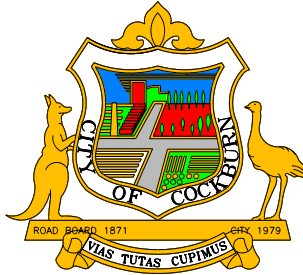


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 16 APRIL 2002**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 16 APRIL 2002 AT 7:30 P.M.

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 16 APRIL 2002 AT 7:30 P.M.

1. DECLARATION OF MEETING

2. APPOINTMENT OF PRESIDING MEMBER (If required)

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

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

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

5. APOLOGIES AND LEAVE OF ABSENCE

Clr M. Reeve-Fowkes - Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

7. PUBLIC QUESTION TIME

8. CONFIRMATION OF MINUTES

8.1 (OCM1_4_2002) - CONFIRMATION OF MINUTES - 19/3/2002

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 19 March 2002 be accepted as a true and accurate record.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

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

Nil.

12. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING

13. COUNCIL MATTERS

13.1 (OCM1_4_2002) - ESTABLISHMENT OF "DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE" (1054) (DMG)

RECOMMENDATION

That Council:

- (1) pursuant to s5.8 of the Local Government Act 1995, establish the "Delegated Authorities, Policies and Position Statements Committee", to review the Delegated Authorities Register and Policies and Position Statement Registers; and
- (2) appoint four (4) Elected Members and the Director - Community Services to be members of the Committee.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council is required to review its Delegation of Authority to Officers Register on an annual basis. As many delegations are directly related to Council Policy, it has been practice to review the Policy and Position Statements Manuals at the same time. During 2001, Council established a Committee to undertake the review process and recommend the Delegations/Policies and Position Statements to Council for adoption. Once this was achieved, the Committee was disbanded.

Submission

N/A

Report

It is considered beneficial to the review process to establish a monitoring Committee which can recommend changes to not only the content of the documents, but also such things as format, as well as additions and deletions, if thought necessary. The previous Committee Members appointed by Council were Mayor Lee, Deputy Mayor Graham, Cllr Waters, Cllr Edwards and Director - Community Services.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" Refers.

Budget / Financial Implications

N/A

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

Nil.

13.2 (OCM1_4_2002) - GREENING PLAN REVIEW GROUP (4704) (DMG)

RECOMMENDATION

That Council appoint Clr Tilbury as a Member of the Greening Plan Review Group.

COUNCIL DECISION

Background

In January 2001, Council established the Greening Plan Review Group as a replacement for the previous Arboricultural Committee. Inaugural membership comprised Mayor Lee and Clrs Reeve-Fowkes and Rennie.

Submission

That Clr Tilbury become an elected delegate on the Group.

Report

Clr Rennie is no longer a member of Council and her replacement, Clr Tilbury, has expressed a desire to be a member of the Greening Plan Review Group. Council needs to endorse this appointment.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM1_4_2002) - COCKBURN SOUND MANAGEMENT COUNCIL (CSMC) - MULTIPLE USE WORKING GROUP - MEMBER (9334) (SMH)

RECOMMENDATION

That Council:

- (1) receive the request from the Cockburn Sound Management Council; and
- (2) be represented on the Multiple Use Working Group by _____.

COUNCIL DECISION

Background

The Cockburn Sound Management Council (CSMC) has been established under the Chairmanship of Dr George Kailis. Council's representative is Cllr Martin Reeve-Fowkes.

Submission

On 7 March 2002, the Cockburn Sound Management Council wrote to the Council as follows:-

"Multiple use management within the Kwinana foreshore area.

The Cockburn Sound Management Council (CSMC) has recently formed a small subcommittee to examine the opportunities and constraints of multiple use management along the eastern foreshore of Cockburn Sound.

The subcommittee is in the process of creating an inventory of existing industrial and recreational facilities along the foreshore, determining the nature of existing secondary uses and identifying the potential for future access points.

The CSMC and members of the multiple use working group would like to extend an invitation to the City of Cockburn to be represented on this working group. The Town of Kwinana and City of Rockingham are represented within the current membership consisting of:

*Mr Norm Halse (Recfish West)
Mr Cameron Schuster (CSBP Wesfarmers
Dr Rod Lukatelich (Kwinana Industries Council)
Cr Chris Elliott (City of Rockingham)
Mr Doug Smith (Town of Kwinana)
Ms Hazel Duggan (Com-Net Inc)*

The subcommittee will meet on 3 or 4 occasions, approximately once every 6 weeks. Meetings will be arranged around members' schedules and usually held in the late afternoon or early evening. Between meetings, I will be providing support and working on initiatives developed by the subcommittee.

The next subcommittee meeting is scheduled for 5.00-6.00pm Tuesday, 12th March 2002 at the CSMC Council Office Shop 1/15 Railway Parade, Rockingham.

Please contact me at the CSMC Office on 9591 3837, after you have considered your capacity to be involved in this working group. Input from the City of Cockburn would certainly be valuable and appreciated."

No one from the City of Cockburn attended the meeting on 12 March 2002, because of the short notice (received 11 March) together with the fact that the request had not been considered by Council.

Report

It appears that the group is already established and the Council is now seeking a representative from Cockburn.

According to an officer of the CSMC, the issue for Cockburn is the future of Challenger Beach and Woodman Point.

The current local government representation on the Group is an officer in the case of the Town of Kwinana and an Elected Member in the case of the City of Rockingham.

This means that Council could appoint either an officer or an Elected Member.

Currently, Cllr Martin Reeve-Fowkes is Council's representative, however Council could nominate another Councillor to represent it on the Group.

Should Council believe an officer should attend, then it should be an officer nominated by the Director – Planning & Development.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

14.2 (OCM1_4_2002) - RESPITE ACCOMMODATION WITHIN AN EXISTING RESIDENCE - LOT 893; 24 GREEN CROFT GARDENS, LEEMING (1116321) (VM) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve Respite Accommodation on Lot 893; 24 Green Croft Gardens, Leeming, in accordance with the submitted application received on 19 February 2001 by WASA - Cares Pty Ltd subject to the following conditions:-

Standard Conditions

1. Standard Conditions and Footnotes as contained in Council Policy APD17 as determined appropriate to this application by the delegated officer under Clause 7.6 of the City of Cockburn District Zoning Scheme No. 2; and

Special Conditions

1. The proposed use is restricted to the care of five (5) individuals at any one time.
2. The type of care service to be solely for people with physical disabilities.
3. The visitors to the property being restricted to a maximum of five (5) vehicles per day including the Caretaker's vehicles.
4. No vehicles are permitted to park on the road verge and where possible vehicles are to be screened from public view

within the carport or driveway behind gates in accordance with the applicant's submission.

5. No signage is permitted to be erected on the property.

Footnote

1. The building will need to be modified to comply with the Building Code of Australia Class 3 building requirements. Thus modifications to the building to accommodate disabled access are required.
- (2) issue a MRS Form 2 Notice of Approval accordingly;
- (3) advise those people who made submissions of Council's decision accordingly.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS:	Residential R20
LAND USE:	Single House	
LOT SIZE:	767m ²	
AREA:	210m ²	
USE CLASS:	SA - Use Not Listed	

Council in late October 2001, received a phone call from an adjoining landowner raising the issue that a business was operating from the subject property and that the vehicular traffic was excessive, as up to six vehicles were parked on the verge. The City's Development Compliance Officer investigated and wrote to the applicant advising that a Planning Approval is required for the activity. The facility has been operating since September 2001 without a valid Planning Approval.

The applicant advised that they thought the land was within the City of Melville and made inquiries with the City of Melville.

After receiving the City's letter the owner applied to the City of Cockburn for Planning Approval.

Submission

The applicant seeks Council's permission to continue using the existing residence for respite accommodation.

The activity provides an alternative accommodation offering a homelike environment for respite as opposed to the more traditional institution accommodation. The applicant advises that there will be little increase in the vehicular traffic, as visitors will be minimal as the purpose of respite would be defeated if constant visiting were to occur. The applicant also advises that the activity will operate with one caretaker at all times and will not provide care for more than 5 individuals. This complies with the definition of "dwelling" under the R-Code.

As part of the application the applicant submitted two examples of types of people using the facility, namely:

"An example would be a mother and father of a child in a wheelchair arriving on a Friday evening to stay for the weekend. WASA Cares Pty Ltd would provide a staff member to care for the child while the parents rested, went shopping or had dinner. WASA Cares Pty Ltd would take care of all the needs of the child for the duration of their stay.

Another example may be a husband and wife - the wife is the Care-Giver and the husband is the Care-Receiver, he is in a wheelchair due to having a stroke and can no longer walk. They have arrived for a stay of 2 weeks - WASA Cares Pty Ltd takes care of the husband, while his wife visits her sister for the 2 weeks. The wife comes and collects her husband after two week."

Further information is contained in the Agenda attachment.

Report

The proposal is a "Use Not Listed" in District Zoning Scheme No. 2 (DZS2) for which City officers do not have delegated authority to either approve or refuse the application. The Council must determine by absolute majority if the proposed use is consistent with the objectives and purpose of the zone. The property is currently zoned "Residential R20" under the District Zoning Scheme No. 2. The purpose of the facility is consistent with the orderly and proper planning of the locality and the preservation of the residential amenity of the locality. Furthermore, the proposed activity will not have any adverse effect upon the surrounding neighbourhood. Therefore, the proposal is consistent with the purpose of the zone.

The affected landowners comprising all landowners within Green Croft Gardens cul-de-sac and the owners of property on Brandwood Gardens that abut the rear of the property were notified in accordance with scheme requirements of the application and given the opportunity

to comment within a period of 21 days. A total of 17 landowners were notified.

The applicant also erected a sign on site for 21 days in accordance with clause 6.2.3(c) of the scheme as requested by the City. At the close of the advertising period, only two objections were received. One from a resident landowner which was concerned with vehicle movements increase and location of carparking areas, but would be prepared to support the application if Council controls could be imposed. The other submission was from a non-resident landowner concerned with additional parking, concerns regarding the health requirements of patrons and that the use should be located in a commercial area. Refer to the attached schedule of submissions for further details.

The concerns regarding the parking of vehicles and the increase of vehicle movements can be overcome, as Council can ensure that the vehicle movements to the premises are restricted to a maximum of 5 vehicles per day and any vehicle must be parked within the property behind the gates. This was further agreed by the applicant in writing. The facility accommodates 4 carparking bays within the lot, 2 within the carport and 2 behind. One vehicle will be parked in the carport at all times (ie: caretakers vehicle) allowing 3 other bays to be used for visitor parking or the setting down and picking up of patients. As the facility will be restricted to a maximum of 5 individuals at one time and the vehicles will be parked screened from the street, it is considered that the car movements and parking originated from the facility will not adversely affect the adjoining landowners.

The objectors concerns regarding the erection of signage will be addressed as a condition of Planning Approval.

The issue raised regarding the lowering of property values cannot be substantiated, and is not a valid planning consideration.

Objectors concerns regarding wheelchair access and preparation of food have been investigated. The City requested further information regarding the food preparation aspect of the proposal, which was provided by the applicant as part of the application (Refer attachment to Agenda). This information was assessed and is in accordance with the City Health Services requirements.

With regards to the wheelchair access, the proposal as part of a condition of approval is required to comply with the Building Code of Australia Residential Building Class 3 requirements. To achieve this alterations to the toilets, bathroom and the ramps are required. This will be subject to a separate building licence application to the City.

Issues raised by objectors regarding the use of the property by unknown people or the need for doctors or ambulances to the premises is not considered valid.

In summary the issues raised by the landowner objecting to the proposal can be addressed and controlled by the City as conditions of Planning Approval.

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

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

Nil.

14.3 (OCM1_4_2002) - NEW ADMINISTRATION POLICY - ANCILLARY ACCOMMODATION ON RESIDENTIAL ZONED LAND - DEVELOPMENT GUIDELINES (9003) (SC) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the proposed Policy "Ancillary Accommodation on Residential Zoned Land – Development Guidelines" for the purpose of advertising it under Clause 11.1.1 of the City of Cockburn District Zoning Scheme No. 2; and
- (2) in the interim;
 1. adopt the proposed Policy "Ancillary Accommodation on Residential Zoned Land – Development Guidelines"

attached to the Agenda as a guideline; and

2. delegate to the Principal Planner the authority to apply the “Ancillary Accommodation on Residential Zoned Land – Development Guidelines”.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Ancillary Accommodation in the residential areas has become increasingly popular in the past few years. Ancillary Accommodation is often a desirable option for family members who want to live in close proximity to each other.

