

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 NOVEMBER 2005 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 NOVEMBER 2005 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr K Allen	-	Councillor (Arr. 7.11 pm)
Ms L Goncalves	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr M. Ross	-	Acting, Director, Planning & Development
Mrs B. Pinto	-	Secretary/PA, Director, Finance & Corporate Services
Mr A. Jones	-	Communications Manager

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.01 pm.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

3. DISCLAIMER (Read aloud by Presiding Member)

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



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

4 (OCM 10/11/2005) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised the meeting that he had received declarations of interest for Items 14.5 and 14.11 from Cllr Allen and Item 14.12 from Cllr Tilbury which would be read at the appropriate time.

5 (OCM 10/11/2005) - APOLOGIES AND LEAVE OF ABSENCE

Deputy Mayor Graham - Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 10/11/2005) - PUBLIC QUESTION TIME

Martin Reeve-Fowkes, Coogee

Agenda Item 16.1 – Proposed Closure of Miguel Road Railway Crossing, Yangebup

Q1. The Officer's report states "following the erection of the sign advising road users of the proposed closure of Miguel Road at the railway line, a number of concerned residents have come to the administration to discuss the matter, called on the telephone and have submitted letters". Can Council please tell us – how many is 'a number'?

A1. Council has received 4 written submissions, approximately 20 phone enquiries and some front counter enquiries by member of the public concerned about the closure of Miguel Road which prompted this matter being brought to Council.

Q2. There are residents in Yangebup that have been campaigning through the Yangebup progress Association for 20 years to have this crossing closed and it has been on the plan for that long. They have had to wait for Spearwood Avenue and the bridge to be completed. They were told last year that the road would finally be closed in November 2005. Can this Council now go back to them with another delay, and put yet another hurdle in front of them?

A2. There is a clear intention on behalf of Council to close Miguel Road. It is however, important to consider the impact that the closure will have on the remainder of the network. It is apparent that additional traffic



will utilise Spearwood Avenue and Yangebup Road once the closure is instituted.

- Q3. The Officer's report on the safety of the Yangebup Road/Spearwood Avenue intersection in 2004 and 2005 – repeatedly reported no problems with the layout of this intersection. It was a Council decision in response to community concerns about safety that resulted in the proposed traffic lights at the intersection. How can Council therefore now use that the Safety concerns at that intersection as a reason to delay the closure?
- A3. Closure of Miguel Road forms part of a broader strategy to rationalise traffic movement in that area. As Council currently has a proposal with the MRWA for consideration, the reasons for recommending a delay are sound.
- Q4. The Yangebup Progress Association has and still does support the closure of Miguel Road as soon as possible. Has anyone from Council approached the Yangebup Progress Association (YPA) for their opinion?
- A4. Council supports the YPA's position on the closure of Miguel Road and has obtained the necessary approvals to make this happen. The timing of the closure however needs to be undertaken in the broader context of overall traffic movement within the precinct.

Mr Reeve-Fowkes also tabled a letter from the Yangebup Progress Association stating that they do not support that the level crossing stay open.

Elisiano Cicanese, Kardinya

Agenda Item 14.2 – Final Adoption – Amendment No.31 – Down Coding of Residential Densities from Residential R30 to R20 Density Code – Packham Development Area No.1.

- Q1. Has the Packham Development Scheme been correctly administered and applied by Council as was intended by the Scheme?
- A1. The Packham Development Scheme does not exist. This was a private land pooling project by Urban Focus that facilitated the subdivision of over 120 rural lots in the area known as Packham. The City has consistently applied the Packham Development potential Database to ensure that the City's Town Planning Scheme requirements for 75% of all land within the Residential Zone is developed for single residential purposes. The Packham Development Potential Database is not an ideal tool because some landowners still believe that they have development potential when this does not exist.
- Q2. Has the "Packham Data Base" been checked as requested in my



submission for "Stage 1B" which demonstrates the inconsistency in the application of the Packham Scheme?

A2. Lot 132 (No.1) Mollica Court has no single house.

Mayor Lee requested Mr Cicanese to write to the Acting Director, Planning and Development should he have further enquiries.

CLR ALLEN JOINED THE MEETING AT THIS POINT THE TIME BEING 7.11 PM

Ron Kimber, Beelias

Agenda Item 17.3 – Revamp of Local Newspaper Advertising Processes

Q1. Is Council fully aware of the importance of the Community Development Strategy to the almost 20 Cockburn Community groups who participated in that Strategy?

A1. The Council is fully aware of the importance of the City's Community Development Strategy to local community groups. This was shown through the allocation of \$10.6 million for projects identified by participants in the Strategy in the 2005/06 budget.

Q2. Has Council at any time attempted to put a worth on the advertising of the Community Development Strategy activities in the local paper, if this were actually paid for at normal rates?

A2. In the period 1 May 2005 to 8 November 2005, the Community Development Strategy received \$10,056.68 worth of sponsorship in the form of discounted advertising from the Cockburn Gazette.

Q3. Has Council also considered not just the advertising of the Community Development Strategy events and initiatives but also the opportunity offered, on a regular basis, for articles from the Cockburn Community groups who participate in the Strategy to feature in the local paper? Have these important articles allowing groups to advertise their activities been valued?

A3. Council recognises the invaluable community support provided by Community Newspapers through its Community in Action articles. Placing a monetary value on this type of support is very difficult. A measure sometimes used is called Advertising Value Equivalents where a dollar value is attributed to the editorial based on the cost of equivalent advertising. The Public Relations Institute of Australia, Advertising Federation of Australia and the Australian Association of National Advertisers all do not recognise AVE as a reliable or valid evaluation methodology. This is because advertising cannot be directly compared to editorial, as factors such as credibility and



persuasion are not taken into account. The annual editorial support provided to the Strategy by the Cockburn Gazette is in excess of \$30,000 per annum.

Alison Atkins, Hamilton Hill

Agenda Item 14.5 – Round 4 of the Underground Power Program – Spearwood, Hamilton Hill and Southwell.

Q1. In the design of the underground power network, where are the transformers going to be located – in the street reserve or public open space. If they are to be in the street reserve, will the residents have a say where they are located or will Western Power be the final arbitor?

A1. Transformer facilities are essential with the provision of underground power and can only be located in road verges and edges to public open space. Transformer sites are normally selected at the discretion of Western Power based on service demands in consultation with Local Government. It is understood that residents are not normally consulted regarding the location of transformer sites. Transformers must be located so as not to inhibit residential access and are most commonly positioned near adjoining side lot boundaries.

CLR GONCALVES LEFT THE MEETING AT THIS POINT THE TIME BEING 7.16 PM

Mrs Galic, Hamilton Hill

A representative for Mrs Galic asked the following questions:

Q1. Who approved and built the retaining wall (east side) on our block, and we cannot build a retraining wall half that size (west side)?

A1. The Planning approval for the retaining walls on the east side was issued by Council on 26 August 2002, prior to the gazettal of the Residential Design Codes on October 2002 (R-Codes). Council at that time could approve retaining walls up to 2 metres high without requiring adjoining neighbour's comments. The new R-Codes require adjoining neighbour's comments for walls above 500mm high.

Q2. If that is the case the local Council should not have approved of all the houses in the Coogee area because the majority of them have retaining walls which recede in accordance with the residential code?

A2. Most of the retraining walls in Coogee were approved prior to the new R-Codes being gazetted.

Q3. The nearby residents who rejected this retaining wall is talking a talking a load of bullshit, as they said it would devalue their property



and surrounding homes. This is unrealistic crap that they put forward to this meeting (if this plan does not go through I will change the plans and go by the guidelines for the criteria of a double-storey house). The neighbours have no say at what kind of house is to be built on that block.

- A3. This proposal for retaining walls exceed the R-Code requirements and would impact adversely on the amenity of the adjoining landowners. Land values are not relevant planning grounds.

In response to a statement made regarding consultation with neighbours, Council in making its determination must consider all relevant matters including any relevant submissions received on this application pursuant to Clause 10.2.1 of TPS 3.

CLR GONCALVES RETURNED TO THE MEETING AT THIS POINT THE TIME BEING 7.21 PM

Marisa Winfield, Hamilton Hill

Agenda Item 14.11 – Southwell Master Plan, Implementation Strategy and Initiation of Amendment No.28.

- Q1. “The Jamy Place link to Fluellen Way is acknowledged as being physically difficult due to level differences. However, the link is regarded as essential to improve accessibility for westerly movement along Phoenix Road given that there is no right turn out of Quickly Crescent. This will significantly reduce the travel distance to access the Southwell Crescent/Phoenix Road intersection, which includes right turn movements.” Surely the better option to enable westerly movement would be to enable traffic to exit west from Quickly Crescent onto Phoenix Road to keep the traffic on the main arteries? Which would be no different in the proximity to the Stock Road intersection than that of the Grandpre Crescent westerly movement from the Rockingham Road intersection. Surely enabling the egress only (and not ingress heading west on Phoenix road) would be a more direct route as well as being easier to implement and likely to be cheaper? Then Jamy Place could still stay as a cul-de-sac and just need to extend it slightly to enable passive surveillance of the POS.

- A1. The proposal to provide a median opening in Phoenix Road at Quickly Crescent to accommodate the westerly movement of traffic was raised in several submissions on the Master Plan .

This has been addressed in Point 3 of the submission from the City’s Design Manager included in the Schedule of submissions in the Agenda attachments.

The advice from the Design Manager is as follows:



The provision of a right-turn traffic movement from Quickly Crescent to Phoenix Road or vice versa is not considered safe. Quickly Crescent is about 120 metres from the major intersection of Stock Road and Phoenix Road. The drop in height from Stock Road to Quickly Crescent is about 11 metres – a road gradient of 11%. At this steep grade, vehicles usually travel in excess of 70 kph, albeit the posted speed limit is 70kph. This makes braking difficult, consequently, the chance that a westbound vehicle on Phoenix Road collides with a right turn vehicle from Quickly Crescent is high, so is the severity of personal injury.

Furthermore, there is about a 1 metre drop across the median in Phoenix Road opposite Quickly Crescent, the width of the median is about 11 metres. This gives a gradient of about 9%, which is an undesirable grade for a road crossing – sight distance, effective vehicle braking and so on may come into question.

In view of the advice from the Design Engineer, a median opening in Phoenix Road at Quickly Crescent is not supported on safety grounds.

Ken Leslie, Munster

Agenda Item 14.12 – Woodman Point Waste Water Treatment Plan, Munster – Odour Buffer – Strategic Environmental Review

Q1. Asked for verification regarding the rezoning of the land on the eastern side of Lake Coogee from rural to urban deferred was a mistake?

A1. There was no mistake in the rezoning.

Murray O'Brien, Munster

Agenda Item 14.12 - Woodman Point Waste Water Treatment Plan, Munster – Odour Buffer – Strategic Environmental Review

Q1. Is Council aware the Planning Department is prepared to accept the information in the SER, when the proponent, Water Corporation, has a vested interest in justifying their request for a buffer?

A1. Yes, Elected Members are aware of the City's Planning Department recommendation to support in principle the SER.

Q2. Is Council aware that the Water Corporation in their \$160M upgrade in the year 2000 that Mark Herbert last night mentioned to the people that no odour measures were actually built in to the new secondary treatment plant? The only odours that were actually built were to do with the primary plant which is already existing. This is why we are having problem at the moment with the existing.



A2. Mayor replied, that he had a different question.

Mr O'Brien said that it is only half the question as he ran out of paper. It is only a small section as a brief comment. So the brief comment was a part section of what it related to and just filling the meeting in on the other section to it.

