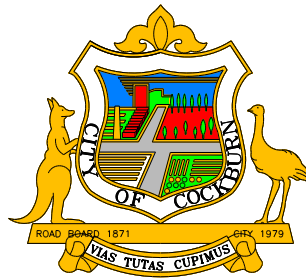


# **CITY OF COCKBURN**



**ORDINARY COUNCIL**

**AGENDA PAPER**

**FOR**

**TUESDAY, 21 JANUARY 2003**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 21 JANUARY 2003 AT 7:30 PM

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## **CITY OF COCKBURN**

### **AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 21 JANUARY 2003 AT 7:30 PM**

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**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)**

Nil

**5. APOLOGIES AND LEAVE ABSENCE**

Nil

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

Nil

**7. PUBLIC QUESTION TIME**

Nil

**8. CONFIRMATION OF MINUTES**

**8.1 (OCM 21/01/2003) - ORDINARY COUNCIL MEETING - 17/12/2002**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Tuesday, 17 December 2002 be confirmed as a true and accurate record.

**COUNCIL DECISION**

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

Nil

**10. DEPUTATIONS AND PETITIONS**

Nil

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

Nil

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

Nil

**13. COUNCIL MATTERS**

**13.1 (OCM 21/01/2003) - PROPOSED AMENDMENT TO COUNCIL POLICY AND DELEGATED AUTHORITY AES1 - ANNUAL GENERAL MEETING OF ELECTORS (1713) (DMG)**

**RECOMMENDATION**

That Council amend its Policy AES1 and corresponding Delegated Authority "Annual General Meeting of Electors", to conduct the Meeting on the first Tuesday in February annually, subject to the receipt of the Auditor's Report on the Annual Financial Statements.

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

**COUNCIL DECISION****Background**

Council's current Policy and Delegated Authority relating to the conduct of the Annual General Meeting of Electors is for the Meeting to be held on the first Monday of February annually.

**Submission**

To amend the date of conducting this Meeting to the first Tuesday of February, each year.

**Report**

It has been the usual practice of Council to conduct its Annual General Meeting of Electors on the first Monday of February each year. In recent years the Zone Meetings of the Local Government Association have been transferred from the last week in January to the first week in February, to avoid clashing with the Australia Day Public Holiday.

The South Zone, of which Council is a member, meets on the Monday corresponding to Council's Elector's Meeting, and to avoid this scenario in future, it is proposed to shift the Elector's Meeting to the first Tuesday of February.

The proposal would have no effect on other Council activities, as the first Tuesday of each month is generally free of other Council formalities, and may even attract greater public interest, because of Ordinary Council Meetings also being held on Tuesday evenings.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

N/A

**Legal Implications**

Sec 5.27 of the Local Government Act, 1995, requires Council to conduct a general meeting of electors each year.

### **Community Consultation**

Not considered necessary due to traditionally low attendance numbers at this Meeting.

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

Nil.

### **13.2 (OCM 21/01/2003) - OBJECTION TO NOTICE SERVED PURSUANT TO SECTION 3.25 OF THE LOCAL GOVERNMENT ACT, 1995, D. & K.A. TOWNSHEND, 77 AMITY BOULEVARD, COOGEE (3316042) (DMG) (ATTACH)**

#### **RECOMMENDATION**

That Council informs the owners of 77 Amity Boulevard, Coogee, that:-

- (1) the objection lodged against the Notice served on them pursuant to Sec. 3.25 of the Local Government Act, 1995, (the Act) is dismissed, and;
- (2) clearing of the vegetation from the property is required to be undertaken by 10 February, 2003, unless an appeal is lodged pursuant to Sec. 9.7 of the Act.

#### **COUNCIL DECISION**

### **Background**

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

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

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



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

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

### **Submission**

An Objection has been lodged by the owner of 77 Amity Boulevard, Coogee, against the Notice requiring the removal of unsightly vegetation (lupins) from the property.

### **Report**

The property at 77 Amity Boulevard, Coogee, was originally identified as containing unsightly material (namely dried vegetation, mainly lupins) during the annual firebreak inspection of the District, in early December, 2002.

Subsequently, the owners were sent a standard letter seeking their cooperation in removing the material, as it was not only unsightly, but, in this case, could have also represented a hazard if set alight.

A further inspection of the property in late December, 2002, revealed that only minor attempts had been made to rectify the concerns, and that the property remained unsightly and still represented something of a fire hazard at this time of the year.

A formal Notice was issued pursuant to Section 3.25 of the Act requiring the property owners to remove the vegetation by 13 January, 2003.

The owners were advised of their Objection or Appeal rights and, as a result, an Objection was received on 3 January, 2003.

The grounds of the Objection are:-

- (1) The person is the sole occupier of the property and is making the best attempts possible to rectify the problem; and
- (2) The vegetation will be cleared "in time".

An inspection of the property indicates that there has been some minor attempt to make the vegetation less of a hazard. In the main, however,

the property is still unsightly and unkempt in appearance, even though it is not readily visible from the road.

Of most concern, is that the block is located in undulating terrain and the area containing the vegetation is on the high side of other properties, the rooflines of which are parallel to the overgrowth. This situation adds to the concerns of neighbouring properties, occupants of which not only have to endure a constant physical eyesore, but also have the concerns of flammable material being located very close to structures.

In view of these issues, it is considered that the material should be removed to rectify the visual concerns of neighbours and also to make safe a potential fire hazard.

The extent of works required to achieve this outcome will most likely involve the use of suitable plant and equipment to slash the vegetation.

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

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

### **Budget/Financial Implications**

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

### **Legal Implications**

Part 3 Division 3 Subdivisions 2 and 3 and Part 9 Division 1 of the Local Government Act, 1995 refer.

### **Community Consultation**

Advertising of the programme to target unsightly properties was undertaken through local newspapers.

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

Nil.

## 14. PLANNING AND DEVELOPMENT DIVISION ISSUES

### 14.1 (OCM 21/01/2003) - METROPOLITAN REGION SCHEME - AMENDMENT 1063/33A - NORTH QUAY RAILWAY LOOP - SUBMISSION (9106333A) (SMH) (ATTACH)

#### RECOMMENDATION

That Council:-

- (1) receive the report;
- (2) does not object to the proposed Metropolitan Region Scheme Amendment No. 1063/33A – North Quay Railway Loop;
- (3) lodge a submission in accordance with the Planning and Development Division Report.

#### COUNCIL DECISION

#### Background

The Fremantle Strategy published in the mid 1990's proposed a rail loop to serve Fremantle Port. A report in the Herald Newspaper on 30 November 2002, entitled Port Channels, stated:-

*“For the efficient operation of Fremantle Port, rail is vitally important.*

*To enable the Inner Harbour to continue to be serviced by rail, the existing rail connection to North Quay will need to be replaced with a new rail loop at North Fremantle before the proposed redevelopment of the Leighton marshalling yards. Plans for this new loop are being progressed with the aim of completing the replacement loop by the end of 2004.*

*The new rail loop will be a more direct link into the port area, and will assist in promoting increased use of rail for transporting containers to and from the Inner Harbour. Greater use of rail will significantly reduce road freight impacts on access roads to the port as trade grows.*

*At present only three per cent of the container trade is carried by rail. The Metropolitan Freight Network Review, which involved wide community consultation, agreed that the aim should be to increase the*

*rail share to 15 per cent within four years and 30 per cent within 10 years.*

*Currently, there is an average of one train in each direction daily carrying containers to and from North Quay. It is estimated that four trains in each direction daily, 600 metres in length and double stacked could carry 30 per cent of the projected container trade.*

*A survey conducted as part of the Freight Network Review shows that there is strong community support for increased use of rail to reduce road freight transport impacts.”*

According to Fremantle Port, the rail loop will be constructed in stages with the first stage comprising a new rail bridge over Tydeman Road around the Railway Hotel to return to the port via an at grade crossing with Tydeman Road. This will cost between \$6-\$7 million. The project will be staged as leases on the port expire and the demand for the use of the rail increases.

The rail loop will be provided by WAGR and Fremantle Port, but operated by a private company. The rate of growth of container transportation from road to rail will be market driven. Only when rail becomes competitive with road transportation will the containers move from one mode to the other.

### **Submission**

Amendment 1063/33A – North Quay Railway Loop is a deficient document, in that it does not directly deal with the provision of the railway loop.

The brief supporting report describes the benefits of implementing the rail loop, but this is not reflected in the amendment.

The justification for the amendment is based on:-

- no adverse environmental effect.
- environmental savings in terms of air, noise and greenhouse gas reductions.
- efficient use of fossil fuels.
- reducing the number of trucks to the port.
- Freight Network Review community survey support.
- loop construction by the end of 2004.

In contrast to the justification, the Amendment deletes an existing rail reserve within Port land, that has never been used for railway purposes and creates a small piece of railway reserve north of the Railway Hotel to enable the new line to enter the Port land across Tydeman Road.

For these reasons the WAPC certified that the Amendment was non-substantial.

Submissions are to be lodged by 7 February 2003.

### **Report**

Because the Amendment is in essence a regularisation of the port reserve there is no basis for the Council to oppose the proposal.

The Amendment Report relative to its purpose "North Quay Railway Loop" is inadequate, misleading and unrelated to the proposal. The reason for the Amendment is not explained, and is difficult to reconcile.

This is made even more difficult by reason of a proposed Amendment for "Leighton Beach and Environs" which includes amendments to the MRS related to the Port and rail loop not referred to in Amendment 1063/33A. It is not clear why these proposals have been separated. From the documents it is clear that the Leighton Beach proposal north of Walter Place could be dealt with separately from the Port proposals south of Jackson Street.