This policy has been prepared to assist in the assessment of Ancillary Accommodation proposals on residential zoned lots. There have been several applications for Ancillary Accommodations on residential zoned lots, where there was no policy direction available to assess such proposals.

The current practice is to ensure that the Section 70A Notification was placed on the Certificate of Title to advise future purchasers of the condition involved in using Ancillary Accommodation. An M.R.S. Form 1 Approval to Commence Development is requested from all applicants and the City assesses each application on its merits. Town Planning Scheme No. 3 will further reaffirm the requirement for planning approval.

Submission

The draft Policy sets out Development Guidelines relating to car parking requirements, size limits, setbacks and future use.

Report

The purpose of this report is to seek adoption of the proposed Policy APD – “Ancillary Accommodation on Residential zoned lots – Development Guidelines” to proceed to advertise pursuant to District Zoning Scheme No. 2. In the interim the Council’s endorsement of the policy when assessing Ancillary Accommodation is recommended as a means of testing the Policy requirements.

The policy is self-explanatory and a copy is attached. (Refer to Agenda attachment).

Following the close of the 21 day Public advertising period, the policy will be reviewed as necessary, and submitted to Council for final adoption and included in the Policy manual and Delegated Authority Register.

It is pointed out that ancillary accommodation on residential zoned lots only applies to those properties which are too small to allow the construction of more than one additional dwelling unit.

Strategic Plan/Policy Implications

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

1. Planning Your City

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

Budget/Financial Implications

N/A

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

Nil.

14.4 (OCM1_4_2002) - FINAL ADOPTION - AMENDMENT NO. 205 - DISTRICT ZONING SCHEME NO. 2 (92205) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt Amendment 205 and the following modifications to clause 3 as outlined below:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME - DISTRICT ZONING SCHEME NO. 2.

AMENDMENT NO. 205

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

above Town Planning Scheme as follows:-

NINTH SCHEDULE

DEVELOPMENT AREAS

REF NO.	AREA	PROVISIONS
DA 1	PACKHAM	<ol style="list-style-type: none"> 1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. Not less than seventy-five percent (75%) of all land within the Residential Zone shall be developed for the purpose of single houses. 3. To provide for residential development (except within the odour buffer surrounding Watsons or buffer to the Woodman Point WWTP, Munster Pump Station) and other appropriate land uses.

Dated this Tuesday 16th day of April 2002

Chief Executive Officer

- (2) forward the Council decision to the Western Australian Planning Commission requesting that the Hon. Minister for Planning and Infrastructure grant final approval under Town Planning Regulation 21;
- (3) in anticipation of the Hon. Minister for Planning and Infrastructure granting final approval; instruct the applicant to modify the amendment documents in accordance with Council's decision and the documentation be signed by the Mayor and the Chief Executive Officer; and
- (4) adopt the comments on submissions and advise each person who made an individual submission accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS2:	Rural and Local reserve – Public Purpose – Primary School
LAND USE:	Market Gardens and houses	
APPLICANT :	Urban Focus	
OWNER:	Various	

The various lots subject of the scheme amendment are located within the Packham Development Area. The land is zoned Urban in the Metropolitan Region Scheme. There is still land identified for a Primary School within portion of lots that is no longer required by the Education Department (eg Lot 24 Mell Road).

This amendment is similar to Amendment No 121 where several landowners in the Watsons Odour Buffer wanted to rezone their land from “Rural” to “Residential R30”. The outcome of this amendment was that Council and the Hon. Minister refused final approval of the amendment on the grounds that the odour Buffer and modelling issue was not resolved, resulting in an interim Odour Buffer. Council was advised that the Department of Environmental Protection opposed any further residential development within the interim buffer distance of 500 metres from the Watsons Plant.

Council at its Ordinary Meeting in March 2000, resolved to initiate Amendment No 205 to rezone land bounded by Mell Road, Rigby and Rockingham Road from Rural, Local Reserve – Public Purpose to “Residential R30”. The amendment was referred to the Environmental Protection Authority for assessment under Section 7A2 of the Town Planning and Development Act.

A portion of the subject land included in the proposed amendment was subject to the interim 500 metre Watsons Odour Buffer prescribed by the Environmental Protection Authority. Notwithstanding the buffer matter, Council accepted there were sufficient reasons for the amendment to proceed to advertising. These are outlined below:-

- A significant portion of the amendment land lies outside the Watsons Odour Buffer and the portion that lies inside the buffer has substantial existing residential development on the land;
- The amendment land is an isolated development cell within the Packham Development Area, adopting the amendment will not set an undesirable planning precedent for other land within the Odour buffer. The proposed structure plan can be assessed independently of the other land in the buffer;

- The proposed amendment is to be referred to the Department of Environmental Protection (“DEP”) as part of the amendment process, and the DEP will be able to fully assess the impact of the Odour Buffer on the proposed amendment;
- Based on the precedent of Amendment No 121 the Amendment will not be finalised until such time as the Watsons Odour Buffer has been redefined to the satisfaction of the DEP.

The DEP advised Council that no formal assessment of the scheme amendment was required, however advice was given on the Odour buffer around Watson’s, and the impact of market gardens.

Council at its Ordinary Meeting on 18 July 2000 resolved as follows:-

- (1) *Forward a copy of the signed document and a copy of Council’s report to the Western Australian Planning Commission with a request to advertise the amendment;*
- (2) *Modify Part 8 of District Zoning Scheme No 2 Clause 8.11 “Packham Urban Development Area” to include the following provisions:*
 - “2. No subdivision or development of incompatible uses will be permitted within the 500m generic buffer prescribed by the rendering plant at Watsons which is located within the “Special Industry B” Zone, until the buffer is scientifically determined and approved by the Department of Environmental Protection, and*
 - 3. No subdivision or development of incompatible uses will be permitted within the 500m generic buffer associated with the operation of market gardens located within the Packham Urban Development Area, until the buffer is scientifically determined and approved by the Department of Environmental Protection or the use ceases.”*

Council at its Ordinary Meeting on 16 January 2001, resolved to carry out the following additional changes requested by the WAPC to the Ninth Schedule of DZS2 as follows:-

“Provisions

An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.

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

No subdivision will be supported or any residential uses or such other uses deemed inappropriate by the Department of Environmental

Protection will be approved for land within the 500 metre generic buffer prescribed for the rendering plant at Watsons which is located within the "Special Industry B" zone, until the buffer is scientifically determined and approved by the Department of Environmental Protection."

The WAPC acknowledged that Council would proceed to advertise the Amendment on 15 January 2002.

Submission

The applicant seeks Council's final adoption of the scheme amendment.

Report

The proposal was recently advertised in accordance with the Regulations for a period of 42 days. At the close of the submission period 13 submissions were received. An earlier letter from Watsons was included within the schedule of public submissions summarised in Schedule 1 in the agenda attachments.

An important issue in relation to this scheme amendment is retaining an appropriate reference to a Watsons buffer area in the scheme text. The Special Industry B zoning reflects the use of Watsons as an abattoir and food processing plant. The premises create noise and odour impacts, which unavoidably affect land outside the property boundaries. The current buffer is 500m although the process of redefining and reducing the buffer around the site is continuing. The proposed modifications outlined below will not impede the operational integrity of Watsons.

The Minister for Planning and Infrastructure on Town Planning Scheme No 3 (re-advertised) required Council to modify the Scheme Text and Maps to provide for the rezoning of land bounded by Mell Road, Rigby Avenue and Rockingham Road for consistency with Amendment 205 to DZS2. This includes the replacement of point 3 with the following point:-

"3. To provide for residential development (except within the odour buffer surrounding Watsons or buffer to the Woodman Point WWTP, Munster Pump Station) and other appropriate land uses."

The Department of Environmental Protection have not expressed a concern in relation to the rezoning of land bounded by Mell Road, Rigby Avenue and Rockingham Road, the subject of this scheme amendment. This is despite the fact that the north-western portion of land occurs within the 500m odour distance and a lesser portion within the 50U/m³. The actual encroachment was considered to be minor.

Council previously accepted the amendment on the basis that most of the land is outside the Odour Buffer and the portion of land that lies within the buffer has substantial existing residential development on the land. There is no undesirable planning precedent for other land within the odour buffer to be similarly rezoned. The scheme amendment was scrutinised by the DEP as part of the environmental process.

It is recommended that Council proceed to adopt the scheme amendment subject to changes to the proposed scheme text to ensure consistency with 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."*

Budget/Financial Implications

Nil.

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

Nil.

14.5 (OCM1_4_2002) - UNAUTHORISED STRUCTURE - LOT 60; 3 WINCHESTER ROAD, BIBRA LAKE - OWNER: SUPERB CEILINGS PTY LTD - APPLICANT DESIGN EXPRESSIONS (4309805) (DB) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report; and
- (2) initiate legal proceedings for a breach of section 10.4(a)(i) of the Town Planning & Development Act against the owner of 3 (Lot 60) Winchester Road, Bibra Lake, for the substantial construction of an office prior to applying for a planning approval pursuant to the City of Cockburn District Zoning Scheme No. 2

COUNCIL DECISION

Background

ZONING:	MRS:	Industrial
	DZS:	General Industry
LAND USE:	Factory	
LOT SIZE:	0.8683 ha	
AREA:		
USE CLASS:	P – “office”	

The owners of the property, through their designer, lodged an application for planning consent to the City to construct a masonry and iron office building.

The application was lodged on 7 February 2002. Similarly, a Building Licence application for the same development was lodged with the City on 25 February 2002.

It was brought to the attention of the City on 5 March 2002, that the development had been substantially commenced, almost finished, without the issuance of either a planning approval or a building licence.

Report

A notice was issued on 5 March 2002, notifying the property owner of the building licence breach and the requirement to remove the structure within 28 days. The Principal Building Surveyor has the power to pursue prosecution under the Local Government (Miscellaneous Provisions) Act 1960, under delegated authority.

A delegated refusal was also issued on the same day for the development application, on the grounds that the development had already been substantially commenced and that approval could not be issued retrospectively.

It is likely that the development was commenced at around the same time as the application was made to the City. It appears that the owner of the property was not prepared to wait for the issuance of either a Development Approval or a Building Licence and took the risk by proceeding with the development.

It is important that Council take a strong stand on this matter, by sending a message to the building industry and land owners, that it is unacceptable for development to be commenced in the absence of proper approvals.

The estimated cost of the works carried out to date is \$100,000. Despite the notice served by the Principal Building Surveyor on 5 March 2002, it is unlikely that the owner will remove the building in order to obtain the required approvals due to the substantial costs involved. The only option available to the Council is to formally recognise this breach of scheme by commencing legal proceedings without delay.

Strategic Plan/Policy Implications

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

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

The Planning Policies which apply to this item are:-

APD29 Development Compliance Process

Under the circumstances it would be appropriate for the Council to waive the Development Compliance Policy with a view to pursuing legal action immediately, as the building in question has nearly been completed.

Budget/Financial Implications

Initiating legal proceedings will require the use of funds from the City's legal expenses budget.

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

Nil.

14.6 (OCM1_4_2002) - CONTAINER REFRIGERATION PTY LTD - LOT 121 O'CONNOR CLOSE, HAMILTON HILL - ILLEGAL CONTAINER STORAGE (2213440) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) advise the appellant that if:-
 1. a formal response is not received by Friday 3 May 2002 to the Council's offer to settle the appeal as set out in the letter dated 30 August 2001 to Phillips Fox, from McLeods on behalf of the City of Cockburn, the Council will withdraw its offer and terminate mediation in respect to Town Planning Appeal Tribunal Appeal No. 40 of 2001;
 2. a response is received by the date stipulated which is not acceptable to the Chief Executive Officer, the Chief Executive Officer on behalf of the Council shall formally withdraw from the mediation of the appeal;
 3. evidence cannot be produced clearly demonstrating that the owner of Lot 121 O'Connor Close has a current and lawful approval to use the land for the storage and repair of containers, then the Council will initiate legal action against the owners of Lot 121 for using the land without approval;
- (3) subject to 3. above:-
 1. instruct Council's solicitors, McLeods, to initiate legal action against the owners and operators of Lot 121 O'Connor Close, Hamilton Hill; and
 2. request the WAPC to join the Council in taking legal action against the owners and operators of Lot 121 O'Connor Close, Hamilton Hill, for using the land for the storage and repair of containers without the approval of the Commission.

