach in a full time capacity.

Response: No funds were made available through the Budget review adopted at the Council Meeting.

2. Why has Council foregone the opportunity of rebuying and selling Lot 21 Progress Drive, Bibra Lake, at considerable profit to all the ratepayers of Cockburn?

Response: Council saw no benefit in repurchasing the land.

3. Why weren't his (Mr Crook's) questions answered properly from the November Council Meeting.

Response: It is considered that adequate responses to the issues raised were provided in writing.

Logan Howlett – Ordinary Council Meeting – 18 January 2005 – asked the following questions in relation to the concert at Manning Park:

Q1. When did the concept of a 'Classic Event' first arise?

A1. \$40,000 was provided on the 2004/05 Municipal Budget for this purpose.

Q2. Why weren't written quotations called for the initial proposal?



A2. There is no statutory requirement to do so where the amount is less than \$50,000.

Q3. Has any agreement been signed or a commitment from the Council been given to the promoter or any other agent in regard to this matter?

A3. Not as at 18 January, 2005.

Q4. Which elected member or members, if any approached the Event organisers to secure Marcia Hines for a performance in Cockburn, and if this occurred, when did this occur and under what authority did it occur?

A4. None. All discussion with the event promoters has been undertaken by Council staff.

Q5. Can the council reassure the Cockburn community that the decision taken by it at a Special Council Meeting on Thursday, 23 December 2004 in regard to this matter, was in accordance with the provisions of the Local Government Act 1995?

A5. Yes. The purpose of this meeting was solely to allocate additional funds to enable negotiations with the preferred artist to continue.

Q6. Where is the openness, transparency, competition, 'value for money' and accountability for this position?

A6. Ideally, the decision not to call for tenders to provide this service should have been made concurrently with the decision to allocate additional funds at the 23 December, 2004, meeting. However, having subsequently realised this oversight, Council was correct in resolving not to seek general expressions of interest to provide the service, having already established the identity of its preferred supplier. Therefore, the decision taken not to proceed with the tendering process was for statutory compliance measures only.

Logan Howlett – Ordinary Council Meeting – 18 January 2005 - sought information from Mayor Lee relating to the date that a letter was sent to Southern Cross Care (WA) Inc. from the Mayor regarding the proposed construction of Pearson Drive, Success.

As the Mayor was unable to accurately respond to the question at the time, he advised you that the question would be answered in writing.

The letter was sent on 29 October, 2004.

Patrick Thompson – Ordinary Council Meeting – 15 February 2005 - submitted questions for presentation to the Annual Electors Meeting. Following was the response given in reply to the questions presented:



Q. *Could Council please give a possible date for discussion of the provisions of "Cat Bill?" ("Cat Bill" – description by staff at the Cat Haven, Shenton Park).*

A. Response from the "Greens" is that the draft Cat Bill is going nowhere at the moment as they are in recess awaiting the election.

Giz Watson is the member who is promoting the Bill on behalf of the Greens and its progress will depend on her re-election and on which party is successful in government as to how far the Bill is progressed.

Q. *The Cat Haven advised implementation of the Bill would alleviate some of the onerous burden they have the job of carrying. They also advise that the implementation of the bill is at the sole discretion of the individual local Councils and can Council please confirm this is the case.*

A. The Cat Bill gives guidelines in relation to the keeping of cats, however it does to a certain extent rely on Local Councils developing their own local laws to augment the operation of the Bill. There are many problems associated with the interpretation of the draft Bill that have to be dealt with prior to its coming into operation, for example it states that a cat that is held longer than 3 months then becomes the property of the holder of the cat until its permanent removal from that place. This would imply that it must be held for 3 months before it can be rehoused. This is totally impractical. There are also no guidelines as to the impounding of cats in the Cat Bill so Local Councils would need to put these in place with Local Laws.

Q. *Can Council please provide a written breakdown of the sponsorship of each of its events?*

A. Council received sponsorship only for the 25th Anniversary Cocktail Party. The breakdown of contributions received was:

Property Resource Management	\$3,000
Landcorp	\$3,000
Cockburn Cement	\$3,000
Australand Holdings	\$3,000
Stockland Trust	\$3,500
Total	<u>\$15,500</u>

7 (OCM 15/03/2005) - PUBLIC QUESTION TIME

Logan Howlett, North Lake asked a series of questions in relation to Mayoral allowances and other payments:



- Q1. What is the value by financial year or part thereof of the annual local government Mayoral allowance received by the Mayor since his election in December 2000?
- Q2. What is the value by financial year of the Mayoral allowance used for community purposes by the Mayor and what are those purposes?
- Q3. What is the value by financial year or part thereof of the annual local government meeting allowance received by the Mayor since his election in December 2000?
- Q4. What action has or is being taken to increase the Mayoral allowance and or meeting allowances and what are the proposed annual increases?
- Q5. What increased Mayoral, Meeting, Communication or other allowances have been/are planned too be paid to elected members in the 2005 calendar year?
- Q6. When did the Council change its long standing policy relating to the timing of the review of the Mayoral allowance i.e. it was to be determined prior to the local government elections and it is now to be determined after the elections?
- Q7. Which Committee of Council determined this change and who moved and seconded the motion to allow for the change and at what Council meeting was the Committee's recommendation adopted?
- Q8. What was the reasoning provided for changing the timing of consideration of the Mayor's allowances etc?
- Q9. What is the value by financial year or part thereof of the communication allowance received by the Mayor since his election in December 2000?
- Q10. What equipment is provided for the Mayor's use i.e. telephones, mobiles, laptop computers, desktop computers, printers etc?
- Q11. Is the Mayor provided with a credit card or cards by the Council?
- Q12. If so, what is the credit limit on the credit card or credit cards?
- Q13. What is the value by financial year or part thereof of costs incurred with the credit card or credit cards by the Mayor since his election in December 2000?
- Q14. For what purposes were these costs incurred?
- Q15. What is the rate per kilometre payable to elected members for each financial year or part thereof for using their own vehicles for Council



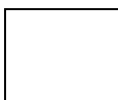
business?

- Q16. Has the Mayor used Council pool vehicles at any time since his election in December 2000?
- Q17. If so, are Council vehicles still available for his use, or if not when did they stop being available for his use?
- Q18. What is the value by financial year or part thereof of the total mileage claim re-imburements received by the Mayor since his election in December 2000?
- Q19. What funds, if any, have been allocated to the Mayor for use for conference purposes by financial year or part thereof, since his election in December 2000?
- Q20. What is the purpose of the funds allocated (in Question 19 above) and what Council approval is required prior to that expenditure being committed and what reports on expenditure are provided?
- Q21. What is the value by financial year, or part thereof, of conference related expenses including but not limited to airfares, hotel accommodation, taxi fares, conference registrations, food and beverage costs, dry-cleaning, entertainment etc received by the Mayor since his election in December 2000?

Mayor Lee thanked Mr Howlett and advised him that he will respond to his questions in writing. Mr Howlett asked Mayor Lee when would he expect to receive a response? Mayor Lee replied that he would receive the response in the fullness of time.

Pat Howlett, North Lake also asked some questions in relation to payments paid to the Mayor and Deputy Mayor:

- Q1. What is the total amount in dollar terms of the Mayor's allowance, meeting fees, communication allowances, credit card expenditure, motor vehicle mileage allowance payments, conference costs, taxi fares incurred, external committee fees, training costs and any other allowances or costs incurred or paid to the Mayor by financial year or part thereof since his election in December 2000?
- Q2. What is the total amount in dollar terms of the Deputy Mayor's allowance, allowances paid during the absence of the Mayor, meeting fees, communication allowances, credit card expenditure, motor vehicle mileage allowance payments, conference costs, taxi fares incurred, car parking fees, external committee fees, training costs and any other allowances or costs incurred or paid to the Deputy Mayor by financial year or part thereof since his election in December 2000?



Mayor Lee thanked Mrs Howlett and advised that he will respond to her questions in writing. Mrs Howlett asked whether it would be within a month? Mayor Lee replied, as soon as he possibly could.

Mary Jenkins, Spearwood asked the Mayor why cannot matters be discussed openly in public, as the Press is present as well as the community. She asked why questions asked of the Council are not replied to at the Council Meeting so that all those present are aware of such information, which also could be reported by the Press.

Mayor Lee thanked Ms Jenkins.

Sue Gray-Smith, Coolbellup asked some questions relating to the Marcia Hines concert.

Q1. How many are going to be able to attend?

A1. 5,000

Q2. Who will be involved in the ballot process?

A2. Officers of the City will be involved in that ballot process. Will be done by a computer system using a random ballot allocation.

Q3. Are you feeding the information into a computer to allocate the tickets?

A3. Most of the data is already coming in by the website. It is being put on a database and those applications coming in via mail will be input into the database and the 5,000 will be generated electronically.

Q4. Have tickets already been sent out to the community?

A4. No. The ballot hasn't closed yet.

Q5. Will the Elected Members have tickets provided, and if so, how many will be allocated to them?

A5. Mayor replied it is his intention to allocate some tickets to Elected Members to allow them to invite VIP guests. The exact amount has not yet been ascertained.

Q6. Do you have any idea whether it is going to be 10 each or 20 each?

A6. He did not think it would be that many. It will be done in consultation with the Elected Members.

Q7. Is a guest list being prepared and if so, who are the guests?



- A7. A guest list will be prepared. It will probably comprise of stakeholders – business people, politicians, community leaders.

Mayor Lee thanked Ms Gray-Smith.

Logan Howlett, North Lake stated that as a community leader he would expect to receive an invite to the Marcia Hines concert. Mr Howlett asked if he could be advised if the Mayor is currently receiving approximately \$100,000 p.a., including all costs and allowances paid? Mayor Lee replied that this was not the case.

Alistair Wardle, Coolbellup asked the following questions.

Q1. Why is the Council proposing to change its meeting date of the Ordinary Council from the third Tuesday to the second Thursday of each month?

A1. For operational purposes.

Q2. What are those operational purposes?

A2. As a result of a recent survey amongst Elected Members and Senior Staff, it was now felt that those dates would be far more convenient.

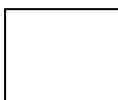
Q3. Why was the community not considered?

A3. The community is welcome to attend. The community was not consulted on the date of the Council Meetings.

Q4. Given the vote of no-confidence in the Mayor that was recently passed and the high level of division in the community about development such as Port Coogee, has the Mayor reflected as to why this is occurring? Has the Mayor, Councillors and the Chief Executive Officer considered that the stifling public debate among the Councillors could be a cause? Has the Mayor considered that by not allowing the community to hear important discussions, ie. no committee meetings open to the public, he has yet to hear any serious debate about any issue in this Council Chamber. Has the Mayor considered that by not allowing the community to hear important discussions that they are losing trust – they do not know who if any one is raising concern on their behalf and many of them see this Council authority as a waste of time.

A4. Mayor Lee thanked Mr Wardle. Will take that as a rhetorical question.

Mr Wardle replied that it was not a rhetorical question. He asked whether Mayor Lee had reflected as to why such things were happening. Mayor Lee responded that he did not agree with some of his statements.



Mayor Lee thanked Mr Wardle for his comments.

Andrew Sullivan, Coogee on behalf of the Coogee Coastal Action Coalition, asked questions in relation to the Port Coogee Waterways Environment Management Program as follows:

- Q1. Does the fact that the Council has proceeded with accepting the role as Waterways Manager without any guarantee that the Government will provide any indemnity mean that Council has now fully accepted all the liability for all the environmental harm that is likely to be caused by this development?
- Q2. Have the officers or Elected Members been involved in any dialogue with the Department of Planning and Infrastructure, the Planning Minister's office or the Planning Commission regarding the Council's requirement that the State Government provide an indemnity to the Council and the Waterways Manager in relation to the Port Coogee development, and if so can you tell us what has been discussed?
- Q3. Has anyone from the State Government indicated whether the State Government is likely to consider providing the indemnity?
- Q4. If the indemnity is not provided, does that mean Council's conditions in regard to the local Structure Plan will not have been met and that Council's approval for the structure plan will subsequently lapse?
- Q5. Will the Council commit to reviewing the Structure Plan if the State Government fails to provide an indemnity?
- Q6. Is the requirement for an indemnity from the State Government also included as a condition in the Council's proposed Agreement with the developer regarding the Waterways Management role?
- Q7. Can the Mayor explain what possessed this Council to rush ahead with agreeing to become the Waterways Manager before the State had agreed to indemnify the Council and the Waterways Manager?
- Q8. Does the Mayor accept that the Council's actions may expose future Council's and the ratepayers of this City to massive costs associated with rectifying the environmental harm that will be caused by this development?

Mayor Lee replied that the legal agreement has been finalised and ready for execution. He stated that at the time the agreement was being prepared by solicitors of both parties, no comments could be made. Director, Planning and Development replied that the decision was taken by Council to maintain this as a confidential document. Mayor Lee assured Mr Sullivan that this matter will be placed on the next Agenda, to decide whether to make this document public or not. The rest of the questions will be taken on notice and



responded to in writing.

Rex Sallur, Coolbellup made a statement in relation to some clearing of land at Tea Tree Close. He considered this to be a violent act of environmental vandalism. In his opinion he stated that Landcorp was the biggest environmental vandal.

Mayor Lee thanked Mr Sallur for his comments.

Julie Baker, Spearwood spoke regarding the article in the Cockburn Herald about land clearing.

Q1. She said that it was her understanding that there was to be an investigation on land clearing in the district. Has anything occurred since this time – a report prepared?

A1. Director, Planning and Development replied that did not proceed on discussions with Council representatives due to the way in which the recommendation was written.

Q2. Has an aerial survey been done of Cockburn of the original forrest and wetlands, especially over the last 4 years?

A2. Studies have been done of all the wetlands and bushland areas. They have all been evaluated. Also in conjunction with all other agencies in terms of land that is required and protected through the development process and that is how it is done. Some involves aerial photography, some involves doing research on the ground of the bushland area. Both those things are happening. Those areas of importance, are being preserved in Council's subdivision system and other areas are being reserved for preservation and conservation.

Q3. Is there a building surveyor that actually goes on-site and has a look at what these developers are doing and make sure that they are actually doing what they have been given approval to do?

A3. Yes, there is a Planning Compliance Officer that carries out such work, but generally with subdivisions where most of the clearing takes place that is being done as part of the subdivision approval.

Mayor Lee thanked Ms Baker for her input.

Ann Sutton-Babel, Coogee expressed concern as to why the community battles so hard to keep the beaches. She also expressed the need to maintain such beaches. She said that in deciding to develop land into a marina, proper planning should take place, so that a division is not created between the rich and the poor. She felt that recreation areas should be for



all.

Mayor Lee thanked Ms Sutton-Babel for her comments.

Ms Cheah, Hamilton Hill expressed concern at the eight storey building approved by Council at the old Robb Jetty site. She stated that she was only aware of this on reading it in the local paper. She requested Mayor Lee for some good old fashioned values like honesty, and therefore urged Council to consult the community when such approvals are granted.

Mayor Lee thanked Ms Cheah for her input.

Bob Poole, Coogee asked Mayor Lee whether he had discussed the Surety issue with the other Elected Members? Director, Planning and Development replied that in the initial discussions of the Structure Plan one of the recommendations that Council adopted was for Council to approach the Government with a view of getting some idea whether they would be prepared to be a guarantor to this project. This in turn was forwarded to the State Government, but as yet Council has not received a firm response. It was something Council sought to get a response to. This was at the time when Council had not really determined what sort of guarantees would be given by the developer and since that time Council have received some guarantees in terms of the amount of money that the State will be contributing to a contingency fund to provide for protection in the longer term. Mr Poole responded that it didn't really answer his question and asked the Mayor why this was not passed prior to approval being given for the project? Director, Planning and Development replied that it was suggested to the Government and since that time there have been discussions about insurance and the developer putting money aside for the protection for the development area and that seems to have overtaken things. But at this stage we had no indication that the Government would have been prepared to provide any sort of under-writing.

Mayor Lee thanked Mr Poole.

Patrick Thompson, Spearwood raised concern regarding the child care centre next to a scrap yard, in the context of a recent incident where a scrap yard went up in flames. He asked whether Council is going to consider moving the scrap yard or wait for yet another disaster to occur? Mayor Lee directed the question to the Director, Planning and Development to respond, to which he replied that he did not think so, however he was not sure about the application being referred to.

Mayor Lee thanked Mr Thompson and advised that his query would be responded to in writing.



Robyn Scherr, Coogee expressed concern in relation to the cost to ratepayers regarding the Port Coogee development. She asked the following questions:

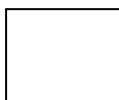
- Q1. Will the Mayor now admit publicly that he cannot, and never could, fulfil his promise that ratepayers outside of the Port Coogee development would be immune from paying more rates to cover the costs of the management of Port Coogee?
- Q2. Will the Mayor now admit that he has no real idea how much all of this is going to cost the ratepayers of this City?
- Q3. Will the Mayor concede that the budgets for the management of Port Coogee are all to be left to future Council's to deal with?
- Q4. Does the Mayor acknowledge that he has misled the community of Cockburn over the matter of the specified area rate and the cost of the management of this development to ratepayers?
- Q5. Will the Mayor now offer an unreserved apology to the community?

Mayor Lee replied that he will not accept the statements made. He said this Council has worked extremely hard and this can be proven as when the legal agreement is available, it will be noted the many hours put in by the officers into pursuing the best practice models. There is a legal agreement which is very stringent and that the specific area rate and the plans and agreements contained within the legal agreement have been designed to ensure that nobody outside of Port Coogee Marina development pays for costs incurred within the Port Coogee Marina Development.

Zoe Inman, Coogee expressed concern at Council's actions in changing their position on taking on the management of the Port Coogee Waterways Project. She stated that Council elected without reservation to take on the management role, despite the majority of those present at the Electors Meeting, showing their support of Council's reconsideration and seeking alternative Waterways Management of the project. She requested Council if she could receive a copy of how these concerns were dealt with in order to justify becoming the Waterways Manager. Mayor Lee advised that this matter would be placed on the next Agenda for Council to consider, lifting the confidentiality on this item.

Ms Inman, also requested a detailed account of zoning and planning changes, approval dates and the extent of the community consultation associated with the approval of a high rise residential development at the last public meeting. Mayor Lee requested Ms Inman to table her questions, which will be responded to in writing.