The proposals south of Jackson Street should have formed part of Amendment 1063/33A.

It is understood that while the railway loop will leave the Perth to Fremantle line over Tydeman Road on a rail bridge when it turns behind the Railway Hotel to enter the Port land, it will cross Tydeman Road at a level crossing. Given that at least 8 trains a day up to 600m long will eventually cross the road and be entering and leaving a spur (not a loop) only 1200m long, the rack of trucks will be moving at slow speed.

If the railway crossing is blocking traffic en-route to Port Beach Road, then the next closest level crossing is at Victoria Street station, which is some 3 kilometres north of Tydeman Road. Tydeman Road is also the only convenient route to serve Rous Head and the Rottneest Ferry terminal.

Given this, it would have been expected that the freight rail access to the Port would have been totally grade separated, particularly if freight by rail is to become a significant port service.

The latest plans of the rail spur (loop) appears to impact on Port Beach Road, Rudderham Drive and the Indian Ocean. The Amendment 1063/33A does not address this. However, the proposed Leighton Beach and Environs Amendment, being dealt with separately, shows a re-alignment of the road reserve and additional reclamation of the Indian Ocean.

The situation is confusing, but presumably the Council will be able to comment on the Leighton Beach and Environs proposal which is more related to the rail loop than MRS Amendment 1063/33A.

A rail service to the State's premier port is fundamental, and it is surprising that such a service is being provided belatedly, particularly given the apparent high level of support for bringing forward the planning and development of the Outer Harbour in Cockburn Sound.

In addition, the increased use of the railway will have a likely adverse impact on adjoining land between North Wharf and Miguel Road in Bibra Lake, where it joins the freight line between Midland and Kwinana.

The increased use of the freight line will impact on the amenity of the:-

- Fremantle Waterfront Master Plan proposal to redevelop Victoria Quay;
- historic Roundhouse and the western heritage precinct of Fremantle;
- existing residential area of South Fremantle fronting Marine Terrace;
- proposed South Beach Urban Village (Redevelopment of the Bradken, Westrail and Wesfarmers land);
- proposed Port Catherine Marina at Coogee;
- existing residential area of Spearwood fronting Angus Avenue and Goldsmith Road;
- Yangebup, South Lake and Bibra Lake adjoining the existing freight line.

Within the City of Cockburn the additional number of long trains will cause delays at the level crossings on Cockburn Road, Rockingham Road, Miguel Road (until the Spearwood Avenue road bridge is constructed), and North Lake Road and Hope Road (until the Karel Avenue/ Berrigan Drive road bridge is constructed). These are major district roads, and therefore, significant disruption to traffic flows could be expected when operating at the target level of 30% of all containers to and from the Port.

Should the Fremantle Eastern Bypass and/or the Roe Highway Stage 8 not be constructed to serve the Port as provided for under the MRS, then increased rail traffic needs to be accepted as the only way to offset the expected increase in freight traffic on the existing road system.

The only way to avoid the problems of getting rail and road freight into and out of Fremantle Port without Roe 8 and the Fremantle Eastern Bypass is to establish a new port facility in Cockburn Sound as soon as possible. Not only would this reduce the need to invest in major road and rail infrastructure west of the Kwinana Freeway to meet the needs of freight, but also provide the catalyst for the development of the

Kwinana Industrial Conglomerate proposed for Hope Valley, Wattleup, Kwinana and Rockingham.

Although the proposed amendment in itself has no planning consequences, the provisions of a rail loop to serve Fremantle Port does have off site impacts that have not been adequately addressed.

Moreover, the level of utilisation of the rail loop will depend on decisions made by the private operator, not Fremantle Port, despite the target dates set by Fremantle Port to achieve 15% of container traffic to and from the Port within 4 years and 30% within 10 years.

### **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."*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil

### **Community Consultation**

The Council, in the same way as the general community, has until the 7 February 2003 to lodge a submission on proposed MRS Amendment 1063/33A, which has been advertised as a non-substantial amendment in accordance with the provisions of Section 33A of the Metropolitan Region Town Planning Scheme Act.

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

Nil.

**14.2 (OCM 21/01/2003) - RENAMING OF CATHERINE POINT RESERVE, HAMILTON HILL (2200418) (SMH) (ATTACH)**

**RECOMMENDATION**

That Council:-

- (1) receive the report;
- (2) request the Department of Land Administration – Geographic Names Committee to rename:-
  1. Catherine Point Reserve (Reserve No. 1957) vested in the City of Cockburn to “C. Y. O’Connor Reserve”; and
  2. the beach immediately adjacent to Catherine Point Reserve to “C. Y. O’Connor Beach”;
- (3) advise the Department that the proposal was advertised for public comment and during the advertising period three (3) objections were received.

**COUNCIL DECISION**

**Background**

Council at its meeting held on 16 July 2002 resolved as follows:-

*"write to the Department of Land Administration Geographic Names, requesting that Catherine Point Reserve, Hamilton Hill, be renamed to "C.Y. O'Connor Beach".*

On 15 August 2002 the Geographic Names Committee wrote a letter to Council, which in part stated:-

*"As this is a reserve either 'park' or 'reserve' would be appropriate instead of 'beach' as part of the name as 'beach' refers to the portion of land which lies between high and low water marks and is formed by the action of the sea.*

*Also, as approved names are expected to be permanent could you please provide evidence of community support for this name change.*

*Alternatively you may wish to apply C.Y. O'Connor Beach to the beach near the memorial."*



Following receipt of the letter, points were clarified with DOLA, and it appears that the reserve must be called a reserve or park, but the beach can be called a beach for the purposes of the road directory.

Council at its meeting on 17 September 2002 resolved to:-

“(2) *advertise the proposal:-*

1. *to rename Catherine Point Reserve "C.Y. O'Connor Reserve" and the beach immediately adjacent to the reserve C.Y. O'Connor Beach to complement the statue erected there in his memory;*
2. *for a period of 28 days published twice in the local newspaper, together with signs being erected at both ends of the reserve and by notices being displayed in the Council Administration Centre and the Spearwood Library;*

(3) *require the proposal to be reconsidered by the Council should submissions be received objecting to the proposal;*

(4) *authorise the Director of Planning and Development to proceed to finalise the proposal with DOLA, in the event that no objections are received during the public comment period.”*

### **Submission**

During the public advertising period 3 submissions were received, 2 objecting to the proposal and 1 in support.

Copies of the objections are attached.

The first objection from Mr Colin Crook of Spearwood strongly disagrees with the Council proposal.

The second objection from Ms Zoe Inman of Coogee, does not support the renaming of the reserve, but does not object to the naming of the beach to “O'Connor Beach”.

Support for the proposal was from Mr Greg Brophy of Peppermint Grove, who congratulated the Council for its proposed name change, and suggested that the reserve, beach and sculptures be better signposted from Cockburn Road.

### **Report**

In accordance with the Council decision, public advertising was arranged to go into the Herald Newspaper on 4th October, but because

the paper had no room it was delayed to the 11<sup>th</sup>. However, for some reason the newspaper advertisements did not get published. Despite this, signs were erected on the reserve advising the public of the proposal.

The public advertising period was proposed to close on 30<sup>th</sup> October 2002.

However, due to advice from Mr Colin Crook, resident of Spearwood, that he could not find the ads in the newspaper, this led to further internal enquiries which confirmed that the ads had not been published.

During the advertising period Mr Crook lodged a letter on 30<sup>th</sup> October 2002, a copy of which is attached. In his letter Mr Crook objects to the "process" that the Council is using to solicit public comment and also discusses "South Beach Village" and "Port Catherine" at the same time, neither of which were the subject of the public advertising relating to the change in name to the Catherine Point Reserve. Mr Crook's letter was placed on the Port Catherine File (3209006) not the Catherine Point Reserve File (2200418). Mr Crook's letter was not dealt with as a submission on the Council proposal.

Mr Crook was concerned that his letter was not noted as a submission, and therefore his letter of 30<sup>th</sup> October 2002, is attached for Council's consideration.

The Director Planning and Development requested that the proposal be re-advertised, and the closing date be extended to 6<sup>th</sup> December 2002.

Given the low level of public interest in this proposal, it is recommended that the Council proceed with its proposal to rename Catherine Point Reserve and beach in recognition of the contribution "C. Y. O'Connor" made to the development of the State.

### **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 foster a sense of community within the district generally and neighbourhoods in particular."*

3. Conserving and Improving Your Environment
  - *"To conserve the character and historic value of the human and built environment."*

### **Budget/Financial Implications**

Minor costs associated with the renaming as specified by Department of Land Administration, can be provided for within existing budget.

### **Legal Implications**

The renaming to follow a statutory process followed by DOLA.

### **Community Consultation**

At the request of DOLA, public advertising of the proposal was undertaken over a 28 day period prior to the Council reconsidering the matter and a recommendation being made to the Department.

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

Nil.

- 14.3 (OCM 21/01/2003) - PROPOSED (15) AGED OR DEPENDANT PERSONS UNITS - LOT 345 (NO. 2) TINDAL AVENUE (CNR) MAINSAIL TERRACE, YANGEBUP - OWNER: MINISTRY FOR HOUSING - APPLICANT: SANDOVER PINDER PTY LTD ARCHITECTS (4414059) (MR) (ATTACH)**

### **RECOMMENDATION**

That Council:-

- (1) grants approval to 15 Aged or Dependant Persons Units on Lot 345 (No 2) Tindal Avenue (cnr) Mainsail Terrace, Yangebup, subject to compliance with the following conditions:

#### Standard Conditions:

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.