Mayor replied that he had a question for which he has an answer provided by the Planning Department:

Q2. Is the Council aware their former Director of Planning, Steve Hiller is leaving the City of Cockburn at the end of the month?

A2. Yes, Council is aware.

Mr O'Brien asked with regards to the Council is it aware that the former Director, is leaving the City of Cockburn at the end of the month? No doubt he will keep in touch with his colleagues at the Council while developing an eco-village for Water Corporation currently being assessed by Murdoch University opposite his property at Lake Coogee.

Mayor Lee thanked Mr O'Brien for those kind thoughts. He said he also had a question 3 Mr O'Brien asked. Mayor Lee stated that he will read it out in case Mr O'Brien cannot find it.

Mr O'Brien asked, is the Council aware the Water Corporation in their \$160M upgrade that they spent no measures on odour? They did no odour measures at all.

Mayor Lee replied, that is not the question he has. Question 3 he has states

Q3. Is Council aware that in 1998 the EPA wrote to Steve Hiller saying that they agreed with development?

A3. Based on reviewing a copy of a letter from Murray O'Brien that was contained in an email attachment to the EPA the EPA decided not to formally assess Town Planning Scheme No.3 which was a review of the Scheme.

Mr O'Brien asked Mayor Lee if that was his question or is that the Mayor's answer. Mr O'Brien stated that he did not ask the question.

Mayor Lee thanked Mr O'Brien.



(MINUTE NO 3001) (OCM 10/11/2005) - MOTION OF DISSENT

COUNCIL DECISION

MOVED Cllr A Tilbury SECONDED Cllr V Oliver that a motion of dissent be recorded against the Presiding Member's ruling to not allow a member of the public to ask a question that was not provided in accordance with Council's protocol for Public Question Time.

MOTION LOST 2/7

Robyn O'Brien, Munster, stated that she had questions in relation to Item 14.12 on the Agenda.

Mayor Lee stated that he has a copy of her questions and requested Mrs O'Brien to abide by her questions.

Mrs. O'Brien mentioned that on the protocol form it said ' a brief summary of questions' so she could not finish putting the exact wording of the questions on that form. So it doesn't entirely go word for word.

Q1. Is Council aware the Planning Department supported a 750 metre odour buffer proposed by Water Corporation?

A1. The City's Planning Services report supports in principle the SER and the proposed odour buffer as it largely currently applies.

Mrs O'Brien also asked, is Council aware that there is no odour buffer in place formally around Woodman Point Plant at the moment?

Is Council aware that if an odour buffer put over the 56 acres of affected land to the east of Lake Coogee that the Planning Department said that the alternative use of parks and recreation and rural living would substantially restrict any extensions of home or improvements on land?

Mayor Lee replied, it is not the question he had before him. The question Mrs O'Brien asked through Council's process is:

Q2. Is Council aware of the restrictions of any alternative uses?

A2. Alternative land would need to be investigated if the odour buffer cannot be contracted back to the eastern edge of Lake Coogee.

Mrs O'Brien stated that the protocol form said a brief summary of questions. It did not say that the exact words had to be included.

Mayor Lee emphasised that this debate had already arisen this evening.

Mrs O'Brien asked, is Council aware that the Planning Department says if the land is rezoned rural living owners can no longer have a market garden or many animals that some residents now have?



Is Council aware that the Water Corporation refused to fund an independent review of the data and plans made in the SER as other industries routinely do?

Is Council also aware that the Water Corporation was asked in writing in September 2004 for this data and that when the community finally hired their own expert that the Water Corporation refused to provide their data so that their expert could provide an independent review for the public in time to put in their submission to the EPA by the closing date of 22 Nov?

Mayor Lee advised Mrs O'Brien that the question he has and one that Mrs O'Brien submitted is:

Q3. Is Council aware the Water corporation refused to supply the odour data to us until forced yesterday by the Parliament?

A3. Mayor Lee replied that he is certainly not aware and fairly certain Council is not aware. No. This is a matter for the Water Corporation not Council.

Mrs O'Brien mentioned that given that the Planning Department supports the Water Corporation, she felt that they should know what was happening.

Mayor Lee thanked Mrs. O'Brien.

(MINUTE NO 3002) (OCM 10/11/2005) - EXTENSION OF PUBLIC QUESTION TIME

COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr V Oliver Public Question Time be extended for 6 mins. to allow any member of the public who has not provided written questions to ask a question from the floor.

MOTION LOST 3/6

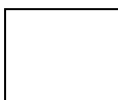
8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 3003) (OCM 10/11/2005) - ORDINARY COUNCIL MEETING - 13/10/2005

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday, 13 October 2005, be adopted as a true and accurate record, subject to Minute No.2981 be amended by the addition of the following:

"subject to deleting the word "September" and substituting the word "August".



COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 9/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 10/11/2005) - DEPUTATIONS AND PETITIONS

Clr Oliver presented a petition from affected landowners regarding the waste water treatment plant on the ocean side of Lake Coogee in Munster, opposing Water Corporation's proposal of extending the buffer to 750m or more affecting some residents in Cockburn Waters, Coogee and Munster. Concerns were also raised regarding extending the plant further in the future and no redress against the increased odours once the EPA and the Minister for Planning puts this policy into legislation.

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

Nil

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

Nil

13. COUNCIL MATTERS

13.1 (MINUTE NO 3004) (OCM 10/11/2005) - PROPOSAL TO MAKE A LOCAL LAW - STANDING ORDERS (1148) (DMG) (ATTACH)

RECOMMENDATION

That Council make a Local Law Relating to Standing Orders, as contained in the attachment to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/1

Background

At the Council meeting conducted on 11 August 2005 Council adopted draft amendments proposed to the Standing Orders Local Law for the purposes of seeking public comment. The submission period closed on 5 October 2005.

Submission

To adopt the amendments to the Local Law, as attached to the Agenda.

Report

At the close of the advertising period, two public submissions were received. The Department of Local Government and Regional Development also provided comment on the proposal, suggesting minor content changes, which have been incorporated into the draft, where applicable.

Both public submissions, as shown on the attachment to the Agenda, object to the amendments proposed to Public Question Time at Council meetings.

In reality, the great majority of changes to Public Question Time are effected through the recent protocols initiated through the Mayor, as the presiding member at Council meetings.

The only mandatory provision imposed by the proposed amendments, is the requirement that persons wishing to raise an item at Public Question Time must be given priority if their question relates to an item listed on the agenda paper for the relevant Council meeting.

The remaining procedures for Public Question Time are set by the presiding member, or by the meeting, if the majority of councillors present at the meeting disagree.

While these procedures have been set in place to install some measure of control over Public Question Time, it is considered the new arrangements are flexible enough to cater for other circumstances, should the meeting consider it appropriate to do so.



The concerns raised in the two public submissions focus on the perceived withdrawal of the public's right to utilise Public Question Time at Council meetings to raise any issues of interest in the community in the only local public forum available on a regular basis.

Such "rights" cannot be imposed through the local law process, as the Local Government Act, 1995, provides that the procedures for Public Question Time are set by the presiding member, or a majority of the members present, at each Council meeting. Therefore, any attempt to legislate such a process through the local law process would be futile, as it is a procedure which is essentially governed by the degree of flexibility each individual Council meeting wishes to allow. Accordingly, it is recommended that the draft amendments, as attached to the Agenda, be adopted.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Statutory advertising and printing costs associated with this process are available within Council's Governance Budget.

Legal Implications

Sec. 3.12 of the Local Government Act 2995 refers.

Community Consultation

Statewide Public Notice provided for six week public submission period.

Attachment(s)

- (1) Copy of amendments to Standing Orders Local Law
- (2) Copy of submissions received

Advice to Proponent(s)/Submissioners

The persons lodging submissions have been advised that the matter is to be considered by Council at its November 2005 Council meeting.

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

Nil.



14. PLANNING AND DEVELOPMENT DIVISION ISSUES

- 14.1 (MINUTE NO 3005) (OCM 10/11/2005) - FINAL ADOPTION - AMENDMENT NO. 33 - RECODING FROM RESIDENTIAL R20 TO R40 - LOT 304 BLACKWOOD AVENUE, HAMILTON HILL - OWNER: BAREK PTY LTD, FIDUCIA HOMES PTY LTD, GRANROSE HOLDINGS PTY LTD, STARLIGHT HOLDINGS PTY LTD - APPLICANT: ALLERDING BURGESS (93033) (VM) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt the amendment without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission;
- (2) adopt the recommendations made in the Schedule of Submissions attached to the Agenda; and
- (3) advise the applicant and those who made submissions, of Council's decision accordingly.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 9/0

Background

The background to this matter is outlined in item 14.12 OCM9/06/2005.

Submission

Nil.

Report

The Scheme Amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the Act.

The EPA advised that under Section 48A of the *Environmental Protection Act* the overall environmental impact of the amendment would not be severe enough to warrant assessment under Part IV of the *Environmental Protection Act*, the preparation of an Environmental



Review and the subsequent setting of formal conditions by the Minister for the Environment and Heritage. The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days.

A copy of the proposed amendment map is included in the Agenda attachments.

The 42 day public consultation period for Amendment 8 concluded on 21 September 2005. At the close of the advertising period. No formal submissions had been received. It is understood that the owner of the adjoining lot, No. 130B Blackwood Avenue, supports the proposed rezoning as in the past there had been several conflicts with the previous land use. The previous shops operating on the site had caused major problems to the abutting landowners. Problems such as rubbish disposal over the fence and noise associated with the operation of the shops. The adjoining landowner believes that the site being developed for residential purposes will improve the residential amenity of the area and remove any conflict from an interface of shops and a residential dwelling.

The subject lot ("304") incorporates a building premises previously used as a shop, delicatessen and hardware. The building has been vacant for at least one year. The development of the shops on Lot 303 was approved by Council at its meeting held on 2 May 1989, which incorporated a service station site and local shops. The proposal was then classified as a discretionary use under former District Zoning Scheme No. 2.

Lot 303 was subsequently subdivided into two lots, subject Lot 304 and Pt Lot 303. The subject lot with the approval in place for local shops has been the subject of numerous complaints to Council regarding noise and light spill from the car parking area in recent years.

The site abuts a residential area to the west and a service station to the east. The service station has been decommissioned and a proposal to develop the site for residential units to a Residential R60 density is proposed by the same landowner of the subject site. The site has two street frontages, Forrest Road and Blackwood Avenue.

The applicant, prior to Council adoption of the amendment provided the following justification for the proposed Scheme Amendment:-

- "a) *With an area of some 1100m², the land is significantly larger than other holdings in the area and, thus, lends itself towards development at a higher density in accordance with Council's aims and objectives.*
- b) *Rezoning in the manner proposed would facilitate a gradation of a zoning and development between the R60 site on the*



intersection of Blackwood Avenue and Forrest Road (Pt Lot 303), and R20 single residential development to the west of the subject land.

- c) The rezoning would remove a dual frontage lot consistent with standard Western Australian Planning Commission policy and practice.*
- d) Rezoning of the land would remove a non-conforming use thus restoring compliance with Town Planning Scheme aims and objectives.*
- e) The rezoning facilitates the redevelopment of the site for quality residential purposes.*
- f) In this regard and as per Attachment D, single ownership of Lot 304 and Pt Lot 303 would facilitate coordinated and integrated development outcomes across the lots.*
- g) Development at a higher density would take advantage of the subject land's location in close proximity to local services such as shopping and schools.*
- h) Development at a higher density would capitalise on the land's proximity to local recreation areas to the benefit of future residents.*
- i) Development at a higher density would take advantage of the site's location relative to employment centres.*
- j) Importantly, the concept plan submitted shows that the land can readily accommodate compliant development at a density of R40."*

The applicant has not indicated whether the subject site will be developed with single or double storey dwellings. Any future second storey dwelling, however must comply with the Codes and therefore privacy can be dealt with as part of the development application process.