Laurie Humphreys, Coolbellup queried a few issues. Firstly, he asked



when he would receive a response to his questions from the Electors Meeting regarding the Security Patrols and Consultancy Fees in relation to the Coogee Beach Café development? Mayor Lee requested the Acting Chief Executive Officer to investigate those questions in writing.

Mr Humphreys also queried issues relating to Item 14.8 on the Agenda.

Q1. Has any community consultation taken place on this item?

A1. This will occur during the Scheme Amendment process.

Q2. Has any consideration been given to underground water storage rather than storage tanks outside the house?

A2. It would not be Council's intention to make the policy restrictive, that they only have to be placed outside the house. The Council will consider all comments made when community consultation takes place.

Q3. Will the tanks require compulsory filtration?

A3. That is a matter that will be dealt with in the detail of the Policy. The amendment will have to be referred to the EPA before Council can go ahead to advertise. This will also be done in conjunction with the Public Health Department.

Q4. On the matter of group housing eg. Pensioner units or cluster housing – does each dwelling have to have a 2,500 litre tank or has any thought been given to any other storage method such as a larger underground tank?

A4. This is a valid option. It may be five 2,000 or one 10,000 or perhaps two 5,000.

Q5. Is it cost effective for a house purchaser to have an authorised installer? Couldn't any licensed plumber do the installation?

A5. Not sure on the building regulations. The building department would take care of that matter.

Q6. Does the house purchaser have any choice on this matter – style, colour, shape of storage tank.

A6. Absolutely.

Q7. Why is the Council involved in something that should be the Water Authority's problem?

A7. Council is involved in sustainability - sustainable development and will continue to be involved in sustainable development.



Mayor Lee thanked Mr Humphreys for his suggestions.

Dean Ruane, South Fremantle spoke in relation to Item 14.10. He expressed concern over the 8 storey building which was granted approval at the February Meeting of Council. This section of beach has been earmarked for low key regional usage set in a natural environment. It is not a section of beach where high rise urban development should be established. He is rather surprised that a Council such as the City of Cockburn would support such a proposal that is so out of context for this section of beach. He asked the following questions:

Q1. Does the Mayor now say that it would have been more appropriate for the community to have been consulted?

A1. Community consultation was undertaken. It did not have to be conducted.

Q2. Has Jim McGinty approached the Council requiring the proposal to be reduced to a five storey development?

A2. It was Mayor Lee's understanding the Mr McGinty had not approached the Council or any officers of the City regarding reducing the number of storeys of the development.

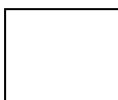
Q3. Will the Council support Mr McGinty's proposal that a development authority be established to manage the redevelopment of the area between South Beach and Coogee?

A3. As yet Council has not given consideration to this matter. Council has not been approached officially.

Mayor Lee thanked him for his comments.

CLR TILBURY LEFT THE MEETING AT THIS POINT THE TIME BEING 7.56 PM

Robyn Scherr, Coogee spoke in relation to the State Government's Coastal Policy on development. She stated that that policy did support a high rise development of five storeys along the coast and that local governments could restrict it to three storeys should they wish to do so. She also mentioned that the Policy stated that eight storeys would be permitted only in areas of high activity and where there was broad community support. In her view, she said that the eight storey development did not meet either of those criteria. She asked the question, whether this Council did not intend complying with the Gallop Government Policy? Mayor Lee replied that he was not familiar with this policy neither did the Director, Planning and Development have any knowledge of it. The announcement of the Policy



was made known on 12 February 2005 and Council made its decision on 15 February 2005.

Ms Scherr also referred to the Master Plan which is being prepared and forms part of that Policy. The then Minister for Planning and Infrastructure made a visit to the City to announce that this vision was going to be developed and to date we have had no further communication with her on the matter.

Mayor Lee thanked Ms Scherr for her input.

CLR TILBURY RETURNED TO THE MEETING THE TIME BEING 7.59 PM

CLR GONCALVES LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.59 PM

Mary Jenkins, Spearwood spoke in relation to Item 14.4. She asked why is the area being rezoned from “Light and Service Industry” to “Industry” on Cocos Drive, when the surrounding area is mostly residential? She also asked what exactly is being planned for Cocos Drive for this rezoning application? Mrs Jenkins stated that further south there is enough space for industry to develop. She said heavy industry is not acceptable to the community. Mayor Lee replied that this Council originally wished for the whole of Cocos Drive to be zoned Light Industry. Under appeal many years ago, this Council was over-ruled by the State Government and the zoning of Industry was placed over many areas of Cocos Park. This area is the subject of tonight’s application.

Mayor Lee thanked Mrs Jenkins.

Julie Baker, Spearwood spoke in relation to Items 14.2 and 14.3. She expressed the view that the reports don’t clearly state who will be responsible for the subdivision and who will actually be making money from the subdivision. Director, Planning and Development replied that parts of this land came to the City from Main Roads WA which was surplus to their requirement. Council felt it was worth buying and being part of a Structure Plan prepared by the City, which would be beneficial for private land owners as well as the City. She asked who is LRC? Mayor Lee replied that it is a Building Company.

CLR GONCALVES RETURNED TO THE MEETING AT THIS POINT THE TIME BEING 8.02 PM.

Ms Baker also raised concern on Item 14.11. She stated that the community does not support Council’s recommendation that Farrington Road be



doubled. She also mentioned that the community did not agree with the statement made regarding there being not enough roads going east/west, as there already exists Beeliar Drive and South Street at the moment. It was the understanding the Council was trying to make safer roads for the community.

Ms Baker expressed some concern about Item 14.4 as well, where the community does not agree with the recommendation. She emphasised that it could set a precedent for the South Lake site that is just being made industry. It means that if this goes ahead to be rezoned General Industry there is no guarantee that the South Lake site too would request for a rezoning to occur.

Mayor Lee thanked Ms Baker for her input.

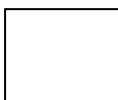
Logan Howlett, North Lake made a statement in relation to item 17.2. As a foundation Board Member of the Cockburn Wetlands Education Centre the President of the Friends Group involved in the Centre and a passionate supporter of the need to have in Cockburn an Environmental Education Centre – facilities for our growing scout community, facilities that provides for the promotion of our aboriginal culture and heritage, he fully endorses the need for a Revitalised Precinct Plan for the Hope Road/Bibra Lake location and was hoping that Council will endorse that tonight. The user group has been working very hard with the consultant and Council Officers. He thanked the Manager, Community Services for all the work he has contributed towards this. He urged Council to give that very careful consideration during its deliberations tonight.

Mr Howlett also mentioned about a whole range of questions which were raised at the Electors Meeting. He expressed concern that there was no provision for answers to those questions.

He also referred to another matter in which Deputy Mayor Graham had been diligently working on since August 2004 to do with the State Records Act, which became law in November 2001. It was his understanding that Council is still using policies that are out of date? He asked when will Council have this matter resolved and comply with the law of the State of Western Australia or is it that Council wishes to just ignore that law by refusing to adopt policies that are consistent with the law? Mayor Lee confirmed with Mr Howlett whether it was the “Access to Information” Policy he was referring to, to which he responded, ‘yes’. Mayor Lee advised Mr Howlett that this Policy is being prepared by Council’s Solicitors in conjunction with the Department of Local Government and is going to be used as the ‘best practice’ policy and one which will also be used by other local governments.

Mayor Lee thanked Mr Howlett.

Patrick Thompson, Spearwood spoke in relation to Item 14.9. He



expressed concern that the Power Station is in quite a dilapidated state. He asked why cannot the building be demolished as it is an eye-sore to the community. He suggested to Council to recommend that it be demolished rather than it being placed for permanent registration on the Register of Heritage Places. Surely the land can be developed which the community can benefit from.

Mayor Lee thanked Mr Thompson for his comments.

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 2728) (OCM 15/03/2005) - ORDINARY COUNCIL MEETING - 15/02/2005

RECOMMENDATION

That Council adopt the Minutes of the Ordinary Council Meeting held on Tuesday, 15 February 2005, as a true and accurate record.

COUNCIL DECISION

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

CARRIED 8/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

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

Nil



13. COUNCIL MATTERS

13.1 (MINUTE NO 2729) (OCM 15/03/2005) - PROPOSED AMENDMENT TO THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (DMG) (ATTACH)

RECOMMENDATION

That, pursuant to Sec. 3.12(4) of the Local Government Act, 1995, Council amend the City of Cockburn (Local Government Act) Local Laws 2000, as shown in the attachments to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

In December 2004, Council resolved to advertise for public comment proposals to amend its Local Laws to enable Council to take action against people who deface, or remove, signage from streets or reserves or commit offences relating to abandoned shopping trolleys.

The advertising period closed on 4 February 2005. One submission was received, from the Department of Local Government and Regional Development.

Submission

N/A

Report

Instances of street and reserve signage being stolen or defaced have been increasing in recent times.

Similarly, cases of abandoned shopping trolleys have been on the rise over a period of years. This is a problem on a metropolitan-wide basis.

In order to address these matters, it is considered appropriate for Council's Local Laws to be amended to accommodate the potential for infringements to be issued against offenders.



This is to be achieved by inserting relevant modified penalties into Council's Local Laws, when serious breaches associated with the matters occur.

The Department of Local Government and Regional Development has responded to Council suggesting some minor clarifying amendments to the draft text.

These are accepted as improvements to the form of the draft and have no substantive effect on the intent of the proposal being recommended.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Costs associated with advertising the Amendments are provided for in Council's Governance Budget.

Legal Implications

Sec 3.12 of the Local Government Act, 1995 refers.

Community Consultation

Public comment invited through normal advertising mechanisms. One submission received.

Attachment(s)

Copy of Proposed Amendment to City of Cockburn (Local Government Act) Local Laws 2000.

Advice to Proponent(s)/Applicant

N/A

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

Nil



13.2 (MINUTE NO 2730) (OCM 15/03/2005) - LOCAL GOVERNMENT STATUTORY COMPLIANCE RETURN - 2004 (1332) (DMG) (ATTACH)

RECOMMENDATION

That Council adopt the Local Government Compliance Audit return for the period 1 January 2004 to 31 December 2004 as presented.

COUNCIL DECISION

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

CARRIED 8/0

Background

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

Submission

To adopt the Return in its submitted form.

Report

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

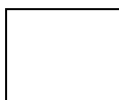
Following adoption by Council, a certified copy of the Return, signed by the Mayor and Chief Executive Officer, along with a copy of the relevant section of the Council Minutes, is required to be submitted to the Director General, Department of Local Government and Regional Development.

The Return indicates a conformity rating of 99% for the year.

One item of non compliance was noted relating to acknowledgement of an Annual Financial Interest Return. This matter was also noted during the recent internal audit programme. A system of ensuring future compliance has been initiated whereby a copy of all returns submitted will be reconciled with a relevant acknowledgement notice and placed in Council's records filing system.

Strategic Plan/Policy Implications

Key Result Area "Managing your City" refers.



Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

N/A

Attachment(s)

2004 Compliance Audit Return.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

13.3 (MINUTE NO 2731) (OCM 15/03/2005) - 2005 ANNUAL GENERAL MEETING OF ELECTORS - MOTION - NO CONFIDENCE IN THE MAYOR OF THE CITY OF COCKBURN (1713) (DMG) (DMG)

RECOMMENDATION

That Council note the Motion of No Confidence in the Mayor of the City of Cockburn carried by the Annual General Meeting of Electors, held on 1 February 2005.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr L Goncalves that Council:

- (1) note the Motion of No Confidence in the Mayor of the city of Cockburn carried by the Annual General meeting of Electors, held on 1 February 2005; and
- (2) confirm in the strongest possible terms its full confidence in the Mayor.

CARRIED 8/0



Explanation

Since the return of the democratically elected Local Government in December 1999, the City of Cockburn has grown in stature and strength, providing the citizens of Cockburn with best practice quality governance.

Cockburn rates have been maintained as some of the lowest in the State and we win award after award for the quality of our developments.

Cockburn has obtained millions of dollars in Government grants and many hundred of thousands of dollars worth have personally been lobbied for by the Mayor.

Other Local Governments regularly attend our meetings and scrutinise our processes so as to learn how to best improve their processes.

As a result of extensive lobbying by the Mayor, Cockburn's coastline is about to undergo a period of quality redevelopment never before seen in the history of the City.

Through extensive lobbying with Local members of Parliament the City now has a commitment to have a light rail system running down our coastline to Port Coogee and eventually linking up with the new Strategic Regional centre at Cockburn Central. No other City in this State has achieved this.

Most of the above has been achieved as a result of the Mayor pursuing Council's decisions and aspirations, however the Mayor has provided and continues to provide strong and quality leadership in what has been some challenging and trying times and one thing for certain is that our City is in a far better state now than it has ever been and we have full and strong confidence in our Mayor.

Clr Limbert mentioned comments were also received from other Elected Members which included the following. One of the key roles, not the most important role of the Mayor, is to be able to build a harmonious team, all working together. There are wide variances of views between Councillors, however, this Mayor has been able to achieve unity, amongst the Councillors. Elected Members all agree to team environment which is due mostly to the Mayor's ability to attain cohesiveness. Cockburn Council does not operate like some other dysfunctional Councils who are openly at war with one another and with their Mayors. Cockburn Council has not had a Mayor who has enjoyed such total Councillor support for over 12 years. It will be very difficult if not impossible, for any Mayoral hopeful to achieve what this Mayor has achieved.



Background

At the Annual General Meeting of Electors conducted on 1 February 2005, the following motion was carried by 43 votes to 41:

“A vote of no confidence in the Mayor of the City of Cockburn.”

Submission

To note the motion carried.

Report

While the motion was carried, it is not a decision for which any further action can be taken by Council. Therefore, it is suggested that the motion be noted.

Strategic Plan/Policy Implications

Key Result Area “Managing your City” refers.

Budget/Financial Implications

N/A

Legal Implications

Sec 5.33 of the Local Government Act, 1995, requires all decisions made at electors meetings to be formally considered by Council

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A

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

Nil



13.4 (MINUTE NO 2732) (OCM 15/03/2005) - MUSEUM ADVISORY COMMITTEE MEETING MINUTES, 22 FEBRUARY 2005. (1960) (DMG) (ATTACH)

RECOMMENDATION

That Council receives the Minutes of the Museum Advisory Committee dated 22 February 2005, and adopts the recommendations contained therein.

COUNCIL DECISION

MOVED Cllr M Reeve-Fowkes SECONDED Cllr A Tilbury that the recommendation be adopted.

CARRIED 8/0

Background

The annual meeting of the Museum Advisory Committee was conducted on 22 February 2005, to consider recommendations on the budget submissions for 2005/06.

Submission

N/A

Report

Refer to Committee minutes. In summary, the Committee supports proposals for Council funding to the level presented for the 2005/06 financial year, which will assist the Committee in achieving its objectives contained in its Strategic Plan. In addition, the Committee seeks the funding to be acquitted as a lump sum and accounted for by the Historical Society with receipts being provided to Council for monies expended on the projects completed.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

As per budget submission.

Legal Implications

N/A



Community Consultation

N/A

Attachment(s)

Minutes of the Museum Management Committee Meeting held 22 February 2005.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

13.5 (MINUTE NO 2733) (OCM 15/03/2005) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING MINUTES 23 FEBRUARY 2005 (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council receives the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 23 February 2005, as attached to the Agenda, and adopts the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr M Reeve-Fowkes that the recommendation be adopted subject to the withdrawal of Items 9.5 and 10.8 which are to be considered separately.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 23 February 2005. The minutes of the meeting are required to be presented to Council and its recommendations considered by Council.



Submission

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

Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any elected member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

Committee Minutes refer.

Attachment(s)

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 23rd February 2005.

Advice to Proponent(s)/Applicant

N/A

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

Committee Minutes refer.



(MINUTE NO 2734) (OCM 15/03/2005) – DAPPS COMMITTEE MINUTES – 23 FEBRUARY 2005 – ITEM 9.5 – POLICY SC3 “COUNCIL MEETINGS” (1054) (DMG)

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr M Reeve-Fowkes that:

- (1) Policy SC3 “Council Meetings” be adopted, subject to each paragraph of the Policy be assigned an identifying clause number; and
- (2) the new Council Meeting arrangements commence in June 2005.

CARRIED 8/0

Explanation

The proposed new schedule for Council Meetings, if implemented immediately, would cause a problem in May 2005 with the Council Meeting being the Thursday following the Council Elections. This does not allow sufficient time for newly Elected Members to be sworn in and briefed on the Agenda items to be presented. The Chief Executive Officer agreed that it would be more appropriate to delay the commencement of the new Council Meeting dates until June 2005.

(MINUTE NO 2735) (OCM 15/03/2005) – DAPPS COMMITTEE MINUTES – 23 FEBRUARY 2005 – ITEM 10.8 – POLICY APD13 – “TELECOMMUNICATIONS POLICY – HIGH IMPACT FACILITIES (9003) (MR)

COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr L Goncalves the matter be referred back to Committee for further consideration of reducing the buffer area from 500 metres to 300 metres.

CARRIED 8/0

Explanation

Since the last DAPPS meeting there has been additional information available that was not presented to the DAPPS Committee when it made the recommendation to reduce the buffer zone from 500 metres to 300 metres. Accordingly, as this matter is not of an urgent nature, it should go back to the Committee for further consideration.



14. PLANNING AND DEVELOPMENT DIVISION ISSUES

**14.1 (MINUTE NO 2736) (OCM 15/03/2005) - OVERSIZE
OUTBUILDING AND REDUCED REAR SETBACK - LOT 61; NO. 115
ELDERBERRY DRIVE, SOUTH LAKE - OWNER: M J TESTER -
APPLICANT: COASTLINE SHEDS (5113699) (JB) (ATTACH)**

RECOMMENDATION

That Council grant approval for a 56m² outbuilding on Lot 61 (No. 115) Elderberry Drive, South Lake, subject to the following conditions:

STANDARD CONDITIONS

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

SPECIAL CONDITIONS

6. The storage of cars within the outbuilding shall be limited to vehicles owned by the owner of Lot 61 Elderberry Drive and the use of the outbuilding shall be restricted to domestic/hobby uses only.
7. No panel beating or spray-painting is to occur at any time.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. The proposed development must comply with the Environmental Protection (Noise) Regulations 1997.
3. The emission of any dust, odour or fumes from the proposed premises so far as to create a nuisance is prohibited under the



City of Cockburn Local Laws 2000.