COUNCIL DECISION

Background

Council at its meeting held on 19 March 2002, resolved that:-

"the matter be deferred to the next Council meeting to allow Elected Members and staff to receive further documentation."

The explanation was that:-

"Council should give Container Refrigeration Pty Ltd one month to provide documentation that has been repeatedly requested. This will give Elected Members time to receive further information before making a decision."

The Council solicitor wrote to Phillips Fox on the 30th August 2001, stating:-

"The City is not prepared to settle the appeal on the basis proposed by your client, but on 21 August resolved in the following terms:

- 1. Require the Appellant, Container Refrigeration Pty Ltd, to enter into an agreement with the City of Cockburn that the company will cease using Lot 121 O'Connor Close, Hamilton Hill for the storage, repair and painting of containers by a predetermined date and in the event that the Appellant (owner) does not vacate the site by the predetermined date then a significant penalty will apply and that the entering into the agreement will be a pre-requisite to the Council agreeing to any compromise to enable a planning approval to be issued for the land;*
- 2. Subject to the execution of the agreement referred to in 1. above the Council is prepared to issue a time limited approval of a maximum of three years from the date the Consent Order issued by the Tribunal, for the storage and repair of containers on Lot 121 O'Connor Close, Hamilton Hill subject to conditions."*

On 25 March 2002, a mediation hearing was held between the Appellant and their representatives and the Respondents comprising representatives from the Council and the DPI.

The mediation was conducted by two members of the Tribunal and ran for about 1½ hours.

The mediation did not result in any measurable outcome, except that the Appellant undertook to consider the matter further and get back to the Respondents. Overall, the mediation was disappointing and the scope for achieving a successfully negotiated outcome appears remote.

Submission

At the Council meeting held on 19 March 2002, the owner of Lot 121 together with their legal advisor and planning consultant, made a deputation to the Council in relation to the recommendation on the agenda for Council to consider initiating legal action against the owner of Lot 121 for operating a container storage and repair business without approval.

The Appellant claimed that they had found documents which may indicate that the owner had an approval issued in July 1995.

The Council staff had been unable to locate any past land use approval for the land.

Based on this advice the Council decided to defer the matter until its meeting in April 2002.

At the time of writing this report, the owners of Lot 121 had not provided any information about any previous approval to the Council on which a report could be prepared.

However, at the mediation on 25 March, the lawyer representing the owner of Lot 121, did show a copy of a Council record dated 28 February 1995 which purportedly was a Council approval and also showed a copy of an MRS approval issued by the WAPC at about the same time. Copies of these documents were not made available. Copies were requested by the Council and WAPC representatives.

Report

On return to the Council offices following the mediation, a search of the Council's Minutes for February/March 1995 was undertaken which revealed that the Council had adopted the following:-

"4184 CLAUSE 27: APPLICATIONS APPROVED BY THE DIRECTOR, PLANNING AND DEVELOPMENT (JA)

Moved Councillor Waters seconded Councillor Elpitelli that the following delegated approvals by the Director, Planning and Development be noted and confirmed:-

1. *Temporary Use of Railway Reserve for Storage and Repair of Sea Containers - FTS 1593 and 2706 Rollinson Road, Hamilton Hill - Department of Planning and Urban Development (2210828)"*

The Director of Planning and Development upon receipt of an application from the Engineering Section of Westrail to use the land for the temporary storage and repair of sea containers on the Railway Reserve under the MRS forwarded the application to the WAPC for its

decision. Only an approval from the WAPC was required. The Director's letter stated:-

"PROPOSED TEMPORARY USE OF RAILWAY RESERVE FOR STORAGE AND REPAIR OF SEA CONTAINERS, SALES AND SERVICE, FTS F1593 AND 2706 ROLLINSON ROAD, HAMILTON HILL - APPLICANT: CONTAINER REFRIGERATION

Enclosed is Application No.23/620 and two plans.

The proposed use is on land within a Railway Reserve and therefore determination by your Department is required.

Council has no objection to the development."

The reason the Director referred the matter to Council as a delegated decision was because he had stated on behalf of the Council that it had "no objection". No approval was issued.

The WAPC on 9 March 1995 issued a Form 2 Notice of Approval for "Container and Refrigeration Servicing Operations" which was not the same as the application. The application was for "Temporary use of Railway Reserve for storage and repair of sea containers, sales and service (approx. 12 months)".

The conditional approval issued by the WAPC stated:-

"APPROVAL TO COMMENCE DEVELOPMENT

Name and Address of Owner and Land on which Development Proposed:

OWNER : *Westrail Engineering Section Westrail
Centre WEST PERTH WA 6005*

LOT : *Railway Reserve*

LOCATION : *2706 1593*

PLAN/DIAGRAM : *-*

VOLUME/FOLIO : *-*

LOCALITY : *Rollinson Road, Hamilton Hill*

APPLICATION DATE : *10 February 1995*

APPLICATION REC'D : *14 February 1995*

DEVELOPMENT DESCRIPTION : ***Container and Refrigeration Servicing Operations.***

The application for approval to commence development is granted subject to the following condition(s):

1. ***The approval is valid for a period of 12 months only after which time all structures and equipment are to be removed at the applicant's expense.***
2. *Arrangements being made to the satisfaction of the Water Authority and Health Department (WA) to ensure adequate servicing of the development.*
3. *Compliance with the specifications and requirements of the local authority town planning scheme.*

SARAH ARTHUR
FOR SECRETARY
WESTERN AUSTRALIAN PLANNING COMMISSION"

The approval was only for 12 months and therefore expired on 9 March 1996. Thereafter there was no approval, according to Council records.

In relation to timing after 9 March 1996 the creation of Lot 121 was briefly as follows:-

- 9 March 1996 - WAPC temporary approval to use the railway reserve expired.
- 24 December 1996 - The Railway Reserve was reclassified to Light Industry (Amt 148) under DZS No. 2.
- 6 January 1998 - The subdivision clearance for Lot 121 was issued by the Council.
- 13 July 1998 - O'Connor Close Pty Ltd purchased Lot 121 O'Connor Close from Landcorp.
- 3 August 1998 - The Council under delegated authority issued a conditional approval for an office/workshop on Lot 121.
- 5 October 2000 - Container Refrigeration was requested to provide copies of any existing approval to store and repair containers on Lot 121 to the Council, as no approval for the use could be located.
- 28 November 2000 - Container Refrigeration was once again requested to provide evidence of any existing approvals to store and repair containers on Lot 121.
- 21 February 2001 - An application from Container Refrigeration to relocate an undercover storage area and store containers was refused by the WAPC and was followed by Council refusal (delegated as per Council position on Clause 32 in the North Coogee Area).
- 19 March 2001 - Container Refrigeration was requested yet again to provide evidence of previous land use approvals.

- 27 April 2001 - Container Refrigeration lodged an appeal with the Town Planning Tribunal.

Except for an informal meeting to discuss a possible negotiated outcome, there had been no mediation of this appeal up until 25 March 2002, almost 12 months after the appeal was lodged.

Based on the outcome of the formal mediation conducted at the office of the Town Planning Tribunal on 25 March 2002, it appears that the parties are no closer to reaching a settlement. In addition, the method identified by the Appellant to arrive at an acceptable period for a time limited approval has the potential to become protracted.

Given this, the Council should request the Appellant to provide a formal response to its offer of 30 August 2001, by a given date so that the matter can proceed to a hearing without further delay. The date set should be in time for a subsequent report to the Council meeting in May. In addition the Council should initiate legal action for using land without approval, in anticipation that no current approvals can be produced by the owner of Lot 121 to store and repair sea containers on the land.

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."*

The Planning Policies which apply to this item are:-

APD29 Development Compliance Process

Under the circumstances, it is considered appropriate that the process set out in Policy APD29 be set aside and legal action be initiated.

Budget/Financial Implications

Legal costs will be incurred. Depending on how far the legal action proceeds, costs could be awarded against the Council in the event that it discontinues the action and the respondent incurs costs or if the Council is unsuccessful, the court may award costs against it.

Based on informal legal advice and the information contained on the Council file a successful prosecution may be likely.

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

Nil.

14.7 (OCM1_4_2002) - NON COMPLIANCE WITH CONDITIONS OF APPROVAL - VULCAN ENGINEERING - LOT 169; 95 QUILL WAY, HENDERSON - OWNER: KATOP PTY LTD (T/AS VULCAN ENGINEERING) - APPLICANT: GORDON VUKUSICH (3316799) (DB)

RECOMMENDATION

That Council:

- (1) receive the submission from Vulcan Engineering; and
- (2) reject the submission from Vulcan Engineering and continue with legal action in accordance with its resolution of 15 January 2002.

COUNCIL DECISION

Background

ZONING:	MRS:	Industrial
	DZS:	General Industry
LAND USE:	Workshop & Heavy fabrication	
LOT SIZE:	0.8743	
AREA:		
USE CLASS:	Industry - General	

Council resolved at its Ordinary Meeting of 15 January 2002, to prosecute Katop Pty Ltd for non-compliance with conditions of approval.

The resolution has been implemented, with the execution of complaints and the issuance of summonses for a breach of Section 10.4(a)(i) of the Town Planning & Development Act 1928.

Submission

Mr Vukusich has made a submission to the Council on behalf of his company, Katop Pty Ltd (trading as Vulcan Engineering). The letter reads as follows:

“Attention: The Chief Executive Officer

NON COMPLIANCE WITH BUILDING REQUIREMENTS

Dear Sir,

As you may be aware, our company has been summoned to appear in Court for non-compliance with The City of Cockburn- district zoning scheme requirements. We kindly request your intervention in this action, as we believe a better solution exists than to prosecute, further adding to our demise.

The City of Cockburn have been advised on several occasions of the hardships confronting our line of business. i.e. Steel Fabrication and Construction. This hardship has prevailed throughout the Kwinana and Cockburn area for the past three or four years, forcing many long established workshops to close their doors or go into liquidation.

We do not intend to do either, but we will need this extra time so that we can complete this project to the satisfaction of all involved.

Your assistance would be greatly appreciated.

Yours Sincerely

*Gordon Vukusich
VULCAN ENGINEERING”*

Report

It would be unreasonable to grant Mr Vukusich an extension of time to comply with the conditions of planning approval, as he has effectively had the 2 years provided by the approval, plus a year prior to when the breach was first discovered. During that time no attempt has been made to satisfy the conditions. The site remains generally unchanged, apart from building additions.

It was noted at the time that Mr Vukusich had recently made an application to the City for a building licence, to construct the second work shed which was approved in September 2000. The approximate cost of this construction was stated on the application as \$100,000. It is therefore difficult to accept that the company lacked the funds needed to complete the conditions of previous approval on the land. The conditions imposed on Vulcan Engineering are common to other landowners in the industrial estate.

It should be noted that the City has had a similar issue with Mr Vukusich at another property, where in June 1994, unlawful development occurred. The property was 7 Possner Way Henderson,

and the issue at the time was unauthorised development. According to Council's records, construction started on a 2,808 square metre shed without the issuance of a building licence. The shed was also 1,404 square metres larger than what had been approved by Planning Services. A section 401 stop work order was issued by the Town Clerk and Mr Vukusich was requested to apply for planning consent for the larger work shed, and no legal action was taken.

At another property in 9 Egmont Rd Henderson, owned by Mr Vukusich, Council resolved in April 1989 to prosecute over non-compliance with conditions of approval for an industrial workshed that was built on the lot. The prosecution was successful and the Magistrate imposed a fine of \$100 and awarded costs of \$750 to the City.

In the circumstances, the Council should continue with the legal action already initiated against the owner of Lot 169 Quill Way, Henderson.

The Council has the power under Clause 6.3.5 to revoke a planning consent, where the conditions of approval have not been fulfilled.

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."*

The Planning Policies which apply to this item are:-

- | | |
|-------|---|
| APD19 | North Coogee, Robb Jetty And Henderson Industrial Area
- Development Control |
| APD29 | Development Compliance Process |

Budget/Financial Implications

Legal proceedings have commenced which will require the use of funds from the City's legal expenses budget.

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

Nil.