4. Landscaping and tree planting to be undertaken in accordance with the approved plan.
5. The landscaping, in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
6. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
7. Earthworks over the site and batters must be stabilised to prevent sand blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand is blown from the site.
8. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Unless otherwise specified in this approval. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied.
9. At least 3 bays situated in a convenient location near the front entrance must be marked and maintained for visitor parking at all times.
10. At least one person living within each unit, must be aged 60 or over or be a person with a recognised form of disability requiring special accommodation provisions for independent living or special care.
11. A notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the Council and lodged with the Registrar of Titles for endorsement in the Certificate of Title for the subject lot, prior to the commencement of development works. This notification is to be sufficient to alert prospective purchasers of the use and restrictions of the aged or dependant person's accommodation as stipulated under Condition 10 of this approval. The notification should (at the full cost of the applicant) be prepared by the Council's Solicitor McLeod & Co and be executed by both the landowner and the Council.

Conditions To Be Complied With Prior To Applying For A Building Licence

12. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer, to the satisfaction of the Council.
13. A landscape plan must be submitted to the Council and approved for the car park situated at the rear of the supermarket and tavern. For the purpose of this condition a landscape plan shall be drawn to a scale of 1:100 and shall show the following:
  - (1) the location and type of existing and proposed trees and shrubs
  - (2) any lawns to be established
  - (3) any natural landscape areas to be retained; and
  - (4) those areas to be reticulated or irrigated.

#### Conditions To Be Complied With Prior To Occupation

14. The landscaping, car parking and drainage must be completed in accordance with an approved detailed landscape plan, prior to the occupation of any building.

#### Special Conditions

15. All units being designed to include minimum use of levels and stairs, adequate passageways and door widths, roofed car parking spaces, accessible utilities and slip resistant floors for kitchens, laundries, bathrooms and toilet facilities as described in the Australian Standards for Adaptable Housing (AS 4299), (Standards Association Australia [1995] AS 4299 – 1995 *Adaptable Housing*).
  16. The communal area being set aside for the recreational use of the occupants of the dwellings and being developed with common user facilities and garden.
  17. Clothes drying areas can be dried on balconies provided they are screened from view of the street at all times.
  18. The main bedroom window to unit 9A being repositioned as a corner window to the balcony.
  19. Provision being made for at least 3 on-site visitor bays
- (2) issue a form 2 Notice of Approval to the applicant and Schedule 9 Notice of Determination for Planning Approval.

|                         |
|-------------------------|
| <b>COUNCIL DECISION</b> |
|-------------------------|

### Background

|            |   |             |
|------------|---|-------------|
| ZONING:    | MRS:  | Urban       |
|            | DZS:  | Development |
| Owner      | Ministry for Housing                                  |             |
| Applicant  | Sandover Pinder Pty Ltd Architects                    |             |
| LAND USE:  | Vacant  |             |
| LOT SIZE:  | 2515m <sup>2</sup>                                    |             |
| USE CLASS: | Discretionary Use (R40 site – adopted Structure Plan) |             |

The application for 15 aged persons units was deferred for several months pending finalisation of Town Planning Scheme No 3. The gazettal of the new town planning scheme resolved the conflict between the R20 Code in District Zoning Scheme No 2 and the Structure Plan (R40 Coding) adopted by Council. This conflict previously prevented the Council from considering the proposal based on the density sought by the applicant. This matter has been resolved to enable the structure plan requirements to prevail with the gazettal of Town Planning Scheme No 3.

### Submission

The applicant seeks approval to construct an aged or dependant persons development which has been summarised as follows:-

1. *The development consists of 6 one bedroom units and 9 two bedroom units. The site is essentially divided into upper and lower floor levels to facilitate single level access to the upper storey units (i.e. without the requirement to use stairs). The stairs provided satisfy fire exit requirements.*
2. *In accordance with the Residential Planning Codes, Part 5 Special Purpose Dwellings, the Ministry of Housing in this development application is applying for a 50% density bonus for the construction of 15 aged person's units.*

### Report

The application was advertised to surrounding owners and at the close of the submission period one objection was received, on the basis that a decision to purchase was on their being no government housing in the estate and the proposed building that would affect views would be single storey.

Urban Focus developed the estate but it is open for the Ministry for Housing to purchase any land in the locality or the district to meet the requirements of aged or dependant persons. The subject land has always been marketed for grouped dwellings and this has been reflected as an R40 site on the adopted structure plan. As views are not a relevant planning consideration, there are no restrictions on two-storey housing in the estate.

The housing density of this proposal is 4 units over what would normally be permitted on an R40 Coded site of this lot area. The Codes allow the housing density to be varied from 11 units to 15 for the purposes of an aged or dependant persons dwelling development. The increase in units has been accommodated by the development of multiple dwellings (12) which give a two storey appearance to the streetscape atop of existing retaining walls.

The building design also incorporates an innovative elevated walkway from the upper storey units to car parking on a similar level, which was achievable through maximising the substantial cross fall of the site. The end benefit is that aged or dependant persons' minimise their use of stairs.

The applicant has gone to considerable lengths to ensure that the proposed development complies with the Council's Town Planning Scheme No 3, Residential Design Codes, and Council Policy. It is recommended that the proposal be approved subject to conditions.

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

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

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

The Planning Policies which apply to this item are:-

APD32 Residential Design Codes

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil

**Community Consultation**

The proposal was notified to surrounding neighbours for comment.

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

Nil.

**14.4 (OCM 21/01/2003) - PROPOSED OUTBUILDING WITH NIL SETBACK TO SECONDARY STREET - LOT 581; 4 JOSHUA CLOSE, BIBRA LAKE - OWNER/APPLICANT: E & P MCLAGAN (1118090) (SM) (ATTACH)**

**RECOMMENDATION**  
That Council:-

- (1) approve the proposed building on Lot 581; 4 Joshua Close, Bibra Lake, subject to the following conditions:-
  1. Development can only be undertaken in accordance with the terms of the application as approved herein and any approved plans;
  2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development;
  3. The outbuilding being constructed of the same materials as the main dwelling and the boundary fence;
  4. There being no opening from the outbuilding onto the street verge;
- (2) issue a Form 2 Notice of Approval.

**COUNCIL DECISION**



## Background

|            |                    |                 |
|------------|--------------------|-----------------|
| ZONING:    | MRS:               | Urban           |
|            | DZS:               | Residential R20 |
| LAND USE:  | Single Residential |                 |
| LOT SIZE:  | 0.0926ha           |                 |
| AREA:      | N/A                |                 |
| USE CLASS: |                    |                 |

## Submission

The City received an application on 5 December 2002, to build a brick and tile workshop on the lot. The applicant is seeking a variation to the 'acceptable development' requirements of the Residential Design Codes by proposing an outbuilding located with a zero setback from the secondary street (Joshua Close) at 4 Joshua Close, Bibra Lake.

## Report

The applicant is seeking a variation to the acceptable development requirements of the Residential Design Codes, by locating an outbuilding with a zero setback to Joshua Close. The acceptable development requirements of the Design Codes specify a minimum 1.5 metre setback to secondary streets for buildings in areas coded Residential R20.

The application was referred to 3 neighbouring properties for comment for a period of 14 days. The City received 3 responses, 2 in support of the application and one of objection. The one objector stated that the outbuilding does not comply with Clause 3.10 Outbuildings of the Residential Design Codes as:

- It is not setback sufficiently from the boundaries
- It detracts from the visual amenity of its neighbours
- It detracts from the visual amenity of the streetscape.

The objector also argues that the outbuilding is, in fact, on the primary street, Joshua Close, as although the proposed house faces another street boundary, this section of the boundary is only an "indentation" that occurs in the alignment of Joshua Close.

Finally, the objector argues that as there is an opening via a roller door onto the street verge from the outbuilding, there is the potential for it to be utilised as a second garage and accordingly, the building does not comply with the setback requirements for garages.

The "indentation" in the alignment of Joshua Close results in the subject property effectively having two street boundaries. In designing the residence, the applicant has chosen to front the house towards the indentation in Joshua Close, thus optimising the building's solar

access. Accordingly, the indentation has been treated as the primary street frontage, whilst the section of Joshua Close where the outbuilding is located has been treated as the secondary street frontage.

The proposed outbuilding does not adversely affect the amenity of neighbours or the streetscape, as the proposed outbuilding is to be constructed in the same materials as the proposed dwelling and the boundary fencing. Requiring the outbuilding to be setback by 1.5-metres will have little or no effect on the visual amenity of the street. The outbuilding will, in fact, provide visual relief to the proposed boundary fencing when viewed from the street.

Locating the outbuilding with a nil setback to the secondary street allows the applicant to maximise the available outdoor living area adjacent to the house's alfresco area and avoid creating a void between the outbuilding and the boundary fence that is difficult to utilise on what is an awkwardly shaped block.

The objector's assertion that having an opening from the outbuilding onto the street 2.4 metres in width gives the building the potential to function as a second garage is considered valid. Accordingly, the plans for the outbuilding shall be amended so that there is no opening onto the street verge, thereby eliminating the potential for the outbuilding to be used as a garage.

For the reasons listed above, it is recommended that Council approve the outbuilding with a nil setback to the secondary street subject to the conditions contained in the recommendation.

### **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:-

APD17 Standard Development Conditions and Footnotes  
 APD18 Outbuildings  
 APD32 Residential Design Codes

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

Nil

#### **Legal Implications**

Nil

#### **Community Consultation**

The proposal was referred to 3 neighbouring landowners for comment for a period of 14 days.

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

Nil.