COUNCIL DECISION

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

CARRIED 8/0

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	717m ²	
AREA:	56m ²	
USE CLASS:	Single (R-Code) House – Permitted “P” Use	

Submission

The application proposes to retain an existing outbuilding of 37m² and to build a new outbuilding 56m², setback 1.2m from the rear boundary. The outbuilding is needed to store 2 privately owned cars and other valuable car components used for the owner’s restoration hobby.

Report

APD18 Outbuildings Policy

The combined floor areas of the existing and proposed outbuildings exceed that allowed by Council’s policy of 72m² (10% of site area) by 21m². The proposed wall height of 2.4m and ridge height of 3.2m complies with Council’s policy.

Building Setbacks

The proposed outbuilding has a wall length of 9.1m and is setback 1.2m from the rear boundary. Table 1 of the Residential Design Codes requires walls that exceed 9m in length to be setback a minimum of 1.5m.

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



Strategic Plan/Policy Implications

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

2. Planning Your City

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

The Council Policies which apply to this item are:-

APD18 OUTBUILDINGS

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3

Community Consultation

All surrounding landowners were invited to comment on the proposal.

Submission No	Details	Comment
1. 113 Elderberry Drive, South Lake.	No comment	Proposal is unlikely to have an adverse impact on this property.
2. 13 Bundy Close, South Lake.	No objection	As Above
3. 11 Bundy Close, South Lake.	No objection	No objection is noted. Proposal is unlikely to have an adverse impact on this property.
4. 113 Elderberry Drive, South Lake.	No objection. The time, resources, paperwork and consultation required for someone to build a garage appear to be excessive.	No objection is noted. As the combined floor areas of the existing and proposed outbuilding exceed the 10% delegation requirements of Council, it is necessary to advertise to adjoining property owners for comment. The proposal is unlikely to have an adverse impact on this property.



Attachment(s)

- (1) Location plan
- (2) Site Plan
- (3) Applicant letter and photo's

Advice to Proponent(s)/Applicant

Applicant advised that the matter will be considered at the March meeting of Council.

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

Nil.

14.2 (MINUTE NO 2737) (OCM 15/03/2005) - ACQUISITION OF LOT 29 ON DIAGRAM 42435 LOMAX COURT, BEELIAR (3316149) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) purchase CSL 4678 Lomax Court, Beeliar for \$220,000 GST inclusive from the State of Western Australia; and
- (2) transfer \$220,000 from the Land Reserve Account, and that the Budget be amended accordingly.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

Council at its Meeting held on 21 January 2003 resolved to:

- (1) purchase Lot 29 on Diagram 42435 area 3423 sq.m for \$115,000 from the State of Western Australia;
- (2) at the completion of (1) above, sell 439 square metres of portion of Lot 29 plus 138 sq.m. of Pt Lot 621, being a total of 577



- sq.m., to LRC Pty Ltd for \$65,316 pursuant to Section 3.58 of the Local Government Act, 1995;
- (3) draw funds to purchase the land in (1) above from the Land Development Reserve Fund and monies generated by the sale in (2) to be transferred to the Land Development Reserve Fund.

Lot 29 has now been redescribed as Cockburn Sound Location 4678. (CSL 4678)

Submission

Letter with updated purchase price received from Department of Planning and Infrastructure, Land Asset Management Services (DPI LAMS).

Report

The Department of Planning and Infrastructure Land Asset Management Services have obtained a new valuation from the Valuer General's Office.

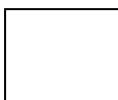
The original offer made by DPI LAMS in 2003 was conditional on the land being amalgamated with Council freehold Lot 621. At that time Lot 621 was the subject of an unresolved negotiation with the Department of Education in respect of the taking by that agency of land to construct the primary school and perimeter road. The negotiations have now been agreed and a contract is being prepared by the State Solicitors Office.

The new purchase price represents a value of \$58 per square metre which is consistent with other valuation reports known to Council officers. Values have risen considerably since the primary valuation in 2001.

Lot CSL 4678 will be amalgamated with the City's freehold Lot 621 which will allow for enhanced redevelopment options of the composite land parcel.

Item (2) on the previous Council resolution will take place subsequent to the purchase of CSL 4678. The rate for this disposal being \$113 square metres still represents fair value to the City but being subject of Section 3.58 of the Local Government Act means that a valuation will be obtained from a Licensed Valuer.

Subject to Council approval to the recommendation this report an application for subdivision and amalgamation will be lodged for approval with the WAPC to amalgamate Lot 29 with Pt Lot 621 and subdivide the portions of land described in this report to sell LRC Pty Ltd.



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."*

Budget/Financial Implications

The Budget be amended by transferring \$220,000 from the Land Development Reserve Fund.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Location Plan

Advice to Proponent(s)/Applicant

N/A

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

Nil



14.3 (MINUTE NO 2738) (OCM 15/03/2005) - ACQUISITION LOTS 22 & 24 IMLAH COURT, JANDAKOT - MAIN ROADS WA (5515183; 5515185) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) purchase Lot 22 Imlah Court, Jandakot from Main Roads for \$240,000 (GST inclusive);
- (2) purchase Lot 24 Imlah Court, Jandakot from Main Roads for \$150,000 (GST inclusive); and
- (3) transfer \$390,000 from the Land Development Reserve Fund and that the budget be amended accordingly.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

Council at its meeting held on 20 January 2004 resolved to:

- (1) subject to the sale of Lots 95, 101 and CT1306/642 Howson Way, Bibra Lake, a Business Plan be prepared for the purchase of:
 1. Lot 22 Imlah Court, Jandakot from Main Roads WA for \$240,000; and
 2. Lot 24 Imlah Court, Jandakot from Main Roads for \$150,000
- (2) following the purchase of the above land, initiate structure planning for the area bounded by Imlah Court, Prinsep Road and Kwinana Freeway, Jandakot.

Submission

The purchase of Lots 22 and 24 Imlah Court, facilitates the co-ordination and orderly development of the land. These lots adjoin Council's land and left in their lot configuration would pose a difficulty for future development. Purchase of these lots enables the consolidation of these lots into Council's land asset.



Report

The resolution of January 2004 required the sale of Lots 95, 101 and CT 1306/642 Howson Way prior to the acquisition of Lots 22 and 24 Imlah Court.

The interested party in the Howson Way acquisition withdrew their interest at a very late stage in negotiations and the sale did not proceed.

Main Roads are now anxious for the sale of its land to proceed and have held their purchase price as determined in October 2003. A Scheme Amendment for the area is well advanced and a structure plan has been developed in conjunction with other owners in the area bounded by Imlah, Prinsep and the Freeway.

The Business Plan as required by the January 2004 Council resolution was prepared and advertised. At the conclusion of the statutory public comment period no responses were received. The detail contained in the Business Plan is still current.

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."*

Budget/Financial Implications

Sufficient funds are available from Council's Land Development Reserve Fund.

Legal Implications

N/A



Community Consultation

N/A

Attachment(s)

Location Plan

Advice to Proponent(s)/Applicant

N/A

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

Nil

DECLARATION OF CONFLICT OF INTEREST

Deputy Mayor Graham declared a Conflict of Interest in Item 14.4. The nature of the interest being that legal services had previously been provided to the applicant regarding issues relating to the subject land.

DEPUTY MAYOR GRAHAM LEFT THE MEETING AT THIS STAGE
THE TIME BEING 8.26 PM

14.4 (MINUTE NO 2739) (OCM 15/03/2005) - PROPOSED (INITIATION) REZONING AMENDMENT TO TOWN PLANNING SCHEME NO.3 - LOT 8001 COCOS DRIVE, BIBRA LAKE - OWNER/APPLICANT: WHITE RIVER PTY LTD (4412800) (JB) (ATTACH)

RECOMMENDATION

That Council:

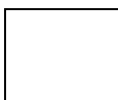
(1) adopt the following amendment:

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

AMENDMENT NO. 23

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 8001, from Light and Service Industry to Industry, subject to the preparation of formal documentation and scheme amendment maps.



2. amending the Scheme Map accordingly.

Dated this..... day of 2005

Chief Executive Officer

- (2) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (3) notwithstanding (2) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (4) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
- (5) advise the applicant of Council's decision.

COUNCIL DECISION

MOVED C/r M Reeve-Fowkes SECONDED Mayor S Lee that Council:

- (1) receive the report;
- (2) not support the proposal to initiate an amendment to Town Planning Scheme No.3 to rezone Lot 8001 Cocos Drive from Light and Services Industry to Industry, and
- (3) the applicant be advised accordingly.

CARRIED 7/0



Explanation

The Light Industry and Service Zoning applying to Lot 8001 provides a suitable transition of industrial development adjacent to the residential area of Yangebup.

The Yangebup Progress Association asked for this item to be deferred in order for further consultation with the Proponent and Elected Members.

The proponent presented his proposal to a specially convened meeting attended by 30 local residents. The outcome of this meeting was a unanimous vote against any rezoning of any part of Cocos Industrial Park.

The residents of Yangebup have endured years of noxious odour from plants such as the asphalt plant and noise from lintel manufacturers and metalworks plants and are unwilling to see any further rezoning of the Light Industrial buffer.

It must be remembered that this Council did not want any industry other than Light and Service Industry in Cocos Park and the Minister of the day imposed the original General Industry Zone with a Light and Service Industry buffer.

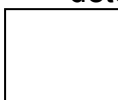
Background

ZONING:	MRS:	Industrial
	TPS3:	Light and Service Industry
LAND USE:	Vacant Land	
LOT SIZE:	4.2083 Ha	

White River Pty Ltd previously applied in January 2001 to rezone the eastern portion of Cocos Park from Light Industry to General Industry. Council resolved to not support the proposed amendment because:-

- The rezoning of the Cocos Park to General Industry cannot be justified as it is too close to Yangebup residents;
- Council had originally intended that the whole of the Cocos Park to be Light Industry but the Minister of the time had only permitted Light Industry as an interface buffer;
- To remove any portion of the existing Light Industry buffer was unfair on both the Yangebup and Bibra Lake residents; and
- It was felt that the potential uses allowed in the General Industrial Zone were too diverse and as such Council could not justify allowing General Industrial uses so close to residents.

It is noted that this report has previously been to Council for determination on the 18 January 2005 and was deferred until Councils



next meeting on the 15 February 2005. Council at its February 2005 meeting resolved as follows:

“.....that the matter be deferred, pending further discussion between the proponent, Yangebup Progress Association and Council representatives.”

During this period the Yangebup Progress Association have provided letters of advice on two occasions (see attachments):

- The first letter received on the 27 January 2005 supported in principle the proposed rezoning subject to lots 228 – 236 plus lots 243 – 245 and part of lot 246 being rezoned to Industry, whilst the remainder of the site would remain as Light Industry;
- The second letter received on 25 February 2005 indicates that the Yangebup Progress Association is now unanimously against the proposed rezoning of lot 8001 Cocos Drive, and that all future applications of this nature should be rejected.

In the latest advice received from the Yangebup Progress Association it is noted that no justification has been provided to indicate why it now opposes the proposal to rezone any portion of lot 8001 Cocos Drive from Light and Service Industry to Industry.

Council is advised that the applicant is only seeking approval for the initiation of a proposed scheme amendment, which if adopted would be referred to the EPA and require formal advertising, which would include referral to all relevant agencies and the Yangebup Progress Association.

Submission

The submission from White River Pty Ltd is attached.

In essence White River Pty Ltd indicated that:

- the Light Industrial area fronting Yangebup maintains an average separation distance of 170m with Lot 8001 being located outside this area;
- any potential external impacts from the site need to comply with the existing regulations (Environmental Protection ‘Noise’ Regulations 1997);
- potential purchasers of future lots within Lot 8001, prefer the flexibility of the Industry Zone.

Report

White River Pty Ltd proposes to rezone Lot 8001 from “Light and Service Industry” to “Industry”, whilst still allowing the average buffer



separation distance to be maintained between the Cocos Park Industry Zone and Yangebup residents.

Council has previously raised concerns over the range of permitted uses allowed in the General Industry Zone. It is noted that these concerns were raised when DZS No.2 was in operation. With the adoption of TPS No.3 Council has greater control over industrial development and the use of land in the Industry Zone by the inclusion of General Industry and General (licensed) Industry uses. If Council was to support the rezoning of this one Lot from Light and Service Industry to Industry the General (licensed) Industry provisions of TPS No.3 allows for Council to apply its discretion to uses that require licensing by the DEP and reduce any potential impacts on surrounding properties.

Reasons for support of rezoning:

1. The proposal is consistent and compatible with the surrounding landuses which are light and general industrial developments .
2. The closest residential property is approximately 188m away in Yangebup, which is comparable with existing industrial uses in Cocos Park.
3. The proposal represents a rationalisation of industrial boundaries and does not adversely affect the transitional development from Industry to Light and Service Industry as a buffer to the residential area of Yangebup.
4. The land is sufficient in size for subdivision into smaller industrial Lots (see attached).
5. The Light and Service Industry zoning limits the range of industrial uses which has contributed to the slow take-up of Lots for development in the area.
6. Council now has greater control over General (licensed) Industry uses in the Industry zone than under the former DZS No.2. Council can refuse industry uses if they require licensing by the DEP or are deemed to be incompatible.

Given this, the proposal to extend the Industry Zone into the eastern portion of Cocos Park (lot 8001) as per the attached plans, is supported.

Strategic Plan/Policy Implications

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



2. Planning Your City

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

3. Conserving and Improving Your Environment

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

Budget/Financial Implications

N/A

Legal Implications

Town Planning Regulations. No review (appeal rights) of Council's decision exists under Town Planning and Development Act.

Community Consultation

This matter was deferred for further consultation with the community. If Council initiates the Scheme Amendment following EPA advice that the proposal is not formally assessed, the proposal will be advertised for public comment in accordance with the Regulations.

Attachment(s)

- (1) Submission from White River Pty Ltd
- (2) Email from White River Pty Ltd
- (3) Letter 26 January 2005 from Yangebup Progress Association.
- (4) Letter 23 February 2005 from Yangebup Progress Association.

Advice to Proponent(s)/Applicant

Applicant has been advised that the application will be considered by Council at the March Meeting.

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

Nil

DEPUTY MAYOR RETURNED TO THE MEETING THE TIME BEING 8.28 PM.



THE PRESIDING MEMBER ADVISED DEPUTY MAYOR GRAHAM OF THE DECISION OF COUNCIL

14.5 (MINUTE NO 2740) (OCM 15/03/2005) - PROPOSED EXPENDITURE OF PUBLIC OPEN SPACE CASH-IN-LIEU IN WOODMAN VILLAGE ESTATE (WAPC REF: 122857) - LOT 13 & 9001 ROCKINGHAM ROAD, MUNSTER - OWNER: COBERG NOMINEES (122857; 9477) (JU) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) allocate \$81,000.00 for the installation of a bore, grass and reticulation in the Woodman Village Estate as proposed on the plan contained in the attachments;
- (3) forward the proposal to the Western Australian Planning Commission for consideration and recommendation to the Minister for Planning and Infrastructure;
- (4) subject to the approval of the Minister, proceed with the implementation of the proposed expenditure on the Woodman Village Estate as proposed on the plan contained in the attachments;
- (5) transfer \$81,000 from the Public Open Space Cash-in-Lieu Reserve Fund and amend the budget accordingly; and
- (6) advise Urban Focus of Council's decision accordingly;

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

ZONING:	MRS:	Urban
	TPS3:	Development (DA 5) and Development Contribution Area No. 6



LAND USE:	Residential
LOT SIZE:	4.4251ha
AREA:	N/A
USE CLASS:	N/A

On the 11 May 2004 the Western Australian Planning Commission granted subdivision approval for the development of Lots 13 and 9001 Rockingham Road, Munster. Condition No. 22 and Footnote No. 7 provided for cash-in-lieu to be paid for an equivalent of 1208m² of land within the development. This was as a result of the applicant applying for a 100% credit towards the buffer to Market Garden Swamp No. 3 through the subdivision process and receiving only a 50% credit. Rather than relocating the road abutting the POS and increasing the POS area it was resolved that cash-in-lieu be provided instead.

Submission

Urban Focus have requested the City consider the expenditure of the cash-in-lieu paid under Condition No. 22, be spent on the provision of a bore, reticulation and grassing of the western area of public open space (see agenda attachments for expenditure proposal).

Report

In order to preserve the amenity and contribute towards the quality of urban areas, the Western Australian Planning Commission has adopted a Policy on the provision of Public Open Space (DC 2.3 – Public Open Space in Residential Areas) within all residential subdivisions.

Section 3.1.1 of the Policy states that where practicable, 10% of the gross subdivisible area of land being developed for residential purposes is to be set aside free of cost as a Reserve for Recreation. Section 4.3 of the Policy provides that under certain circumstances where the Commission, Council and the subdivider agree, the POS requirement can be satisfied by a cash-in-lieu payment being made by the subdivider to Council.

A cash-in-lieu payment of \$81,124 was agreed between the City and Urban Focus in lieu of 1208m² of land. Section 4.3.5(c) provides the opportunity, with the approval of the Minister for Planning, for the improvement or development of public open space areas generally in the locality.

Section 4.3.9 of the Policy goes on to further state that acceptable expenditure of the cash-in-lieu funds may include the installation of a bore, reticulation and grass planting as proposed.

The bore, reticulation and the grassing will serve a greater area of approximately 2472m². This proposed works will be carried out with



the funds that have been collected and is proposed to commence at the beginning of June 2005, subject to the acceptance of the Minister.

As the proposed works comply with DC 2.3 – Public Open Space in Residential Areas it is recommended that the proposal be supported by Council and forward to the Western Australian Planning Commission for consideration and recommendation to the Minister for Planning.

Strategic Plan/Policy Implications

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

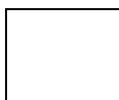
1. Managing Your City
 - *"To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
5. Maintaining Your Community Facilities
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*

The Council Policies which apply to this item are:-

APD4 PUBLIC OPEN SPACE

Budget/Financial Implications

Expenditure of \$81,000.00 from the Public Open Space Cash-In-Lieu Reserve Fund will be required based on the advice of the Parks



Service Unit. Sufficient funds are available as the subdivider paid \$81,124.00 into the Reserve Fund as a condition of subdivision.

Legal Implications

Town Planning and Development Act.

Community Consultation

N/A

Attachment(s)

- (1) Proposal for the expenditure of cash – in – lieu funds within Woodman Village Estate
- (2) Detailed plan of proposed works

Advice to Proponent(s)/Applicant

N/A

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

Nil.