14.8 (OCM1_4_2002) - COOGEE BEACH - ESTABLISHMENT OF CAFE/KIOSK - RESERVE 46664 (3319158) (KJS)

RECOMMENDATION

That Council:

- (1) pursue the possibility of constructing, owning and leasing out a café/kiosk at Coogee Beach based on the same lines which was foreshadowed in the proposal considered by Council on 15 May 2001;
- (2) write to the Department of Planning and Infrastructure, Department of Environmental Protection and Conservation and Land Management, advising of the proposal and seeking a preliminary response as to the level of support that such a proposal is likely to receive should a formal application be lodged;
- (3) subject to supportive responses being received from (2) above, the Chief Executive Officer is to commission a suitably qualified financial consultant to provide advice on the economic viability and risk in proceeding with the construction of a café/kiosk at Coogee Beach; and
- (4) upon receipt of the advice from the financial consultant, determine if a business plan is to be prepared to progress the matter further.

COUNCIL DECISION

Background

Council at its meeting of 15 May 2001, resolved that:-

- (1) *close portion of Powell Road and request the Department of Land Administration to revest that portion as recreation with a power to lease for periods of up to 21 years;*
- (2) *subject to the closure of portion of Powell Road, commission Hoffman Architects to design a Kiosk/Shop and associated paths and vehicular access to be located in a portion of road reserve Powell Road, Coogee;*
- (3) *call for Expressions of Interest to construct and enter into a lease for the Kiosk/Shop at Coogee Beach based on the architects design or other approved by Council;*
- (4) *on completion of the Kiosk/Shop undertake the demolition of the current shop and construct pathways and modified roads as outlined in the architectural drawings with funds for the project being drawn from the Land Development Reserve Fund; and*
- (5) *advise the current Lessee of the Coogee Beach Shop of the above decisions."*

An Expression of Interest document was prepared and advertised by the Department of Housing and Construction acting as a consultant to the City.

At the conclusion of the submission period, there were no complying submissions.

Contact was made with several companies that picked up the documents but did not follow through with submissions. The general feeling was that they were not prepared to outlay a substantial amount of money constructing a building on land that they did not own freehold. It was further stated that several parties would be interested in leasing the proposed facility if the City constructed the building, connected all of the services and undertook landscaping to tie the facility into the recreation area, car parks and paths.

Submission

The section of Powell Road was closed and Reserve 46664 created in its stead. This recreation reserve has a purpose of recreation and has a power to lease for periods up to 21 years.

The establishment of a facility that is ancillary to the recreation purpose of the reserve is acceptable to the Department of Land Administration. Any lease entered into by the City has to be approved by DOLA.

Report

Council has previously resolved that the project proceed on the basis of a successful tenderer constructing and operating the café/kiosk (kiosk/shop).

Following advertising, no tenders were received. Interest was expressed on leasing a built facility.

Council needs to determine if it wishes to pursue the appropriateness of Council constructing the facility for lease.

Having made that decision, it is important to ascertain the level of support likely to be forthcoming from the relevant approval agencies.

If the approval agencies do not raise issues which will prevent the establishment of the café/kiosk, advice should be sought from a financial consultant so that the likely financial viability of the proposal can be understood. Advice to be sought will be the optimum size of the facility, probable turnover and rent potential. The cost of construction and ancillary costs would also be established.

This advice would form the basis of a report to Council. If Council subsequently decides to proceed further, then a business plan would be prepared for consideration.

After the business plan process has been completed, Council could then decide to call tenders for the lease and operation of the yet to be constructed facility.

If Council accepted a proposal to lease, an architect would be appointed to finalise concept plans for Council's approval, prior to detailed design workings being undertaken.

Formal approval from the approving agencies would then be required prior to calling tenders for the construction of the facility.

The acceptance of the tender to lease the premises would need to be made subject to Council formally proceeding with the construction.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

There are sufficient consultancy funds on the current budget to undertake the processes as contained in the recommendation.

If the project were to proceed, Council will need to provide funds for the design and construction of the facility.

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

Nil

14.9 (OCM1_4_2002) - APPLICATION TO ESTABLISH AN EXPORT FRUIT AND VEGETABLE PACKING FACILITY AT LOT 81 WATTLEUP ROAD, WATTLEUP - OWNER/APPLICANT: POWERWIDE CORPORATION PTY LTD (4411477) (CP)

RECOMMENDATION

That Council:

(1) approve the application for a fruit and vegetable packaging facility at Lot 81 Wattleup Road, Wattleup subject to the following:

1. Standard conditions and footnotes as contained in Council Policy APD 17 as determined appropriate to this application by delegated officer, under clause 7.6 of Council's District Zoning Scheme No. 2;

Special Conditions

1. No fruit and vegetables from outside the locality are to be handled, processed or packaged on site unless otherwise allowed for in the future, by an amendment to the City of Cockburn Town Planning Scheme.
2. The floor area of the building being reduced by 70m² to that approved by Council at its Ordinary Meeting of 18th January 2000.
3. An operational management plan be prepared and submitted for approval for the treatment of spoiled, decaying produce and vermin control to the satisfaction of the Principal Environmental Health Officer.
4. The building design being certified by a suitably qualified acoustical engineer that the noise expected from the

operations within the building will not exceed the Environmental Protection (Noise) Regulations 1997.

5. No deliveries or activities causing noise and/or inconvenience to neighbours being carried out on Saturday or Sunday or before 9am or after 5pm Monday to Friday.

Dated this day of 2002.
Chief Executive Officer

(2) issue a MRS Form 2 Notice of Approval valid for 24 months to the applicant; and

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

COUNCIL DECISION

Background

ZONING:	MRS:	Rural
	DZS:	Rural
LAND USE:	Vacant rural land	
LOT SIZE:	2.67 ha	
AREA:	893m ²	
USE CLASS:	Use Class "SA" – Rural Industry	

At its Ordinary Meeting of 18 January 2000, Council resolved to conditionally approve a fruit and vegetable export packaging facility on Lot 81 Wattleup Road. Approval was subject to a number of standard and special conditions including a requirement that only locally grown produce is to be handled, processed or packaged onsite.

As a result of the owner's intention to provide for the packaging of produce sourced from outside the Wattleup locality for export, Council at its Ordinary Meeting of 18 April 2000, resolved to adopt Amendment 219 to District Zoning Scheme No. 2 for advertising for an Additional Use of Fruit and Vegetable Warehouse and Distribution Centre on the site.

After considering submissions received, the Council at its Ordinary Meeting of 21 November 2000 resolved to adopt Amendment 219 subject to modified wording which limited the floor area of the development to that in the plans approved by Council on 18 January

2000. A copy of Council's resolution and the approved site plan is contained in the Attachment to the Agenda.

The adopted, modified amendment was referred to the Western Australian Planning Commission ("WAPC") in order to obtain final approval from the Minister for Planning. The WAPC recently responded to the Council requesting further modifications to the amendment. The further modifications were adopted by Council at its Ordinary Meeting of 19 March 2002.

In the time it has taken for the amendment modifications to be finalised, the approved development has not proceeded and the development approval has consequently lapsed.

Submission

On 15 February 2002, the applicant made a fresh development application which was circulated to the neighbours for comment. The closing date was 18 March 2002.

The proposed activity involves:

- packaging for export, fruit and vegetables either grown on the subject land or within the locality of Wattleup;
- up to 3 fulltime and 6 part-time staff;
- an average of 2-3 (with a maximum of 4 to 5) truck movements per week delivering produce to and from the site;
- operating hours between 9am to 5pm Mondays to Fridays.

The plans submitted with the current application provide for:

- a packing shed of 717m² floor area;
- an amenities building of 122m² floor area;
- 23 car parking bays and a truck loading bay located to the rear of the proposed building;
- retention of a 32 metre strip of existing natural bushland (Jarrah and Banksia) along the front of the site;
- disposal of stormwater and septic waste onsite.

The proposed building comprises of a packing area and cool room, while the amenities area incorporates a lunchroom, ablution facilities and office space. Maximum height of the building is 7.02 metres at the apex of the roof.

Vehicular access onto/from the site via a proposed driveway parallel to the eastern property boundary.

The application documents and plans are contained in the Agenda attachments.

Report

Four (4) submissions were received from nearby and adjoining landowners by 18 March 2002 (closing date for comment), objecting on the grounds (amongst others) of property devaluation, noise from trucks and machinery and increased traffic. See Agenda attachments for copies of the submissions.

The activity the subject of this application is essentially the same as that approved for the site by Council on 18 January 2000. However, the floor area of the building currently proposed is approximately 70m² greater than that permitted for the previous development approval as well as that provided for in Amendment 219.

The issues considered by Council in relation to the previous application are considered to be equally applicable to the current application.

Adequate sight distance exists along Wattleup Road at the entrance of the site to ensure traffic safety will not be compromised. In addition, Wattleup Road is constructed to a high standard which can easily absorb the additional traffic generated by the application.

The retention of the natural vegetation along the property frontage will significantly mitigate visual effects of the proposed buildings when viewed from the road. Landscape plantings can be required along the side boundaries to ensure the visual effects on adjoining properties are minimised.

Building orientation and layout is such that noise from the activity should not have any significant effect on neighbours. Unloading and packing will be undertaken within the proposed buildings, while container loading will occur for 1 – 2 hours per week on the loading bay to the rear of the building. Other noise will be generated from thermostatically controlled cool-room fans. A condition may be imposed in the event of granting approval, requiring the building to be acoustically designed to ensure that no noise nuisance will be generated from the operation.

Potential dust effects of the activity can be mitigated by ensuring the driveway and parking areas are constructed to a suitable dust free standard. As nearly all other aspects of the operation are to be contained within the building there is little potential for dust nuisance to occur.

Odour and vermin are potential effects that could arise through inadequate handling of decaying produce. Any potential nuisance arising from this can be mitigated by the requirement for a Management Plan to be prepared to specifically address these issues, submitted and complied with as a condition of any consent granted. In any event, compliance would be required with the provisions of the

Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australia New Zealand Food Standards Code (Australia Only).

In terms of the appropriateness of the use in the rural zone, it is noted that:

- the proposed building is similar in nature to other sheds and buildings in the locality;
- development approval has been granted previously by the Council for the same use to establish on the site;
- the proposal as presented complies with the definition for Rural Industry which is a class “SA” use in this zone;
- Scheme Amendment 219 which provides for the development but at a greater scale has recently been adopted by Council and is being forwarded to the Minister for Planning and Infrastructure for final approval.

On balance, it is considered that the proposal is consistent with the intent of the Rural zone. The proponent should be required however, to reduce the floor area of the building to that of the building plan previously approved by Council at its Ordinary meeting of 18 January 2000

Strategic Plan/Policy Implications

Planning Your City

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

Budget/Financial Implications

N/A

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

Nil.

14.10 (OCM1_4_2002) - MINOR REVISIONS TO STRUCTURE PLAN - ATWELL SOUTH - LOTS 210 & 211 LYON ROAD, ATWELL - OWNER: LANDCORP - APPLICANT: ROBERTS DAY GROUP (9644) (SOS) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the revised structure plan for Lots 210 and 211 Lyon Road (Atwell South) as contained in the Agenda attachments;

- (2) advise the applicant that:-
 1. the detailed requirements for the land covered by the structure plan for the first stage of development are now outlined through conditions applied on the relevant subdivision approval;
 2. liaison between the City and Landcorp's consultants on the satisfaction of these conditions is ongoing;
 3. requirements applying to future development stages for the remainder of the structure plan area will be detailed on subsequent subdivision approvals; and
- (3) advise the Western Australian Planning Commission and Roberts Day Group of Council's decision.

COUNCIL DECISION

Background

Council, at its meeting held on 21 November 2000, adopted a structure plan for the development of a residential estate on Landcorp's landholdings at Lots 210 and 211 Lyon Road, Atwell. Lots 210 and 211 form part of the Atwell South Development area and the adopted structure plan provides for the development of approximately 900 lots in addition to land set aside for commercial, educational, open space and community uses.

The Western Australian Planning Commission, in August 2001, conditionally endorsed Landcorp's Atwell South structure plan and approved the first stage of subdivision for approximately 250 lots. Earthworks in preparation for subdivision are currently being undertaken. Liaison between the applicant and the City's Officers on the satisfaction of the various subdivision conditions relating to stage one is ongoing.

Submission

To address several of the Commission's structure plan approval conditions, the Roberts Day Group on behalf of Landcorp, has made several modifications to the Atwell South Structure Plan. Modifications have also been made as a result of further work completed on the

location and design of the future Success railway station and an update of several minor detailed design changes instigated by the landowner.