#### **14.5 (OCM 21/01/2003) - PROPOSED STRUCTURE PLAN - LOT 412 GAEBLER ROAD, HAMMOND PARK - OWNER: GOLD ESTATES OF AUST (1903) LTD - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (9643C) (AJB) (ATTACH)**

#### **RECOMMENDATION**

That Council:-

- (1) adopt the Schedule of Submissions contained in the Agenda attachments for Lot 412 Gaebler Road Local Structure Plan and forward it to the Western Australian Planning Commission for consideration;
- (2) advise Development Planning Strategies that prior to the proposed Local Structure Plan for Lot 412 Gaebler Road, Hammond Park being adopted, under Clause 6.2.9.1(a) of Town Planning Scheme No. 3 the following advice needs to be obtained and the relevant matters resolved to the satisfaction of the Council:-
  1. Education Department advice confirming requirements and acceptance of the Primary School Site;

2. Department of Environmental Protection advice confirming buffer requirements associated with the market garden on Lot 37 Gaebler Road and it being shown on the Structure Plan in accordance with Clause 5 of DA 9 – Gaebler Road;
  3. Regional drainage requirements, property access to Gaebler Road, location of dual use paths and the location and density of proposed aged persons accommodation.
- (3) delegate authority to the Chief Executive Officer to adopt the Local Structure Plan on behalf of the Council under the Scheme, subject to the requirements described in (2) being satisfactorily complied with; and
- (4) advise those persons who made submissions of Councils decision.
- TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

**COUNCIL DECISION**

**Background**

|            |            |                            |
|------------|------------|----------------------------|
| ZONING:    | MRS:       | Urban                      |
|            | DZS:       | Development (DA 9) (DCA 3) |
| LAND USE:  | Vacant     |                            |
| LOT SIZE:  |            |                            |
| AREA:      | 48.5623 ha |                            |
| USE CLASS: | N/A        |                            |

**Submission**

Development Planning Strategies has sought approval to a Local Structure Plan prepared for Lot 412 Gaebler Road Hammond Park on behalf of the landowners being Gold Estates of Australia (1903) Ltd. The subject land is immediately south of Australand’s Frankland Springs Estate.

**Report**

The proposed draft Local Structure Plan for Lot 412 Gaebler Road Hammond Park prepared by Development Planning Strategies was advertised for public comment between 12<sup>th</sup> November and 11<sup>th</sup> December 2002 (copy included in the Agenda attachments). This included referral to all relevant government agencies, notices in the

local papers and letters being sent to all abutting and affected landowners in accordance with the requirements of Clause 8.2 of TPS 2.

At the close of the advertising period 9 submissions had been received together with a request from Water Corporation officers for an extension of time till the end of December to lodge their submission. The contents of the submissions are detailed in the Summary of Submissions contained in the Agenda attachments.

Issues raised in the submissions that require discussion over and above that contained in the Summary of Submissions are as follows;

1. Gaebler Road Dampland

Waters and Rivers wetland mapping for the area shows a Conservation category wetland to the south of Gaebler Road with a small area on the north side within the subject land. In the Southern Suburbs District Structure Plan this area was incorporated within the primary school site.

The draft Local Structure Plan report for Lot 412 acknowledges the existence of the dampland but argues that it has been severely disturbed and dissected through the past construction of Gaebler Road and questions as to whether or not the small area can be still considered as a wetland. The report also states that there is no typical wetland vegetation associated with the small dampland area. However this is not the view of Councils environmental officers who recently inspected the dampland area and reported the existence of several wetland species.

Given further Conservation category of the dampland, it was necessary to obtain specific advice from Waters and Rivers.

Waters and Rivers has advised that it will not reclassify the dampland area but agrees that the area will not be sustainable given its small size and remoteness from the main dampland area south of Gaebler Road and agrees for the area to be developed.

2. Primary School Site

The submission lodged by the Education Department notes that the location of the school site is different from that shown in the Southern Suburbs District Structure Plan and is not satisfied that the current proposal is the best that can be achieved.

The location of the school site is only marginally different to that shown on the Southern Suburbs District Structure plan. The primary difference is that the major POS area has been located centrally within Lot 412 rather than adjacent to the primary school.

As a result the school site is now some 40 metres further west and adjacent to Frankland Avenue.

The relocation of the major POS area centrally within Lot 412 and separate to the school site has been agreed to on the basis that no community facility is proposed to be developed on the open space area and hence the need and benefits of co-locating the open space and school are significantly diminished.

Subsequent to the advertising period, Development Planning Strategies (DPS) met with officers of the Education Department and have provided additional information in support of the location shown. A response to this has not been received from the Education Department.

It is considered that this matter can be satisfactorily resolved through the Structure Plan and detailed subdivision processes and this should be specifically noted in the Schedule of Submissions and Councils' determination.

### 3. Market Garden Buffer.

The draft Local Structure Plan report for Lot 412 acknowledges the existence of a market garden located immediately south of Gaebler Road and suggests that the 500 metre generic buffer associated with market gardens set by the Department of Environmental Protection (DEP) could be reduced to 40 metres.

The market garden owners have raised concerns in their submission regarding the encroachment of houses close to their operations and requested the retention of an adequate buffer with formal notification on the titles of lots within 500 metres to ensure prospective owners are made aware of the activity in accordance with previous advice from the DEP. They have also raised concerns regarding potential dust damage to their crops resulting from clearing and earthworks.

Clause 5 of DA 9 – Gaebler Road Development Zone set out in Schedule 11 of TPS 3 provides that the buffer requirements associated with the market gardens on Lot 37 Gaebler Road are to be determined in consultation with the local government and DEP and that the buffer is to be shown on the Structure Plan.

Alan Tingay & Associates (now ATA) prepared a report on the potential impacts of the market gardens in May 1999 for Landcorp who were the then owners of the land. The report recommended either the construction of a separation wall or the retention of a 40 metre wide vegetated buffer based on QLD planning guidelines. By letter dated July 1999 Council's Environmental Manager, Mr Darren Walsh advised Landcorp planners that further work was

necessary before the findings of the Tingay report could be accepted. In October 1999 the DEP advised Alan Tingay & Associates that it noted the proposed management strategies and supported the retention of remnant vegetation in as wide a strip as possible on the north side of Gaebler Road. It also noted that no modelling had been undertaken to demonstrate the likely extent of impacts. By letter dated 22 October 1999 Council's planners advised DEP that construction of a separation wall was not supported as an urban design principle.

Whilst work has been previously undertaken on the buffer separation distances between the existing market garden south of Gaebler Road and residential development, it has not been formally agreed to by either the DEP or Council as required by Clause 5.

Definition of the buffer does not affect the principles of the Structure Plan but rather when development of the area can occur. The buffer needs to be agreed to by Council and DEP prior to the finalisation and adoption of the Structure Plan to enable it to be shown on the plan as required by Clause 5. The retention of a vegetated buffer until such time as the market garden activities ceases addresses the points raised in the submission by the market garden owners. The need to resolve the buffer requirements is also noted in the submission received from DEP.

It is considered that this matter can be satisfactorily resolved through the Structure Plan processes and should be specifically noted in the Schedule of Submissions and Councils' determination.

#### 4. Russell Road Arterial Drainage Scheme

A report by D.W.A. (David Wills & Associates) Engineers engaged to undertake a study to determine the final control water level in this locality together with the location of compensation basins and outlet drainage to Lake Kogolup, which was completed in December 2002, applies to this land and is subject to the final approval of Water Corporation, DEWCP and the Council.

There is nothing in the submissions which would result in the draft Structure Plan being rejected but rather will result in additional work to resolve issues such as the buffer to the market garden south of Gaebler Road, use of land which is shown as a Conservation category dampland and locational requirements for the primary school site. Resolution of the dampland, school site and number of road connections to Gaebler Road will result in modifications to the Structure Plan. However as these do not affect parties other than the landowner and the relevant agencies, it not considered that any resultant modifications would warrant readvertising of the Structure Plan.

It is recommended that Council resolve to adopt the Structure Plan for Lot 412 Gaebler Road Hammond Park subject to the recommendations outlined in the Schedule of Submissions.

### **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."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
  
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
  - *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*
  
5. Maintaining Your Community Facilities
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

|       |                                       |
|-------|---------------------------------------|
| APD4  | Public Open Space                     |
| APD28 | Public Open Space Credit Calculations |
| APD30 | Road Reserve and Pavement Standards   |

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil



## Community Consultation

The proposal has been advertised for public comment in accordance with the requirements of Clause 8.2 (Development Areas) in TPS 2 (6.2 of TPS 3). This included an advertisement in the local paper and letters of advice to relevant government agencies and abutting landowners.

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

Nil.