14.6 (MINUTE NO 2741) (OCM 15/03/2005) - DEDICATION OF LAND AS ROAD PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 - PORTION LOT 258 BEING RESERVE 2054 (5514362) (KJS) (ATTACH)

RECOMMENDATION
That Council:

- (1) request that the Minister for Planning and Infrastructure dedicate a portion of Lot 258 being Reserve 2054 Road Reserve pursuant to Section 56(1) of the Land Administration Act; and
- (2) indemnify the Minister for Planning and Infrastructure against reasonable costs incurred in considering and granting this request.

COUNCIL DECISION
MOVED Clr M Reeve-Fowkes SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 8/0



Background

Reserve 2054 is managed by the City for the purpose of recreation. It was formerly designated as a Drainage Reserve.

Submission

N/A

Report

The Reserve purpose was changed from Drainage to Recreation in June 2004. Hammond Road has been deviated from a point north of Russell Road to connect with Frankland Avenue at the intersection of Russell Road. This deviation is shown on the MRS as an Other Regional Road.

Portion of Reserve 2054 lies within the designated MRS road reservation. Following Council's request to the Minister, the Department of Planning and Infrastructure will issue a survey instruction and the road land requirement identified on a survey plan.

Road construction is programmed to commence in the 2005-2006 budget.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Nil

Legal Implications

N/A

Community Consultation

N/A



Attachment(s)

Location Plan

Advice to Proponent(s)/Applicant

N/A

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

Nil

14.7 (MINUTE NO 2742) (OCM 15/03/2005) - GROUPED (R-CODE) DWELLING - 3A CLAYGATE ROAD, HAMILTON HILL - OWNER: T PETRIDIS & D A ROWE - APPLICANT: JANE WETHERALL & GEOFF WARN ARCHITECTS (6001838) (ACB) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval to a Grouped (R-Code) Dwelling on Lot 2 under Strata Plan 44201 being (3A) Claygate Road, Hamilton Hill in accordance with the approved plan 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 wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless such wall or fence is constructed with a 2 metre truncation.
4. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
5. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.



6. Retaining walls being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.

Special Conditions

7. The owner to extend the 1.6 metre high permanent screen along the entire length of the deck as marked red on the approved plan to restrict views from the deck into Lot 216 (1) Claygate Road, Hamilton Hill.
8. The walls of the proposed development shall be clad or coloured to complement the surroundings in which it is located, and shall comprise of Colourbond, other non-reflective materials, or these zincalume be treated to minimise any reflection.
9. An enclosed, lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5m with an internal area of at least 4sqm.

Footnote

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

COUNCIL DECISION
 MOVED Clr M Reeve-Fowkes SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 8/0

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	483sqm	
AREA:	Approx 106.5sqm	
USE CLASS:	Grouped R-Code Dwelling – Permitted	



The Western Australian Planning Commission granted subdivision approval of 3 Claygate Road, Hamilton Hill on the 21 February 2003. This subdivision created two strata lots that included a rear lot (483sqm) the subject of this application. The subject site has a steep slope comprising of terraces and stone walls. In addition the site contains an existing swimming pool, which was retained as part of the subdivision process under Condition 3 (as modified 24 March 2003) of the Commission's approval.

Submission

The applicant proposes to construct a new dwelling on the rear strata lot.

The lot has a steep slope to the rear, with a crossfall of approximately 5 metres (RL35 in the front to RL 40 in the rear). The land was terraced by the previous owners and comprises stone walls and a large below ground swimming pool. The new owners wish to minimise extensive earthworks by creating a pole home above the existing topography.

The proposed dwelling does not comply with the Acceptable Development requirements of the Residential Design Codes. The following list provides an indication of areas of non-compliance and comments from the applicant.

Surveillance of the Street

- No windows of the dwelling from a habitable room have a view of the street and the approach to the dwelling.
- Applicant Comments: No justification provided.

Boundary Setbacks

- The boundary setback along the western boundary proposes a 1 metre setback in lieu of a 2.5 metre requirement.
- Applicant Comments: *"The west boundary adjoins a Regional Reserve."*

Access and Car parking

- The driveway exceeds 15 metres in length and is not designed for vehicles to enter the street in forward gear.
- Applicant Comments: *"The prior subdivision of this lot has resulted in an undersized lot with retention of the swimming pool at the end of the driveway. The physical nature of the site does not accommodate construction of a vehicle turning circle without extensive and costly excavation."*

Site Works

- The proposed retaining wall is not setback in accordance with the setback provisions of Table 1, Table 2 and Figure 3.
- Applicant Comments: No justification provided.



Privacy

- Direct overlooking from major openings of habitable rooms (Windows 11, 13 & 14).
- Applicant Comments: *“W11 overlooks a Regional Reserve and a small area of Lot 214 situated behind an existing shed. W13 has minimal overlooking into a Regional Reserve. W14 overlooks a Regional Reserve.”*
- Direct overlooking from an outdoor active habitable space (Deck).
- Applicant Comments: *“1.6 metre screening is provided to majority of Deck. To achieve overlooking into Lot 215 a person would have to purposely stand in the very tip of the deck. The overlooking into Lot 216 is not into their outdoor living area but into the drying area with Hills Hoist.”*

Incidental Development

- An enclosed lockable storage area, constructed in a design and material matching the dwelling with a minimum dimension of 1.5 metres with an internal area of at least 4sqm is required.
- Applicant Comments: No justification is provided.

A copy of the site plans, floor plans and elevations of the proposal are included in the Agenda attachments.

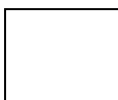
Report

The subject lot is situated abutting the Beeliar Regional Park. The locality itself is characterised by older houses of both single and two-storey construction on large blocks. A number of properties in the locality are being subdivided into battleaxe lots.

Creation of a battleaxe lot in this instance has resulted in a very steep block. The proposal seems to take advantage of the steep topography by building with poles at different levels.

As part of the assessment process, three adjoining neighbours were notified and given the opportunity to comment on the development. Letters were sent to the owners of 1, 3 & 5 Claygate Road, Hamilton Hill. The owner of Lot 216 (1) Claygate Road has objected to the proposal on the grounds of reduced privacy and also that the dwelling is proposed to be finished in 'pink'. This misconception stems from the fact that the existing house at No. 3 Claygate Road has been painted pink. The proposal will not result in a pink dwelling. The proposed finish is zincalume cladding with painted external grade ply decorative panels fixed to trimdek sheeting below.

This zincalume finish may result in glare to neighbouring properties which is of concern to the City. It is acknowledged there are properties within the locality with zincalume roofs, however the height and angle of this material has less of an impact than a zincalume fascia. The City,



however has no objection to zincalume being used on the roof provided that the walls are of Colourbond construction or other non-reflective finish. The zincalume could be treated to minimise reflection.

Partial screening of the deck is proposed which results in overlooking. Although the cone of vision arc (7.5m from the edge of the deck) extends into the drying area only, the outdoor living area is located within the same direction and therefore the neighbour's privacy is impacted upon. The applicant has agreed to extend the 1.6 metre high screen along its entire length thereby addressing any overlooking from the deck.

The overlooking onto the Regional Reserve and boundary setback variations together with surveillance of the street and access from the site are minor issues as these will result in no adverse impacts and therefore is supported.

Strategic Plan/Policy Implications

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

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

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

The Planning Policies, which apply to this item are:-

APD8	Strata Titles
APD17	Standard Development Conditions and Footnotes
APD32	Residential Design Codes
APD33	Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3



Community Consultation

The City notified the adjoining owners of the proposal under cover of letter dated 14 January 2005.

Attachment(s)

- (1) Site Plan (PA01)
- (2) Photos of Existing Site (PA02)
- (3) Ground Floor Plan (PA03)
- (4) Mezzanine Plan (PA04)
- (5) Elevations (PA05 – PA08)
- (6) Overshadowing Diagram (PA09)

Advice to Proponent(s)/Applicant

Applicant advised that item is to be considered at March 2005 Meeting of Council.

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

Nil.

14.8 **(MINUTE NO 2743) (OCM 15/03/2005) - PROPOSED AMENDMENT TO TOWN PLANNING SCHEME NO. 3 - COMPULSORY RAINWATER TANKS (6605) (MR)**

RECOMMENDATION

That Council:

- (1) adopt the following Amendment No. 30

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

AMENDMENT NO. 30

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

Amending the Scheme Text by inserting new Clause 5.8.7 as follows:-

"5.8.7. All new single house and grouped dwellings must install rainwater tanks with a minimum capacity of 5,000 litres for single houses, and 2,500 litres for grouped dwellings, as a



secondary water supply.”

- (2) sign the amendment documents, and advise the WAPC of Council’s decision;
- (3) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (4) notwithstanding (3) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not with the Amendment; and
- (5) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed with the Amendment.

COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr S Limbert that Council:

- (1) receive the report;
- (2) adopt the recommendation to amend Town Planning Scheme No.3, Amendment No.30, with the exception that proposed Clause 5.8.7 be modified to read as follows:

5.8.7 Each new single house shall install a rainwater tank, as a secondary water supply, with a minimum capacity of 4,000 litres and each new grouped dwelling shall install a rainwater tank with a minimum capacity of 2,000 litres.
- (3) instruct the Director, Planning and Development to prepare a draft Rainwater Tank Policy for consideration at the next Delegated Authority, Policies and Position Statements Committee Meeting.

CARRIED 5/3

Explanation

On a recent tour of display homes in the east, it was noted that the average suitable above ground size was 4,000 and 2,000 litre capacities. It is felt that as a minimum these sizes should be recommended. A Policy should also be prepared in addition to the Scheme Amendment.

Background

A report was presented to the Council meeting held on 15 February 2005, and the Council resolved to:-

- “(1) initiate an amendment to Town Planning Scheme No.3 to make it compulsory for all new single houses and grouped dwellings to install rainwater tanks with a minimum capacity of 5,000 litres, or 2,500 for group dwellings, for secondary use, effective from the date of gazettal of the amendment.*
- (2) instruct the Director Planning and Development to prepare the scheme amendment for the consideration of Council at the next Council meeting and prepare a draft policy for consideration at the next meeting of the Delegated Authority and Policy and Position Statement Committee.*
- (3) investigate the potential for a preferential supply arrangement with a local supplier that affords ratepayers the ability to purchase rainwater tanks of either 2,500 or 5,000 litres or more at lower costs than currently exist.”*

Submission

The explanation given by the Council in support of its resolution was that the City's population is likely to double over the next 15 years and this will exert continuing pressure on scarce water supplies.

It's felt that Cockburn Council should take a lead in developing a sustainable culture to water resource by endeavouring to make all new homes be fitted with rain water tanks.

This proposal is not intending to direct existing householders to install rainwater tanks.

Report

The proposed Scheme Amendment is consistent with the Council's resolution at its Ordinary Meeting on 15/2/05.



The scheme amendment must be referred to the Department of Environment to determine if the amendment should not be assessed under Section 48A of the Environmental Protection Act. If the amendment is not assessed Council can proceed to advertise the proposal in accordance with statutory requirements.

The identification of the preferential supplier of rainwater tanks will be delayed until such time as the amendment has been finally adopted by the Council.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The financial implications of the proposal were outlined in detail within Item 19.2 OCM15/2/05.

Legal Implications

If the Council is to make the installation of rainwater tanks compulsory and they are used as an alternative source of drinking water, then legal advice should be sought, to ensure that the Council is protected against any claims for compensation arising from an illness or diseases contracted from drinking rainwater from a compulsorily installed tank.

In addition, the Development Services Department currently does not apply the R-Code setback to rainwater tanks associated with the construction of a dwelling. This allows, therefore, for tanks to be located in small spaces such as a side setback.

Community Consultation

If the Council resolved to proceed with a scheme amendment to make the installation of rainwater tanks compulsory, then public comment would need to be sought.

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A

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

Nil.



14.9 (MINUTE NO 2744) (OCM 15/03/2005) - REGISTER OF HERITAGE PLACES - PERMANENT ENTRY - SOUTH FREMANTLE POWER STATION (1048) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise the Heritage Council of WA that it has no objection to the permanent registration on the Register of Heritage Places, of the South Fremantle Power Station, provided that the Heritage Council keep all options for the suitable redevelopment of the site open for future investigation; and
- (2) request Western Power and the State Government continue to investigate redevelopment options for the South Fremantle Power Station as a priority, in an endeavour to restore public access to the coast and to revitalise this large derelict landmark building.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr K Allen that Council:

- (1) advise the Heritage Council that Cockburn Council objects to the placing of the South Fremantle Power Station on the permanent Registry of Heritage Places; and
- (2) request Western Power and the State Government continue to investigate redevelopment options for the South Fremantle Power Station as a priority, in an endeavour to restore public access to the coast and to revitalise this large derelict landmark building.

CARRIED 8/0

Explanation

The South Fremantle Power Station has lain waste for over 20 years without development only degradation. It has become an eye sore, haven for vandals and enough time has passed for its development. As proposed in the 1985 Coogee Master Plan, one of the Power Station's future options should be demolition. Allowing it to be considered on the Permanent Registry of Heritage Places stops this. Not placing it on this permanent list allows the government and developers more options to allow this 6 hectare site to be opened up for future recreational use.



Background

In 1985, it was proposed that the power station be demolished, as part of the Coogee Master Plan.

In 1986, a private company expressed an interest in purchasing the power station site, which has an area of 12.7213 ha. It is not clear what the intention of the company was. Also in the same year the City of Cockburn offered \$100,000 to purchase the land, as the Council believed it had great recreational potential or could be re-used for industrial purposes.

In 1987, the State Government pursued the sale of the power station through the WA Development Authority.

In 1988, a proposal was made to use the land as a new Marine College operated by TAFE.

In 1990, work commenced by the State Government to dismantle the power station. The station had been idle since being decommissioned in 1985.

In 1994, the Council commissioned BSD Consultants to undertake a study of the possible re-use of the power station land. The BSD report identified opportunities for re-use such as:

- High rise housing/unit development;
- Hotel/Convention Centre;
- Major Theme Park – Public Recreation Facility;
- Major Indoor Recreation Centre;
- Industrial Activity;

The preferred option was for the Theme Park concept incorporating a mix of commercial activities.

In 1995, Woodward-Clyde were engaged by Western Power to examine the rehabilitation of the power station building.

Also in 1995, the Council adopted a concept plan to create a landscaped park with recreational facilities as the preferred end use of the land. This required the power station to be demolished.

In 1996, the Department of Commerce and Trade provided a cost estimate to implement the Council's concept plan.

In 1996, the Department of Commerce and Trade expressed concern about the delay in demolishing the power station as it was compromising the implementation of the Coogee Master Plan.



In 1997, the Fremantle Society called for the power station building to be saved from demolition.

Also in 1997, the Deputy Premier, Hendy Cowan, supported the Council for the early demolition of the power station and for the land to be used for community and recreation purposes.

On the 1 July 1997, the Heritage Council advised that it had received a report to include the building on the Register of Heritage Places. An assessment was undertaken, and on the 28 October, it was gazetted on the Register on an interim basis. The Council supported the retention of the building on the basis that a viable use could be found for it.

In 1998 Dee Seed Real Estate proposed to purchase the site on behalf of a client to create cafes and retail premises. The Council could lease back areas for community purposes. The surrounding land would be used for recreation. This approach was not pursued.

Again in 1998, the CEO, of the City of Cockburn wrote to the Premier, Richard Court, promoting the idea of re-using the power station as a Convention and Exhibition Centre. A hotel/motel could be included to take advantage of the unique location. The site could have rail access to Fremantle and ferry connections to Rottnest, Carnac and Garden Islands. This idea was not seriously entertained.

In May 2001, Dr Les Pyke, and a group of graduates from the South East Metropolitan College undertook comprehensive research of the power station. The report examined the feasibility of the power station being used for:-

- Convention and Exhibition Centre.
- Hotel Accommodation and Apartments.
- Museum displays.
- Community co-ordination.
- Maritime exhibits.
- Research and Development Technology Centre.
- Seabird aviary.
- Opera House.
- Entertainment Centre/Cinemas/Studios.
- Theme Park.
- Shrine, Cathedral, Temple, Mosque.
- Zoological Gardens.
- Shipping trade facility.
- Amphitheatre, open air interactive cinema, speedway, turf club, stadium, trotting facility and similar ventures.
- Technology education facility.
- Transport.



In June 2001, Western Power advise that it intended to dispose of the power station site. Later in July, the Council supported a request to rezone the land under the MRS from Parks and Recreation Reserve to Urban. The WAPC did not support this.

In September 2001, Dr Les Pyke, wrote to the Mayor, advising of a group interested in developing the property into a landmark location of international standing. The group was the Magic Koala Foundation, which is a charity foundation to help underprivileged, homeless and destitute children and youths.

In April 2004 Council included the South Fremantle Power Station onto its Municipal Heritage Inventory of Heritage Places. The following management category applies:-

“Highest level of protection appropriate: recommended for entry into the State Register of Heritage Places; provide maximum encouragement to the owner under the City of Cockburn Planning Scheme to conserve the significance of the place. Incentives to promote conservation should be encouraged.”

Vision for Cockburn Coast July 2004

A vision for developing the Cockburn coastal strip between South Fremantle and Woodman Point has been prepared by the State Government. It will bring together the different planning and development initiatives in the area in an overall integrated framework

The vision will stimulate dialogue between stakeholders to progress the planning of North Coogee for urban development in the context of the overall planning of the area.

The proposed urban development is premised on high density residential and mixed use development, provision of an efficient public transport system and good access to the beach and Regional Park.

The Cockburn coast will become a vibrant coastal village forming a natural extension of Fremantle to the north and integration with Coogee Beach and Woodman Point Coastal Regional Park. It is a place that combines and celebrates the best of ocean-side and urban living with easy access to the cultural amenity of Fremantle and natural environment of Woodman Point Regional Park.

Within walking distance there is the natural amenity such as beaches and regional parkland, and urban amenities such as convenient public transport, commercial and boating activities.

The first step in realising the vision is to develop a structure plan, through appropriate consultation, to unify the coastal developments from South Fremantle to Port Coogee with strong connections to Coogee Beach and Woodman Point Regional Park.



One of the 16 key elements of the vision is the investigation of redevelopment options for the South Fremantle Power Station.

Submission

The Heritage Council of Western Australia has identified that the timeframe for undertaking the 'Vision for Cockburn Coast' planning blueprint has become longer than anticipated. The Heritage Council do not believe that the outcomes of the report will affect the cultural heritage significance of South Fremantle Power Station. It has therefore been decided that consideration of the place for permanent registration should be progressed. The Heritage Council is now seeking a written indication of whether Council supports registration.