The modifications generally relate to those areas of the structure plan that are not covered by the stage one subdivision approval and include:

- Minor reorientation of the road layout to provide more direct access to the future Success railway station to be located within the Kwinana Freeway median, approximately 300 metres north of the Russell Road flyover;
- Creation of a community focal point, including a Community Purpose Site to be vested in the City of Cockburn, adjacent to the southern lake public open space area;
- Minor road layout adjustments for several roads adjacent to Gibbs Road;
- Provision of additional “cottage” lots (R30 – around 350m²) in the small lot precinct adjacent to Beenyup Road;
- Identification of several 900m² corner lots that are able to contain two dwellings on each lot. In anticipation of the draft Residential Design Codes likely to be formalised later this year, these lots require re-coding from R20 to R25 on the structure plan to ensure their development potential for two grouped dwellings is maintained;

Report

The revised Atwell South structure plan represents only a minor variation to the plan previously adopted by Council. The modifications do not have any effect on any adjoining landholdings, nor do they materially alter the intent of the structure plan. Accordingly, in line with Clause 8.2.15.1 of District Zoning Scheme No. 2, it has not been considered necessary to re-advertise the revised structure plan for public comment.

The modifications are considered acceptable and it is recommended that Council adopt the revised structure plan.

The updated plan will be included in Council’s inventory of adopted structure plans, which is available for public viewing.

Detailed requirements applicable to the development of the structure plan area are to be addressed through subdivision approvals.

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

N/A

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

Nil.

14.11 (OCM1_4_2002) - PT LOT 7; 302 BEENYUP ROAD, BANJUP - OWNER: JOHN LAWS NOMINEES PTY LTD - ILLEGAL CLEARING (118596) (VM) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) initiate legal action against the owner of Pt Lot 7 Beenyup Road, Banjup for clearing land within the Resource Zone without Council approval;
- (3) advise the Western Australian Planning Commission that it does not support the subdivision of Pt Lot 7 Beenyup Road, Banjup for the following reasons:-
 1. wetland preservation which should have been protected as part of a possible subdivision has already been cleared without the approval of the local government;
 2. there is no justification for the subdivision provided by the applicant;
 3. not in accordance with the principles contained in SPP No. 6 - Jandakot Groundwater Protection Policy.
- (4) advise the applicant that Council will not support any future application to subdivide or develop the cleared portion of Lot 7 (302) Beenyup Road until such time as the native vegetation is regenerated to the Council's satisfaction.

COUNCIL DECISION**Background**

Pt Lot 7 Beenyup Road (302) is proposed to be subdivided into two 2 hectare lots.

The front portion of the lot is currently used for market garden (ie: Floriculture Purposes) and the rear portion of the lot was pristine wetland of conservation and resource enhancement category as designated by the Water and Rivers Commission.

Submission

A planning officer visited the site following the receipt of an application to subdivide the land referred to Council by the Western Australian Planning Commission for its consideration.

On arriving at the site, the officer found that the rear portion of the land had been fully cleared and the vegetation pushed into windrows. (Refer to photo in Agenda attachments)

Report

Under the provisions of Council's District Zoning Scheme No. 2, clause 5.5.1 (4) a person is not permitted to clear any vegetation unless the Council has in its discretion granted planning consent. The owner, therefore, is in breach of the scheme and therefore Council should initiate legal action accordingly.

Council's Resource Zone Guidelines for landuse states that removal of vegetation is not permitted, except in the following circumstances:-

- To build a house and any associated outbuildings or other approved structures;
- To construct a driveway;
- To remove vegetation that is dead, diseased or dangerous; or
- To install a three metre firebreak around the perimeter of the property.

In addition, Council should oppose the proposed subdivision on the basis that the land has been cleared without approval and the clearing of this pristine wetland vegetation could cause the water table to rise. Moreover, the applicant does not provide any justification in support of

the application and under the provisions of the Statement of Planning Policy No. 6 - Jandakot Groundwater Protection Policy, the subdivision of existing rural lots into 2 hectare properties is not generally supported. The SPP No. 6 under section 10 - Subdivision states that subdivision of lots into a minimum lot size of 2 hectares should be based upon a detailed assessment of land capability and suitability. This has not been done.

The land includes a wetland designated as conservation and resource enhancement category (as indicated in the map provided in the Agenda attachments). As a land capability assessment has not been undertaken, the subdivision cannot be supported.

However, Council should not consider any future application for subdivision or development until such time as the natural vegetation on the lot has been regenerated to Council's satisfaction.

Strategic Plan/Policy Implications

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

3. Conserving and Improving Your Environment

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

Budget/Financial Implications

N/A

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

Nil

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM1_4_2002) - BUDGET REVIEW - PERIOD ENDING 28 FEBRUARY 2002 (5402) (ATC) (ATTACH)

RECOMMENDATION

That Council amend the Municipal Budget 2001/02 as follows:

A/c No.	Description	Current Budget	Proposed Budget
695192	Transfer from Regional Road Reserve	-200,000	-515,000
695111 (NEW)	Transfer from Restricted Trust - Beeliar Drive Contributions	0	-285,000
652462	Drainage Maintenance	238,000	300,000
652464	Verge - Engineering Maintenance	336,967	274,967
695518	Minor Drainage Works	10,000	20,000
690404	Russell Road - Resurfacing	235,000	220,000
690403	Liddelow Road - Resurfacing	115,200	120,000
695340	Beeliar Drive [Spearwood/Watson]	1,382,519	1,982,519
691500	Sudlow/Phoenix - Install Traffic Lights	71,252	61,000
691501	Armadaile/Warton Road Intersection	13,321	40,300
691504	Rockingham Road/Lancaster Street Intersection	173,452	156,725
680313	Carrington Street. - Footpath	17,000	21,200
680320	Nineham Street - Footpath	17,400	15,000
680322	Galsworthy Place - Footpath	9,000	10,300
680323	Doolette Street - Footpath	10,000	7,600
680404	Healy Road - Slab Replacement Path	33,000	36,500
680406	Balfern Way - Slab Replacement Path	11,000	7,700
680407	Bullfinch Street - Slab Replacement Path	52,300	40,600
680408	Cobine Street - Slab Replacement Path	17,800	14,900
680409	Dubove Road - Slab Replacement Path	27,800	25,000
680410	Edeline Street - Slab Replacement Path	40,000	47,800
680411	Etherington Ave - Slab Replacement Path	12,000	0
680412	Galian Way - Slab Replacement Path	8,900	11,600
680413	Galian Way No. 17 to Lintott	8,000	6,700
680414	Goldsmith No. 3 to Reserve	14,200	11,000
680314	Pilgrim Way	5,800	32,000
200105	Administration Fees	-3,600	-5,000
200112	Health Act Fines	-1,500	-4,850
205110	Sale Poisons & Insecticides	-6,600	-5,000
200230	Communication Costs	10,900	6,000
200320	Legal Expenses	6,500	7,500
200700	Furniture and Equipment	0	5,000
195460	Immunisation Expenses	5,800	5,450
130463	Courier Services	10,000	8,000
130231	Franking Machine Rental	3,200	4,400
130370	Photocopier - Operating	32,000	30,000
130360	Postage Expenses	40,000	42,000
130461	Photocopier - Lease	36,713	46,713
130280	Printing & Stationery	18,000	15,000
500102	Development Application Fees	-128,000	-100,935
500110	Fines and Penalties	-20,000	0
500061	Legal Expenses Reimbursed	-1,000	0
500063	Reimbursement LSL	0	-11,565
500105	Zoning Amendment Fees	-8,000	-1,150
500100	Zoning Statement Fees	-44,000	-79,000
8204C	1ALR096- Magna Sedan	13,340	8,000
8276	1AWF199 Toyota Rav4 (Planning)	12,171	8,000
500350	Advertising	10,000	7,500
8204	Commodore Exec (Principal Plan)	0	3,451
500290	Conferences	2,500	500
500300	Insurance	9,000	7,800
500320	Legal Expenses	20,600	25,000

500310	Review of Municipal Inventory	6,000	4,000
500200	Salaries	289,157	280,000
500323	Specialist Technical Advice	10,000	0
500460	Sundry Minor Expenses	2,350	1,300
500210	Superannuation	28,181	25,000
500220	Workers' Compensation	5,303	6,500
500474	Town Planning Scheme 3 Public Consultation	38,755	25,000
580192	Catherine Point Ablution - Contribution	0	-8,000
580642	Naval Base Toilets - Disabled Access	30,000	22,800
580645	Atwell Clubrooms - Safety Rail	2,800	10,000
580820	Catherine Point Ablution Block	97,164	80,000
NEW	Atwell Community Centre Shade Shelter	0	6,000
NEW	Wellard Street. Operations Centre - Plans For Increased Administration Offices	0	15,000
165350	Promotions Advertising	3,000	1,000
180420	Rangers Sundry Minor Expenses	1,000	2,000
NEW	Digital Cameras	0	2,000
NEW	Two Way Radios	0	2,000
175041	Grant Lotteries Commission	0	-10,000
160460	Fire Prevention	22,246	27,546
160465	Fire Management Reserves	38,212	20,000
110460	Election/Postal Voting Expenses	80,000	50,000
110310	Community Consultation	72,274	30,000
110320	Legal Expenses	20,000	25,000
116315	Australian Quality Council	19,740	15,000
100017	Less Discount Allowed 5%	580,000	530,000
100021	Rate Interest	-35,000	-60,000
100020	Rate Penalty	-66,477	-80,000
105131	Interest on Municipal Investments	-800,000	-679,294
105032	National Competition Policy	-12,500	0
730100	Build Strata Fee	-5,000	-3,300
730103	Plan Copies / Building Stats	-4,000	-7,000
730101	Swimming Pool Inspection Fees	-30,000	0
730370	Scanning Expenses	26,742	23,000
730210	Superannuation	27,715	25,000
730462	Swimming Pool Inspection Expenses	30,000	0
325040	Grant Lotteries Commission	-26,000	0
NEW	Pineview Donation	0	-5,000
625070	Lakeside Cinema Fees	0	-9,000
555465	Recreation Events Initiatives	0	10,000
325473	Youth Festival	12,191	10,000
625462	Initiate Arts and Cultural activities	38,000	33,000
315577	EBA Donation	46,714	36,714
355200	Community Services Salaries	67,052	70,219
NEW	Pineview Playground Donation	0	5,000
315516	Quest International Program	10,000	2,000
110421	Citizenship Expenses	13,000	16,000
110427	Sister City Expenses	20,000	10,000
480460	Mobile Rubbish Bins	121,922	100,000
480070	Rubbish Removal Charges	-4,206,500	-4,242,500
481501	Entry fee for Greenwaste	57,600	11,600
481468	Greenwaste Bulk Pickup	110,000	156,000
NEW	Transfer from Greenhouse Emissions Reduction Reserve	0	-20,000
NEW	Greenhouse Emissions Reduction Program	0	20,000
497970	Bibra Lake Environmental Works	41,982	66,000

495476	Management of Natural Area	110,375	95,375
497962	Market Garden Swamp	68,441	64,441
497960	Freshwater Drive	20,404	15,386
NEW	Bibra Lake Water Quality Improvement Works	0	8,000
145060	Costs Imposed	-23,767	-40,000
120113	BRB Levy	0	-8,000
120310	ABC Costing Project	24,433	5,000
120300	Insurance	6,300	10,500
120280	Printing & Stationary	11,500	13,500
592032	Swim School Courses	-56,720	-9,000
590270	Water	14,810	24,810
590271	Power	84,000	100,800
590272	Gas	70,000	85,400
873700	Lease of A0 Colour Plotter (Photographic Quality)-GIS	0	9,700
573319	Emergency Irrigation Maint - Interim Reserve	5,620	12,768
573319	Emergency Irrigation Maint - South Coogee Reserve	12,768	17,069
573319	Emergency Irrigation Maint - Broadwater Reserve	17,069	25,425
573319	Emergency Irrigation Maint - Milgun	25,425	52,233
573319	Emergency Irrigation Maint - Perena Rocchi	52,233	60,957
573319	Emergency Irrigation Maint - Bishop Reserve	60,957	68,116
573319	Emergency Irrigation Maint - Hobbs Park	68,116	76,845
573319	Emergency Irrigation Maint - Dubove Park	76,845	77,962
TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL			

COUNCIL DECISION

Background

Council reviews its Budget twice each year for the periods ending October and February.

Submission

N/A

Report

A report on the review of the Municipal Budget for the period 1 November 2001 to 28 February 2002 is attached to the Agenda.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

A number of amendments to the Budget are recommended.

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

Nil.