### 14.6 (OCM 21/01/2003) - PROPOSED AMENDMENT NO. 3 TO TOWN PLANNING SCHEME NO. 3 AND PROPOSED PORT CATHERINE LOCAL STRUCTURE PLAN - OWNER: VARIOUS - APPLICANT: TAYLOR BURRELL (9193003) (SOS) (ATTACH)

#### RECOMMENDATION

That Council:-

(1) adopt the following amendment:-

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

AMENDMENT NO. 3

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

1. reclassifying the land on the Scheme Map known as Port Catherine located on the Spearwood coast between the South Fremantle Power Station and Coogee Beach, the subject of Metropolitan Region Scheme Amendment No. 1010/33, from Residential (R20) and various Metropolitan Region Scheme Reserves to Development Zone Development Area (DA22) as depicted on the amendment map;
2. adding to the Eleventh Schedule - Development Areas in the Scheme Text, Development Area (DA22):-

| <b>ELEVENTH SCHEDULE</b> |                |   |
|--------------------------|----------------|---|
| <b>Ref No.</b>           | <b>Area</b>    | <b>Provisions</b>   |
| DA 22                    | Port Catherine | <ol style="list-style-type: none"> <li>1. An adopted Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.</li> <li>2. The provisions of the Scheme shall apply to the land use areas created under the Structure Plan.</li> <li>3. The local government may adopt Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts is to be in accordance with the adopted guidelines in addition to any other requirements of the Scheme, and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail.</li> <li>4. No subdivision or development will be supported within the Development Area until the Structure Plan has been approved by both the WAPC and the local government.</li> <li>5. Development of Shops (retail uses), Commercial Uses and Tourist Facilities within the Development Area shall be in accordance with the approved Structure Plan.</li> <li>6. The Structure Plan is to provide for public access to the coast and waterways and provide for a continuous dual use path along the foreshore connecting into the existing pathway system.</li> <li>7. The Structure Plan should retain existing remnant vegetation within the Development Area, where possible, particularly on the primary coastal dunes adjoining Coogee Beach.</li> <li>8. Provision shall be made for accessing a possible future commuter railway station on the railway reserve on the north boundary of the Development Area.</li> </ol> |
|                          |                | <ol style="list-style-type: none"> <li>(2) advise Taylor Burrell of Council's decision and request that it prepare the amending documents accordingly;</li> <li>(3) upon receipt of the amending documents, prepared to the satisfaction of the Director of Planning and Development, the documents be signed and the WAPC be advised of the Council decision;</li> </ol>   |

- (4) forward a copy of the signed document to the Environmental Protection Authority in accordance with Section 7 (A)(1) of the Town Planning and Development Act;
- (5) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, forward copies of the signed documents to the Western Australian Planning Commission requesting consent to advertise be granted;
- (6) notwithstanding (5) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme or Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act;
- (7) advise Taylor Burrell that no consent will be given for the proposed Local Structure Plan to be advertised for public comment until such time as the WAPC has consented to advertising Amendment No.3 to Town Planning Scheme No.3;
- (8) require Amendment No.3 and the proposed Local Structure Plan to be advertised simultaneously; and
- (9) advise the Western Australian Planning Commission of Council's Decision.

## COUNCIL DECISION

### Background

The proposed Port Catherine development is the subject of considerable public interest.

This interest intensified in early 2002 when the Western Australian Planning Commission (WAPC) invited comment on the proposed Metropolitan Region Scheme (MRS) Amendment 1010/33 and associated Environmental Review for the Port Catherine development.

In August 2002, the Environmental Protection Authority announced that it considered that its environmental objectives for the development

could be satisfied, subject to various environmental conditions being appropriately implemented.

MRS Amendment 1010/33 is currently before the WAPC and is expected to be finalised in July 2003.

### **Submission**

Taylor Burrell, acting on behalf of Port Catherine Development Pty Ltd, is seeking to progress the local planning processes for the proposed Port Catherine development by submitting;

- A proposed amendment to Town Planning Scheme No.3; and
- A proposed Local Structure Plan.

### **Report**

#### *Proposed Amendment No.3 to Town Planning Scheme No.3*

Council is required under Section 35 of the Metropolitan Region Town Planning Scheme Act to make its District Planning Scheme consistent with the MRS.

Soon after MRS Amendment 1010/33 was released for public comment in December 2001, Council initiated Amendment 232 to District Zoning Scheme No.2 (see Min 1396 OCM 12/01). Amendment 232 was initiated not only to comply with the Act, but also with the objective of advertising it in parallel with MRS Amendment 1010/33. However, the WAPC subsequently indicated it was not in favour of the simultaneous advertising of the Region and District Scheme Amendments. Advertising of MRS Amendment 1010/33 proceeded, while Amendment 232 was not progressed.

The gazettal of Town Planning Scheme No. 3 (TPS 3) occurred on 20 December 2002, effectively rendering Amendment 232 obsolete. Accordingly, Taylor Burrell has requested Council re-initiate a Scheme amendment under TPS 3 for the Port Catherine development.

The proposed amendment (Amendment No.3) proposes to:

- Define the extent of the Port Catherine "Development Area" (DA 22). (NB - the extent of DA 22 is the same as the area proposed to be rezoned "Urban" in MRS Amendment 1010/33);
- Rezone the land included within DA 22 to "Development"; and
- Add a set of provisions to the Eleventh Schedule outlining various Structure Planning requirements specific to DA 22.

In addition to defining the extent of the Port Catherine Development Area, Amendment No.3 will establish the requirement for a Structure Plan to be prepared, assessed and adopted for the proposed development. The adoption of a Structure Plan must occur before any subdivision or development can take place within the Development Area and once adopted (or formally amended) all subdivision and development proposals must accord with the Structure Plan.

Amendment No.3 is similar in form and content to the previously initiated Amendment 232, with only some minor changes made to be consistent with TPS 3.

The draft amendment report is included in the Agenda Attachments.

It should be noted that a large portion of proposed DA 22 currently lies outside of the Cockburn district boundary, as the district boundary along the coast is defined by the low-water mark. The Local Government Advisory Board has indicated it will support a boundary adjustment that will see the district boundary extended to include the complete extent of DA 22. This adjustment will not be effected until MRS Amendment 1010/33 is finalised. Legal advice suggests that this is not an impediment to initiating a District Scheme amendment, but such an amendment could not be finalised until the boundary adjustment has occurred.

#### *Proposed Local Structure Plan*

As noted above, Amendment No.3 will establish the requirement for a Structure Plan to be prepared and submitted for the proposed Port Catherine development.

Taylor Burrell, on behalf of Port Catherine Developments Pty Ltd, has submitted a proposed Local Structure Plan (LSP) for the proposed Port Catherine Development Area.

The proposed LSP is based on the development concept plan that was contained within the Environmental Review documents advertised in conjunction with MRS Amendment 1010/33.

The key features of the proposed LSP are as follows:

- Construction of breakwaters, a Marina and waterways and reclamation of seabed;
- A “Marina Village” commercial centre adjacent to waterfront as the focal point of the development with approximately 5000m<sup>2</sup> commercial floorspace and includes provision for social/tourist uses (hotel, motel, restaurants/cafes etc), marine-based retail (surf/diver shops etc), complementary speciality uses and a community centre;
- Mixed use (commercial and residential) development on southern side of Marina;

- Provision for variety of housing types facilitated by a broad range of “R-Codes” from a R160 coding for a possible hotel site, R80 within and around the Marina Village, R60 and R40 near waterfront to R20 on the elevated eastern periphery of development. In all provision is made for an estimated 841 dwellings and a likely resident population of approximately 2500 people;
- Interconnected road layout with roads primarily orientated north-south and east-west;
- A Neighbourhood retail centre fronting Cockburn Road at southern periphery of development;
- Provision of approximately eight hectares of public open space with various recreational facilities;
- Allowance for possible railway station at northern end of development;
- Provision of network of pathways;
- Protection of Omeo shipwreck and beachfront at southern end of development;
- New Cockburn Road alignment along eastern edge of development and retention of the existing Cockburn Road as a local north-south road through development;

The proposed LSP is included in the Agenda Attachments.

Clause 6.2.6 of TPS 3 sets out the information required to accompany a proposed Structure Plan. Clause 6.2.8.1 of TPS 3 requires that within 60 days of receiving a proposed structure plan that conforms with Clause 6.2.6 and complies with the provisions of the Scheme (or a longer period as may be agreed in writing between the landowner submitting the plan and the local authority), Council is to advertise the proposal for public comment for a period of not less than 21 days.

Planning Staff have yet to complete a thorough assessment of the proposed LSP. Therefore this report makes no recommendations on the form and content of the proposed LSP. Instead assessment has primarily focussed on determining whether the information submitted in the proposal complies with the requirements of Clause 6.2.6 and 6.2.8.1 and whether it is appropriate to advertise the proposal for public comment. It is intended that a complete assessment will be made and reported to Council at the same time as the consideration of public comments that are likely to be submitted during the advertising period.

It is considered that the proposed LSP satisfies the requirements of Clause 6.2.6, however it technically does not comply with 6.2.8.1 as the subject land is not within a “Development Area”, is not zoned “Development” and has no provisions within the Eleventh Schedule to guide the preparation of the Structure Plan. Obviously, proposed Amendment No.3 is establishing these parameters.

The proposed LSP is otherwise considered to be suitable to be advertised for public comment.

The provisions of Part 6.2 of TPS 3 are based on the WAPC Model Text Provisions for Structure Plans. They do not appear to contemplate that Structure Plans can be considered ahead of an appropriate zoning being in place.

In any event it would not be desirable to advertise the proposed LSP for public comment prior to advertising Amendment No.3, but it would be highly desirable to advertise Amendment No. 3 and the LSP simultaneously. This will ensure the public are presented with a proposal and associated process that is comprehensible and transparent. It would also be administratively efficient.

The public has not to this stage been given a formal opportunity to provide comment on, nor has Council ever formally considered detailed design proposals for the Port Catherine project. While MRS Amendment 1010/33 was advertised for public comment, it did not indicate the detailed layout of the proposed development. The same situation will be the case with Amendment No.3. The advertising of the submitted LSP will therefore provide the public with its first opportunity to review and make comment on the detailed development layout proposed for the Port Catherine Project. It is likely to be a matter of considerable public interest.

### Concluding Remarks

It will be important to ensure that the advertising of Amendment No.3 and the proposed LSP is comprehensive and allows ample opportunity for the public to review the proposals and make comment. The simultaneous advertising of Amendment No.3 and the proposed LSP is considered necessary to ensure this occurs.