The Heritage Council has invited Council to nominate a person to attend the meeting at which the proposed registration of the place within the Council area will be considered. Alternatively a written response by 8 April will enable Council's views to be incorporated in the agenda papers.

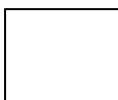
Report

The South Fremantle Power Station was included on the Register of Heritage Places on an interim level on 28 October 1997. Entry onto the State Register of Heritage Places on a permanent basis as proposed should usually occur within a 12-month period of the initial interim registration notice. Any submissions, supporting or objecting to permanent registration, are considered by the Register Committee before a recommendation on permanent entry in the State Register is made. Where objections are received to permanent registration, the Minister for Heritage then determines whether the place will be registered on a permanent basis.

The Heritage Council advised that the provisions of the Heritage Act related to development and incentives apply to a place from the date of the interim registration entry. The reason why the Heritage Council is considering the permanent registration is because Western Power are pursuing the disposal of the property and the heritage protection must be 'in place' prior to sale.

On further consideration, it is recommended that Council support the permanent heritage listing of the South Fremantle Power Station on the Register of Heritage Places, provided that the Heritage Council keep all options for the suitable redevelopment of the site left open for investigation from a heritage viewpoint balanced against the feasibility and practicality of adapting the building to suit new uses.

Western Power and the State Government should be requested to investigate redevelopment options for the South Fremantle Power



Station as a priority in an attempt to restore public access to the coast and revitalise the building.

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

Attachment(s)

Location Plan

Advice to Proponent(s)/Applicant

The applicant has been advised that the matter will be considered at the March Meeting of Council.

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

Nil.

14.10 (MINUTE NO 2745) (OCM 15/03/2005) - REVISION TO THE STRUCTURE PLAN - SOUTH BEACH STRUCTURE PLAN - VARIOUS LOTS ON ROLLINSON ROAD, O'CONNOR CLOSE AND SOUTH TERRACE, HAMILTON HILL (9653) (VM) (ATTACH)

RECOMMENDATION

That Council:

- (1) re-adopt the Revised South Beach Structure Plan – South Beach Village, December 2003, pursuant to clause 6.2.14 of the City of Cockburn Town Planning Scheme No. 3, as contained in



the attachment to the Agenda;

- (2) refer a copy of the Revised Structure Plan to the Western Australian Planning Commission seeking the endorsement of the modifications pursuant to clause 6.2.14.4 of Town Planning Scheme No. 3; and
- (3) advise Stockland of the Council's decision accordingly.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr L Goncalves that the recommendation be adopted.

CARRIED 8/0

Background

The Council adopted South Beach Structure Plan ("Structure Plan") and it was forwarded to the Western Australian Planning Commission ("Commission") for endorsement following its Ordinary Meeting in July 2002. The Commission reviewed the Structure Plan and expressed concern in relation to various matters particularly the resolution to adopt the Structure Plan be under District Zoning Scheme No 2 rather than proposed Town Planning Scheme No. 3. The Council complied with this direction.

Further background to this matter is outlined in Item 14.3 OCM16/07/02 and OCM 19/09/02.

The land the subject of the Structure Plan is zoned Development in TPS3 and is zoned Urban in the Metropolitan Region Scheme ("MRS"). Subsequently the Structure Plan was referred to the January 2003 Ordinary Meeting of Council where it was adopted pursuant to Town Planning Scheme No 3, following its gazettal in December 2002.

A subdivision plan was lodged by planning consultants acting on behalf of South Beach Pty Ltd in April 2003. The City recommended that the application be supported subject to several conditions. The subdivisional plan is generally in accordance with the adopted structure plan pursuant to Clause 6.2.3.2 of TPS3. Clause 6.2.14 of TPS3 however, allows Council to adopt variations to structure plans. A precautionary view is that the Council should consider the changes to the road layout as a variation to the adopted structure plan.

As a result of the consideration of the subdivision application it was determined that the Structure Plan did not include specified R-Codes



for the residential areas. As a result of the minor inconsistencies it was considered to include landuse areas and R-Code densities on a Revised Structure Plan. The Structure Plan is attached to the Agenda.

Submission

The City prepared the attached Structure Plan specifying designated R-Codes for the residential areas and land use areas for consistency with the Structure Plan adopted by Council on 16 December 2003.

Report

Revisions to the South Beach Structure Plan evolved as a result of considering the subdivision application for the site. It was acknowledged by Council that R-Codes were not needed and therefore a revision was required to ensure that Structure Plan land uses conform with the approved subdivision plan lot sizes.

The Structure Plan Residential zone allocated a range of R-Codes to each Lot (ie. R20 – R40). The purpose of the range is to allow the applicant to provide appropriate designs to comply with the Codes and to respond to the market.

The applicant can choose a higher range allocated to the lot (ie. R20 – R40), provided the proposed design complies with all aspects of the Acceptable Development for R40 as stated on the Residential Design Codes and furthermore, the proposal exhibits higher quality urban design aspects, together with high levels of amenity. The proposed Mixed Business/Residential zone allows for a Residential R60 – R80 density, provided the above aspects have been considered.

Pursuant to clause 6.2.14.1 of the Scheme, Council can vary the Structure Plan by resolution if it considers the variation does not materially alter the intent of the Structure Plan. The modified Structure Plan satisfies this requirement and therefore advertising is not required.

The Commission's advice on the changes to the Structure Plan remain outstanding.

Strategic Plan/Policy Implications

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

2. Planning Your City

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



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

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

Council Policies that apply are:-

SPD4 Liveable Neighbourhoods

Budget/Financial Implications

N/A

Legal Implications

The applicant has the right of appeal if aggrieved by the decision of Council pursuant to Part V of the Town Planning and Development Act.

Community Consultation

The South Beach Structure Plan has already been through a comprehensive public consultation program, which included workshops. The proposed allocated residential densities do not materially alter the intent of the Structure Plan and therefore no further public consultation is required.

Attachment(s)

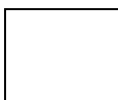
Revised South Beach Structure Plan.

Advice to Proponent(s)/Applicant

N/A.

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

Nil.



14.11 (MINUTE NO 2746) (OCM 15/03/2005) - FARRINGTON ROAD, LEEMING - TRAFFIC MANAGEMENT CONCEPT PLAN - CITY OF MELVILLE (450501) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) advise the City of Melville that it does not support the proposed traffic management Concept Plan proposed for Farrington Road between the Kwinana Freeway and Karel Avenue, Leeming and provides the following response to the survey questionnaire:-
 1. The Council does not support Farrington Road being reduced to single traffic lanes in each direction;
 2. The Council does not support the free-flow left-turn lane from the Kwinana Freeway into Farrington Road being replaced with Give-Way control;
 3. The Council does not support buses stopping in the single traffic lane to set down and collect passengers;
- (3) provide the City of Melville with a copy of the officer's report in support of its response to the survey questionnaire;
- (4) thank the City of Melville for notifying Council of the proposal and for the opportunity to comment; and
- (5) invite City of Melville representatives to meet with City of Cockburn representatives to discuss the long term planning of Farrington Road both east and west of the Kwinana Freeway, prior to proceeding with further planning proposals.

COUNCIL DECISION

MOVED Clr M Reeve-Fowkes SECONDED Clr K Allen that the recommendation be adopted subject to the deletion of Sub-Clause (5).

AMENDMENT TO MOTION

MOVED Clr I Whitfield SECONDED Deputy Mayor R Graham that Council adopt the recommendation with the addition of new Sub-Clause (5) to read as follows:

- (5) write to the Commissioner of Main Roads WA requesting that a southern access be provided from the Kwinana Freeway onto



Farrington Road.

MOTION LOST ON PRESIDING MEMBER'S CASTING VOTE 4/4

ORIGINAL MOTION PUT AND CARRIED 8/0

Explanation

It is premature for the City of Melville and Council representatives to meet and discuss Melville's proposed long term planning at this stage. Council has a safety audit report on Farrington Road already in progress and needs to understand and adopt a position prior to any discussion with Melville.

Background

The future of Farrington Road has been an on-going issue for a number of years and has been the subject of numerous Council reports. Currently, the City is undertaking a safety audit of Farrington Road between Bibra Drive and North Lake Road to provide information for the Council when reviewing the role of Farrington Road as a District Distributor "A" Road and whether or not it should be widened to a 4-lane divided road.

Farrington Road is the only major east-west road that crosses the central wetland chain between South Street and Beeliar Drive. It currently carries between 18,000 to 24,000 vehicles per day (vpd).

Submission

On 16 February 2005, the City of Melville wrote to the City inviting it to "*have your say*" about some major changes that Melville is proposing to Farrington Road, Leeming, between the Kwinana Freeway east to Karel Avenue.

A copy of the letter and the survey questionnaire is attached, together with a plan of the proposal.

The letter required submissions to be lodged by 4 March, but provided for survey forms to also be lodged at a public display to be held on Saturday 19 March.

Given this, the Director Planning and Development wrote to the City of Melville requesting that the City be granted time to have the matter considered by the Council and the Council decision conveyed to Melville by 19 March.



Report

Farrington Road is an important district distributor that carries traffic between North Lake Road and the Kwinana Freeway and between the Freeway and Karel Avenue.

Farrington Road west of the Freeway is categorised by Main Roads WA (MRWA) as a District Distributor "A" and east of the Freeway as a District Distributor "B". This means that it is an important district road in the road hierarchy serving the Cockburn/Melville area.

Between Bibra Drive and Karel Avenue, Farrington Road is already constructed as a divided dual carriageway.

Based on MRWA traffic data it is clear that the annual average weekday traffic (AAWT) is increasing. The most recent MRWA counts (1998/99) for Farrington Road east of the Freeway is up to 17,900 (AAWT), which should be accommodated on a dual carriageway, based on commonly agreed standards.

The Melville proposal is to restrict the District Distributor "B" function of Farrington Road east of the Freeway by installing roundabouts and to reduce the carriageway to one lane in each direction.

In part the Melville "Farrington Road Traffic Review – October 2004" states:-

"The connection of Karel Avenue to Roe Highway Stage 7 via an interchange that provides for all movements could see some traffic attracted to use Farrington Road in order to cross the Kwinana Freeway as the Farrington Road / Karel Avenue intersection is located only 750 metres to the north. As a recent City of Cockburn report acknowledged, without the continuation of Roe Highway west of the Kwinana Freeway it is obvious that Farrington Road is going to be used as part of a defacto Roe Highway Stage 8 (Roe 8) route.

Unfortunately, the future construction of that road is uncertain because whilst the current Labor State Government opposes the construction of Roe Highway Stage 8, both the State and Federal Liberal Parties support its construction. Given this political uncertainty, in order for the City of Melville to prevent Farrington Road being used as a defacto Roe 8 the City could request changes to the existing turning movements at the Farrington Road/Kwinana Freeway interchange and modifications to the planned Roe Highway/Karel Avenue interchange that physically prevent certain through movements.

Specifically, this could be achieved by implementing the following:



- *Close the continuing eastbound lane on Farrington Road, at the Kwinana Freeway, so that all eastbound traffic must turn north onto the freeway,*
- *Close the continuing westbound lanes on Farrington Road, at the Kwinana Freeway, so that all westbound traffic must turn north onto the freeway. This would also mean that the right-turn to the west for traffic coming off the freeway would need to be removed as traffic would be forced back onto the freeway,*
- *Do not allow vehicles to turn right off Roe Highway to travel north along Karel Avenue,*
- *Do not allow vehicles to turn left off Karel Avenue to travel east along Roe Highway.*

Unfortunately, this could only be implemented at the Kwinana Freeway interchange with the support of Main Roads WA as they are responsible for that interchange. This could be a method to protect Farrington Road from traffic diverting from South Street as traffic congestion on that increases.

Whilst this might be considered a radical proposal and contradictory to the function of the road as a District Distributor (B), it is an option that should be seriously considered to prevent Farrington Road being used as an extension of Roe Highway, as happened to William, Street in Beckenham, until the opening of Roe Highway Stage 5 (Welshpool Road to Nicholson Road). It is an option that would force through traffic to use more appropriate routes such as South Street and could be easily reversed if Roe Highway is continued west beyond the Kwinana Freeway at some time in the future.

Such actions could also emphasise the need for the completion of Roe Highway as a Primary Distributor road servicing this region because the transfer of thousands of vehicles per day that use Farrington Road as a through route to South Street would contribute to a further increase in traffic congestion and reduction in Level of Service on South Street.

Murdoch University is developing a Masterplan to guide future development of the campus facilities and functions. Whilst the predominant access for the additional traffic to be generated is intended to access the University via South Street and Murdoch Drive as the level of congestion on South Street increases it is reasonable to expect some students would use Farrington Road as an alternate route to and from the University. However, it is not expected that this would have a significant impact on the traffic usage of Farrington Road.”

In conclusion the report states:-

“It is clear that additional congestion is likely to occur in the future on South Street as a result of additional traffic from Roe Highway, the construction of the South Street bus - rail interchange and associated



car parks with their specific access requirements, the implementation Of two bus transit lanes on South Street and the general increase in commercial vehicles on South Street. This will encourage additional traffic onto Farrington Road in order to reduce people's journey time. Also the closeness of the Roe Highway / Karel Avenue interchange could encourage some vehicles to use Farrington Road to continue their journey further westwards across the Kwinana Freeway, in the absence of Roe Highway Stage 8.

Therefore it is essential to take steps now to manage the speed, number and type of vehicles that use and will want to use Farrington Road to a level that is commensurate with the requirements Of the City and the functional classification of Farrington Road.

To this end the installation of roundabouts at the intersections of Casserley Drive east and west and at Aulberry Parade and the reduction of Farrington Road from four through lanes to two through lanes between Karel Avenue and Kwinana Freeway are recommended as a complete package.”

As a result of Melville deciding to proceed with the preparation of a Traffic Management Concept Plan, it is seeking public response to 3 questions, namely:-

- **“Question 1. I/we support Farrington Rd being reduced to single traffic lanes in each direction?”**

This proposal is contrary to the purpose and function of a designated District Distributor “B”. This is acknowledged in the Melville Technical Report (pp9).

In addition, MRWA figures (AAWT – 1998/99) clearly show that traffic using Farrington Road is increasing. The fundamental reason for this is that with the exception of South Street, there is no other major east-west road serving the Leeming locality to take traffic to the primary road system. Farrington Road is an essential part of the Leeming road hierarchy that has been specifically designed to serve as a distributor road for this residential area.

Based on figures used by the Local Impacts Committee (LIC), it appears even with the completion of Roe Highway Stage 7, traffic on Farrington Road is expected to increase over time.

The restriction of Farrington Road east of the Freeway as proposed by Melville, will severely reduce the convenient access of Cockburn residents to Roe 7, from residential areas located in the western suburbs. This is because the Karel Avenue / Roe 7 intersection is the only way on and off Roe 7 from the west.



According to advice received from the Department for Planning and Infrastructure, the volumes used by LIC for the section of Farrington Road east of the Freeway were 14,700 (AAWT) in 2001 increasing to 21,400 vehicles per day (AAWT) by 2031. These figures have been adjusted to take into account of the operation of the new passenger rail, an increased number of sea containers onto rail and the outer harbour being operational by 2017. The LIC assumed that Farrington Road east of the Freeway would continue to operate as it currently does.

Farrington Road is the only convenient access to Roe 7 from the suburbs of North Lake, Coolbellup, Hamilton Hill and Spearwood. These suburbs alone have a combined existing population of 26,800 people which is expected to grow to 33,000 by 2026.

If access to Roe 7 is not convenient via Farrington Road, those residents living in the north-western section of the district will be required to either travel north to South Street or south to Berrigan Drive. This is unacceptable and is contrary to sustainable transportation principles.

The reason why residents in North lake, Coolbellup, Hamilton Hill and Spearwood are forced to travel across the Freeway to Karel Avenue to access Roe 7 is because Farrington Road has no Freeway access ramps to the south.

In addition it is expected that the planned reduction of Farrington Road - East from 2 lanes to 1 one in each direction could affect the patronage of the Leeming Shopping Forum, which was located on the corner of Farrington and Findlay Roads to maximise exposure to passing trade. By discouraging traffic away from Farrington Road and encouraging traffic to use South Street, the Forum's shopping catchment could be encouraged to use the Bull Creek Shopping Centre instead.

Of interest is the reliance on the current recommended design guidelines for District Distributor "B" Roads contained in Liveable Neighbourhoods in the technical report (pp6) as part of the argument for reducing the number of lanes from 4 to 2. If this is a valid approach then it would be expected that the same approach could be applied to the other District Distributor "B" roads in the City of Melville. Based on the "Perth Metropolitan Area Functional Road Hierarchy" produced by MRWA, these include Riseley Street, Marmion Street (east of Davey), Murdoch Drive and Karel Avenue, where they are currently constructed as 4-lane roads. Although Liveable Neighbourhoods provides for District Distributor "B" roads to be either 4 or 2 lanes, the Codes cannot be used selectively to justify a particular approach to achieve a preferred outcome. In addition it is unlikely that the Codes contemplated being used to justify reducing the function of distributor roads.



The proposed new Codes re-classify the road system and adopt a different approach. Roads over 15,000 (vpd) and up to 35,000 (vpd) are defined as Integrator A – Boulevards to be designed as 4-lane divided roads with a speed limit of 60 kph. Based on the current characteristics of Farrington Road - East described in the technical report (pp6) the road carries 15,371 (vpd) is 32m wide, contains 2 x 7.4m lanes with bike lanes in each direction. The road complies with the recommendations contained in Liveable Neighbourhoods – Edition 2, which has been advertised for public comment.

In the interests of the residents of the City of Cockburn, it is essential that Farrington Road be retained as a 4-lane divided road east of the Freeway and continue to perform its function as a District Distributor “B” in the road hierarchy serving the locality.

Therefore the proposal contained in question 1 is not supported.

- ***“Question 2. I/we support the free-flow left-turn lane from the Kwinana Freeway into Farrington Road being replaced with Give-Way control”***

Farrington Road is connected to the Freeway. The connection provides for traffic seeking to access Leeming, to the east and North Lake, Coolbellup, Hamilton Hill and Spearwood in the west, from regional and district origins north of Farrington Road.