It is recommended that the Council proceed to adopt the scheme amendment.

Strategic Plan/Policy Implications

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

- 2. Planning Your City



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

Budget/Financial Implications

N/A

Legal Implications

Town Planning and Development Act
Town Planning Regulations

Community Consultation

Community consultation is required pursuant to the Town Planning Regulations.

Attachment(s)

- (1) Scheme Amendment Map
- (2) Proposed development concept.

Advice to Proponent(s)/Submissioners

The Proponent and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 November 2005 Council Meeting.

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

Nil.

- 14.2 **(MINUTE NO 3006) (OCM 10/11/2005) - FINAL ADOPTION - AMENDMENT NO. 31 - DOWN CODING OF RESIDENTIAL DENSITIES FROM RESIDENTIAL R30 TO R20 DENSITY CODE - PACKHAM DEVELOPMENT AREA NO. 1 - OWNERS: VARIOUS - APPLICANT: CITY OF COCKBURN (93030) (VM) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt the amendment subject to the following modification and



in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission:

Add new Clause 3 under DA1 of Schedule 11 of the Scheme Text as follows:

3. Notwithstanding the R20 Code applying to DA1, the Local Government may recommend subdivision or approve development on any land within DA1 based on:
 - (a) the R30 Code as permitted under table 1 of the Residential Design Codes and the requirement that seventy-five percent (75%0 of all land within the Residential Zone shall be developed for the purpose of a single house.
 - (b) until 31 December 2006, following which the R20 Code shall apply.
- (2) adopt the recommendations made in the Schedule of Submissions attached to the Agenda; and
- (3) advise applicant and those who made submissions of Council's decision accordingly.

COUNCIL DECISION

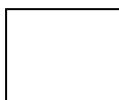
MOVED C/r K Allen SECONDED C/r T Romano that Council:

- (1) note the report;
- (2) seek approval from the Western Australian Planning Commission to defer the adoption of the scheme amendment for a period of 12 months (i.e. 10 November 2006) to enable affected landowners with development potential to seek the necessary approvals to legitimise development rights where these currently exist under the City's Town Planning Scheme No 3; and
- (3) advise those who made submissions of Council's decision accordingly.

CARRIED 6/3

Reason for Decision

The deferral of the scheme amendment is outlined as option two in the report, which allows for landowners with development potential to



exercise their development rights. This will enable for example vacant lots with development potential to be approved for development or subdivision based on the current R30 Code.

At the end of the 12-month deferment, it is proposed that the scheme amendment be referred back to Council for adoption. By this stage landowners would have had enough time to legitimise current development rights. It is noted that the deferral period would also need to be accepted by the Western Australian Planning Commission.

Background

The purpose of the Scheme Amendment is to ensure the Packham Development Area within the Spearwood Area is developed to a R20 Residential density code in line with the surrounding R20 density code.

Urban Focus has progressively subdivided the Packham Development Area since 1989, through a private landowners development arrangement. The original landholdings included over 120 rural lots that were previously occupied by market gardens and other rural purposes. Council agreed to apply an R30 Coding to the Packham Development Area. The R30 Code was agreed too by Council on the basis that 75% of the lots created were to be developed only as single house lots, with the balance 25% developed based on the R30 Code. This is a mandatory requirement that applies in TPS3.

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

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

Council prepared and maintained a Packham Development Potential Data Base (“Packham Data Base”) on the development potential of all lots and used this to give information to Real Estate Agents and Settlement Agents and Prospective Purchasers making enquiries on properties. The Packham Data Base has been difficult to apply



because the Residential Design Codes were gazetted in October 2002 with minimum lot area per dwelling requirements that became smaller than the lot size requirements applied under the 1991 Codes. This has created an inconsistency in the Packham Data Base, whereby some lots now have development potential for two or more grouped dwellings based on changes to the threshold minimum lot area. This is of concern because these lots were supposed to be retained as part of the 75% of lots in Packham designated as a single house lot. The integrity of the Scheme could be diminished over time if actions are not taken to resolve this inconsistency. Down coding of R-Codes from R30 to R20 would resolve this problem.

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

City Officers have also experienced disagreement with landowners about the development potential of their land, where landowners have made their own assumptions about development that conflicts with Council's Packham Data Base. Other situations have arisen where no record of the property can be found on the Packham Data Base and where no restrictive covenant applied, the City had no other option but to recognise the development potential applying under the R30 Code.

Submission

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

The proposed scheme amendment is intended to give greater certainty and consistency in providing Zoning Statements and granting development approval within Development Area 1 – Packham. The current system of determining development potential is not workable and has led to arguments with landowners. The expiry of restrictive covenants is also of genuine concern, which may regrettably lead to landowners demolishing existing improvements perhaps even a house to achieve two or more grouped dwellings. The R20 Coding is the most practical option to achieve a unified and consistent Coding. The



R20 Code also follows the “Blanket R20 Coding” approach in the district, adopted as the basis to Town Planning Scheme No. 3.

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

- The R20 Code in the Scheme Maps resolves the inconsistency and confusion between the Scheme Map R30 Coding and the Packham Development Potential Data Base. The Scheme Maps clearly prevail without reference to another Data Base;
- Most (75%) of the lots within the Packham Development Area don't have any development potential beyond a single house. The down coding proposal will not reduce the development potential of most lots and therefore the “status quo” remains largely unchanged for most landowners;
- Some landowners of vacant residential lots with no restriction on development potential based on R30 could have their development potential reduced by changing the R-Code from R30 to R20. These landowners would still be able to obtain development approval to realise the full potential of their land under the R30 Code while the R20 scheme amendment is being processed. They would however not be able to develop grouped dwellings after the scheme amendment is gazetted;
- Some residential lots which didn't have development potential may have their development potential increased because their land area is over 900m². This, however, is consistent with every other residential lot in the district;
- The proposed scheme amendment seeks to delete the requirement for 75% of lots within DA1 to be single residential. This would mean that any lot 900m² or greater would permit two grouped dwellings notwithstanding the minimum lot size requirements applying to the R20 Code pursuant to Clause 5.4.1 of TPS3;
- A new variation clause to TPS3 is also needed that enables reinstatement of any dwelling in the district that is accidentally destroyed notwithstanding that the development doesn't comply with the Residential Design Codes. The former development provisions that applied when the development was approved will prevail.
- Properties with existing houses will generally not be affected. Lots less than 600m² are also not affected.

Report

The Scheme Amendment was referred to the Environmental Protection Authority (“EPA”) in accordance with Section 7A(1) of the Act.

The EPA advised that under Section 48A of the *Environmental Protection Act* the overall environmental impact of the amendment would not be severe enough to warrant assessment under Part IV of



the *Environmental Protection Act*, the preparation of an Environmental Review and the subsequent setting of formal conditions by the Minister for the Environment and Heritage. The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days.

A copy of the proposed amendment map is included in the Agenda attachments.

The 42 day public consultation period for Amendment 30 concluded on 9 October 2005. At the close of the advertising period 59 submissions were received, of which 54 objected to the proposal and 5 supported the proposal.

The submissions objecting to the proposal are summarised as follows:-

- Loss of development potential of the land. When the lot was purchased it was confirmed to be a R30 zoned lot, not R20, therefore potential loss of 1 unit site, equating to approximately \$100,000.
- The Density code of the area should remain the same as it is against Network City Policy objectives proposed by the Minister. The policy encourages medium density area within infill areas.

The City has assessed each submission of objection based on the Packham Development Potential Data Base. It is important to note that 42% of the submissions of objection to down coding were from lots that don't currently have any development potential based on current R30 Code requirements and restrictions set out in the Packham Development Potential Data Base.. The balance of 58% of submissions would be affected by the down coding proposal in terms of reduced development potential that includes a large 'green field' site owned by LandCorp on Mayor Road. Most of the owners who objected that don't have development potential based on current standards already have existing houses and would stand to benefit from restrictive covenants expiring or land area development potential and redeveloping – other objectors had already realised full development potential (ie. 2 units built).

In support of the Scheme Amendment 5 submissions were received stating that there are too many unit developments in the area and the density should be decreased.

In order to achieve a reasonable outcome to the Scheme proposal there are 3 options presented to Council. Each option has its own different implications as such:



Option 1 – Adopt the Scheme Amendment R30 to R20

Proceed with the Scheme Amendment and identify areas containing large lot parcels where the R30 code will be retained and in anticipation of the Hon. Minister's advice that final approval will be granted the documents be signed, sealed and forwarded to the Western Australian Planning Commission.

This option will result in identifying large undeveloped areas which could still retain the R30 development. These large lots are located on Mayor Road and have not been developed at this stage due to environmental issues which still need to be resolved. Therefore it is appropriate and equitable that these large lots should retain the R30 development. Some areas within close proximity to Parks and Local Centre areas (within 200m walking distance) should also retain the R30 density code to promote walkability from high to medium density areas. Therefore promoting better use of infrastructure improving the visual amenity of the centre and better use of parks areas as the recreational areas of R30 density are quite small, therefore proximity to large open space areas will be provided to those residents.

Option 2 – Defer the Scheme Amendment

Deferment of the final adoption of the Scheme Amendment by 4 months to allow landowners / applicants with existing development potential to legitimise existing development rights.

The proposal to defer the Scheme Amendment for 4 months will allow the landowners with development potential to legitimise their development rights. This will enable vacant lots with development potential to be developed based on an R30 code. Most landowners with development potential will lodge applications to strata-subdivide or develop in the short period as landowners do not want to lose their development rights. Subdivision approvals are valid for a period of 3 years even if the R-Coding is changed from R30 to R20.

At the end of the 4 month deferment (ie 10 March 2006), it is proposed that the Scheme Amendment be referred back to Council for adoption. By this stage landowners would have had sufficient time to legitimise current development rights.

Option 3 – Status Quo (Retain R30 Coding)

Continue with the development of the area with a density code of R30 with some properties retaining the restrictive covenants.

Implications will be that Council officers will be dealing with the issue of restrictive covenants on some lots and that confusion over potential development rights to new purchasers can be denied.



Expiry of restrictive covenants that require development to be limited to a single dwelling will regrettably lead to redevelopment where landowners realising they can achieve two or three units which may involve demolition of existing houses and improvements. City Officers will have no option but to grant approvals based on the R30 Code which will lead to an increase in unit developments within the locality.

Resident complaints to Council are expected where single house lots are redeveloped into unit sites. This is an inevitable consequence of retaining the current R30 Coding.

Recommendation

It is recommended that the Council proceed with Option two – to defer the Scheme Amendment. This option recognises that it would be unreasonable to take away existing development rights without firstly giving the opportunity for landowners to legitimise approvals which must then be carried out within 2-3 years. If affected owners fail to take advantage of this opportunity they will lose development rights. At the end of the four month period it will be recommended that Council proceed to adopt the Scheme Amendment which may take a further 3-6 months to be ratified by the Minister for Planning and Infrastructure.

Strategic Plan/Policy Implications

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 character and historic value of the human and built environment."*

Budget/Financial Implications

The Scheme Amendment has been prepared in-house which has reduced the costs to Council.

Legal Implications

Town Planning and Development Act.
Town Planning Regulations.



Community Consultation

Community consultation was undertaken pursuant to the Town Planning Regulations. Council notified landowners of the proposal affected by the Scheme Amendment, requesting comments within 42 days. Three consecutive advertisements were also placed in the local paper during the advertising period. 59 submissions were received. 54 objections and 5 submissions in support were received.