15.2 (OCM1_4_2002) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for March 2002, as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

15.3 (OCM1_4_2002) - TENDER NO.70/2001 - LOCAL GOVERNMENT SOFTWARE SYSTEM (1412) (ATC) (ATTACH)**RECOMMENDATION**

That Council:

- (1) accept the tender from Technology One Ltd for the supply of a Local Government Software System at a total cost of \$741,519 (excluding GST); and
- (2) transfer an additional amount of \$41,519 from the Computer Reserve Fund to cover the cost of the system.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION**Background**

The City of Cockburn has made a commitment to the use of Information Technology for the timely and cost effective administration of Council business activities and the provision of sustained quality customer service to its ratepayers.

Council has used the existing InfoLGS software for its local government functions for 14 years. The software was depreciated over the first five years of its life and funds set aside in a Reserve Fund for the purchase of new software when the occasion arose. The InfoLGS software is outdated, does not meet the growing needs of the organisation, and will be retired in the near future at which date it will no longer be supported. The only enhancement to the software over the past few years has been those required by changes in statutory requirements.

In its budget, Council has provided an amount of \$700,000, using funds set aside in the Computer Reserve Fund, to provide a replacement for the existing software.

The purpose of this tender is to select and implement the “best” Local Government System solution to support the management, operational, information and community needs of Cockburn City Council.

This tender is for the:

- (a) Supply of the solution
- (b) Delivery of the solution
- (c) Installation of the solution
- (d) Data conversion of existing Council information systems
- (e) Integration with Council’s existing and remaining systems
- (f) Training of Council staff in the use of the delivered applications
- (g) Ongoing maintenance/support of the delivered solution

Submission

N/A

Report

A detailed report on the processes used in selection of the recommended tenderer is attached to the Agenda.

Strategic Plan/Policy Implications

The following commitments in Council’s Strategic Plan is relevant:

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

Budget/Financial Implications

An amount of \$700,000 is currently set aside in Council's budget for a new Local Government Software System, with funds being used from the Computer Reserve Fund. It is considered that a number of the options included in Technology One’s tender in regard to additional Training, Support and Conversion of information should be taken up which would increase the total cost to \$741,519. Transfer of additional funds from the Computer Reserve Fund is required.

All solutions tendered required Council to upgrade its central hardware in order to have the software operate satisfactorily. As part of the normal cycle it was already planned in 2002/03 to make improvements to the internal communications systems and to replace a number of old PC’s. These items will be the subject of a separate report.

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

Nil.

**15.4 (OCM1_4_2002) - REPORT ON FINANCIAL STATEMENTS (5505)
(NM) (ATTACH)****RECOMMENDATION**

That Council receive the Report on the Financial Statements for the second triennial period ending 28 February 2002.

COUNCIL DECISION**Background**

Section 6.4 of the Local Government Act 1995 requires the City to prepare financial reports as are prescribed. Regulation 34 (1) (b) of the Local Government (Financial Management) Regulations 1996, prescribes that a local government is to prepare either quarterly or triennial financial reports. Council has elected to receive triennial financial reports, which are due for periods ending 31 October, 28 February and 30 June.

Further, Regulation 34 (1a) allows councils to resolve not to receive a report for the period ending 30 June. Council has previously resolved not to receive this report as it is deemed unnecessary due to the preparation and presentation of annual financial statements.

Submission

N/A

Report

Attached to the Agenda are the following financial reports for the period ending 28 February 2002:

Operating Statement

The Operating Statement details income and expenditure by program and compares it to the adopted budget on a pro-rata basis. As at 28 February, income and expenditure to date should approximate 67% of budget (ie. 8 out of 12 months), except where it is raised or incurred in a seasonal pattern eg. rates, dog registrations etc.

Expenditure

Overall, Council's expenditure is slightly better than target (at 65% vs. forecast 67%), with variations of a permanent nature addressed in the budget review subject of Item 15.2 of this agenda (February Budget Review).

Income

Overall, Council's income is well ahead of the pro-rata budget (at 83% vs. forecast 67%), which is traditionally the case due to the skewing effect of raising rates income at the start of the year. However, some significant variations of a permanent nature have been identified and addressed in the February Budget Review.

Municipal Summary

The Municipal Summary reports both operating and capital income and expenditure and reconciles these back to a net current position. As at the reporting date, Council's net current position (excluding reserve funds) was \$16,046,039.

Also included in this Statement is a 'Projected Budget' column that factors in the changes proposed in the February Budget Review. This addresses the requirement of Regulation 35(1)(e) of the Local Government (Financial Management) Regulations, to provide financial projections that factor in the effects of any permanent significant variations.

The Capital Works Budget is generally on target however, several significant variations were identified and addressed in the February Budget Review. The overall variation to the pro-rata budget (37% vs. 67%) is due to the timing and programming of the works.

Statement of Reserve Funds

This Statement reports the current balance for all reserve funds and provides details of interest earnings and of transfers in and out of each reserve as at the reporting date.

Restricted Trust Analysis

This Statement summarises bonds and deposits held by Council as at the reporting date. These funds are deemed restricted in accordance with Accounting Standard AAS27.

Investments Report

Council's investments policy (Corporate Policy No.CFCS1) requires a report to be submitted to Council with details of the investment portfolio including performance figures and the extent of exposure to categories restricted by the policy.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The February Budget Review addresses all significant variations of a permanent nature identified as at 28 February 2002.

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES**16.1 (OCM1_4_2002) - PAINTED 50KPH ROAD SURFACE SIGNS (4524) (BKG) (ATTACH)****RECOMMENDATION**

That Council receive the information from Main Roads WA advising that it does not agree with painting 50kph signs on the road surface and does not authorise local governments to do the work.

COUNCIL DECISION**Background**

At the Ordinary Meeting of Council held on 19 February 2002, Mayor Lee requested that the Engineering Department investigate the possibility of the Main Roads and Council painting large 50 kph signs on the road surface of all applicable roads within the district.

Submission

N/A

Report

All local roads in Western Australia (or residential streets) have a default speed of 50 kph unless otherwise signed.

Legislation was recently passed that reduced the 60 kph default speed to 50 kph.

Mayor Lee, on a trip to New South Wales, noticed that 50 kph signs were painted on the road surfaces and was impressed with its impact. He requested that the matter be investigated.

Main Road WA was contacted for their opinion of the proposal. They have advised they do not support the painting of 50 kph signs on the road as they considered it expensive and unnecessary.

They are the sole authority for the installation of signs and pavement markings and all such works are to be carried out through the Main Roads. (See e-mail attached dated 12/3/02).

They point out that Council has no authority to install signs or pavement markings on roads in Western Australia.

The WA Local Government Association advise they are not pursuing this issue at present with Main Roads WA on behalf of local government.

Strategic Plan/Policy Implications

One of the objectives in the Corporate Plan is:

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

Budget/Financial Implications

There is currently no allocation within the roads budget for painting signs on roads. If Council were authorised to proceed with the proposal, quotations would have to be obtained and the funds allocated at the budget meeting.

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

Nil.

16.2 (OCM1_4_2002) - TENDER NO. 03/2002 - SUPPLY AND INSTALLATION OF CAPPING SYSTEM TO HENDERSON LANDFILL (RNJ) (4900)

RECOMMENDATION

That Council accept the tender from Canning Vale Earthmoving for the Supply and Installation of Capping System to Henderson Landfill for

the lump sum of \$790,251(GST included) including \$38,500 provisional sum.

COUNCIL DECISION

Background

Tenders were called for the supply and installation of a capping system for Cell 2 at Henderson Landfill, closing Tuesday 12 March 2002.

Cell 1 was successfully capped in June 1999 with a Compacted Clay Layer (CCL). This cell was subsequently drilled and methane management bores installed in April 2000. These bores have remained capped pending the completion of filling to Cell 2. Compacted waste levels in Cell 2 have now reached the design profiles in readiness for installation of an impermeable capping. The purpose of this capping is to exclude rainwater from entering the waste and to contain the methane generated by the natural degradation of the waste. Relatively minor settlements have been recorded in the finished surface levels of the 2 year old clay capping on Cell 1. (0.1-0.3m over a maximum depth of waste of 22m). As the waste in this cell is 8-12 years old, this suggests that the relatively high level of waste compaction achieved on this site will probably minimise the degree of settlement experienced.

Submission

Five tenderers submitted a total of 10 complying and one non-complying lump sum tender for the project.

ATA Construction submitted the non-complying tender for capping with a LDPE membrane.

Report

Tender Summary Sheet

Company Name	Tendered Price Inclusive of GST	Type of Capping	Score
Canning Vale Earthmoving	\$790,251	Compacted Clay	97%
	\$834,251	Geosynthetic Clay	
ATA Construction	\$816,841	Low Density Polyethylene	94%
	\$873,491	Compacted Clay	
	\$977,331	Geosynthetic Clay	
Goldfield Contractors	\$962,786	Geosynthetic Clay	94%

	\$1,080,266	Compacted Clay	
NK Contractors	\$988,050	Geosynthetic Clay	92%
	\$1,242,450	Compacted Clay	
Ertech	\$1,207,087	Compacted Clay	94%
	\$1,267,351	Geosynthetic Clay	

Tender documentation required that each tenderer submitted a lump sum price for the supply and installation of a compacted clay capping (CCL) and an alternate price for the supply and installation of a Geosynthetic Clay Layer (GCL).

Tender Evaluation

The scores were based on the evaluation criteria set out in the tender covering price (60%), technical conformance (10%), safety management (5%), quality management (5%), experience (15%) and references (5%).

Any of the 10 complying tenders submitted, could be accepted on the basis of the tenderer's competency, experience with these materials and proven performance in the construction industry. Consequently, only the two lowest tenderers were interviewed to confirm that their lump sum prices allowed sufficiently for all the works specified.

Both ATA and Canning Vale Earthmoving made similar provision for preliminary earthworking of the waste. The main difference in their pricing came in the supply and installation of the capping. Clay capping in Canning Vale's case was the cheapest option at a total cost of \$790,251.

As mentioned earlier in this report, the clay capping on Cell 1 has performed well to date, with no evidence of cracking or scouring of the protection layer however, the main test will come when the methane gas evacuation commences.

ATA's cheapest option of \$816,841 was for a Low Density Polyethylene (LDPE) capping. While synthetic materials have been used in capping of landfill in recent years, LDPE was not specified for this tender because of the lack of historic information available on their long term performance. The LDPE capping system proposed would have similar flexibility and greater impermeability than a clay cap. Synthetic caps also generally require a shorter installation period which could be of benefit at this time of the year.

However, a half metre thick clay liner is still the industry standard capping detail and considering the \$26,500 price differential with the synthetic product are the best options for Cell 2.

Waste Services currently manage all leachate generated from this site with a combination of recirculation and treatment. When Cell 2 and Cell 3 (at the end of the year) are capped, there will be an anticipated decrease in the amount of leachate requiring treatment, due to the exclusion of rainfall from these waste cells.

Methane is programmed to be extracted and flared from Cells 1 and 2 by October 2002, again reducing the loss of waste bi-products to acceptable levels. Given these management regimes and the predicted reduction to the stabilisation period for closed cells with leachate recirculation, these cells could expect to be landscaped inert mounds in 10 years time.

Consequently, the lowest tender, submitted by Canning Vale Earthmoving is recommended to be accepted, as it provides an industry standard treatment offering adequate levels of security for the risks outlined above.

Strategic Plan/Policy Implications

One of the objectives of the Strategic Plan is to have an environmentally sound management strategy of the Council controlled waste system.

Budget/Financial Implications

There is an allocation of \$750,000 for the covering of Cells in this year's budget. These funds have been allocated from the Rubbish/Development Reserve Fund.

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

Nil.

16.3 (OCM1_4_2002) - TENDER NO. 01/02 - CLEANING OF PUBLIC BUILDINGS (4435) (GG) (ATTACH)

RECOMMENDATION

That Council accept the tenders from Dominant Property Services and Delron Cleaning Pty Ltd for Tender No. 01/02 - Cleaning of Public Buildings for the period March 2002 to February 2004 (with two extension options of 12 months each), for the following variable sums:-

- (1) Group 1 - Recreation Facilities - Dominant Property Services at \$42,416 per annum;
- (2) Group 2 - Community Facilities - Delron Cleaning Pty Ltd at their alternative tender of \$38,673 per annum plus the various rates

indicated in their tender submission for the Civic Centre Halls; and Community Halls; and

- (3) Group 3 - Administration Facilities - Delron Cleaning Pty Ltd at their alternative tender at \$60,157 per annum.