The proposal to close the “free-flow” left turn lane from the Kwinana Freeway into Farrington Road – East, which serves Leeming could cause traffic flow problems, less convenience for Leeming residents and the potential for an increased number of traffic accidents. It could also cause vehicles to bank up into the turn right lane controlled by the traffic lights.

Other than to add to the discouragement of using this off ramp to gain access to Leeming, there appears to be little or no traffic benefit in preventing traffic from freely flowing into Farrington Road – East. By discouraging traffic using this off ramp from the Freeway it is likely that vehicles using this route will be encouraged to use the South Street off ramp and utilise Findlay Road instead to access Leeming. It is preferred to encourage traffic to be distributed across the Freeway ramps. The technical report acknowledges (pp79) that South Street will become more congested due to the development of the railway station (pp7) and the redevelopment of the Murdoch Campus (pp10).

Based on the black spot figures contained in the Melville technical report (pp4) there have only been 7 crashes on the Freeway south off ramp onto Farrington Road between January 1999 and December 2003, a period of 5 years. This does not justify the treatment proposed.



In the interests of best traffic practice, the deletion of the “free flow” lane onto Farrington Road – East as proposed in Question 2 is not supported.

- **Question 3. /we support buses stopping in the single traffic lane to set down and collect passengers?”**

According to the Melville technical report (pp5) there are 4 bus services using Farrington Road – East, all of which serve the Leeming Shopping Centre and travel between Karel Avenue and Casserly Drive.

If Farrington Road – East is reduced from a 4-lane divided road to a 2-lane divided road then this means that the through traffic, buses and rubbish collection trucks, and residents attempting to access their residences will be confined to sharing a single lane. This could potentially be problematic, because of the demands on one lane with traffic volumes likely to increase from around 15,400 vpd (technical report pp6) to say 21,000 vpd by 2031 (LIC projection), because of the lack of gaps in the traffic stream to allow for this requirement to occur on a District Distributor “B” road.

The technical report states (pp8):-

“By requiring all traffic to be in one lane in each direction in Farrington Road would increase the travel time along Farrington Road due to the level of resulting traffic congestion and also vehicles would not be able to pass a slower moving vehicle. Transport modelling of Farrington Road would be required to assess the likely impact on travel time.

An example of where this has happened is James Street in Guildford between Johnson Street and Market Street and the average weekday daily traffic volumes here are 30019 (Aug 2004 - Main Roads WA). By concentrating all traffic into one lane in each direction it reduces the number of available gaps in the traffic stream at peak times for pedestrians and cyclists to use in order to cross Farrington Road and also for motorists to enter and leave driveways and minor side streets. Therefore this results in the traffic stream forming a barrier for people living on either side of Farrington Road unless specific pedestrian crossing facilities were provided. As there are no traffic signals between Karel Avenue and the Kwinana Freeway there is not the opportunity to easily provide any signalised pedestrian crossing facilities without the installation of new mid block pedestrian crossings.

These issues have been experienced in the James Street, Guildford, project as has the difficulty people have in entering or leaving the parallel on street parking bays.

Changing Farrington Road to a single lane will also have an effect on vehicle speeds as speeds will then be controlled by the vehicle at the head of any stream of traffic and overtaking opportunities will be



removed. Consideration could also be given to changing the current free flow off-ramp from the Kwinana Freeway to Farrington Road eastwards to require motorists to Give Way at Farrington Road. As a result their entry speeds will be significantly reduced but as this has implications for queue lengths on the off-ramp this would need to be assessed by a SIDRA analysis.

The issue of the need to cross Farrington Road by pedestrians and cyclists is important as the shopping, recreation and schooling facilities are all located on the north side of Farrington Road and hence anyone living to the south of Farrington Road has to cross it.

It is the City's and the State Governments' desire to encourage more local trips by walking and cycling and reduce the level of car use, Therefore connectivity across Farrington Road is a significant issue that will be impacted- upon by reducing Farrington Road to one lane in each direction unless additional dedicated crossing facilities were installed as part of the project."

This confirms the potential problem.

Moreover, there appears to be around 24 residents with driveways on the northern side of Farrington Road – East and another 41 on the southern side, based on an aerial photograph. These residents have the following potential problems associated with:-

- getting in and out of their property
- the need to do 'U' turns or 'roundabout' turns to gain access to their property around the median strip barrier
- the placement and collection of rubbish bins.

The combination of cars, commercial vehicles (proposal excludes semi-trailers), buses, cyclists, pedestrians and rubbish collection trucks within a divided single lane road carrying in excess of 15,000 vpd does not reflect best practice.

Therefore, the proposal contained in Question 3 is not supported.

In conclusion, it must be remembered that roads are an integral part of land use patterns and must be designed and managed to perform a pre-determined function within the road and land use hierarchy.

In this case Farrington Road – East provides the only convenient access for Cockburn residents living in its north-west sector to gain access to Leeming, the Leeming Recreation Centre, Leeming Shopping Forum, the Melville Glades Golf Course, John Connell Reserve and Jandakot Airport. But more importantly is the only convenient route for the residents of North Lake, Coolbellup, Hamilton Hill and Spearwood to gain access to Roe 7.



Roads must be planned as part of a network. Changes to the network create a "chain-reaction". For example, if Roe 8 is not built, it will put pressure on Farrington Road. If this likelihood is unacceptable and measures taken to discourage this, then it will only serve to shift the traffic somewhere else, such as South Street. If South Street becomes more congested due to the new rail station, a new teaching hospital, the commercial development of the Murdoch Campus, together with the reduction of lanes on South Street to create dedicated lanes for public transport, then this may cause parts of the network to become dysfunctional, and this puts renewed pressure on the system and to move the problem somewhere else.

The future of Farrington Road should be examined in total, between the two Cities, before final decisions are made about the future of Farrington Road between North Lake Road and Karel Avenue. To date reports prepared for the City of Cockburn on Farrington Road – West have been based on the assumption that Farrington Road – East would continue to operate as it currently does. Never-the-less, from the City of Cockburn point of view, even if Farrington Road – East is downgraded as a district road, traffic from the western suburbs of Cockburn will continue to need access to the Kwinana Freeway from North Lake Road, and therefore can be dealt with separately.

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."*

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

Budget/Financial Implications

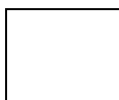
N/A

Legal Implications

N/A

Community Consultation

This report has been prepared in response to an invitation from the City of Melville to comment on its Traffic Management Concept Plan for Farrington Road, Leeming.



Attachment(s)

- (1) A copy of the letter from the City of Melville dated 16 February 2005.
- (2) Concept Plan.
- (3) Survey Form.

Advice to Proponent(s)/Applicant

The City of Melville has been advised that the matter will be considered by Council at its March meeting.

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

Nil.

14.12 (MINUTE NO 2747) (OCM 15/03/2005) - PROPOSED TOWN PLANNING SCHEME AMENDMENT NO. 24 - ADDITIONAL USE - LOCKUP STORAGE - LOT 5 LYON ROAD, AUBIN GROVE - OWNER: CARMEL PTY LTD - APPLICANT: CARDNO BSD PTY LTD (93025; 5513285) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the following amendment:-

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

AMENDMENT NO. 24

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

- 1. Amending Schedule 2 by including part Lot 5 Lyon Road, Aubin Grove with an Additional Use of lockup storage (Additional Use No. 18) and special provisions;
- 2. Amending the Scheme Map accordingly.

Dated this day of 2005.

Chief Executive Officer



- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 7(A)(1) of the Town Planning and Development Act;
- (4) following 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 WAPC;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (6) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not to proceed with the Amendment; and
- (7) advise the landowners of Council's decision.

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

CARRIED 8/0

Background

ZONING:	MRS:	Urban
	TPS3:	Development (DA11)
LAND USE:	Rural residential	
LOT SIZE:	4.3706ha	



At the Ordinary Meeting of Council held on 17 August 2004, the following was resolved:

- “(1) *advise BSD Consultants that Council is prepared to adopt the proposed Structure Plan for Lot 5 Lyon Road, Banjup subject to the following changes being made to the Plan and Report to the satisfaction of the Director, Planning and Development;*
1. *Modification of the Plan to indicate the road reserves to comply with Council Policy APD – Access Street – Road Reserve and Pavements Standards.*
 2. *Modification of the Plan to change the zoning of the proposed Lockup Storage from Residential – Special Use to Residential - Additional Use.*
 3. *Modification of the Plan to indicate that proposed pipe outlet to freeway swale channel catchment currently shown in Lot 4 Lyon Road be relocated within Lot 5 Lyon Road.*
 4. *Modification of the Report to address the following:*
 - a) *Further information, including a POS Schedule, being provided detailing the location, area, vesting arrangements for the proposed Public Open Space (POS) provision and justification of the credit being sought for proposed Drainage Swale.*
 - b) *Further information being provided for the proposed drainage and nutrient management strategy including the proposed drainage system, location of the pipeline, nutrient stripping capacity and gross pollutant traps and other relevant information, in compliance with the Southern Suburbs District Structure Plan Area: Russell Road Arterial Drain Scheme.*
 - c) *Further justification being provided regarding the location of the proposed entry point to the Lockup Storage site in terms of the safety and efficiency of the local road system.*
 5. *Amending Town Planning Scheme No.3 by adding a new provision AU 18 – Lockup Storage in Schedule 2 – Additional Uses to formalise the proposed lockup storage use and provide development guidelines. “*



An amended Structure Plan reflecting the modifications required in points (1) 1 to (1) 4 above was adopted under delegated authority by staff on 6 January 2005. The Local Structure Plan provides for the creation of 39 residential lots, the lockup storage use and 10% Public Open Space.

This report relates to the proposed Town Planning Scheme Amendment referred in point 5, of the Council decision of 17 August 2004.

Submission

It is proposed to include part Lot 5 Lyon Road, Aubin Grove in Schedule 2 of the City of Cockburn Town Planning Scheme No. 3 – Additional Use provisions for the purpose of lockup storage together with a number of development guidelines, requiring:

- the Lockup Storage site shall be surrounded by high quality masonry walling;
- building scale and character shall be consistent with that of the surrounding buildings, being of a residential nature;
- the use of the site is restricted to storage purposes only, including provision for a caretaker's dwelling and associated carparking. The landuse shall revert to residential in the event of the Lockup Storage use ceasing; and
- building up to the lot boundaries is permitted, subject to compliance with the requirements of the Building Code of Australia.

The Scheme Map will also be modified to reflect the additional use over the site.

Report

The purpose of the amendment is to facilitate the development of a lockup storage facility over the western portion (i.e. 1.16ha) of Lot 5 Lyon Road, Aubin Grove.

It has been argued that there is a high demand for lockup storage facilities in newly developing residential areas and as such the proposed facility would help to satisfy this demand. The amendment would create an opportunity for an innovative lockup storage facility to be established at a scale that will be sympathetic to the future surrounding residential area.

The principle of incorporating the development of lockup storage on Lot 5 Lyon Road was established in the adoption of the Southern Suburbs District Structure Plan Stage 2 ("SSDSP2").

In particular, the SSDSP2 required the following elements to be included in the design plans for the lockup storage facility:



- Residential development will back onto the lockup storage facility with the facility only being visible from one entry/exit point with a width similar to the frontage of a residential lot;
- A caretaker's cottage will mark the entry to the facility with car bays opposite;
- Only a small portion of the facility will be viewed from the street;
- The facility will be visible from the Freeway and it is proposed that Council compliant signage will be visible to passing traffic;
- There will be minimal disruption to the community from traffic and noise due to the nature of the facility, such as long term storage of household items.

It is concluded that the Amendment complies with the design principles outlined in the SSDSP2 in the following respects:

- The lockup storage site backs onto future residential lots with a single access point incorporated in the lot frontage of 24m, which will also allow for parking and a caretaker's dwelling. This provision has been complied with through adoption of the Local Structure Plan for Lot 5.
- The lockup storage facility will only be viewed from the single access point within the estate.
- The facility will be visible from the Freeway and the owner will need to obtain all necessary signage approvals from the City at the development application stage. The majority of signage will be focussed on the Freeway.
- There will be minimal impact on surrounding residential development due to the nature of the use, which will be restricted to a benign storage function only with no other activities being carried out on the site

Issues relating to parking, manoeuvring, loading and unloading, landscaping, screening, building bulk and form and signage would all be considered in detail at the development application stage.

It is considered there is sufficient justification for the proposed Scheme Amendment to include part Lot 5 Lyon Road, Aubin Grove in Schedule 2 of TPS3 as an Additional Use for the purpose of lockup storage for the following reasons:

1. The use will provide a buffer between the Kwinana Freeway and proposed residential lots.
2. The proposed scale, character and design of the lockup storage facility will be sympathetic to surrounding residential development.
3. The Additional Use notation provides certainty that the use of the land will revert to residential in the event of the lockup storage use ceasing.
4. The proposal is consistent with the provisions of the Southern Suburbs District Structure Plan Stage 2.



Strategic Plan/Policy Implications

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

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

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The proposed Scheme Amendment will be advertised for public submissions in accordance with statutory requirements.

Attachment(s)

- (1) Scheme Amendment report submitted by Cardno BSD Pty Ltd.
- (2) Locality map.

Advice to Proponent(s)/Applicant

The applicant has been advised that the matter will be considered by Council at its March Meeting.

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

Nil.



14.13 (MINUTE NO 2748) (OCM 15/03/2005) - SCHEME AMENDMENT RE-CODING FROM R30 TO R20 PACKHAM DEVELOPMENT - DEVELOPMENT AREA 1 (93031) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the following Amendment No.31:-

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

AMENDMENT NO.31

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

Amending the Scheme Maps as depicted on the Amendment Map by:-

- (a) Recoding all residential lots within DA1 from R30 to R20.

Amending the Scheme Text by:-

- (a) Deleting clause 3 under DA1 which states as follows:-

“Not less than seventy-five percent (75%) of all land within the Residential Zone shall be developed for the purpose of single houses.”

Renumber clause 4 to clause 3 accordingly.”

- (b) insert the following new clause 5.4.4 as follows:-

*“Where a dwelling is accidentally destroyed on land **zoned** residential and the R-Coding applying to the lot reduces the development potential for residential development **than** that which applied at the time the planning approval was granted for the dwelling, the local government may consider redevelopment of the land in accordance with the R-Coding that applied at the time the dwelling was approved.”*

- (2) sign the scheme amendment documents, and advise the WAPC of Council’s decision;



- (3) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (4) notwithstanding (3) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not with the Amendment; and
- (5) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed with the Amendment.

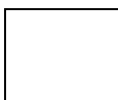
COUNCIL DECISION

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

CARRIED 8/0

Background

Urban Focus has progressively subdivided the Packham Development Area since 1989, through a private landowners development arrangement. The original landholdings included over 120 rural lots that were previously occupied by market gardens and other rural purposes. Council agreed to apply an R30 Coding to the Packham Development Area to off-set the additional land requirements associated with the provision of public open space and drainage that is understood to be on average around 16% of land requirements, with some landowners providing more than this requirement where necessary. The R30 Code was agreed too by Council on the basis that 75% of the lots created were to be developed only as single house lots, with the balance 25% developed based on the R30 Code. This is a mandatory requirement that applies in TPS3.



There are a few different ways Council controls the development potential of land to achieve single house development on most lots in Packham. Without these controls explained below the R30 Coding in many cases would have otherwise permitted two or more grouped dwellings. The Council assessed each subdivision diagram in the subdivision stage independently and ensured that 75% of lots created were single residential using the following methods:-

1. Restriction based on lot size – lot was too small in land area to be developed based on the R30 Code (1991 Codes);
2. Restrictive Covenant – registered on title upon creation of new lot where the lot size would have enabled 2 or more grouped dwellings;
3. Existing Development – where the lot contained an existing improvement such as a house and sheds.
4. Original Homesteads established prior to subdivision of Packham usually have no development restriction applying and could be developed to an R30 Code in most cases.

Council prepared and maintained a Packham Development Potential Data Base (“Packham Data Base”) on the development potential of all lots and used this to give information to Real Estate Agents and Settlement Agents and Prospective Purchasers making enquiries on properties. The Packham Data Base has been difficult to apply because the Residential Design Codes were gazetted in October 2002 with minimum lot area per dwelling requirements that became smaller than the lot size requirements applied under the 1991 Codes. This has created an inconsistency in the Packham Data Base, whereby some lots now have development potential for two or more grouped dwellings based on changes to the threshold minimum lot area. This is of concern because these lots were supposed to be retained as part of the 75% of lots in Packham designated as a single house lot. The sustainability of this requirement of the Scheme could be diminished over time if actions are not taken to resolve this inconsistency.

Some lots are still vacant in Packham because landowners are waiting until restrictive covenants expire. Many restrictive covenants have sunset clauses that within a period of 10 years from registration the covenant and the restriction will be lifted. Development can then proceed based on the R30 Coding. Various landowners are aware of this and may seek to develop grouped dwellings accordingly. Some landowners have built their house in positions on lots that enable the construction of a second dwelling despite the existence of restrictive covenants and that their lot was identified as single residential only.

City Officers have also experienced disagreement with landowners about the development potential of their land, where landowners have made their own assumptions about development that conflicts with Council’s Packham Data Base. Other situations have arisen where no record of the property can be found on the Packham Data Base and



where no restrictive covenant applied, the City had no other option but to recognise the development potential applying under the R30 Code.

It is now over 14 years since the first stage was subdivided in Packham and most of the development area has been developed. Urban Focus is proceeding with their final stages south of Mayor Road.

Submission

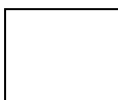
N/A

Report

The proposed down coding of Development Area 1 known as Packham on the Scheme Maps applies to over 1200 residential lots. While the proposed scheme amendment includes over 1200 residential lots the development potential for approximately 75% lots will not change. The balance of lots may have potential for two or more grouped dwellings. This doesn't account for lots that have already been development for two or more grouped dwellings.