Attachment(s)

- (1) Location Plan of Submissioners.
- (2) Scheme Amendment Plan showing proposed and existing zoning.
- (3) Schedule of Submissions.

Advice to Proponent(s)/Submissioners

The submissioners on the proposal have been advised that this matter is to be considered at the 10 November 2005 Meeting.

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

Nil.

14.3 **(MINUTE NO 3007) (OCM 10/11/2005) - LIGHTS FOR BOWLING CLUB - LOT 101 HAMILTON ROAD, HAMILTON HILL - OWNER: CITY OF COCKBURN - APPLICANT: SPEARWOOD DALMATINAC CLUB INC (2202281) (SDS) (ATTACH)**

RECOMMENDATION

That Council:

- (1) grant its approval for the proposed lighting installation on Lot 101 Hamilton Road, Spearwood, in accordance with the approved plan subject to the following conditions: -

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No construction causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before



7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
5. The proposed development shall be clad or coloured to complement the surroundings, and/or adjoining developments, in which it is located, and shall use non reflective materials and colours.

SPECIAL CONDITIONS

6. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
7. The installation, including masts, footings, electrical systems and ancillary equipment, should comply with appropriate Australian Standards and Local Government regulations.
8. The times of operation of the lighting installation shall be limited to 4pm – 10pm Monday to Saturday and not at all on Sunday or Public Holidays except on special circumstance with Council Approval.

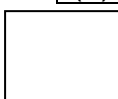
FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
 2. The applicant is advised that where for any reason the use of alternative or additional lighting equipment is desired, planning approval will be required.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval); and
- (3) advise those who lodged a submission of Council's decision.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr S Limbert that Council:

- (1) grant its approval for the proposed lighting installation on Lot



101 Hamilton Road, Spearwood, in accordance with the approved plan subject to the following conditions: -

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No construction causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
5. The proposed development shall be clad or coloured to complement the surroundings, and/or adjoining developments, in which it is located, and shall use non reflective materials and colours.

SPECIAL CONDITIONS

6. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
7. The installation, including masts, footings, electrical systems and ancillary equipment, should comply with appropriate Australian Standards and Local Government regulations.
8. The times of operation of the lighting installation shall be limited to 4pm – 10pm Monday to Saturday and not at all on Sunday or Public Holidays except on special circumstance with Council Approval.
9. The proposed lighting being installed on the two northern most bowling greens only.

FOOTNOTES

1. The development is to comply with the requirements of



- the Building Code of Australia.
2. The applicant is advised that where for any reason the use of alternative or additional lighting equipment is desired, planning approval will be required.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval); and
 - (3) advise those who lodged a submission of Council’s decision.
- CARRIED 9/0**

Reason for Decision

The requirements of the Spearwood Dalmatinac Club and adjacent residents can be fulfilled by requiring the bowling club lighting to be installed on the northern most bowling greens to mitigate the impact of lighting overspill on the amenity of nearby residents.

Background

ZONING:	MRS:	Urban
	TPS3:	Local Parks and Recreation
LAND USE:	Lawn Bowl Club	
LOT SIZE:	8094m ²	

The Spearwood Dalmatinac Club currently contains 4 lawn bowling greens for 75 bowlers and fellow members (total > 500). The club intends to extend the use of greens for a broader community patronage (including business, public, schools etc) by installing lights to allow night time use. “Corporate” bowls in particular has flourished at many other bowling clubs that have modern lights, and this rationale has been supported by Andrew Collins (Executive Officer) of *Bowls WA*.

Submission

The applicant seeks approval for the installation of 6 Steel Poles (11m in height) and associated lights for 2 Bowling Greens. *Bowls WA* supports the application because it will encourage greater use of the bowling facilities and enable the club to attract more members.

Report

Under Council’s Town Planning Scheme No.3 (TPS3), the subject land is a Local Reserve for Parks and Recreation. Six (6) landowners directly opposite to the Dalmatinac Club were advised of the



development application. Council received two (2) no objections to the proposal and the remaining adjoining neighbours did not respond.

The prime concerns from adjoining landowners objecting to the proposal relate to the issues of increased traffic, nuisance from the lighting, the aesthetics of the light poles and increased noise from the club. These concerns predominantly relate to the use of the Dalmatinac Club, with the submissioners perceiving a reduction to the surrounding amenity (i.e. increased traffic and noise) rather than the actual proposal. The use of the premises has already been approved therefore the proposal itself needs to be considered, in particular the effects of obtrusive lighting.

The issue raised in regard to nuisance from lighting can be addressed and controlled by the City as conditions of planning approval. The Australian Standards 4282 – 1997 'Control of Obtrusive Effects of Outdoor Lighting' outlines requirements for the assessment of likely effects of development that involve the provision of outdoor lighting. These requirements together with time limitations will be imposed as conditions of planning approval for the proposal and play an important role in controlling the obtrusive effects of the lighting installation and any illumination spill into adjoining properties.

Therefore it is recommended that the application be supported by Council.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
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:-
APD17 Standard Development Conditions and Footnotes

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Plan for additional lighting.

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 10 November 2005 Council Meeting.

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

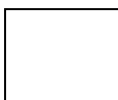
Nil.

14.4 (MINUTE NO 3008) (OCM 10/11/2005) - PROPOSED AMENDMENT TO TOWN PLANNING SCHEME NO. 3 - COMPULSORY RAINWATER TANKS (6605) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) not adopt the amendment for final approval;
- (2) advise the Western Australian Planning Commission accordingly;
- (3) adopt the recommendations made in the Schedule of Submissions attached to the Agenda;
- (4) await the outcomes of the introduction of WA BASIX which includes a more comprehensive approach to water efficiency and energy efficiency technologies for new homes; and
- (5) advise submissioners of Council's decision accordingly.



COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr J Baker that Council defer this item until the December 2005 meeting.

MOTION LOST 4/5

MOVED Clr I Whitfield SECONDED Clr V Oliver that Council:

- (1) not adopt the amendment for final approval;
- (2) advise the Western Australian Planning Commission accordingly;
- (3) adopt the recommendations made in the Schedule of Submissions attached to the Agenda;
- (4) await the outcomes of the introduction of WA BASIX which includes a more comprehensive approach to water efficiency and energy efficiency technologies for new homes; and
- (5) advise submissioners of Council's decision accordingly.
- (6) TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME CITY OF COCKBURN - DISTRICT ZONING SCHEME NO. 3.

AMENDMENT NO. (to be inserted)

Resolved that Council, in pursuance of section 7 of the Town Planning and Development Act 1928 (as amended) to amend the above Town Planning Scheme by:-Initiate a new scheme amendment

Insert new Clause 5.8.7 into the Scheme Text accordingly:-

"5.8.7 Household Water Saving Devices

- (a) *Each new single house, grouped dwelling and multiple dwelling shall install and maintain in-house three star shower heads, four star rated taps to bathroom and vanity basins, kitchen sink and laundry trough, dual flush toilet of 6/3 litre capacity and leak proof pipes.*
- (b) *Within 60 days of occupation householders must provide sufficient evidence to the local government of these water saving devices being installed by a licensed plumber.*



- (c) *Clause 5.8.7 will have no further effect upon the commencement of the WA BASIX program or other similar water saving measure for buildings in Western Australia.”*
- (7) sign the amendment documents, and advise the WAPC of Council’s decision;
- (8) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (9) notwithstanding (3) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not with the Amendment; and
- (10) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed with the Amendment.

CARRIED 9/0

Reason for Decision

The total cost of installing these water saving devices is only \$126.01 as opposed to the costs of installing a 2,000L+ rainwater tank upwards of \$1,800. The estimated water saving for installing these simple devices is 21,700 litres each year according to DPI and Water Corporation, which is about an 11% water saving. This compares with the higher cost option of installing a rainwater tank to achieve a 25% water saving or 49,000L.

To progress this simple and cost effective water saving initiative a new scheme amendment would need to be initiated given that this is somewhat different from the initial proposal to mandate rainwater tanks.



Background

Council at its Ordinary Meeting on 15 March 2005 resolved as follows:-

- “(1) *receive the report;*
- (2) *adopt the recommendation to amend Town Planning Scheme No.3, Amendment No.30, with the exception that proposed Clause 5.8.7 be modified to read as follows:*
- 5.8.7 Each new single house shall install a rainwater tank, as a secondary water supply, with a minimum capacity of 4,000 litres and each new grouped dwelling shall install a rainwater tank with a minimum capacity of 2,000 litres.*
- (3) *instruct the Director, Planning and Development to prepare a draft Rainwater Tank Policy for consideration at the next Delegated Authority, Policies and Position Statements Committee Meeting.”*

Submission

N/A

Report

EPA Determination

The scheme amendment was referred to the Environmental Protection Authority to determine a level of assessment pursuant to the Environmental Protection Act. The EPA decided that the overall environmental impact of the proposal would not be severe enough to warrant assessment under Part IV of the EP Act. Although the proposal was not formally assessed the following advice was summarised as follows:-

- The amendment is unique and is in accordance with the State Water Strategy for WA;
- The scheme text doesn't reflect the issues of installation and maintenance of rainwater tanks and use of rainwater;
- The scheme text should clearly state that reticulated scheme water provides a reliable source of drinking water and should always be used in preference to rainwater for drinking purposes;
- The Health Dept have advised that unless treated rainwater is not reliably safe to drink in urban areas where reticulated scheme water is available, rainwater should be used for non-potable water uses such as garden watering, flushing toilets, washing machines and car washing;
- Rainwater from suburbs in the district near industrial areas may not be fit for consumption or for use in other purposes which is not reflected in the scheme text;



- Maintenance of rainwater tanks is necessary to ensure that tanks don't become a breeding ground for mosquitoes where management strategies are required;
- Cross connection of rainwater tanks to a connected water supply to the residence pose the highest risk to reticulated scheme systems. Reference is made to the MWSSD Bylaws requiring use of backflow prevention devices.

In response to the EPA advice the scheme text could be amended to substitute the word "secondary" water supply with "non-potable" water supply. The scheme amendment report also recognised that reticulated water provides a reliable source of drinking water supply and should always be used in preference to rainwater for drinking purposes.

Domestic Water Use

The Water Corporation prepared a document titled "Domestic Water Use Study in Perth Western Australia 1998-2001 – released on March 2003". The study provides a good understanding of domestic water use patterns and trends for the Water Corporation to plan for the present and future needs of its domestic and other customers. Some public submissions criticised the City for not referring to this report.

Annual Water Use Table

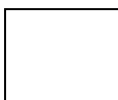
	In-house	Ex-house	Leaks
Single Residential	42%	56%	2%
Multi-Residential	48%	50%	2%

Component Usage

	Bath & Shower	Washing Machine	Toilet	Tap	Other
Single Residential	33%	27%	21%	16%	3%
Multi-Residential	33%	26%	17%	21%	3%

Overall Component Usage per Single Household

Water Use	Percentage
Watering	54%
Bath & Shower	14%
Washing Machine	11%
Toilet	9%
Tap	7%
Swimming Pool	2%
Leaks	2%



Other	1%
Total	100%

It is interesting to note that sinking a bore would cost less to install than a rainwater tank and connecting to a house. A bore would also save 54% of overall water use to a single household and provide a continuous all year round supply of groundwater. A rainwater tank couldn't provide the same water savings because rainwater supply is limited.