It is therefore recommended that Council:

- Initiate Amendment to TPS 3;
- Not commence advertising the proposed LSP until the WAPC consents to Amendment No.3 being advertised; and
- Require the proposed LSP and Amendment No.3 to be advertised for public comment simultaneously and comprehensively;

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

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

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

- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
- *"To facilitate and provide an optimum range of community services."*
  - *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*
5. Maintaining Your Community Facilities
- *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

|       |   |
|-------|---|
| SPD4  | 'Liveable Neighbourhoods'   |
| APD4  | Public Open Space   |
| APD26 | Control Measures for Protecting Water Resources in Receiving Environments |
| APD28 | Public Open Space Credit Calculations                                     |
| APD30 | Road Reserve and Pavement Standards                                       |
| APD31 | Detailed Area Plans   |

### **Budget/Financial Implications**

N/A

### **Community Consultation**

The City will be responsible for coordinating the advertising of the Amendment to Town Planning Scheme No.3 and the proposed Local Structure Plan for public comment. It is logical for the two proposals to be advertised simultaneously.



It is anticipated that advertising will involve:

- A period for public comment of at least 42 days;
- Letters to affected landowners inviting comment;
- Letters to various government authorities and servicing authorities inviting comment;
- Advertisements in the local newspapers advising of the opportunity to review the proposal and to make comment;
- Proposal displays at the Council Administration and Spearwood and Coolbellup Libraries;
- Signage on-site;
- Use of the Council website for reviewing proposal and submitting comments electronically.

### **Legal Implications**

Nil

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

Nil.

## **14.7 (OCM 21/01/2003) - ACQUISITION OF LOT 29 LOMAX COURT AND SALE OF PORTION OF LOTS 29 AND 621 LOMAX COURT AND MEREVALE GARDENS, BEELIAR (3318030) (3316149) (KJS) (ATTACH)**

### **RECOMMENDATION**

That Council:-

- (1) purchase Lot 29 on Diagram 42435 area 3423 square metres for \$115,000 from the State of Western Australia;
- (2) at the completion of (1) above, sell 439 square metres of portion of Lot 29 plus 138 square metres of Pt Lot 621, being a total of 577 square metres, to LRC Pty Ltd for \$65,316 pursuant to Section 3.58 of the Local Government Act, 1995;
- (3) draw funds to purchase the land in (1) above from the Land Development Reserve Fund and monies generated by the sale in (2) to be transferred to the Land Development Reserve Fund.

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

### **COUNCIL DECISION**

## **Background**

Lot 29 on Diagram 42435 is a land locked land parcel adjoining the City's freehold land Lot 621 and the railway reservation.

The land is a freehold lot, the registered proprietor being the State of Western Australia. Lot 621 is a freehold land parcel owned by the City.

## **Submission**

The Department of Land Administration has written to the City with an offer to sell Lot 29 for \$115,000.

LRC Pty Ltd has made a formal offer to purchase 439 square metres of Lot 29 and 138 square metres of Lot 621, being a total of 577 square metres, for a purchase price of \$65,316.

## **Report**

Lot 29 has an area of 3423 square metres and is land locked by the City's Lot 621 and the railway reservation. A concept plan for the redevelopment of Lot 621 has been prepared and is currently being reviewed by Property Consultants Colliers. Colliers will present various options to best enhance the commercial utilisation of the land. The concept plan and the review have treated Lot 621 and Lot 29 as one project area.

The Department of Land Administration with advice from Western Australian Government Railways have since 2001 indicated a willingness to sell Lot 29 to the City.

LRC Pty Ltd purchased Lot 618 Lomax Court in September 2002, an area of 3438 square metres for \$395,000.

Lot 618 is an irregular shape and the acquisition of the additional 577 square metres will make for a regular shaped lot. LRC Pty Ltd proposes to construct units on the amended site. The proposed lot configuration will allow an improved layout of houses, associated courtyards and common areas.

Conversely, Lot 621 will have a regular common boundary with Lot 618. The future subdivision of Lot 621 will be assisted whilst the sale of 577 square metres from the combined area of Lot 621 and Lot 29 (total 5.1892 hectares) will not impact on the value of the City's land holding.

### **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**

Sufficient funds are held in the Land Development Reserve Fund.

### **Legal Implications**

Sale to be in accordance with S3.58 of the Local Government Act, 1995.

### **Community Consultation**

N/A.

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

Nil.

- 14.8 (OCM 21/01/2003) - LAND EXCHANGE - PORTION OF CITY OF COCKBURN FREEHOLD LOT 101 WITH PORTION OF LOT 75 BIRCHLEY ROAD - COBURG NOMINEES PTY LTD (441400) (4309523) (KJS) (ATTACH)**

#### **RECOMMENDATION**

That Council advise Urban Focus that it is prepared to exchange portion of Council freehold Lot 101 being 2221 square metres in area, for an equal area of portion of Lot 75 Birchley Road owned by Coburg Nominees Pty Ltd, subject to survey and to a valuation report by Licensed Valuer certifying that the value of the Council's land holding is not reduced as a result of the exchange.

#### **COUNCIL DECISION**

## **Background**

Lot 101 comprises of land purchased by the Council to construct Beeliar Drive. The major portion of Lot 101 is taken up with Beeliar Drive, but there are two portions north and south of Beeliar Drive, with areas 5000 square metres and 3800 square metres respectively, not required for road purposes.

The northern section has now been approved for residential subdivision.

## **Submission**

N/A

## **Report**

In July 2002 a letter was sent to Urban Focus who act for the owner of Lot 75 Birchley Road, Coburg Nominees Pty Ltd. The land exchange as shown on the attached plan was promoted. The intention of the land exchange is to realign the common boundary between Lot 101 and Lot 75 to be the same as the proposed residential lots. In this way each owner can develop and sell all of the resultant lots independently of the other owner. Each owner is responsible for their own development costs associated with the lots produced.

The exchange as described will result in the Council having 3 lots of approximately 600 square metres and portion of a R40 lot capable of accommodating 4 lots. The Structure Plan shows the R40 lot adjacent to a commercial precinct. The commercial precinct is on land owned by the Western Australian Planning Commission. The Planning Commission have not yet finalised their plans for the land.

Urban Focus did not formally respond to the letter sent in July 2002, but in a series of telephone conversations they indicated that they were not in favour of a land exchange and would prefer to buy the Council's land outright. They have made no formal offer or given any indication of what they would be prepared to pay for the land.

The Council will be financially better off if the exchange is agreed to and the lots developed independently. The lots will have excellent views to the ocean and because of the alignment of Beeliar Drive there is no possibility for the views to be impeded. The Public Open Space obligations in respect of the Council's land can be accounted for by ceding portion of Lot 99 Beeliar Drive to POS. The area of this land parcel is 618 square metres.

Costs to reconfigure the land parcel will not be high as it is not proposed to build the roads and services at this stage. Urban Focus will not be prevented from developing their 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."*

### Budget/Financial Implications

N/A

### Legal Implications

Nil.

### Community Consultation

N/A

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

Nil.

## 14.9 (OCM 21/01/2003) - FINAL ADOPTION OF SOUTH BEACH STRUCTURE PLAN (9653) (MR) (ATTACH)

### RECOMMENDATION

That Council:-

- (1) re-adopt the modified South Beach Structure Plan, dated 27 August 2002, pursuant to Clause 6.2.9 of the City of Cockburn Town Planning Scheme No 3, as contained in the attachment to the Agenda and in accordance with a written undertaking from South Beach Pty Ltd regarding the various matters outlined from OCM16/7/02 Item 14.3;
- (2) advise the Western Australian Planning Commission accordingly.

### COUNCIL DECISION

## **Background**

The Council adopted South Beach Structure Plan ("Structure Plan") and this was forwarded to the Western Australian Planning Commission ("Commission") for endorsement following its Ordinary Meeting in July 2002. The Commission reviewed the Structure Plan and expressed concern in relation to various matters particularly that the resolution to adopt the Structure Plan was considered invalid, as Town Planning Scheme 3 ("TPS3") was not gazetted. In response Council re-adopted the Structure Plan pursuant to District Zoning Scheme No 2 and advised the Commission accordingly.

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

## **Submission**

N/A

## **Report**

Now that Town Planning Scheme No 3 has been gazetted (20 December 2002) the Structure Plan should be re-adopted pursuant to TPS No. 3.

As the Structure Plan has been advertised and dealt with in accordance with the provisions of District Zoning Scheme No. 2, a procedure similar to that contained in TPS3, there should be no requirement to re-advertise the Structure Plan.

The Structure Plan has already been referred to relevant authorities as required and the WAPC for endorsement.

The land the subject of this structure plan has now been rezoned to Development in TPS3 and is zoned Urban in the Metropolitan Region Scheme ("MRS").

The Structure Plan is in accordance with the Council's previous resolution and is included in the agenda attachments.

## **Strategic Plan/Policy Implications**

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

### **2. Planning Your City**

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

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

3. Conserving and Improving Your Environment

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

Council Policies that apply are:-

SPD4            Liveable Neighbourhoods

**Budget/Financial Implications**

N/A

**Legal Implications**

Although the Structure Plan has been re-adopted under Clause 6.2.9 of TPS3, the process has not been followed due to the fact that this was completed in accordance with Clause 8.2.11 of DZS2.

The adoption of the South Beach Structure Plan occurred during the transition from DZS2 to TPS3. TPS3 does not contain any transitional provisions. Never-the-less, in the circumstances this approval is deemed appropriate, unless the WAPC determines otherwise.

**Community Consultation**

Completed in accordance with the provisions of District Zoning Scheme No. 2 .

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

Nil.