The proposed down coding from R30 to R20 has the following implications:-

- The R20 Code in the Scheme Maps resolves the inconsistency and confusion between the Scheme Map R30 Coding and the Packham Development Potential Data Base. The Scheme Maps clearly prevail without reference to another Data Base;
- Most (75%) of the lots within the Packham Development Area don't have any development potential beyond a single house. The down coding proposal will not reduce the development potential of most lots and therefore the "status quo" remains largely unchanged for most landowners;
- Some landowners of vacant residential lots with no restriction on development potential based on R30 could have their development potential reduced by changing the R-Code from R30 to R20. These landowners would still be able to obtain development approval to realise the full potential of their land under the R30 Code while the R20 scheme amendment is being processed. They would however not be able to develop grouped dwellings after the scheme amendment is gazetted;
- Some residential lots which didn't have development potential may have their development potential increased because their land area is over 900m². This, however, is consistent with every other residential lot in the district;
- The proposed scheme amendment seeks to delete the requirement for 75% of lots within DA1 to be single residential. This would mean that any lot 900m² or greater would permit two grouped dwellings notwithstanding the minimum lot size requirements applying to the R20 Code pursuant to Clause 5.4.1 of TPS3;



- A new variation clause to TPS3 is also needed that enables reinstatement of any dwelling in the district that is accidentally destroyed notwithstanding that the development doesn't comply with the Residential Design Codes. The former development provisions that applied when the development was approved will prevail; and

The proposed scheme amendment is intended to give greater certainty and consistency in providing Zoning Statements and granting development approval within Development Area 1 – Packham. The current system of determining development potential is not workable and has led to arguments with landowners. The expiry of restrictive covenants is also of genuine concern, which may regrettably lead to landowners demolishing existing improvements perhaps even a house to achieve two or more grouped dwellings. The R20 Coding is the most practical option to achieve a unified and consistent Coding. The R20 Code also follows the “Blanket R20 Coding” approach in the district, adopted as the basis to Town Planning Scheme No. 3.

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 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."*

Budget/Financial Implications

Costs of preparing the scheme amendment.

Legal Implications

Town Planning Regulations.

Community Consultation

To occur following initiation of the Scheme Amendment in accordance with the Planning Regulations.



Attachment(s)

Packham Lot Sizes Plan

Advice to Proponent(s)/Applicant

N/A

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

Nil.

14.14 (MINUTE NO 2749) (OCM 15/03/2005) - CLEARING OF VEGETATION - LOT 301 KNOCK PLACE, JANDAKOT - OWNER: SOLTOGGIO HOLDINGS PTY LTD (6002846; 6000744) (GB) (ATTACH)

RECOMMENDATION

That Council:

- (1) withdraw legal proceedings against Wedgepoint Pty Ltd and Soltoggio Holdings Pty Ltd for the clearing of vegetation, based on the advice received from Council's Solicitors, acting on this matter; and
- (2) advise Wedgepoint Pty Ltd, Soltoggio Holdings Pty Ltd and Council's Solicitors accordingly.

COUNCIL DECISION

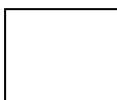
MOVED Clr I Whitfield SECONDED Clr A Tilbury that Council:

- (1) withdraw legal proceedings against Wedgepoint Pty Ltd and Soltoggio Holdings Pty Ltd for the clearing of vegetation, provided that they pay Council's legal costs incurred to date; and
- (2) proceed with legal action against Wedgepoint Pty Ltd and Soltoggio Holdings Pty Ltd if Council's legal costs are not paid within 14 days of receiving written advice of the Council decision.

AMENDMENT TO MOTION

MOVED Clr K Allen SECONDED Deputy Mayor R Graham that Council:

- (1) withdraw legal proceedings against Wedgepoint Pty Ltd and



Soltoggio Holdings Pty Ltd for the clearing of vegetation, provided that they pay Council's legal costs incurred to date; and

- (2) reassess its position to proceed with legal action against Wedgepoint Pty Ltd and Soltoggio Holdings Pty Ltd if Council's legal costs are not paid within 14 days of receiving written advice of the Council decision.

CARRIED 6/2

AMENDED MOTION PUT AND CARRIED 8/0

Explanation

The site was illegally cleared and Wedgepoint Pty Ltd and Soltoggio Holdings should be held accountable for the payment of Council's legal costs.

Background

Council, at its Ordinary Meeting on 16th December 2003, resolved to instruct its Solicitors to commence legal proceedings against Wedgepoint Pty Ltd (ACN 105 461 309) and Soltoggio Holdings Pty Ltd (ACN 008 785 055) in accordance with section 10AB(1)(a) of the *Town Planning and Development Act 1928* for a breach of the City of Cockburn Town Planning Scheme No. 3, and to seek further legal advice on the illegal burning of vegetation and add this issue to the complaint, subject to confirmation that a breach of the law administered by the Council has occurred.

The vegetation clearing had not received the prior planning approval of the Council and was therefore undertaken illegally.

The landowner, Soltoggio Holdings Pty Ltd, has advised that a prospective purchaser, Wedgepoint Pty Ltd, was responsible for the vegetation clearing. The landowner suggests that neighbourhood arsonists may have been responsible for the burning of the cleared vegetation, however this cannot be verified.

Since this matter has been pursued the former Lot 9001 has now been subdivided into two large industrial lots. Clearing now only applies to Lot 301 Solomon Road.

Submission

N/A.



Report

Legal advice from Solicitors, McLeods, indicated that in the absence of evidence to identify the party responsible for conducting the clearing, prosecution in this matter may not be successful. The City has made inquiries into identifying the parties responsible for conducting the clearing and is not able to determine the identity of the contractor who conducted the works. If the Council proceeds with the prosecution and the court decision indicates insufficient evidence to substantiate the complaint, Council would then be liable for costs of both parties.

Given the lack of evidence and that the property is located in an area zoned for Light Industrial and Service development use, it is recommended that the Council discontinue the legal action.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

The City has incurred legal advice costs of \$581.90 as of the 29 April 2004 .

Legal Implications

Town Planning and Development Act 1928.
Town Planning Scheme No.3

Community Consultation

N/A

Attachment(s)

- (1) Letter from McLeods Solicitors dated 20 January 2005.
- (2) Location Plan.

Advice to Proponent(s)/Applicant

N/A.

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

Nil.



(MINUTE NO 2750) (OCM 15/03/2005) – EXTENSION OF TIME

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr K Allen pursuant to Clause 4.14 of Council's Standing Orders, Council grant an extension of time for one hour to enable the unresolved business of the meeting to be considered.

CARRIED 8/0

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 2751) (OCM 15/03/2005) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

MOVED Cllr A Tilbury SECONDED Cllr M Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A



Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 2752) (OCM 15/03/2005) - LANCASTER HOUSE CROSSOVER - REQUEST FOR FULL REFUND (450162) (JR)

RECOMMENDATION

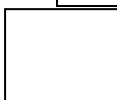
That Council does not re-imburse or donate the cost of the crossover at the Lancaster Street roundabout to SBAS Holdings Pty Ltd.

COUNCIL DECISION

MOVED Clr L Goncalves SECONDED Clr K Allen that Council:

- (1) consider paying \$4,087.65 from Account No.2075, as a donation towards the cost of the crossover at the Lancaster Street roundabout to SBAS Holdings Pty Ltd; and
- (2) the budget be amended accordingly.

MOTION LOST DUE TO LACK OF AN ABSOLUTE MAJORITY OF COUNCIL 5/3



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

CARRIED 7/1

Background

Following strong objections from SBAS Holdings to incorporate a crossover connection to the right-of-carriageway through the Lancaster House property on the north side of the intersection, Council resolved at its meeting held in July 1998 to construct the Lancaster Street/Burgundy Crescent roundabout with provision for future access to the right-of-carriageway. The roundabout was subsequently funded in the 1998/99 Budget and constructed accordingly.

In 2003, SBAS Holdings applied and paid for a crossover connection to the right-of-carriageway. This followed correspondence from the City advising that the design of the crossover connection and the cost of construction were the responsibilities of properties having access to the right-of-carriageway.

Submission

SBAS Holdings has now requested that the cost of the crossover (\$8,175.30) be re-imbursed to them as:-

- Council had written to them in 1998 that the crossover would be included in the 1998/99 Budget.
- The connection then was not supported by SBAS as it was premature with most of the area to be serviced by the right-of-carriageway having not been fully developed.
- The area is now fully developed and the crossover connection has vastly improved traffic movement to and from the development, making Lancaster Street less dangerous.
- Many businesses and other ratepayers have benefited from these works.

As their request has not been supported by staff, SBAS Holdings have requested that the matter be considered by a Council meeting.

Report

A history of events leading to the construction of the crossover to the right-of-carriageway on the north side of the Lancaster Street/Burgundy Crescent roundabout is as follows:-



- March 1998 – Letter to SBAS Holdings advising of the possible inclusion of the Lancaster Street/Burgundy Crescent roundabout in the 1998/99 Budget, requiring a direct connection to the right-of-carriageway on the east side of Lancaster House. There was no firm indication for responsibility of costs for this connection, although it would have been minimal if carried out as part of the roundabout works.
- July 1998 – Council decision to proceed with the roundabout, but excluding the connection due to strong objections from SBAS Holdings. Consequently, the 1998/99 Budget subsequently adopted approved only for the roundabout works and not the crossover connection.
- July 2003 – Following a query by Mr Srhoy of SBAS Holdings to now provide a connection, details of the requirements to proceed with the connection, including responsibility for costs. Apparently, SBAS Holdings then approached other abutting property owners to contribute to the crossover, but were not successful.
- August 2003 – Quotations to Mr Srhoy for Council to proceed with the work. Mr Srhoy accepted Option 1 and accordingly paid for the work to be done.
- November 2003 – Upon completion of the work, Mr Srhoy then wrote to Council seeking re-imbursement of costs in view of Council's correspondence of March 1998.
- November 2003 – Staff response to Mr Srhoy advising that the costs are the responsibility of the property owner. These costs are significantly more than they would have been at the time of the roundabout construction.

In view of the foregoing, and as this connection is in effect a private crossover, Council should not be responsible for the costs. There was the possibility of having the crossover built at the same time as the roundabout in 1998. This would have been at little or no extra cost to the roundabout as the northern verge area was disturbed and modified for the roundabout and had to be re-instated in any case.

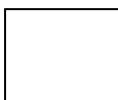
Strategic Plan/Policy Implications

The Corporate Strategic Plan Policy area that applies to the item states:

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

Budget/Financial Implications

Reimbursement or donation of the cost of the crossover to SBA Holdings Pty Ltd would require a Budget allocation of \$8,175.30.



Legal Implications

The funding by Council of private works that are not a part of Council works would contravene the Local Government Act, unless it can be shown to provide a general community benefit. However, Council can make a donation to any particular request.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

Mr S Srhoy of SBAS Holdings has been advised that the matter will be considered at the Ordinary Council Meeting on 15 March 2005.

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES**17.1 (MINUTE NO 2753) (OCM 15/03/2005) - COCKBURN INCIDENT CONTROL VEHICLE (1550) (RA)****RECOMMENDATION**

That:

- (1) Council supports the local volunteer bush fire brigades through the transfer of ownership of the Cockburn Incident Control Vehicle to the Shire of Serpentine-Jarrahdale at no cost on the understanding that it would be available in accordance with the Mutual Aid and Support Agreement;
- (2) Council remove the Cockburn Incident Control Vehicle - Fleet No.2841 from Council's Asset Register; and
- (3) the Shire of Serpentine-Jarrahdale be responsible for all costs associated with the transfer of the vehicle.



COUNCIL DECISION

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

CARRIED 8/0

Background

At its meeting held on 18 January 2005, Council resolved as follows:

“that is matter be deferred pending receipt of further additional information.”

Council sought information on the value of the asset and how much Council has spent on it recently in order for the matter to be given more consideration before disposing of this asset.

Submission

The Shire of Serpentine Jarrahdale is prepared to accept the donation of the Incident Control Vehicle on the understanding it would assume total responsibility for all costs associated with its operation. Should the City of Cockburn seek to sell the vehicle to the Shire of Serpentine Jarrahdale, the purchase would need to be considered and budgeted for by the Shire.

Report

The Incident Control Vehicle (ICV) has served the Volunteer Bush Fire Brigades for several years at incidents within the City of Cockburn and has also been used to support other Local Governments/Bush Fire Brigades outside of Cockburn.

This vehicle has been an asset to the brigades and has played a major role at large incidents when manned by trained people, however most people who join brigades prefer to be on the fire ground extinguishing flames rather than in a bus. This vehicle would be an asset in bush fire situations if it could be appropriately manned.

Both the Jandakot and South Coogee Brigades have indicated that they no longer have the ability to staff the vehicle as crews have other roles to fulfil but recognize that in large fire situations and other situations such as the Bushfire Games the vehicle is of great value.

Given that the brigades are not able to staff the ICV, consideration should be given as to how the resource can remain accessible to local brigades within the bush fire organization. One option would be to offer the vehicle to an adjoining Local Government that has the capacity to



operate the vehicle and is prepared to assist Cockburn brigades requiring an ICV.

As FESA has not yet made a decision on what type of ICV's will fall under the Emergency Services Levy or how many vehicles are required, no major funding will be approved for vehicles such as the ICV. Normal repairs and running cost are covered by FESA. As a result any major costs for the upgrade of computers, printers, radios etc. in the near future would have to be funded by City of Cockburn or Brigades. The cost of major repairs to the vehicle being met by FESA remains problematic. The vehicle remains a liability to local brigades under the present circumstances.

Pickles Auctions Trucks and Machinery have valued the vehicle between \$8,000 and \$10,000. There is a further \$10,000 worth of equipment in the vehicle, such as radios, generators, and the like, which are required to make the vehicle operational for its designed purpose.

The vehicle had a second hand motor installed in 2001 at a cost of \$15,000. There has been no other major expenditure on the vehicle since this time. In the past year (2003/04) the operating expenditure was \$1,700. In the current year to 30 December 2004 the operating cost was \$400, a low figure as the vehicle is very rarely used.

There are a number of options available to the City for the ICV:

1. The first is to retain the vehicle. This is not recommended, as it is not being used and is a waste of resources.
2. The second option is to donate the vehicle to the Shire of Serpentine-Jarrahdale. This option ensures that the ICV will be available to operate within the City of Cockburn should it be required.
3. The third option is to sell the vehicle to the Shire of Serpentine-Jarrahdale at say 50% of its value on the understanding that it would be part of the regional vehicle pool for wild fires. This option appears to provide potentially an equitable solution, however, there is no commitment from the Shire that it would be prepared to buy the vehicle.
4. A final option is to sell the vehicle on the open market. Financially this is an attractive option, however it is likely that the vehicle would not be available as an ICV available to operate in the City.



A donation of the ICV to the Shire of Serpentine Jarrahdale would create a sense of goodwill and cooperation between the respective organisations in relation to the funding of vehicles used for wildfires. It would also be an expeditious means to deal with the vehicle.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The vehicle has a total estimated value of \$19,000. Balanced against this is the replacement cost of equipment and repairs to the vehicle to be borne by the Brigades as FESA will not cover costs for this item.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

The Bush Fire Advisory Committee, which is aware that the issue of the disposal of an asset of the City needs to be considered by Council, has formally considered the matter.

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

Nil.

17.2 (MINUTE NO 2754) (OCM 15/03/2005) - WETLANDS EDUCATION CENTRE PRECINCT (4617) (RA)

RECOMMENDATION

That Council:

- (1) allocate \$30,000 for the development of plans and costing for the replacement and refurbishment of buildings that comprise the Wetlands Education Centre precinct to form the basis of information required for grant applications; and
- (2) transfer \$30,000 from the Community Facilities Reserve Fund for



the development of plans for the Wetlands Education Centre and adjust the budget accordingly.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr M Reeve-Fowkes that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

Council in its 2004/05 budget allocated \$40,000 toward the operation of the Wetlands Education Centre and also placed on its budget \$10,000 for the development of a concept plan for the site that could assist in creating a financially viable centre, which provides environmental and educational services.

The City subsequently appointed Bernard Seeber Architects to carry out the development of a concept plan for the site.

Submission

The Cockburn Wetlands Education Centre made an application for increase in its annual grant for funds to increase its size of the building it occupies in a budget submission for 2004/05. The allocation of funds for the Concept Plan was in response to a request from the Wetlands Education Centre for funds to expand its current accommodation.

Report

The area for the investigation and development of the concept plan for the precinct was confined to a 1.5-hectare portion of the Bibra Lake Reserve. The Bibra Lake Reserve forms a portion of the Beeliar Regional Park west of Bibra Lake whilst the eastern portion of the lake area in which the precinct under consideration stands has high conservation values.

The buildings on the site come under the control of the City and are occupied by the Wetlands Education Centre, Scouts, Native Arc and Waalititij Aboriginal Corporation. With the exception of the Wetlands Education Centre, which is relatively new, the other buildings are old farmhouses and associated sheds. Native Arc has also constructed a number of temporary style holding pens for animals on the site.



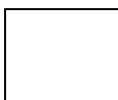
A series of workshops and meetings with stakeholders were conducted by the consulting Architect to seek some common grounds and values. The Wetlands Education Centre saw a continuation of its role in restoration and enhancement of the wetlands environment and wetlands education. Scouts Australia which currently occupies a portion of the Wetlands Education Centre saw its primary focus as scouting activities with an emphasis on environmental conservation and education. Native Arc saw its role as continuing fauna conservation and related education programmes. Waalitij Aboriginal Corporation saw a continued and enhanced role in natural environment education and conservation with a particular emphasis on aboriginal heritage and knowledge of the natural environment.

The shared values evident of wetlands and native fauna and flora conservation and education provide a unique opportunity for the creation of a multifaceted precinct of services and activities. There is flowing from the range of activities offered on the site opportunities to generate income from education, tourism and sponsorship.

The concept plan proposed for the site incorporates the need to establish the existing activities in a form and location that allows for an inter-relationship between the various occupiers of the site whilst ensuring that the individual organisational requirements are met without impacting significantly on the conservation values of the site. Implicit in the values of the site is the need to have an architectural form and scale that embrace environmentally sustainable practises. The occupiers of the site were very cognisant of the need to ensure financial viability of the precinct overall and each organisation individually. There is interdependency between the individual occupiers to create a range of activities for visitors and tourists. Part of this package is the need to include infrastructure that is sympathetic to a 'nature based tourism' ethos. To achieve this end a number of the present structures need to be removed from the site and replaced with appropriate new buildings.

The most pressing need to address is the condition of the buildings occupied by Native Arc and the accompanying holding pens and cages for native fauna. The old farmhouse is totally inadequate as premises to accommodate a native fauna rehabilitation centre. Council appears to have the option of assisting Native Arc to seek funds for new specifically designed premises or to order the closure of the building and cease the use of the cages by Native Arc.