Some Study Outcomes:-

- Water usage peaks over summer;
- Higher income groups use more water than lower income groups;
- Almost all water use outside the house is applied to gardens and lawn watering;
- Auto-reticulation uses more water than no auto-reticulation. 36% increase in use from 1981/82 to 1998/00 of sample households;
- Houses with bores use less scheme water for watering purposes than houses without a bore;
- Shower efficient heads save more water than normal flow heads. 35% increase in use from 1981/82 to 1998/00 of sample households;
- Front loader washing machines save more water than top loader washing machines;
- Dual flush toilets use less water than single flush toilets. 64% increase in use from 1981/82 to 1998/00 of sample households. Total household water use dropped from 32% to 21% in less than 10 years;
- The total average water use for single households increased by 55% from 1981/82 to 1998/00 of sample households due to an increase in occupancy rates;

The Water Corporation have provided the following information on where financial rebates have been paid under the Waterwise rebate program:-

Product Stats Feb 03 - YTD

Product	Applications	Quantity	Total	% of Total \$ Value of Rebate	Water saved kL per annum
Bore	13,569	13,569	\$4,097,408	16.71%	3,392,250
Washer	125,667	125,667	\$18,850,050	76.87%	3,267,342
Shower	16,418	18,958	\$189,569	0.77%	132,706
Tank*	7,625	7,625	\$887,550	3.62%	228,750
Greywater	42	42	\$18,946	0.08%	4,620
ATU's	38	38	\$17,250	0.07%	4,560
SWA	32,781	41,616	\$416,069	1.70%	124,848
Tap Timer	1,256	1,549	\$15,490	0.06%	9,294

FCV	2	12	\$120	0.00%	36
Pool Cover	281	281	\$27,266	0.11%	11,802
Rain Sensor	8	8	\$160	0.00%	160
Subsurface Irrigation	58	225	\$2,250	0.01%	1,035
Garden Assessment	1	1	\$30	0.00%	23
Total	197,746	209,591	\$24,522,158	100.00%	7,177,426

* The rebate for rainwater tanks changed on 1 July 2005. Now its \$50 for a tank 600 litres or greater and \$500 if the tank is 2000 litres or greater and plumbed into the house (\$500 max). Prior to 1/7/05 it was \$50 for a tank over 600 litres, \$150 for a tank over 2000 litres and a further \$150 was available if the tank was plumbed in (\$300 max).

The State Government's Water Wise Rebate Program has been made to over 197,000 families and is estimated to have saved over 7 million kl annually. The Government has decided to extend the scheme until 30 June 2007.

Only 3.8% of rebates over 197,746 waterwise rebates have been paid by the State Government for rainwater tanks. There is a clear preference for front load washing machines (76%) from the rebates paid in the Waterwise scheme. The benefit of the rebate scheme is that it is applicable to both existing and new homes.

State Water Use

A newspaper article in the Sunday Times, October 9, 2005 reported investigations into 10 businesses using water illegally. The headlines stated "10 firms in hot water". This article discussed the amount of water being used by one business was believed to have been half a gegalitre (500,000,000 litres) in comparison with an average household that uses only 280,000 litres annually.

It was also reported that:-

Land Use	Annual Water Use (billion litres)	Percentage of Total Water Use
Irrigated Agriculture	520 billion litres	40%
Mining uses	310 billion litres	23.8%
Service and Manufacturing industries	140 billion litres	10.8%
Households	170 billion litres	13.0%
Not explained (Other)	160 billion litres	12.4%
WA's total usage	1300 billion litres	100%

Household water use is only 13% of the total water use in Western Australia. Irrigated Agriculture and Mining collectively use just over 50% of the total water use per annum. This is very significant because it demonstrates that maximum efforts should be made by the State Government to improve water efficiency in the irrigated agricultural and



mining sectors. The State Government Waterwise rebate program provides incentives for householders to reduce water consumption but clearly they are not the main water users in the State. The City is not sure if the total water use was calculated to include use of saline water, which would be expected by the mining industry. This would change the results and therefore these statistics should be viewed with some caution. The overall message regardless of the above table is that all water users should “do their bit” to reduce water consumption (a copy of the newspaper article is included in the agenda attachments).

Mandate or Educate?

The dilemma for Council is to decide if it wants to proceed to mandate rainwater tanks or to educate the public on water conservation measures and support the Water Corporations Waterwise scheme. It has also been argued in submissions that it is not the Council’s role to assume that it has the necessary expertise and knowledge to mandate rainwater tanks. The Water Corporation is responsible for collecting and supplying a reticulated water supply to the Perth Metropolitan Region.

Daytime water restrictions have been in place since 1 November 1994 and legislation making dual flush toilets compulsory for all new toilet installations has also been applied in Perth. These measures have saved water through mandate approach as opposed to education.

The Water Corporation waterwise financial rebate scheme encourages the installation of water efficient shower heads, AAAA rated or better washing machines, rainwater tanks and garden bores. The Corporation’s massive education campaign has been directed to promoting responsible water usage behaviour to ensure a sustainable water future. This has been successful without mandating water efficiency requirements.

At the UDIA Sustainability Conference on 19 October 2005 there were a variety of speakers that discussed that there were over 100 international rated sustainability tools and 20 Australian Rated tools.

Residential Tools:-

1. BASIX
2. 5 Star
3. NABERS (Australian Greenhouse Office)
4. Checklists
5. Energy Tools
6. NatHERS Accurate (BCA)
7. First Rate (Vic) ActHERS (Act)

Bruce Taper (NSW) DPI discussed that there were three important things to mandate requirements:-

1. Effective
2. Efficient



3. Equitable

In NSW BASIX has 'cut red tape' as there is no diversity in Local Government approach. He also explained that a single dwelling cost and extra \$9,000- and an apartment cost an extra \$9,100 per unit for the energy and water efficiency devices. He also explained that rainwater tanks work and modelling will resolve this for WA. BASIX is not prescriptive – flexible and performance based. There are no trade-offs between water and energy and it is equitable. BASIX included benchmarks, targets and a mechanism. There were various other presentations made by builders who have applied BASIX who tended to be more accepting of the sustainability requirements while noting some exceptions.

HIA and Dale Alcock also explained the local WA perspective. Dale Alcock spoke at one stage against making rainwater tanks compulsory in Cockburn and was critical of the Council.

Urban Development Institute of Australia (WA Division)

UDIA's submission included Cost/Benefit Analysis of Water Saving Technology in Perth, which provides a useful comparison of the various options currently available to consumers.

"The UDIA research concluded that, due to WA's climate which is wet in winter and very dry in summer, tanks are unable to supply water when it is most needed during the dry summer months. This means that, based on our calculations, rainwater tanks only save approximately 8% on household water use per annum.

In addition, rainwater tanks are very expensive for home buyers to install and maintain costing between \$1,500 and \$5,500 for installation only (depending on size). This means that the payback period for this technology is long (we estimate somewhere between 29 years and 84 years).

In comparison, simply installing a AAA rated shower head for much lower cost (approximately \$42) can save up to 5% of household water use every day with a payback period of only 1.2 years."

Technology	Water Saving Per Dwelling	Cost of Installation (per dwelling)	Value of Water Saved/Per Annum \$	Payback (years)	Total Water Saving
AAA Rated Shower Head	24.8 KL	\$50	\$42	1.2 years	5%
Tap aerator and flow regulators	11.5 KL	\$50	\$19.45	2.6 years	3%
Dual Flush Toilet 6/3 litre	29 KL		\$49		6%
AAAA rated front load	31.8 KL	\$800 (*rebate	\$53.91	14.8 years	7%



washing machine		available)			
AAA rated dishwasher	2.8 KL	\$800 (*rebate available)	\$4.67		1%
Hot water pipe < 5m and well insulated	2.9 KL	\$150	\$4.90	30.6 years	1%
Xeriscape landscaping or minimal landscaped area	126.4 KL	Total cost \$3,500 Additional cost \$300	\$213.95	16.35 years (total cost) 1.4 years (additional cost)	28%
Leak proofing pipes	9.2 KL	\$75	\$15.56	4.8 years	2%
Rainwater Tank (rain harvested for outdoor use only)					
2,000 L (2KL)	35.6 KL	\$1,800	\$60.26	29.8 years	7.7%
3,000 L (3KL)	37 KL	\$2,200	\$61.96	35 years	8%
4,000 L (4KL)	37.6 KL	\$2,200	\$63.65	34.5 years	8.2%
5,000L (5KL)	38.6 KL	\$5,500	\$65.35	84 years	8.4%
Rainwater Tank (rain harvested for outdoor use and use toilets) 2,000L (2KL)	46.8 KL	\$2,100	\$79.31	26.5 years	10%
Community Bore (Outdoor use only)	227.5 KL	\$1,500	\$385.11	3.9 years	50%
Community Bore (Outdoor and toilet use)	264.7 KL	\$1,800	\$448.12	4 years	58%
Community Bore (Outdoor, toilet use, washing machines)	310.2 KL	\$2,000	\$525.15	3.8 years	68%
Greywater (Outdoor use only)	202.2 KL	\$1,500	\$342.32	4.4 years	44%
Greywater (Outdoor and toilet use)	235.3 KL	\$1,800	\$398.33	4.5 years	51%
Greywater (Outdoor, toilet and washing machine use)	275.7 KL	\$2,000	\$467	4.3 years	60%
Third Pipe System (Outdoor use only)	227.5 KL	\$2,000	\$385.11	5.2 years	52%
Third Pipe System (Outdoor and toilet use)	264.7 KL	\$2,300	\$448.12	5.13 years	61%



Department for Planning and Infrastructure

DPI and Water Corporation late submission provides a detailed analysis of the costs and benefits of rainwater tanks and other water saving devices. The submission also discusses the existing and proposed government policy in the context of WA BASIX. Qualitative modelling, financial information and technical information on each of the water efficiency elements are also shown.

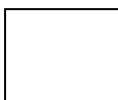
The key message from the submission is that there is a similarity between the intent of the City's scheme amendment and that if the WA BASIX tool in terms of reducing potable water consumption in new homes. New homeowners of the City that are compliant with the Council requirements will also be compliant with similar initiatives developed by the State Government. This will avoid duplication of effort and cost for these homeowners.

The DPI and Corporation have recommended that if rainwater tanks are to be mandated:-

- Connection to a non-potable water supply is required to preclude loads to washing utensils, bathing and food preparation. Rainwater tanks should only be used to feed toilet cisterns and cold water inlet of washing machines;
- Rainwater must be gathered from a minimum roof area of 150m² and store the water in a tank no smaller than 2,500 litres. Modelling has shown there is little benefit in increasing the tank size beyond 2,500 litres.
- Installing three star (formerly AAA) rated showerheads is known to be a cost effective water saving measure and should be included in any water efficiency package for new homes.
- Installing four star rated taps adds practically nothing to the cost of a new home and adds to total water savings. These should be included in any water efficiency package for new homes and connected to bathroom and vanity basins, kitchen sinks and laundry troughs.
- The City of Cockburn could join with the Water Corporation in promoting the principles of Waterwise gardening including appropriate irrigation regimes, plant selection and garden design.
- The City of Cockburn could also join the Water Corporation to promote the State Government's Waterwise rebate scheme for water efficient devices and appliances.
- The City of Cockburn should consider the development of its own scheme of financial incentives to promote water efficiency involving a similar rebate scheme to the State Government concessions for water efficient devices.

City Officer Comments

Depending on the type of regulatory framework BASIX at the earliest could be implemented by January 2007. This would only give Council



one year to trial its own scheme provisions and test the effectiveness of water saving provisions. It seems unreasonable to introduce compulsory rainwater tanks only to have these scheme provisions superseded within such a short period by WA BASIX.

It is understood that the Department's approach to BASIX is still being considered but they are considering options relating to target water saving of 30% per household and giving options to consumers to install water saving devices of their choice provided the water saving target is achieved.