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

**15.1 (OCM 21/01/2003) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for December 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

**Community Consultation**

N/A

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

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

N/A

**16. ENGINEERING AND WORKS DIVISION ISSUES**

Nil



**17. COMMUNITY SERVICES DIVISION ISSUES****17.1 (OCM 21/01/2003) - COOGEE BEACH SURF LIFE SAVING CLUB (8004) (RA) (ATTACH)****RECOMMENDATION**

That Council approve the construction of temporary storage space on the area of land abutting the Coogee Beach Surf Life Saving Club in accordance with the plan provided on the following conditions:

- (1) the necessary development approvals are received from the relevant State Government agencies;
- (2) the storage shed meets all necessary building requirements and standards;
- (3) the Coogee Beach Surf Life Saving Club acknowledges that the storage space is temporary and only to be used until purpose built Surf Life Saving Club rooms are constructed and up to \$10,000 of the amount Council originally offered to the Club for the purchase of equipment be used as a contribution towards the construction of the storage area.

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

**COUNCIL DECISION****Background**

Council at its meeting of June 2002 resolved amongst other matters to support the establishment of the Coogee Beach Surf Life Saving Club (CBSLSC) with the provision of a grant on a dollar for dollar basis of up to \$32,000 for equipment and to give consideration to contributing up to \$300,000 subject to budget constraints on a dollar for dollar basis for the construction of Surf Life Saving Clubrooms on Coogee Beach.

Council has previously resolved to develop a concept plan for the Coogee Beach Reserve. The request by the club for temporary storage could have some impact on the process of developing the area in the future.

## **Submission**

The Coogee Beach Surf Life Saving Club has written to the City requesting permission to construct temporary additional storage space abutting their present premises and for up to \$10,000 of the initial grant of \$32,000 to be used for the purchase of the storage space on a dollar for dollar basis.

## **Report**

In a letter dated 20<sup>th</sup> of November 2002 the CBSLC advised that it has a membership of just under 300 and continues to grow at the present rate of 20-30 members each week. Of this number some 200 are juniors under 14 years of age. The club advises that they have been able to acquire the necessary equipment but badly need additional storage at Coogee Beach.

Through sponsorship and donations the club has been able to gain much of the required equipment at a reduced cost and advise that the storage space is a priority and funds spent on will not compromise its equipment requirements. Proposed is a storage structure of steel frame, heavy colour bond construction with steel mesh on the internal walls where appropriate for security. The club says it is badly in need of storage as equipment is currently stored in locations in some cases 10 km from the Coogee Beach.

The request from the club seems reasonable and appears to follow the intent of the Council to support the formation of the club. It is intended that the expenditure on a dollar for dollar basis for additional storage space be approved.

The proposed facilities are on land controlled by City and will abut the existing clubrooms. This land has been developed and it is expected that should the matter proceed the structure would be required to meet all standard building requirements.

The CBSLSC has had a rapid increase in membership and it is evident that there is a need for additional storage space on site.

Council has previously committed to give consideration to assist in the construction of club facilities on Coogee Beach. There are a number of issues surrounding the future location of clubrooms for the club besides the identification and commitment for the funds to construct the facility. It is likely that should the temporary storage be approved that it would need to be used by the club for at least two years and probably longer.

## **Strategic Plan/Policy Implications**

To facilitate and provide an optimum range of community services.

### **Budget/Financial Implications**

The cost of the building can be met from current budget commitments to the CBSLSC.

### **Legal Implications**

Building approval subject to consent being obtained from the relevant State Government agencies.

### **Community Consultation**

The membership of the CBSLSC is relatively large and growing and reflects a strong interest in the activity. Should Council agree to support the proposal it is usual practise for a sign to be placed on the site advising of the Council's development proposal and seeking comment from interested members of the public prior to construction works proceeding.

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

The provision of Council support to a local Surf Life Saving Club is common practise and an appropriate Local Government activity.

## **17.2 (OCM 21/01/2003) - USE OF RESERVE 12692 POLLETTI ROAD, JANDAKOT (5514364) (RA)**

### **RECOMMENDATION**

That Council:-

- (1) seek approval from the Department of Land Administration to alter the vesting of Reserve 12692 from recreation purposes to community purposes;
- (2) subject to (1) above, call for registrations of interest from not for profit organisations to develop reserve 12692 for the provision of community services in accordance with the vesting of the land for consideration by Council; and
- (3) advise the Portuguese Cultural and Recreational Centre WA (Inc) of the council decision and invite them to submit a proposal at the appropriate time.

## COUNCIL DECISION

### Background

The City has a reserve of 0.4603 hectares located in Polletti Road, Jandakot, vested as a community hall site. This is a somewhat limited usage, which could be altered to allow a broader range of community activities.

### Submission

The Portuguese Cultural and Recreational Centre WA Inc (PCRC) has written to the City requesting consideration be given for the club to construct a hall on the site for its use.

### Report

Reserve 12692 is within the Polletti Road industrial area and in close proximity to the Old Jandakot Primary School that has been handed to Council as a reserve. The Jandakot School includes 3 classrooms in one building and a separate smaller building that accommodates the radio station which is permanently set up.

The PCRC currently uses the old school as the base for its community radio station 91.3 CC Fm and conducts language classes, festivals and other activities.

The old school building is used by the:

- PCRC on Saturdays
- Lodge once a fortnight on Friday evenings
- Meditation group once a month
- Occasional band practise
- T Ball once a year
- 4 Old Jandakot School Management Committee Meetings.
- Thursday nights for Bingo.

It is reasonable to say that the building has limited use and there would be no justification for council to contribute toward other facilities in the area on the basis of demand on the existing facility.

There is little value to residents of the City in developing reserve 12692 with a community building as it is well away from residential areas, is close to the old Jandakot Primary School and the Jandakot Hall on Anning Park. If any community organisation has an interest in developing the site it should do so at its own expense with Council

giving consideration to entering a long-term lease for the use of the building by the developers.

Whilst the PCRC have made an application to use the area for the development of a community hall the Council has an obligation to allow other eligible organisations to have the opportunity to register an interest in the site.

In light of these factors it is proposed that Council seek to have the area vesting altered to allow for the site to be used for broader community purposes and that registrations of interest be called from eligible organisations to use the site for development.

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

- To facilitate and provide an optimum range of Community Services.
- Managing the City in a competitive, open and accountable manner.

### **Budget/Financial Implications**

Small sum required to advertise the availability of the land and in-house resources to consider the matter, can be provided for in the existing budget.

### **Legal Implications**

State Government approval to change Vesting of Reserves is required through the Department of Land Administration.

### **Community Consultation**

The proposal to seek registrations of interest from other community organisations in the area can be seen to meet any reasonable expectations in terms of community consultation.

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

Nil.

## **17.3 (OCM 21/01/2003) - VOLUNTEER RESOURCE CENTRE (8904) (RA) (ATTACH)**

### **RECOMMENDATION**

That Council establish and contribute budgeted funds towards the ongoing operation of a Community Volunteer Centre provided that funding in future years from other sources are at least \$15,000 per annum.

**COUNCIL DECISION**

**Background**

Council at its meeting of the 17<sup>th</sup> of December 2002 in consideration of the budget review resolved to defer any decisions relating to the proposed Volunteer Resource Centre (V.R.C.) pending the provision of further information to Elected Members.

**Submission**

N/A

**Report**

According to a report released by the Australian Bureau of Statistics entitled 'Voluntary Work Australia 2000', nearly one in three West Australians contributed 70.8 million hours of unpaid work for the community. At \$18 per hour this equates to almost \$1.274 billion. Western Australia has a slightly higher volunteering rate than the national average.

In 2001, the International Year of the Volunteer (IYV) many issues to do with volunteers were highlighted, in particular the changing nature of volunteers and the enormous impact that Baby Boomers will have. These Baby Boomers are more assertive, better educated and more demanding than any generation before them and how organisations adapt, change and respond to this generation will be critical.

At local government level many Councils have recognised the need to be very pro-active so that their communities are poised to take advantage of the very real contribution of the new type of volunteer. Nedlands, Perth, Subiaco and Bayswater have recently appointed Coordinators of Volunteers.

The State Government as part of their Valuing Volunteers policy made seeding grants available to help establish local Volunteer Community Resource Centres. Ongoing operational funding of an amount yet to be determined would be awarded after pilot projects were evaluated for success and effectiveness.

The City of Cockburn was one of five metropolitan local governments to be successful in being allocated seeding grants of \$30 000. The other LGA's were Fremantle, Armadale, Melville and Swan.

Council officers interact with volunteers from various sectors on a daily basis. The community relies on volunteers to enhance services such as the Aged and Disabled Services, run recreational and sporting groups, support emergency services, community events and to help maintain our natural environment.

The Community Information and training workshops / seminars was initiated by Council officers in response to an identified need for community groups to have accessible training and information on a wide variety of issues. These issues included governance, legal roles and responsibilities, funding opportunities and submissions, promotion and marketing, retaining and supporting committee members and volunteers. The workshops have proven extremely popular with representatives from over 100 groups attending. An evaluation of the project has shown that those participating had greatly benefited and believed that they should be organised on an ongoing basis.

Individual officers who work with community groups have also verified that needs from different groups are similar and that a 'one stop shop' would be a strategy in providing support and assistance to individuals looking to volunteer and those groups wanting the services of volunteers.

Two project plans have been developed, one is for the initial strategies that would provide outcomes for the time of the funded period and the second is for strategies for a three to five year plan for the Project.

Two project plans and the position description form are attached to the Agenda.

1. A list of benefits would be:-
  - A 'one stop' shop of community information and volunteering opportunities.
  - Have a comprehensive database of volunteering opportunities, including community, sporting and environmental groups in Cockburn.
  - Be able to link individuals with those opportunities.
  - Have full information and resources available for Community / Sporting groups and organisations. Eg funding opportunities and training.
  - Expand the already popular information training workshops for community groups.
  - Co-ordinate / Implement Volunteer Projects as identified by Community Consultations eg Volunteer Transport
  - Currently Council has over 750 community groups and organisations on its Community Information database (Co'Info) and these will be the targets for the Volunteer Resource Centre.