COUNCIL DECISION

Background

The current 2 year contract with an option of a 12 month extension for the cleaning of Council's various building facilities was not extended for that 12 month option. Consequently, a tender has been called to clean any or all of the following groups of public facilities:

- Group 1 Recreation Facilities
- Group 2 Community Facilities
- Group 3 Administration Facilities

The tender is for the period March 2002 - February 2004 with two extension options of 12 months each.

Submission

Eleven (11) submissions were received, details of which are attached to the Agenda. All submissions complied with the tender requirements, all tenderers having also attended a mandatory briefing/site inspection to clarify any uncertainties with the proposed contract/s prior to the closing of the Tender.

For the purposes of this tender, tenderers submitted segregated prices into three main Groups, with Council reserving the right to split the tender and award separate contracts for individual or combined Groups, whichever constitutes the best overall value for money.

Report

The tenders have been assessed by an independent consultant, Total Contracting Services, under the following criteria as outlined in the tender documents:-

	<u>Weighting</u>
(a) Price	50%
(b) Experience of firm in this type of work	15%
(c) Ability to manage the contract, staff and	

	performance requirements	15%
(d)	Evidence of company stability and experience	15%
(e)	Achievement of, or progress toward, Quality Assurance certification	5%

The top five assessments under these criteria as determined by Council's consultant, are as follows:

Group 1 - Recreation Facilities:

•	Dominant Property Services	80%
•	Delron (Alternative)	79%
•	Delron	64%
•	MP Cleaning Contractors	57.5%
•	Lists	52%

Group 2 - Community Facilities:

▪	Delron (Alternative)	84%
▪	Delron	78.3%
▪	Dominant Property Services	70%
▪	MP Cleaning Contractors	37.5%
▪	Lists	No Tender

Group 3 - Administration Facilities:

▪	Delron (Alternative)	84%
▪	Delron	74%
▪	Dominant Property Services	70%
▪	MP Cleaning Contractors	62.5%
▪	Lists	No Tender

Based on the information that was made available it is recommended that the contract for cleaning for Groups 1, 2 and 3 be awarded as follows:

- Group 1 – Dominant
- Group 2 – Delron (Alternative)
- Group 3 - Delron (Alternative)

Dominant achieved the highest weighted score for Group 1; this recommendation provides the best overall value for money.

Delron were clearly the best overall value for money for Groups 2 and 3 with both their compliant bid and alternate bid. Delron stated in their offer that consumable quantities (estimated usage figures) provided by the City of Cockburn are questionable and have offered to operate the contract on a cost plus 5% basis. Delron would produce invoices for inspection. The difference in prices is approximately \$18,000 difference for Group 3 and 8,000 difference for Group 2 (without the costs of consumables included).

It is recommended the City of Cockburn liaise with Delron prior to formal award of the contract to gain an estimate of proposed usage as a guide for monitoring purposes.

The tender documents allow for annual review of prices in accordance with a formula linked to Statutory Award Rates.

Strategic Plan/Policy Implications

One of the strategic plan objectives is to construct and maintain community buildings which are owned and managed by the Council and the other relevant objective is to deliver services and to manage resources cost effectively without compromising quality.

Budget/Financial Implications

The total of the previous cleaning contract was approximately \$150,000 per year, whilst the recommendation for the new contract combined is about \$170,000. However, it should be noted that the scope of works has been completely reviewed with more facilities being included in the tender. Cleaning costs under the recommended tender are adequately catered for in the Building Maintenance Budget.

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

Nil.

16.4 (OCM1_4_2002) - CONSTRUCTION OF WASTE TRANSFER STATION FOR USE BY TRAILERS (4900) (BKG)

RECOMMENDATION

That Council defer the decision to construct a trailer transfer station until after the workshop on the landfill site is held in May/June 2002.

COUNCIL DECISION

Background

At the Ordinary Meeting of Council held on 20 November 2001, it was resolved that Council:-

- (1) *defer the construction of a waste transfer station for use by trailers at Henderson until Lot 4 (No. 900) Rockingham Road is purchased by the City of Cockburn; and*
- (2) *review the decision to construct a trailer transfer station in April 2002 if the land has not been acquired by that date.*

Submission

N/A

Report

There is a need for the Council to construct a transfer station to take waste from residents.

With the imminent rezoning of the land where the Henderson landfill site is located to industrial, the location of a transfer station needs further investigation.

The Chief Executive Officer has proposed a workshop be held with Elected Members to discuss the various options for future waste management in Cockburn.

Strategic Plan/Policy Implications

One of the objectives of the Strategic Plan states there is an environmentally sound management strategy of Council controlled waste.

Budget/Financial Implications

A transfer station to collect the waste from residents is required. If Council constructs one it will cost in the vicinity of \$500,000. There is also an operating cost of approximately \$300,000.

There are currently \$400,000 allocated for the construction of a transfer station.

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM1_4_2002) - PROPOSED DENTAL CLINIC - CIVIC CENTRE SITE, SPEARWOOD (2201726) (RA) (ATTACH)

RECOMMENDATION

That Council:

- (1) create a new lot of up to 1200m² on the site as identified in the master plan as attached to the agenda for sale to the Health Department for usage as a dental health clinic; and
- (2) require the Chief Executive Officer to obtain a sworn valuation and negotiate a sale price for the land with the Health Department, for future consideration by Council.

COUNCIL DECISION

Background

Council at its Ordinary Meeting of 15 January 2002, resolved to sell an area of up to 2000m² to the Health Department for the construction of a Dental Health Clinic. The Council resolution included the requirement to develop a master plan for the site to allow for the clinic to be located on the site to contribute to the civic precinct and to keep open options for future community infrastructure.

Submission

N/A

Report

The master plan identified the major constraints for the Civic Centre Site and worked on the basis that the existing facilities would be retained. The area of land available for the Dental Health Clinic is on the car park area on the north west quadrant of the site. It is proposed that this be offered to the Health Department provided that the car parking space is available to Council on a share basis. This requirement can be managed through the Development Approval Process.

An investigation has been made into the availability of services to the site. Sewerage connection is the only matter of significant cost. Independent advice is that the cost of providing a connection to a new lot created for the sale of the land would be \$61,000.

A preliminary estimate of the value of the land has been gained which puts the value at between \$200 and \$250/square metre. The attached site plan allows for the sale of land of 1140m² which equates to an estimated sale value of between \$228,000 and \$285,000.

It is proposed that the sale of the land be conditional on reaching agreement with the Health Department on joint use of car parking areas for Councillors and Council vehicles. It is anticipated that there will be at least 35 car parking bays available for shared use. The land sold will also require a right of carriageway easement on the current roadway.

It is anticipated that the Health Department will pay for the construction of the building, car park, landscaping and additional pathways and steps to allow for people using public transport to access the facilities.

Strategic Plan/Policy Implications

To facilitate and provide an optimum range of Community Services.

Budget/Financial Implications

Income generated from the sale has previously been resolved by Council to go to the Land Development Reserve Fund.

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

Land sold to a State Government department to provide a public service.

17.2 (OCM1_4_2002) - LEASE - LOT 22 PROGRESS DRIVE, BIBRA LAKE - CITY OF COCKBURN TO WA CROATIAN ASSOCIATION (INC) (1117891) (LCD)

RECOMMENDATION

That Council:-

- (1) forward a copy of the Lease to the WA Croatian Association (Inc.); and
- (2) inform the WA Croatian Association (Inc.) that the Association has until 31 July 2002, to acknowledge its acceptance of the Lease by returning the Lease duly signed and sealed to Council.

COUNCIL DECISION

Background

The initial decision regarding this matter dates back to June 1998 and neither that decision nor the subsequent decisions, set a time line upon which the WA Croatian Association (Inc.) was to take up a Lease for Lot 22 Progress Drive, Bibra Lake. In such circumstances, Lot 22 Progress Drive could remain unleased and vacant until the Association decides to implement its plans to build the soccer pitch on Lot 22. That is, an application to commence development could be submitted by the Association at any time it wishes in the future. The objective of presenting the Lease to the Association is to bring this matter to a conclusion, by seeking its commitment to constructing the pitch within a known time period.

Submission

N/A

Report

The Lease contains the usual clauses in relation to the leasing of land to another for the purposes of development. There are the issues of Quiet Enjoyment, Rent and Other Payments, Special Conditions, Insurance, Indemnity and Limit of Lessor's Liability.

A special note should be taken of "Annexure 1", which sets out the Special Conditions. In clause (1) thereof it specially states if the requirements of the clause are not satisfied the Lease is then terminated unless the Lessor advises the Lessee otherwise in writing.

The Lease places the responsibility on the WA Croatian Association (Inc.) to perform within the criteria established. This onus placed on the Association will enable the proposal to be closely monitored to ensure full compliance with the requirements contained in the Agreement.

If the recommendation is accepted by Council the WA Croatian Association (Inc.) will be informed of Council's decision and required to sign and seal the document in preparation for final execution.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

As contained in the Business Plan adopted by Council, in relation to the development.

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

The Association is a separately incorporated body with which Council has no other binding arrangements, apart from the land dealings associated with the subdivision of the land, previously know as Lot 14 Progress Drive, the bulk of which remains in Council's ownership. While it is unlikely that Council would enter into this type of dealing again, the original commitment was provided by a previous Council, the consequences of which have been left for the current Council to manage. Accordingly, this has necessitated a prolonged and complex process involving the subdivision of freehold Council land, the sale of part to the Association, the retention of part by Council and the creation of a third lot – Lot 22 – to be offered for lease by the Association to construct a soccer pitch.

17.3 (OCM1_4_2002) - REVISED POSITION STATEMENT PSCS15 "GRAFFITI RESPONSE - NON COUNCIL OWNED PROPERTY" (1054) (RA) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt revised "Graffiti Response – Non Council Owned Property" position statement PSCS15; and
- (2) review the operation of PSCS15 after three (3) months and subject to it being operationally effective and costs are maintained within the budget, retain it as the mechanism by which Council will address Graffiti to non-Council owned property.

COUNCIL DECISION

Background

At its meeting of August 2001, Council adopted new position statements in relation to the removal of graffiti within the district in response to the Community Needs Survey and the understanding Elected Members had of the importance of the issue to residents. The sum of \$50,000 was placed on the 2001/02 budget to address the issue of graffiti on non-Council owned public property. This was in

addition to Council's Position Statement PSEW10 to remove Graffiti from its own property (eg. toilet blocks, public halls etc).

In September 2001, a contract was entered with The Pressure King to remove graffiti in accordance with the Position Statement. In October 2001, a graffiti hot line was established which allowed for residents to report graffiti to Council to ensure that steps were taken to remove graffiti from sites.

Submission

N/A

Report

Whilst the Position Statement PSCS15 has provided guidance to the removal of graffiti across the City, there are some areas of concern with the statement that have been difficult to implement to ensure that the objective of having graffiti removed promptly is met.

There are a number of churches that have walls and fences that are subject to graffiti and under the current policy, it is the responsibility of the church to remove. Given the limited financial resources of the churches and the moral question of taking legal action against them, the City has sought to give them additional time to remove the graffiti. In some cases the graffiti still remains.

In other circumstances, commercial premises ownership can be somewhat complex. In the case of a strata title property, there is a managing agent for the body corporate. Contacting these agents and getting them to respond in time is difficult and complex to pursue legally.

Some other metropolitan councils have adopted a policy of removing graffiti from private property in public view that has generated a great deal of goodwill with property owners and has ensured a rapid response to graffiti removal. There is still a requirement for the owner to sign the waiver and authorise the City to be able to report graffiti to Police on their behalf.

It is proposed that the revised Position Statement is implemented on a trial basis for 3 months which, in essence, allows Council to remove graffiti on private property which is in public view. Should this prove to be operationally effective and the costs remain within the budget, it be continued.

It should be noted that the proposed amended Position Statement removes any responsibility for Council to address vandalism damage to non-Council owned property (i.e. Government Utilities). However, that

is not expected to cause any problems, because current practice is to refer any reports of vandalism to the relevant Government Agency.

Strategic Plan/Policy Implications

Facilitating a range of services that are responsive to community needs.

Budget/Financial Implications

There is a \$50,000 budget allocation for graffiti removal for 2001/02. The current cost of removing graffiti is \$1,736 per month and \$21,000 per year. It is anticipated that the total expenditure on graffiti removal under the new policy will be within budget.