The Wetlands Education Centre have argued for some time that for them to become a viable financial entity they require a premise that allows for within the building, areas to be permanently set up with displays of educational material. This would permit them greater access to school groups, tourist groups and visitors through being able to offer a quality educational experience. The Scouts currently occupy



a portion of the Wetlands Centre and have indicated an interest in having a substantial presence on the site with it becoming one of their regional centres. The association has a specific unit that is concerned with environmental education for the scout movement that could be relocated from their premises in Perth to this site. An option is for the Wetlands Education Centre to take over the use of the total area of the Wetlands Education Centre and for funds to be sought for a new structure to accommodate the needs of the local scout troupe and the environmental education unit of the State Association.

The Waalitij Aboriginal Corporation has significant opportunities to access funds from the State and Commonwealth with interests in the advancement of indigenous activities. The premises currently occupied could be upgraded and refurbished to meet their needs. The building currently is in a poor state of repair and will over time become further degraded unless it has substantial repair.

Broadly speaking there are two options open to Council:

- Option 1. For Native Arc to cease operations from the current premises and for the Council to have the building and the associated infrastructure removed. Under this option the other occupiers of the site would continue operations from their current premises.
- Option 2. For Council to act as the facilitator for the creation to establish an icon environmental development as contained within the report titled "Cockburn Wetlands Precinct Master Plan" prepared by Bernard Seeber Architect. This will create a wetlands and native fauna education, conservation and visitor/ tourism precinct on the site with appropriate infrastructure. Should Council resolve to act as facilitator this could be most expeditiously achieved by allocating funds for the development of more detailed building plans and costing for the development for submissions to the LotteryWest, industry and Government agencies.

Strategic Plan/Policy Implications

"Facilitating a range of services response to community needs."

"Conserving and influencing a balance between development and the natural and human environment."

Budget/Financial Implications

Council currently allocates \$40,000 per annum toward the operation of the Wetlands Education Centre. A further \$19,000 inclusive of depreciation is budgeted for the maintenance of the building. Native



Arc have free use of the house and the area they occupy which has an estimated value of \$4,800 per annum, although the house could not be considered habitable. A further \$1,500 per annum is allocated as a donation toward their operating expenses. The Waalititij Aboriginal Corporation have a lease of the building known as the Fortini house and are responsible for all maintenance. There is no rental or lease fee collected. The property has an estimated rental value of approximately \$4,000, although there would need to be a substantial amount spent on the building to make it habitable.

The contracting of an architect to prepare plans and costing for submissions for grant funds from external sources would cost in the vicinity of \$30,000.

There is no allocation of funds in the Principal Activities Plan or the Ten Year Forward Plan for a contribution for capital works in the Cockburn Education Wetlands Precinct.

Legal Implications

Any proposals for development on the site will require the approval of the owners of the property, the WAPC and the approval of the EPA.

Community Consultation

The Architects brief for the project was for workshops and meetings with the various stakeholders to be held. These occurred with their full cooperation.

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

Occupiers of the site have been advised that Council will consider the matter at its March 2005 meeting.

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

Nil.

17.3 (MINUTE NO 2755) (OCM 15/03/2005) - COMMUNITY SAFETY CRIME PREVENTION STRATEGIC PLAN (8953) (JJ) (ATTACH)

RECOMMENDATION

That Council adopt the Community Safety Crime Prevention Strategic Plan, as attached to the Agenda.



COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr M Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

Council at its meeting of 20 January 2004 resolved to enter a partnership arrangement with the State Government for Crime Prevention and Community Safety. The agreement was formally signed on Wednesday 9 June 2004. The partnership with the State Government requires a Strategic Plan to be developed which reflects the needs and aspiration of the local community. A grant of \$10,000 was provided as a contribution towards the production of the Plan.

Subsequently Council at its meeting of 20 July 2004 resolved to establish a Community Safety Crime Prevention Reference Group with Terms of Reference including the development of a Strategic Plan.

Submission

N/A

Report

Council's contributions to services and programs related to Community Safety Crime Prevention have been greatly enhanced by the development of this partnership not the least of all being the funding made available through the Office of Crime Prevention. This has made many programs feasible to trial without additional expenses to ratepayers.

Neighbourhood Watch members have become more involved in broader community issues and can already boast the success of the Streets Alive – Reclaim the Streets Program.

The Reference Group has held meetings and a workshop to ensure a broad consultation process was taken in the development of the Strategic Plan.

The Strategic Plan was submitted to the Office of the Premier and Cabinet's Office of Crime Prevention and has received accreditation. Once adopted by Council the Office of Crime Prevention provides an additional \$20,000 in funding toward the implementation of the plan.



In recent times, grants from this partnership have amounted to in excess of \$236,000 for various Community Safety Crime Prevention and Community Development Programs within Cockburn.

As of February 2005 an additional \$258,500 has been received for four new projects, making the grants received to date of over \$494,500 (GST included).

Strategic Plan/Policy Implications

Facilitating a range of services responsive to community needs.

Budget/Financial Implications

On the adoption of the Strategic Plan by Council and the Office of Crime Prevention, an additional \$20,000 of funding will be forwarded to the City.

Legal Implications

N/A

Community Consultation

The structure of the Cockburn Community Safety Crime Prevention Reference Group facilitates broad community consultation.

Attachment(s)

Community Safety Crime Prevention Draft Strategic Plan.

Advice to Proponent(s)/Applicant

N/A

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

Nil

17.4 (MINUTE NO 2756) (OCM 15/03/2005) - SOUTH LAKE LEISURE CENTRE GYMNASIUM EXPANSION (8143) (SH)

RECOMMENDATION

That Council:

- (1) accept the tender from Dalcon Construction of \$583,775 including GST, plus an allowance of \$38,500 for the reinstatement of covered walkway; and



- (2) increase the budget for the expansion of the South Lake Leisure Centre gymnasium and replacement of the pool hall ceiling by \$155,704 to \$755,704 with the additional funds required to be drawn from the Community Facilities Reserve Fund.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr L Goncalves SECONDED Cllr K Allen that Council:

- (1) accept the tender from Dalcon Construction of \$583,775 inclusive of GST, plus:
1. an additional allowance of \$38,500 for the reinstatement of the covered walkway;
 2. a provisional sum of \$100,000 (included in tender price) for the replacement of the pool hall ceiling; and
 3. an additional allowance of \$75,900 for the cost of upgrading the gymnasium airconditioning from an evaporative to a refrigerated system.
- (2) increase the budget for the expansion of the South Lake Leisure Centre gymnasium and replacement of the pool hall ceiling by \$224,704 to \$824,704, with the funds to be drawn from the Community Facilities Reserve Fund and the budget to be adjusted accordingly.

MOTION WITHDRAWN

MOVED Cllr L Goncalves SECONDED Cllr K Allen that Council:

- (1) accept the tender from Dalcon Construction of \$583,775 including GST, plus an allowance of \$38,500 for the reinstatement of covered walkway;
- (2) increase the budget for the expansion of the South Lake Leisure Centre gymnasium and replacement of the pool hall ceiling by \$155,704 to \$755,704 with the additional funds required to be drawn from the Community Facilities Reserve Fund; and
- (3) an additional allowance of \$75,900 for the cost of upgrading the gymnasium airconditioning from an evaporative to a refrigerated system, be considered at the next Budget review, together with a report to be presented following an inspection of the Next Generation facility to determine the necessity for a refrigerated

system.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Explanation

It was considered necessary that further enquiries be made at the Next Generation Recreation Facility in relation to refrigerated airconditioning as opposed to an evaporated system, in their gymnasium, prior to allocating any funds for its installation. Prior to allocating an amount of \$79,500 towards such a system, Council felt it was preferable to present it at the Budget Review next month after investigations were made, so that further consideration could be given.

Background

Council, as part of the 2004/2005 Municipal Budget has committed \$600,000 excl GST for the upgrade of the Gym facilities at the South Lake Leisure Centre. These funds are to undertake the building works and provide additional equipment for the gymnasium.

Further to the March 2003 Ordinary Council Meeting, negotiations commenced with the Education Department to expand the existing gymnasium facilities. Both the Education Department and Lakelands Senior High School gave their approval for the expansion.

Bateman Grundmann and Wilson Architects were appointed to prepare a Concept Design. Following funding approval, Bateman Grundmann and Wilson prepared full design drawings for the works. The works involve expanding the current gymnasium facility by taking control of Lakelands Senior High School Health Education room and merging it with the current facility. In exchange for the Health Education room, the City of Cockburn will be constructing a multi-purpose room for the School.

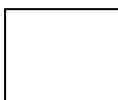
Submission

A request for Tender was advertised on 15 January 2005. Three (3) companies submitted tenders for the redevelopment works.

Report

The three (3) companies who tendered submitted bids with the following base tender prices:

	(Inc GST)	(Ex GST)
Gavin Construction	\$1,097,243.60	\$997,494
Lakis Construction	\$827,055.00	\$751,868



Dalcon Construction \$583,775.00 \$530,704

Dalcon Construction excluded the reinstatement of the covered walkway from their price assuming it was part of a provisional sum. An additional amount of \$38,500 (incl GST) will need to be allowed for this item.

Bateman Grundmann and Wilson analysed each tender and prepared a report evaluating the tenders. The results are as follows:

Tender Compliance

	Gavin	Lakis	Dalcon
Compliance with the following:			
Specification	Y	Y	Y
Conditions of Tendering	Y	Y	Y
Licences and registration requirements	N	Y	Y
Quality Assurance prerequisites	Y	Y	Y
Provision of References	Y	Y	Y
Insurance Requirements	N	Y	Y
Completion of the pricing schedule	N	N	Y

Tender Evaluation

	Weighting Maximum	Gavin	Lakis	Dalcon
Demonstrated experience in completing similar projects	25%	25	22	20
Skills and experience of key personnel	5%	5	5	3
Tenderers resources	5%	5	5	3
Methodology	5%	0	5	3
Tendered Price	60%	32	42	60
	100%	67	79	89

The results of the Assessment were:

	Non Cost Criteria	Cost Criteria	Assessment Score
Gavin Construction	35	32	67
Lakis Construction	37	42	79
Dalcon Construction	29	60	89

Based on the tender evaluations, Bateman Grundmann and Wilson have recommended that the tender be awarded to Dalcon Construction for the tendered price of \$583,775.00, plus and allowance of \$38,500 for the reinstatement of covered walkway.

Air-conditioning Alternative

On hot and humid days evaporative air-conditioning tends to be ineffective and several complaints have been received with regard to



the current type of air-conditioning. Suggestions were made by patrons to install refrigerated air-conditioning in the gymnasium.

As part of the design process, Bateman Grundmann and Wilson were asked to provide alternative costing for ducted refrigerated air-conditioning in lieu of the specified evaporative air-conditioning. The cost difference was estimated to be an additional \$69,000 (excl GST). Coupled with this will be additional operating costs of approximately \$4,000 for a refrigerated system.

Should Council wish to include refrigerated air conditioning, an additional \$69,000 will be required to include this item in the building contract.

Pool Hall Ceiling

The Pool Hall Ceiling at the South Lake Leisure Centre has several points where corroded brackets have seen sections of the ceiling rail fall away from the roofline. The issue has become a significant safety concern and needs to be resolved before the next summer period.

Due to the wide spread corrosion in the supporting brackets and current age of the ceiling, the whole pool hall ceiling needs to be replaced. An addendum was issued to the original tender for this work with a provisional sum of \$100,000 (excl GST) specified

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

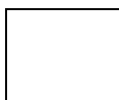
The \$600,000 budget was broken down as follows:

	(Ex GST)
Building Works	\$430,000
Gymnasium Equipment	\$150,000
Fees	\$ 20,000

Revised Budget (Ex GST):

Building Works	\$430,704
General Walkway	\$ 35,000
Pool Hall Ceiling	\$100,000
Architectural Fees	\$ 40,000
Gymnasium Equipment	\$150,000
Total	\$755,704

As all funds are currently committed between the building upgrade and equipment purchase, additional funds will need to be allocated if refrigerated air-conditioning is approved.



Legal Implications

N/A

Community Consultation

Public tenders were called for the proposed works in accordance with the requirements of the Local Government Act 1995 and associated regulations.

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A

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

Nil.

DECLARATION OF FINANCIAL INTEREST

Mayor Lee advised that he had a financial interest in Item 17.5. The nature of the interest being that he was the recipient of an electoral gift from the tenderer for the December 2000 Council Elections.

MAYOR LEE LEFT THE MEETING AT THIS STAGE THE TIME BEING 9.26 PM.

DEPUTY MAYOR GRAHAM ASSUMED THE ROLE OF PRESIDING MEMBER AT THIS POINT

17.5 (MINUTE NO 2757) (OCM 15/03/2005) - REQUEST FOR TENDER 03/2004 RECREATION RESERVE - PORTION LOT 393 BAKER COURT, NORTH LAKE (1100097) (RA)

RECOMMENDATION

That Council defer consideration of tender RFT 03/2004 from the Cockburn Ice Arena Pty Ltd for the lease of portion of Lot 393 Baker Court until such time as a report is prepared for consideration by Council on the possible co-location of the Cockburn Ice Arena Pty Ltd on the unused portion of the land occupied by the Lakeside Recreation Centre



COUNCIL DECISION

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

CARRIED 7/0

Background

Council at its ordinary meeting of the 15 February 2005 resolved as follows:

1. defer consideration of tender RFT 03/2004 from the Cockburn Ice Arena Pty Ltd for the lease of portion of Lot 393 Baker Court, North Lake to the March 2005 Ordinary Meeting of Council.
2. direct the CEO to:
 - (1) as an option, investigate the potential to co-locate the facilities proposed in Tender RFT 03/2004, from Cockburn Ice Arena Pty Ltd, on the unused portion of the land occupied by the adjacent Lakeside Recreation Centre; and
 - (2) discuss the proposal mentioned in (2)1 above with representatives of Cockburn Ice Arena and Lakeside Recreation Centre, and report the outcomes to the March 2005 Ordinary meeting of the Council.

Submission

N/A

Report

The Chief Executive Officer met with the proponent for the Cockburn Ice Arena, Mr Tom Barrett on the 17 February 2005 to discuss the option for the Cockburn Ice Arena to be co-located with the Leeming Lakeside Recreation Centre. Mr Barrett prepared a draft concept plan with two options for the site that show the co-location of the two facilities.

A meeting was held between the CEO and representatives of the Leeming Lakeside Baptist Church on the 21 February 2005 to discuss the co-location proposal. At this meeting draft concept plans for the co-location of facilities prepared by Mr Barrett were presented. The representatives of the Leeming Lakeside Recreation Centre were also advised that they were in breach of the terms of their sub-lease due to



their failure in not having constructed the required additional facilities on the site by the 1 January 2005.

It is understood that the representatives of the Leeming Lakeside Recreation Centre will be visiting the current Cockburn Ice Arena facilities in Bibra Lake to gain an understanding of the operational requirements of the Ice Arena.

There are a range of issues to be considered by the Cockburn Ice Arena and the Leeming Lakeside Recreation Centre for the possible co-location. There will be additional time required in seeking to resolve these issues before a report on the **co-location** option **can** be considered by Council.

Strategic Plan/Policy Implications

Managing the City in a competitive open and accountable manner.
Facilitating a range of services responsive to the community needs.

Budget/Financial Implications

Not required to be considered at this time.

Legal Implications

Requirements of the *Local Government Act 1995* in relation to the disposal of land need to be adhered to.

Community Consultation

Completed at an earlier stage, through public tender.

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

The Cockburn Ice Arena Pty Ltd and the Leeming Lakeside Baptist Church have been advised that it will be recommended that the matter of co-location will be deferred until such time as negotiations between the three (3) parties are completed.

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

Nil.



CLR ALLEN LEFT THE MEETING AT THIS POINT THE TIME BEING 9.27 PM

MAYOR LEE RETURNED TO THE MEETING THE TIME BEING 9.27 PM AND RESUMED THE ROLE OF PRESIDING MEMBER

DEPUTY MAYOR GRAHAM ADVISED MAYOR LEE OF THE DECISION OF COUNCIL

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

22 (OCM 15/03/2005) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

(1) Shopping Centre Parking

Mayor Lee has requested that a report be prepared and presented to Council dealing with the issue of Shopping Centre personnel being able to issue infringements to people parking illegally in the Disabled Persons Parking Bays or the Mothers and Babies Parking Bays.

The report should be prepared following consultation with Shopping Centre Management who find it frustrating when they see their specific facilities, put in place for those who need them, being abused by those who do not. Usually when the Shopping Centre Managers report the matter the offenders have left the scene by the time the Ranger arrives.



The report should consider legislation for authority to be provided for the Shopping Centre Staff to police these people specific bays so they can be better utilised for their intended purpose and of course the report should be compiled with the benefit of input from Councils Disability Access Committee.

(2) **Noise Complaint Procedure**

Deputy Mayor Graham has requested that a report be provided to a future Council Meeting, outlining options available to Council to improve the effectiveness of its noise complaints procedure.

CLR ALLEN RETURNED TO THE MEETING AT THIS POINT THE TIME BEING 9.29 PM

The report should focus on:

- (1) making it easier for residents to make complaints regarding noisy neighbours; and,
- (2) canvassing any improvements to current processes that would result in more effective resolution to a complaint.

The report should canvass the following options :

- an electronic logging system using Council's website;
- a telephone hotline;
- afterhours use of Council's security patrol officers to deal with noise complaints;
- use of Council's Rangers to deal with noise complaints;
- Council's Environmental Health Officers being on call after hours;
- amendments to Council's local laws.

The report should provide a detailed outline of the current:

- (1) legal remedies available to complainants; and,
- (2) process followed by Council when it receives a complaint.

(3) **Report on Aircraft Crash**

Deputy Mayor Graham has requested that a report be provided to a future Council meeting regarding the aircraft crash that occurred in South Lake on 5 March 2005.

The report is to:

- (1) provide a summary of the relevant investigating authority's report into the incident, including what remedial steps are intended to be taken to prevent a recurrence;



(2) canvass options for lobbying relevant authorities that Council should consider, in order to reduce the risk of a recurrence.

(4) **Adhesive 'Speed Limit' Signs**

Clr Reeve-Fowkes has requested that Council prepare a report with full cost implications of providing ratepayers with adhesive 'Speed Limit 50 km' signs to be stuck on rubbish wheelie bins. This has been introduced in other Councils and has reportedly been successful in slowing traffic.

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 2758) (OCM 15/03/2005) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

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

CARRIED 8/0

25 (OCM 15/03/2005) - CLOSURE OF MEETING

MEETING CLOSED 9.33 PM



CONFIRMATION OF MINUTES

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

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