- A source of cross-referencing projects and opportunities for volunteering so as to ensure minimisation of duplication of service provision.
- Council officers will have a resource pool to draw from.
- Council officers will be able to focus on development of new community, cultural and recreational initiatives as the VRC will be the central focus for information and support for community groups and individuals.
- Council will be seen as taking an active role in supporting its community to develop its own activities.
- There is potential for the VRC to be a major partnership between Council, state government, local business, non-government organisations, community and sporting groups.
- Council will receive the kudos for being the pivotal role in establishing the VRC

### Strategic Plan/Policy Implications

Facilitating a range of services responsive to the community needs.

### Budget/Financial Implications

Project period February 2003-June 30 2003

| 1.1. EXPENDITURE   | 1.2. \$       |
|--|---------------|
| Co-ordinator Wages 30hours per week x \$22.58 x 34 weeks | 10,838        |
| Communication Costs                                      | 1,000         |
| Mileage Costs  | 500           |
| Advertising and Promotion                                | 2,000         |
| Office Costs / Printing                                  | 1,500         |
| Training Courses for Volunteers                          | 2,000         |
| <b>TOTAL</b>   | <b>17,838</b> |

| 1.3. INCOME                    | \$            |
|--------------------------------|---------------|
| Grant Funds                    | 30,000        |
| <b>TOTAL</b>                   | <b>30,000</b> |
| <b>Balance carried forward</b> | <b>12,162</b> |

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| 1.4. EXPENDITURE   | 1.5. \$ |
|--|---------|
| Co-ordinator Wages 20hours per week x \$22.58 x 52 weeks | 23,485  |
| Communication Costs                                      | 1,500   |



|                                 |               |
|---------------------------------|---------------|
| Mileage Costs                   | 1,000         |
| Advertising and Promotion       | 4,000         |
| Office Costs / Printing         | 3,000         |
| Training Courses for Volunteers | 6,000         |
| <b>TOTAL</b>                    | <b>38,985</b> |

| 1.6. INCOME                 | 1.7. \$        |
|-----------------------------|----------------|
| Grant Funds carried forward | 12,162         |
| New Grant                   | 15,000         |
| Council Funds               | 11,823         |
| <b>TOTAL</b>                | <b>38, 985</b> |

Advice from the Department of Community Development is that on going funding for this project will be at least \$15,000 per annum. There are other funding options that may become available over time from such sources as Home and Community Care and the Commonwealth Stronger Families Stronger Communities Programme. The position will be reviewed following the 2003/4 financial year.

### **Legal Implications**

Funding arrangements will be subject to the normal Grant Funding Audit and acquittal processes.

### **Community Consultation**

A recent community consultation on Social Needs and Wants in the City has identified that the volunteers and residents in Cockburn share a common ideal in wanting a central source of information and that they see Council as providing that. In particular, there is a need to identify opportunities for volunteering in Cockburn and linking those looking for volunteering opportunities in a centrally organised way. Presently this has been done in a haphazard way with a variety of officers involved utilising their own knowledge of opportunities.

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

Nil.

**17.4 (OCM 21/01/2003) - MANNING LAKE RESERVE DOG EXERCISE AREA (22075257) (AGM) (ATTACH)**

**RECOMMENDATION**

That Council not reinstate any portion of Manning Lake Reserve as a Dog Exercise Area due to the incompatibility of unrestrained dogs with the primary purpose of the Park and because of environmental concerns raised.

**COUNCIL DECISION**

**Background**

At the Council Meeting conducted on 17 September, 2002, Council resolved to:-

*“defer this item with a view to amending its Local Law to enable for the reinstatement of the previous dog exercise area on a restricted basis for 3 hours (5:00am to 8:00am) each morning, with the current restriction applying at all other times and at times of the known breeding seasons of wildlife species inhabiting the area.”*

Prior to the gazettal of the new local laws on 9 October 2000 a section of the Manning Lake Reserve was allocated as a Dog Exercise Area, which allows dogs to be run off the lead provided they are under effective control. As a result of this process all the Dog Exercise Areas were assessed as to their suitability in relation to the environment (wetlands etc) and their proximity not conflicting with activities such as family gatherings and sporting activities. Manning Lake Reserve along with a number of other parks was then considered as unsuitable for both of the above reasons.

As was prescribed by law, before the promulgation of any new local law, the public were invited for comment on the draft local law and submissions could be sent to Council during the prescribed period. There were no objections received during this period for Manning Lake Reserve to be designated as a non-dog exercise area.

The Council has over the years received a number of complaints from families regarding unsociable behaviour by dogs especially when children were at the park and they were subjected to unfriendly attention by the dogs of irresponsible dog owners.

Although a number of parks were not gazetted, several new ones were, especially in newly developed areas such as Success. In total, there are 29 Dog Exercise areas in the City of Cockburn, which allow dogs to be run off the lead.

|            |          |               |          |
|------------|----------|---------------|----------|
| Spearwood  | <b>5</b> | Hamilton Hill | <b>5</b> |
| Coolbellup | <b>5</b> | Bibra Lake    | <b>4</b> |
| North Lake | <b>3</b> | Coogee        | <b>1</b> |
| Success    | <b>2</b> | Munster       | <b>1</b> |
| South Lake | <b>1</b> | Yangebup      | <b>1</b> |
| Wattleup   | <b>1</b> |               |          |

Various articles were published in the local newspapers, which resulted in many calls being received from users of the park complaining about the fact that this dog exercise area had been withdrawn.

### **Submission**

A petition was subsequently presented to Council calling for the re-establishment of the reserve as a Dog Exercise Area. This petition was presented at a meeting between a number of the petitioners, the Mayor and the Community Services Manager, when it was agreed that the issue would be put before Council to reconsider the matter.

The City of Cockburn then organised for a Media Release calling for interested parties to make submissions to Council with regard to the re-establishment of Manning Lake Reserve as a Dog Exercise Area.

### **Report**

As a result of this Media Release, 64 letters were received requesting the re-establishment of the Dog Exercise Area, although many of the writers of these letters were signatories to the petition. There were 477 signatories to the petition, 48% of which were from people living outside the Council area.

Another petition against the reopening of the Dog Exercise area was received with 124 signatures, 51% of these were also signed by people living outside the Council area. Three other individual letters were also received opposing it.

As an identified interested party, an approach was made to the Department of Conservation and Land Management (CALM), advising them that if they wished to register any observations in relation to Manning Park then they should do so as soon as possible in order for them to be considered at the Council meeting. A letter was subsequently received from them, drawing Council's attention to the impact that other dog exercise areas have on similar wetlands and the killing or maiming of native fauna.

The information attached to the Agenda has been compiled by the Environmental Services section of Council and details reasons why unrestrained dogs may impact adversely on Manning Park Reserve.

The information highlights many factors which have a detrimental effect on the Wetlands and the suitability of the Wetlands as a habitat for a variety of fauna species.

While unrestrained dogs are only one of the negative impacts, it is highlighted here because of the issue under consideration. From an environmental perspective, Council has acted responsibly in de-gazetting Manning Park as a dog exercise area for unrestrained dogs and a re-instatement of the park for that purpose could not be supported for reasons mentioned.

Other non-related matters of concern could form the basis of a future report to Council with proposals to address those matters.

Many of the families that use Manning Lake Reserve do so for planned family gatherings such as barbeques, picnics, weddings and major public events and this type of behaviour by uncontrolled dogs has resulted in a spoilt day out.

The Rangers Section is not supportive of the reestablishment of the Dog Exercise Area at Manning Park, mainly because of the difficulty involved in policing the previously gazetted exercise area, which is not readily defined. Should Council agree to the request for even a small section of Manning Park to be used as a dog exercise area, the previous irresponsible behaviour by some dog owners will probably reoccur resulting in environmental problems as detailed above and the disruption to organised family meetings for barbeques, picnics and weddings etc. The process involved would also be very lengthy and would take many months to complete.

The map of the area indicates that only a small portion of the land is vested in the City of Cockburn. All others areas would require Ministry of Planning permission for use of the land as a dog exercise area. This is a complicated and lengthy process, involving many departments within the Ministry of Planning and there is no assurance that permission would eventually be granted.

As the distance around the lake narrows to approximately 29 metres and dogs are prohibited from approaching to within 10 metres of the lake, the available area left would be a long narrow strip. It is extremely difficult to section off any area which would have a clearly defined boundary essentially for dogs and it would be virtually impossible for rangers to police or get people to follow the rules as has been proved in the past. However, to effectively erect a fence to separate dogs from other Park users and the Wetlands would cost in excess of \$11,000 as per the attached quote and plan.

In view of the information received from Council's Environmental Services Section regarding the year round breeding timetable of a variety of wildlife which reside at the Wetland and the unsightly and costly impact the erection of a proper protective barrier would have on the ambience of the Park, it is recommended that Council not re-instate any portion of Manning Park as a dog exercise area.

**Strategic Plan/Policy Implications**

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

**Budget/Financial Implications**

Effective barrier fencing to be erected (approximately \$11,000) should a dog exercise area be re-instated.

**Legal Implications**

Local Law amendment process as required by the Local Government Act, 1995, should Council resolve to amend its Local Law.

**Community Consultation**

Public submissions invited should Council resolve to amend its Local Law.

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

Nil.

**18. EXECUTIVE DIVISION ISSUES**

Nil

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

Nil

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

Nil

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

Nil

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

Nil

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

**COUNCIL DECISION**

**25. CLOSURE OF MEETING**

Nil