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

Nil

17.4 (OCM1_4_2002) - BEELIAR (PANORAMA GARDENS/BEELIAR HEIGHTS) SECURITY PATROLS (8957) (RA) (ATTACH)

RECOMMENDATION

That Council discontinues the Beelihar Heights/Panorama Gardens security patrols as of 30 June 2002, as less than 50% of owners approved of their continuation.

COUNCIL DECISION

Background

Council at its meeting of 16 of January 2001, resolved to instigate security patrols for the Beelihar Heights/Panorama Gardens area with the provision of a service charge levy to cover the cost of the patrols. The patrols began on 1 July 2001 on a one-year trial basis. This matter is presented to Council now to ensure that sufficient time is available for consideration of the matter and to carry out the necessary administrative tasks for the patrols to be continued if Council so desires.

Submission

N/A

Report

To assist Council in its deliberations on the question of the status of security patrols for the area, an individually addressed questionnaire was distributed to all landowners in the area currently served by the patrols. Advice of this was provided through the Information Newsletter. A copy of the questionnaire is attached for information. The questionnaire sought advice from property owners as to whether they would like to see security patrols extended for a further two years rather than for another one year.

Question: How much is the owner prepared to pay?

TABLE 1					
\$65	\$85	\$120	\$285	Nothing	Incomplete
98	66	39	14	52	2

NOTE FOR THE FOLLOWING QUESTIONS ONE IS LOW FIVE HIGH

Question: How do you perceive the level of crime and anti-social behaviour in Beeliar?

TABLE 2					
ONE	TWO	THREE	FOUR	FIVE	Incomplete
52	80	70	18	4	47

Question: How do you feel about the quality of the existing security patrols in the area?

TABLE 3					
ONE	TWO	THREE	FOUR	FIVE	Incomplete
10	28	94	59	50	30

Question: How do you rate your sense of personal safety since the patrols began?

TABLE 4					
ONE	TWO	THREE	FOUR	FIVE	Incomplete
0	6	92	94	44	35

A total of 696 questionnaires sent out to property owners of which 70 were Ministry of Housing (Homeswest) properties. For the analysis the respondents are defined as those who returned the forms, excluding Ministry of Housing owned properties. There were a total of 271 responses and as can be seen in table 1, 80% of respondents were prepared to pay for patrols. Only 38% of respondents were prepared to pay \$85 per annum or more for patrols.

Table 2 shows 75% of owners to perceive crime and anti social behaviour in the area to be low to moderate. 75% of respondents saw the quality of the existing patrol service to be moderate to high, as

indicated by table 3. On the question of personal safety, 85% rated their sense of personal safety to be moderate to high.

The Ministry of Housing position is that it will support the majority of other land owners position. On this basis, the vote for some level of service fee for security patrols is then 287 (217 plus 70) yes votes of a total of 696 questionnaires sent out or 40%. The issue remains as to whether the majority of votes should be based on the total number of questionnaires sent out or on the number of respondents. As Council's current position is that 50% of the total number of properties subject to the levy should approve its imposition, it is recommended that the patrols be discontinued.

BEELIAR HEIGHTS/PANORAMA GARDENS POLICE REPORTABLE CRIME STATISTICS FOR CORRESPONDING PERIODS JULY – FEB 2000/2001 & 2001/2002

July 2000	7	July 2001	23
Aug 2000	8	Aug 2001	6
Sep 2000	12	Sep 2001	10
Oct 2000	12	Oct 2001	11
Nov 2000	11	Nov 2001	10
Dec 2000	7	Dec 2001	11
Jan 2001	15	Jan 2002	6
Feb 2001	12	Feb 2002	7
<u>Total</u>	<u>84</u>	<u>Total</u>	<u>84</u>

In every recent trial of security by Western Australian Local Governments, there has been a noticeable trend in the reportable crime figures. That is, initially after the commencement of the patrols, there is an increase in the reported crime by 25-50%, thought to be due to the public perception that because of the Security Patrols any crime reported will more likely be acted upon. Frequently after the first six months, the higher reported crimes steadies and a gradual reduction occurs that stabilises below general trends after approximately twelve months. As can be seen from the above statistics, the reduction appears to have commenced a little earlier, however it is expected that at the twelve-month stage, more accurate figures would be available.

There is scope within the existing contract with Secureforce to extend the contract for a further year. Should Council decide to continue with the patrols, it is suggested that this option be continued as 75% were moderately to very satisfied with the level of service currently provided.

Secureforce have quoted the figure of \$40,040 plus GST to continue the service for a further year under the current terms and conditions.

Strategic Plan/Policy Implications

Facilitating a range of services responsive to the community needs.

Budget/Financial Implications

Should the patrols proceed, they will be funded by a service levy on landowners in the prescribed area.

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

Nil.

17.5 (OCM1_4_2002) - MEMORIAL HALL REDEVELOPMENT (8406) (RA)

RECOMMENDATION

That Council approve the Memorial Hall Precinct Enhancement Schedule as outlined in the report, which provides for a coordinated approach to the upgrade of the Memorial Hall and its immediate environs with the potential urban renewal program for the land owned by the Western Australian Planning Commission (WAPC).

COUNCIL DECISION

Background

At the Ordinary Council Meeting of 20 November 2001, Mayor Lee requested a report be prepared and presented to Council dealing with the possible restoration and beautification of the Memorial Hall and its surrounds. The report is to address issues such as the removal of paint and the exposure of the original stone work and possible rendering of the later additions to give the impression of stone work. The implications of the bus terminus and its impact on the level of vandalism is to be considered along with the scope to move the service. The report is to also give consideration to landscaping around the hall and the potential of leasing the hall to the Cockburn RSL.

Submission

N/A

Report

Any changes to the Memorial Hall and its surrounds need to be considered in the context of the surrounding area, in particular, those areas to the north which are under the control of the WAPC. This report

firstly addresses the issue of the hall and its immediate surrounds and then the status and plans the Government has for the land it owns. These two matters are brought together and a strategy and time line developed to create a coordinated and coherent plan for the potential upgrade of the hall, its immediate surrounds and the area owned by the Department of Planning and Infrastructure (DPI).

A letter has been written to the Cockburn RSL who have responded advising that whilst they wish to continue to use the Memorial Hall for special occasions, they do not wish to take over the management of the hall through a lease.

Bernard Seeber Pty Ltd Architects, were contracted to provide specialist guidance on how the restoration of the Memorial Hall should proceed which would maximise its potential and the potential to achieve financial assistance from State and Commonwealth sources.

The Memorial Hall is included in Council's Municipal Heritage Register however, it is not on the State Register in its own right. The building was constructed in 1925 in memory of soldiers who died in the First World War. Building additions and modifications have been made over the years, which have distracted from the original design and attraction of the building and its heritage value. It can be fairly stated that the Memorial Hall is one of the most historically/heritage significant buildings within the City and worthy of retention and restoration in some form.

The salient issues that need to be considered in respect to the upgrade of the hall and the moving of the bus stop from its present location are:

- The ownership and future plans for the area in the vicinity of the intersection of Carrington and Rockingham Road, particularly in light of the possible deletion of the Fremantle By-pass.
- Finding an appropriate and agreed bus terminus for this valuable service.
- Making a decision on the future use of the Memorial Hall and matching this with the nature of the building works to be performed.

The potential usage of Memorial Hall is a vexed one. The hall is located on a potentially prime commercial site on the corner of Carrington and Rockingham Roads. As described below, the vesting of the land and the views of interested community groups would make the using of the Memorial Hall for commercial purposes a difficult option to achieve.

If the decision is made to retain the building under Council control, there appears to be two broad options. Firstly to restore and extensively refurbish the building to a high standard to make it attractive for hire. As the Memorial Hall is a large facility with a substantial upgrade, it would be in direct competition with the Civic

Centre Hall which is already currently under-utilised. Secondly, the Memorial Hall could be brought back to its original condition with the removal of the extensions and modification that have been added over the years. This would result in a smaller 'character' facility suitable for such events as the Anzac Day Service, weddings and the like. It would be the only hall of its type in the region.

There has been some discussion over the years on options to lease the hall to a commercial operator for purposes such as a food hall or to a community group such as the RSL or a Theatre Group. It is evident that there is strong support by those with an interest in the hall for it to be retained for community purposes and available for use by community groups such as the RSL. Any proposal to lease the building or modify it in such a way as to compromise the level of public accessibility, would likely receive some resistance from community interest groups.

The proposed process presented by Bernard Seeber includes the development of a Project Plan, Works Plan and Conservation Plan. These steps will progressively investigate the utilisation of the hall, options for hall usage, community consultation, heritage values and conservation steps, heritage funding and a projected development proposal. To ensure that the hall redevelopment/refurbishment is in harmony with the development of the areas immediately around the hall and in turn the transport issues, power poles and the DPI development plans, it is proposed that the following process be followed.

The WAPC owns a significant area of land to the north of the site including the somewhat dilapidated shopping complex. They also have significant land holdings related to the Roe Highway extension. The DPI has, in consultation with the City, developed several concept plans for the area which will allow scope for residential development, commercial activity, a bus terminus/transfer station and passive park areas. They have also contracted consultants to investigate options for the bus terminus/transfer station and to underground the power lines that currently dissect the area. The consultant's reports are due for completion by the end of April 02. Once these reports have been completed, there will be a revised structure plan for the area developed by the DPI which will then take the plan out for public comment. It is anticipated that the DPI's plan will be available for formal Council consideration by July/August 2002.

Proposed Memorial Hall Enhancement Schedule:

- Department of Planning and Infrastructure Memorial Hall Precinct Draft Structure Plan to be considered by Council - May 2002 meeting.
- Public comment period on draft plan - close 30 June 2002.

- Council budget consideration for Heritage/Landscape Architect Consultancy – July 2002.
- Council consideration of final plans - August 2002 meeting.
- Consultant brief developed, tendered and appointment made - October 2002.
- Community consultation on heritage values and significance of the site - December 2002.
- Draft Heritage/Conservation Plan considered by Council – March 2003.
- Final project, works and conservation plans presented to Council for consideration – May 2003.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

Council's contribution is likely to be considerable should the upgrade and refurbishment of the building and the area surrounding the building proceed. These costs may be offset by grants received from State and Commonwealth heritage sources. Given the scale of costs, the project will need to be included in a future Principal Activity Plan.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

18.1 (OCM1_4_2002) - NEWSPAPER HEADLINES - "WEST COCKBURN EYES FREMANTLE" - COUNCIL POSITION (RWB) (1035)

RECOMMENDATION

That Council adopt as an official position, that it will vigorously oppose any proposal for a boundary amendment with the City of Fremantle, other than a minor amendment, provided such minor amendment is not detrimental to Cockburn.

COUNCIL DECISION

Background

The Cockburn City Herald and Cockburn Gazette have recently reported a proposition from a former Mayoral Candidate, Mary Jenkins, for Cockburn West Ward to be included within the Local Government boundary of Fremantle.

Submission

N/A

Report

Both the Herald and Gazette carried front page stories in February/ March 2002, raising the possibility of West Ward being ceded to the City of Fremantle.

The Gazette (March 12-18) reported that Mary Jenkins *"had been canvassing the issue in Hamilton Hill, Spearwood and Coogee for the past year."*

The Herald (February 16) reported that *"Mary Jenkins and a group of locals met Fremantle Mayor, Peter Tagliaferri, a few months ago."*

Interest in the issue has been fueled by misleading and blatantly wrongful propaganda that the Civic Administration Building will be relocating to Thomsons Lake (Cockburn Central).

Council has not made any such decision.

In addition, interest has been generated on the misconceived view that property values would increase if the suburbs were part of Fremantle. Shifting the local government boundary does not alter the suburbs boundary or name. It simply determines which local government will provide the services.

Increases in value occurs by circumstances surrounding desirability. Desirability often relates to location, service and affordability.

There is no evidence to support an argument of increased property values due to the local government in which a suburb is located.

West Ward is an essential part of Cockburn. It represents some 36% of the City's population. Any boundary adjustment other than very minor, would have a significant impact on the capacity of Council to provide services.

Given the press coverage, it is considered important that Council takes a position on the issue.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Council's budget would be severely impacted upon by the suggested boundary adjustment.

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

Nil

- 19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 20. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**
- 21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY COUNCILLORS OR OFFICERS**
- 22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**
- 23. CONFIDENTIAL BUSINESS**
- Nil
- 24. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)**

RECOMMENDATION

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

- (a) integrated and coordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;

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

COUNCIL DECISION

25. CLOSURE OF MEETING