The cost of a 2,500L tank is \$1,090 for an oblong corrugated tank and \$1080 for a flat-sided finish tank with a 20-year guarantee plus installation. Poly tanks are manufactured in South Australia and are available to WA, which are also more durable and only slightly fade. Local manufactures are investigating making these in WA. The tank dimensions are 600mm x 1.95mm for a 2,500L tank which means that it can fit under a 2.2m high house eave. Maintenance involves emptying the tank once a year for cleaning and using the relief strainer, which also prevents mosquitos from entering the tank.

Option One – Mandate Rainwater Tanks

Making rainwater tanks compulsory is more about environmental consciousness than economic benefit. The DPI and Water Corporation submission provided a useful analysis, which could be used by the Council if it decided to mandate rainwater tanks in new homes.

If rainwater tanks are made compulsory it is recommended that Council apply the suggestions made by DPI and WC as follows:-

“It is recommended that if rainwater tanks are to be mandated, their connection to an existing non-potable water load should be mandated. Australian Standards preclude all loads, which may involve the washing of utensils, bathing, or food preparation. With this in mind, the recommended use for rainwater is to feed toilet cisterns, and the cold water feed of washing machines.

It is recommended that if rainwater tanks are made mandatory, they should gather water from a minimum roof area of 150sqm, and store the water in a tank no smaller than 2,500 Litres. Quantitative modelling shows that if rainwater tanks are mandated for the uses as described above, an optimum configuration is to plumb a 2,500 Litre tank to a roof area of 150sqm. The modelling shows that there is little incremental benefit in increasing the tank size beyond 2,500 Litres.”

Other DPI and WC recommendations included the installation of three star rated showerheads, four star rated taps, promote the WC Waterwise garden principles and rebates scheme and consider



developing the City's own waterwise financial incentives to promote water efficiency.

Implications:-

- The DPI and WC submission explained that an installed 2,500L rainwater tank would cost \$1,932 (less \$500 Waterwise rebate) producing annual savings of \$33 and annual water saving of 49,000L.
- Based on DPI and WC submission three star rated showerhead and three star rated taps and four star rated toilet would save 21,700L.
- A rainwater tank represents an increase in the total cost of less than 1% in the low cost package, and less than 0.5% in the high cost package.
- The district wide water saving of 1,400,00kL could be saved over a projected 15-year horizon (DPI & WC).
- Rainwater tanks could be viewed as a one-off sunk cost that adds to the plumbing cost by about \$1,400 (after the State Gov rebate) and is then approximately cost neutral from that point on.
- If the cost of installing a rainwater tank is added to a 25 year mortgage costs will substantially increase (refer to detailed cost analysis in the HIA submission);
- The consumer payback period on a 2,000 L tank for outdoor and toilet use is 26.5 years based on UDIA figures. The payback period on a 4,000 L rainwater tank is 30 years.
- This approach goes against the majority of submissions received from Building Industry and Building Companies that have opposed the introduction of compulsory rainwater tanks in the district.
- The scheme amendment cannot apply retrospectively to existing homes in the district and this is significant a limitation of this approach which only targets new homes.
- This "one size fits all" approach will be difficult to apply on smaller lots where it may be unreasonable or impractical to install rainwater tanks (ie 180sqm lots).
- All building licence applications received by the City for new houses would need to include on their plans details and specifications of rainwater tanks;
- Council should consider providing an additional financial incentive, which matches the State Government Rebate of \$500 for a rainwater tank connected to a house. This would increase the total rebate to \$1000- and off-set the financial cost of installing a rainwater tank which could be around \$2,500- and substantially more if added to a mortgage;
- The practicality of checking that rainwater tanks have been installed is still a difficulty because while a tank can be included on an application for building licence it still may not be installed.
- If Council proceeds with to mandate rainwater tanks the scheme amendment text should be modified as follows:-

"5.8.7 Household Rainwater Tanks



- (a) *Each new single house shall install and maintain a rainwater tank with a minimum capacity of 2500 litres, as a secondary non-potable water supply with an in-house connection to feed toilet cisterns and the cold inlet of a washing machine. Grouped dwellings shall install a rainwater tank with a minimum capacity of 2,000 litres, as a non-potable water supply with an in-house connection to feed toilet cisterns and the cold inlet of a washing machine.*
- (b) *Within 60 days of occupation householders must provide sufficient evidence to the local government of the rainwater tank being installed and connected in-house by a licensed plumber to toilet cisterns and the cold inlet of a washing machine.*
- (c) *Rainwater tanks must be installed in accordance with the requirements of the Department of Health and Australian Standards requirements for plumbing and drainage.*
- (d) *Clause 5.8.7 will have no further effect upon the commencement of the WA BASIX program or other similar water saving measure for buildings in Western Australia.”*

Option Two – Alternative Water Saving Devices

The State Government is currently investigating a phased review of the Building Sustainability Index (BASIX) tool. BASIX could be applied during the approval process for buildings. This would also be a shared approach to water conservation and energy conservation and involve the community in their further development. This is also to be undertaken on a much wider level by the State Government taking a lead role with industry groups.

The scope of BASIX is much broader than the proposal by Council to make rainwater tanks compulsory. BASIX could specify water conservation target of 30% and energy conservation target 25% for each new household. BASIX could give options available to new owners to decide for themselves, which water conservation measure they want to apply. Owners can decide to install a bore and water saving heads to achieve the target water saving or install a rainwater tank and other measures. If Council adopted the requirement to compulsory install rainwater tanks consumer choice is removed. This would be inequitable because existing homeowners could freely choose what device to install from a series of options.

The scheme text could be reworded as follows to compulsory require other lower cost water saving devices as follows:-

“5.8.7 Household Water Saving Devices

- (a) *Each new single house, grouped dwelling and multiple dwelling shall install and maintain in-house three star shower heads, four star rated taps to bathroom and vanity basins, kitchen sink and laundry trough, dual flush toilet of 6/3 litre capacity and leak proof pipes.*



- (b) *Within 60 days of occupation householders must provide sufficient evidence to the local government of these water saving devices being installed by a licensed plumber.*
- (c) *Clause 5.8.7 will have no further effect upon the commencement of the WA BASIX program or other similar water saving measure for buildings in Western Australia.”*

The total cost of these collective water saving devices is only \$126.01 as opposed to the costs of installing a 2,000L+ rainwater tank upwards of \$1,800. Estimated water saving of approximately 26% and 65.3 KL water saving per household could also be achieved with these simple water saving devices (ie AAA shower head etc.) as opposed to a 2,000 – 3000 litre rainwater tank saving between 10% to 15% of water.

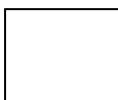
Option Three – Don't Mandate Rainwater Tanks

The cost of providing and installing a rainwater tank and connecting to a house, when measured against the savings in water consumption in litres and dollars is disproportionate. The cost of rainwater tanks and installation outweigh the benefits to householders and would rate low in priority order against other cheaper more attractive alternatives.

Council should consider not proceeding with the scheme amendment and await the introduction of WA BASIX, which contains simple and yet effective set of controls regarding water efficiency and energy efficiency requirements for homes.

Implications:-

- By not proceeding to mandate rainwater tanks Council would recognise that householder preference is not for rainwater tanks. The Waterwise rebate scheme revealed that most householders preferred to install front load washing machines (77%) as opposed to 3.62% installing rainwater tanks, notwithstanding that the rebate for rainwater tanks has now increased where connected in-house.
- State water use statistics indicated that households only use 13% of the total state annual water use. This limits the ability to achieve significant water efficiencies by new householders alone. All water users however should contribute towards reducing water consumption.
- The State Government is responsible through the Water Corporations administration to capture, treat and supply household metropolitan water supply needs. Council's involvement however will become important if WA BASIX is introduced, as it will be required to contribute towards the administration of the sustainability tool.
- The UDIA submission provides a useful cost benefit analysis by comparing technology devices against the payback period and total water savings.
- The HIA submission raises several considerations regarding economic, social, public risk, role and responsibility, tank limitations,



insufficiency of information. Many of these comments are echoed in submissions from building companies.

- The Department for Planning and Infrastructure and Water Corporation joint submission doesn't comment on whether or not rainwater tanks should be made compulsory but provides useful information on suggested tank size and roof capture area and in-house connections should Council decide to mandate rainwater tanks.
- Location problems will be experienced installing rainwater tanks on small green title lots where 4,000 LT rainwater tanks are totally impractical (eg 180m² lots). A one size fits all approach to single houses will not work effectively due to significant variations in lot sizes particularly for small cottage lots. This may require the installation of 2 x 2000LT slim line rainwater tanks, which increases the cost as opposed to installing only a single tank.
- Only new householders would be required to install and maintain a rainwater tank. Existing households are exempt and this scheme amendment couldn't retrospectively apply.
- Removes the ability and freedom of choice for new homeowners to decide for themselves how they spend and choose between water saving devices.
- Economic costs of installing and maintaining a rainwater tank may never see the tank paying for itself through water savings.

Recommendation

The public submissions received have been extremely critical of the Council's proposal to mandate rainwater tanks. Submissions have been based on economic, environmental, cost benefit analysis, role of Council, inadequately researched and inequitable approach. A consistent concern in public submissions is that Council would be adding a significant cost burden to new homeowners and that rainwater tanks are not effective in WA and it is not equitable to target new homes alone. The HIA submission was the most comprehensive submission received of all the public submissions and provided a critical analysis of the Council's proposal from an industry group perspective.

Despite assertions to the contrary the City believes that rainwater tanks can still work in Perth based on the modelling information provided by DPI and WC despite the limitations of our dry climate. Rainwater can only be collected during winter when it's not needed outside and becomes useful if the rainwater is connected inside to a cold-water inlet of a washing machine and toilet cistern, which improves the viability of installing a tank. Rainwater tanks cannot be used as a potable water supply and the proper in-house connections will reaffirm this requirement. The public health risks are also manageable with maintenance performed annually, which is not an onerous requirement. Rainwater tanks also feature prominently in the practical application of NSW BASIX to new homes.



Making rainwater tanks compulsory can however only be an effective, efficient and equitable approach when viewed as part of an overarching regulatory framework through WA BASIX. Council's proposal to mandate rainwater tanks is not supported for the following reasons:-

- The proposal pre-empts the outcomes of WA BASIX which is currently being considered by the State Government;
- The scheme amendment would be superseded once WA BASIX is introduced into the State Regulatory Framework;
- The mandatory rainwater tank requirements would only apply for about 1 year and during this time would cause disruption to the building industry having to make adjustments for such a short period;
- The proposal is not equitable as the rainwater tank requirements would not apply to existing houses;
- Council's proposal could encourage other Council's to take up similar initiatives, which collectively could jeopardise a clear and consistent approach across Local Government that 'cuts red tape';
- Ignores other alternative cheaper solutions to achieve water efficiency that have a shorter pay back period (ie 3 star rated shower heads, four star rated taps, four star rated toilets etc.);
- It is not the role of Local Government to mandate rainwater tanks. It is the role of the State Government to research and assess what types of water saving targets that should be introduced into both new and existing homes to create a level playing field for the industry;
- A 'one size fits all' approach doesn't work as lot sizes significantly vary and where it may be impractical for even a 2,500L rainwater tank to be installed on a 180sqm lot (eg South Beach) – where underground tanks will increase costs to \$6,000;
- Remove consumer choice to install different water saving devices (eg bore);
- The Water Corporation's Waterwise rebate scheme is a voluntary program that has been successful in saving water in new and existing homes without mandating rainwater tanks. There is an overwhelming preference for front load washing machines not rainwater tanks;
- Council would also have to give serious consideration to provide financial incentives if rainwater tanks are mandated at the cost of existing ratepayers who are not part of the requirements to mandate rainwater tanks.

It is recommended that Council proceed with Option Three and not grant final adoption to the scheme amendment.

Strategic Plan/Policy Implications

N/A



Budget/Financial Implications

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

Legal Implications

Council's solicitor has provided a legal opinion, which states that, the requirement for new single houses and grouped dwellings to install rainwater tanks can be enforced through the building licence process. Section 374(1) of the Government (Miscellaneous Provisions) Act 1960 imposes obligations to obtain a building licence before commencing building activity.

Section 374(1b) provides that where a building plan and specifications conform to the building and planning instruments listed, the building surveyor is not entitled to refuse the plan, or specifications, without first obtaining the consent of the Council. The obverse case is that a building surveyor may refuse to approve a plan or specifications which do not comply with, among other things, the terms of a planning scheme in force, without needing to refer the matter to the Council.

The scheme amendment does not give rise to the need to obtain planning approval for an otherwise exempted development. It is open to refuse a building licence for a new dwelling if the plans do not propose a rainwater tank compliant with clause 5.8.7 or alternatively impose the requirement to install a tank as a condition of the licence.

Community Consultation

Advertising

The scheme amendment was advertised in accordance with the Town Planning Regulations. The City notified 81 building companies of the proposal to introduce compulsory rainwater tanks. Further notification was sent to the Water Corporation.

At the close of the advertising period 20 submissions were received. Of these three submissions were received late from HIA, Jaxon Constructions and a Joint Submission from the Department for Planning and Infrastructure and the Water Corporation. These submissions were still considered in the context of other submissions received and noting that the HIA submission was the most comprehensive submission of all the submissions received. Almost all of the submissions received (19) opposed making rainwater tanks compulsory whereas only one submission from a local resident of Cockburn agreed with the proposal.

Thirteen of the submissions received were from Building Companies and Building Industry Groups. The remaining submissions were received from individuals and one Government Department.



Significant Public Submissions

The following public submissions were received that contained significant documentation:-

- Housing Industry Association (HIA)
- Department for Planning and Infrastructure and Water Corporation
- Department of Health
- Environmental and Earth Science Consultants
- Urban Development Institute of Australia (WA Division)
- Dale Alcock Homes
- Master Builders Association of Western Australia
- Webb & Brown Neaves Home Builders

A summary of submissions is contained in the agenda attachments and should be read in conjunction with this report.

The submission of objection raised several concerns that were presented and explained well and often included statements supported by quantifiable data as follows:-

1. Economic Grounds - Increased cost of new houses and rainwater tanks can't be economically justified. This was the main concern raised in most of the submissions of objection received. Many submissioners gave cost estimates of between \$2,750 and \$4,250 plus GST to supply and install a tank depending on size. HIA also included a detailed cost analysis of a rainwater tank when added to a mortgage payment doubled costs over the term of a 25 year mortgage. This increased from just under \$4,000 to over \$8,000 for both a 2,000 litre tank and a 4,000 litre tank or \$12,000 for 2 x 2,000 litre tanks plus maintenance. The payback period was also referred to as being between 29 years and 84 years in one submission.
2. Social Grounds – Inequitable for new houses to install rainwater tanks when this same requirement is not applied to existing homeowners and is a bias against first homeowners. No uniformity in approach. New home owners will have to pay more for their water at \$3.49/kl as opposed to existing home owners paying \$0.40 - \$1.50/kl. HIA also indicated that some new homeowners may not have the financial capacity to pay.
3. Public Health Risk – Many submissions were concerned about the public health risk with rainwater tanks relating to mosquitos and drinking water risks. The Health Department of Western Australia submission was the most significant on this point but pointed towards management strategies being required to address these concerns and avoidance of rainwater being used for potable water use.



4. Duplication of Water Corporations Role – Many submissions were concerned that Council is not responsible for determining if rainwater tanks should be compulsory for new homes. Submissions referred to the State Government and Water Corporation's role to ensure a policy and regulatory framework for water supply throughout the State. The Water Corporation has already introduced water restrictions to households that have been very successful in raising waterwise awareness, accreditation and waterwise rebates.
5. Contradicts State Coordinated approach to Managing State's Water Resources – Many submissions were concerned about an ad hoc approach between Council's on Water Conservation Measures which in turn pass costs onto future home owners. This would also burden the Building Industry. There was also an acknowledgement of some submissions of the BASIX approach being investigated by the State Government against a cost benefit analysis.
6. Rainwater Tank Limitations – Rainwater tanks don't hold enough rainwater to ensure a continual supply all year round. One submission also emphasised that rainwater is collected at the wrong time of the year to be used on gardens. There were various references made to how much water tanks would save from 8% to 15% in different submissions. Other references were made to the size limitations of smaller cottage lots on green titles (ie less than 350m²) requiring 4,000 litre tanks. Some submissions also referred to our dryer climate and the limited winter season to collect rainwater. Water use is also a function of household size, roof size, rainfall patterns and occupancy where it is difficult to fully determine actual water savings.
7. Other Alternatives Not Explored – Two submissions suggested other water saving devices should be explored instead. For example AAA rated water outlets (ie showerheads) and toilets (dual flush 6/3) would be more cost efficient and a more effective solution. UDIA indicated the cost of a AAA rated showerhead was \$50. There were also very compelling comparisons with other water saving devices which placed rainwater tanks into context with cost and water saving against the total water consumption for a household.

The HIA submission emphasised that the proposal has not been properly researched or assessed. Deficiency in justification and quantification was consistently referred too in terms of environmental benefits, references to water consumption figures used not relevant to Perth.



Attachment(s)

Schedule of Submissions.

Advice to Proponent(s)/Submissioners

Submissioners have been advised that the matter will be considered at the November 2005 Council Meeting.

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

Nil.

DECLARATION OF FINANCIAL INTEREST

Clr Allen declared a financial (proximity) interest in Item 14.5 – Round 4 of the Underground Power Program – Spearwood, Hamilton Hill and Southwell. The nature of the interest being that he owns land in the area.

CLR ALLEN LEFT THE MEETING AT THIS POINT THE TIME BEING 8.11 PM.

14.5 (MINUTE NO 3009) (OCM 10/11/2005) - ROUND 4 OF THE UNDERGROUND POWER PROGRAM - SPEARWOOD, HAMILTON HILL AND SOUTHWELL (9118) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) make an Expression of Interest proposal to Western Power for Southwell and a portion of Hamilton Hill bound by Blackwood Ave to the south, Carrington St to the west, Winterfold Road to the north and Stock Road to the east while acknowledging that the Council would need to initially provide approximately \$4.5 million for the proposal if successful; and
- (3) upon receipt of advice that the City's Expression of Interest proposal has been short listed in the Round Four Underground Power Program that a detailed report be prepared that examines the financial implications of the following options:
 1. raising at least one-fifth of the local government contribution from the general rate base in recognition of reduced pruning costs and generally improved value of the area to the local government;



2. where funding is recovered from the owners benefited by the provision of underground power:
- (a) using a fixed service fee, rather than a variable Gross Rateable Value approach;
 - (b) giving 50% discount to pensioners;
 - (c) giving a discount to owners of properties adjacent to transmission lines (66,000 volts or more) which will not be placed underground;
 - (d) giving a discount to owners of properties where the connection is already underground;
 - (e) giving a discount to owners of properties where transformer or switchgear substations are located on the front verge; and
 - (f) giving special consideration to multiple connections on one lot.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 8/0

Background

In 1996, the Underground Power Program was established to contribute to the Government of Western Australia's long-term goal of improving the state of the electricity distribution network. In doing so, the Program contributes to the State Government's objective of providing underground power services to 50 per cent of residential properties in Perth by 2010.

To date, three Rounds (and five pilot projects) have been implemented under the Program. Suburbs such as Victoria Park, South Perth, East Fremantle and Fremantle have previously benefited from the program.

The Underground Power Steering Committee is responsible for the management of the Program, and is comprised of representatives from the Office of Energy, Western Power and the Western Australian Local Government Association.



Submission

The State Government (Office of Energy) has invited local governments to submit Expression of Interest proposals to participate in Round 4 of the Major Residential Projects of the Underground Power Program. This program will run until 2010 as can be seen in the timetable below:

Timetable

The steps in the Round 4 Major Residential Project process are:

• Deadline for lodgement of Expression of Interest proposals	11 Nov 2005
• Evaluation of Expression of Interest proposals	January 2006
• Announcement of short-listed projects	February 2006
• Detailed Proposal Stage for first short listed project	March 2006
• Implementation of first approved Major Residential Project	Feb/March 2007
• Expected completion of all Round 4 Major Residential Projects	Mid/late 2010

Western Power have stated the following as being potential benefits for having underground power:

- a more reliable power supply – no power pole fires or fallen lines;
- improved streetscapes and front gardens by removing distribution wires and allowing trees to grow to their natural size and shape;
- improved street lighting;
- no ugly street tree pruning and reduced pruning costs; and
- no power poles thus eliminating a potential traffic hazard.

Major Residential Projects involve the delivery of underground distribution lines in suburban areas, typically of between 800 and 1,300 residential lots, although local governments are encouraged to submit proposals for Round 4 for undergrounding power to areas of 600 lots and above.

Underground power projects differ in cost but local governments should expect their proposed projects to cost at least about \$6-7 million each in total, of which local government is required to contribute 50 per cent, with Western Power and the State Government each contributing 25 per cent.

Report

In consultation with Western Power, the City has identified the suburbs of Coolbellup, Spearwood, Hamilton Hill and South Lake as being the



suburbs within the City that would most benefit from the undergrounding of power.

The above suburbs have been short listed to Spearwood, Hamilton Hill and Southwell as these suburbs have the oldest infrastructure and accordingly would be the most likely to be considered for funding by Western Power.

Council's Parks service has also identified Hamilton Hill and Spearwood as suburbs that would benefit from the undergrounding of power with respect to verge tree maintenance.

AES10 – Underground Power Policy

Council policy states that the City supports the undergrounding of overhead power lines in its District which are subject to the State Government's Underground Power Program, subject to:-

- (a) benefiting property owner participation in the Program, where funded on a cost share basis with the State;
- (b) indicative community support for the specific area(s) identified;
- (c) any other criteria or required information specified by the Program being obtained and included in any Expression of Interest or Applications for Funding by Council.

Further, Council policy states that financial support for the Program will be limited to pre-funding the benefiting properties' share of contribution and collecting the funds from individual property owners by a method to be determined at the time Council is successful in obtaining funds from the Program.

Based on Round 3 costs, it costs about \$4,500 per household to convert to underground power but a subsidy of 50% is payable by the State Government. Therefore, landowners will be required to contribute an indicative amount of about \$2,250 per property. This amount (approximately \$3 - \$3.5 million per project) would initially be required to be paid up front by the Council with the Council collecting the funds from benefiting property owners over a number of years (to be determined in the event of obtaining funds from the Program).

Section 645 of the Local Government Act allows local governments to impose a Specified Area Rate to special project areas. If Council's application is successful the Council could consider imposing a Specified Area rate to the project area.

Due to the limitations on the implementation of major residential projects such as the minimum size (between 800 and 1,300) of residential lots and terrain difficulties local governments are encouraged to consider the potential for 'Localised Enhancement Project' within their areas which are expected to be released at a later date by Western Power. North Lake areas not currently provided with



underground power (ie. 74 of the 464 lots) where the Localised Enhancement Project may apply.

Community Consultation

A survey was sent to approximately 6300 residents within the suburbs of Spearwood, Hamilton Hill and Southwell to determine the level of support for underground power.

The table below summarises the level of support for underground power in the suburbs consulted:

	Spearwood	Hamilton Hill	Southwell
No. Surveys sent	3616	2324	605
No. Submissions received	857	806	181
Response rate	23.7%	34.7%	29.9%
Support	482	546	124
Not support	339	247	55
% Support	58.7%	68.8%	69.3%

This table demonstrates a reasonable response rate for a mail out survey. There is a clear majority of responses in support of underground power in Hamilton Hill and Southwell. A majority of responses from Spearwood also were in support of underground power.

The following table summarises the payment options preferred by residents:

	Spearwood	Hamilton Hill	Southwell
1 up front instalment	68	56	11
2 instalments (in 1 year)	27	28	5
4 instalments (in 1 year)	34	51	12
5 instalments (in 5 years)	342	386	84

A majority of responses supported making 5 payments to Council over a period of 5 years.

The Department of Housing and Works (DHW) also put in a separate submission in relation to the proposal. DHW owns 736 properties in Spearwood, Hamilton Hill and Southwell. DHW provided a letter of support for the proposal in these suburbs. DHW also indicated that the department would prefer payment option D (Five instalments over 5 years).

Cost Schedule

The following schedule provides an indicative breakdown of the anticipated costs per project area:



	No Lots	Cost per lot	Cost per locality
Spearwood	2,900	\$2,250	\$6,525,000
Hamilton Hill	2,200	\$2,250	\$4,950,000
Southwell	600	\$2,250	\$1,350,000
Total	5,700	\$2,250 per lot	\$12,825,000

Based on the above indicative cost schedule, it is anticipated that if Council were to put in a submission for all three project areas and be successful, then the Council would be required to take out a loan of approximately \$12.825 million. This option is not considered feasible or practical. Based on a 6% interest rate, the Council would be required to pay approximately \$155,000 per annum on interest alone.

There may be further financial implications if the Council were to subsidise particular residents as discussed in the "Financial Arrangements" section below.

It is recommended that Council investigate selecting a specific area and make one submission to the State Government. This will ensure that the project size and cost is manageable to Council. It will also demonstrate to the Office of Energy that the Council is focussed on a specific area.

Based on the survey results it is suggested that Council consider selecting Southwell and approximately half of Hamilton Hill as the area to make a submission to the State Government, as shown on the attached plan contained with the Agenda attachments.

Southwell alone only contains 600 lots and would barely meet the selection criteria. A portion of Hamilton Hill (approximately 50%) bound by Blackwood Ave to the south, Carrington St to the west, Winterfold Road to the north and Stock Road to the east would make a rational extension of the Southwell project area.

This is considered appropriate given that Southwell and Hamilton Hill had a significantly higher support rate for the project than Spearwood. The project area could also be slightly extended to include a portion of Rockingham Road.

The recommended project area contains approximately 2000 lots (excluding strata lots) which will cost the Council approximately \$4.5 million based on a cost of \$2,250 per lot.

The Council should note that a majority of residents support a 5 year instalment plan in order to repay Council. This would mean that the Council would need to consider charging interest on top of the instalments in order to offset the interest accrued on any loan that the Council would need to make in order to make the initial up front payment.



The following section briefly addresses the selection criteria for Hamilton Hill and Southwell that Western Power will use to determine the project feasibility:

Project Feasibility - Hamilton Hill

Number and size of residential lots

There are approximately 2200 lots within the Hamilton Hill locality that are without underground power. The lot sizes range from 175 m² to over 2.6ha in area. The average residential lot size is approximately 900 m². The recommended project area would cover half of Hamilton Hill which includes approximately 1,100 lots.

Zoning

Hamilton Hill is generally zoned 'Residential' with a density code of R20, however there are some small pockets of residential zoned land with a higher density code, ranging from R25 to R80.

It is considered that the residential density of the area is substantial enough to facilitate a viable underground power project for the area.

Proportion of commercial properties

There are a number of commercial properties zoned 'Local Centre' and 'Mixed Business' within Hamilton Hill, however the total percentage of commercial properties within the locality would be less than 10 per cent.

There are a number of Public Purpose sites within Hamilton Hill, including two primary schools. It is expected that these properties will not cause the project cost to escalate significantly.

Suitability of ground conditions for underground drilling

Hamilton Hill is primary within the Spearwood Dune System that is categorised as medium to coarse grain sand. The Quindalup Dune System occurs further towards the coast and is categorised as calcareous sand with medium grained quartz sand.

As the soil system is primarily sandy soils it is not anticipated that there will be any impediments to undertaking underground drilling in the area. It should be recognised that the areas of Spearwood and Hamilton Hill have ideal ground conditions with respect to reducing the cost of providing underground power to these areas.



Amenity improvements

The Council's parks service has identified Hamilton Hill as an area that would benefit from having underground power with respect to reducing verge tree maintenance costs.

The undergrounding of power in Hamilton Hill will greatly improve the street appearance as it will reduce the need for ugly street tree pruning and will remove the transmission power poles and lines within the verge.

Vacant land

Almost all of Hamilton Hill is already developed. There are only a few residential lots that have not been developed in this area.

The Roe Highway Stage 8 regional road reserve is vacant land, however this land would not likely be included in the final project area boundary if Hamilton Hill is selected for underground power.

It is considered that given Hamilton Hill is an older and established suburb, Hamilton Hill is an ideal candidate for underground power, as the cost of providing underground power would be relatively economical and feasible given it is largely developed.

Project Feasibility - Southwell*Number and size of residential lots*

There are approximately 600 lots within the Southwell locality that are without underground power. The lot sizes range from 326 m² to approximately 3000 m² in area. The average residential lot size is approximately 800m².

Zoning

Southwell, Hamilton Hill is generally zoned 'Residential' with a density code of R20, however there are some small pockets of residential zoned land with a higher density code, ranging from R25 to R80.

It is also proposed to develop some of the public open space (POS) in the area and also increase residential densities to some areas within Southwell as part of the Phoenix Rise (Southwell) New Living Project. This project will further increase the number of residences in the area thus increasing the viability for an underground power project for the area.

It is considered that the residential density of the area is substantial enough to facilitate a viable underground power project for the area.



Proportion of commercial properties

There are only two commercial centres within Southwell and both are zoned 'Local Centre' under the City's Town Planning Scheme No. 3 (TPS 3). The Local Centres are 2500m² and 2841m² in area.

There are only a very small percentage of commercial properties in Southwell, which is likely to keep the average cost per property to a minimum to put power lines under ground.

There are two Public Purpose sites within Southwell, these being the Community Building and Primary School. It is expected that these properties will not cause the project cost to escalate significantly.

Suitability of ground conditions for underground drilling

Southwell is primarily within the Spearwood Dune System that is categorised as medium to coarse grain sand. As the soil system is primarily sandy soils it is not anticipated that there will be any impediments to undertaking underground drilling in the area.

It should be recognised that Southwell has ideal ground conditions with respect to reducing the cost of providing underground power to these areas.

Amenity improvements

The Council's parks service has identified Hamilton Hill as an area that would benefit from having underground power with respect to reducing verge tree maintenance costs.

The undergrounding of power in Southwell will greatly improve the street appearance as it will reduce the need for ugly street tree pruning and will remove the transmission power poles and lines within the verge.

Vacant land

Almost all of Southwell is already developed. There are only a few residential lots that have not been developed in this area.

The Roe Highway Stage 8 regional road reserve is vacant land, however this land would not likely be included in the final project area boundary if Southwell were selected for underground power.

It is considered that given Southwell is an old and established suburb, it is an ideal candidate for underground power, as the cost of providing underground power would be relatively economical and feasible given it is largely developed.



Payment Process

The Office of Energy has advised that participating parties will contribute their respective shares of costs in cash in accordance with an agreed cash call schedule. The local government is to invoice monthly its progressive project 'in-kind' costs. These invoices are to be verified by the Project Accountant and approved by the Program Manager.

Local governments should note that the Program Manager shall make cash calls in respect of each project every two months or as separately agreed between the parties. Each party shall contribute its share of a cash call within 14 days and all monies received shall be held by Western Power for and behalf of the Parties to the project.

Financial Arrangements

The State Government offers the following considerations to local governments in relation to financial arrangements for the underground power project:

1. raising at least one-fifth of the local government contribution from the general rate base in recognition of reduced pruning costs and generally improved value of the area to the local government;
2. where funding is raised from the directly affected ratepayers:
 - a) using a fixed service fee, rather than a variable Gross Rateable Value approach;
 - b) giving discounts to pensioners (50 per cent is suggested);
 - c) giving discounts to owners of properties adjacent to transmission lines (66,000 volts or more) which will not be placed underground;
 - d) giving discounts to owners of properties where the connection is already underground;
 - e) giving discounts to owners of properties where transformer or switchgear substations are located on the front verge; and
 - f) giving special consideration to multiple connections on one lot.

It is recommended that the Council consider the above options in order to reduce the potential burden to those landowners who may not be able to afford the program.

Western Power may provide additional support to areas that are recognised by the Australian Bureau of Statistics' Socio-Economic Indexes for Areas index as being of low socio-economic status. This determination will be made following the short-listing of Expression of



Interest proposals and does not influence the evaluation of the proposals. Southwell may be a potential candidate to receive additional financial support from the State Government.

High Voltage Transmission Lines

High voltage transmission lines above 66, 000 volts are not part of the underground power project as the cost of putting the high voltage transmission lines underground are too prohibitive.

The Underground Power Program only relates to low voltage street transmission lines.

Conclusion

It is considered that the suburbs of Hamilton Hill and Southwell will meet the selection criteria set by the Office of Energy for the Underground Power Program. Further, from an initial survey of residents it appears that the residents generally support the undergrounding of power in these areas.

It is recommended that Council make an Expression of Interest submission to the Office of Energy for Southwell and a portion of Hamilton Hill.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"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 conserve the character and historic value of the human and built environment."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
- *"To facilitate and provide an optimum range of community services."*
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

The Council Policies which apply to this item are:-

AES10 UNDERGROUND POWER

Budget/Financial Implications

Underground power projects differ in cost but local governments should expect their proposed projects to cost at least about \$6-7 million in total, of which local government is required to contribute 50 per cent.

If Council's Expression of Interest application(s) to the Office of Energy is/are successful, the Council would need to provide up front payment of approximately \$3-\$3.5 million per proposal area with the Council collecting the funds from benefiting property owners over a number of years (to be determined in the event Council is successful in obtaining funds from the Program).

Council may also need to consider providing financial concession to some landowners as outlined in the "Financial Arrangements" section of the report.

The City currently budgets \$90,550 p.a. for pruning street trees of which \$70,000 is spent pruning street trees below power lines. Street trees are pruned once every 2 years or as required.

Legal Implications

N/A

Community Consultation

A survey was sent to approximately 6300 residents in the suburbs of Spearwood, Hamilton Hill and Southwell to determine the level of support for underground power.



Attachment(s)

- (1) Spearwood locality plan;
- (2) Hamilton Hill locality plan;
- (3) Southwell locality plan;
- (4) Project locality plan (Southwell/Hamilton Hill)

Advice to Proponent(s)/Applicant

N/A

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

Nil.

CLR ALLEN RETURNED TO THE MEETING AT THIS STAGE THE TIME BEING 8.12 PM

The Presiding Member advised Clr Allen of the decision of Council whilst he left the meeting.

14.6 (MINUTE NO 3010) (OCM 10/11/2005) - TRANSFER OF LOT 188 ON DIAGRAM 35997 TO THE OWNERS OF LOT 189 FORREST ROAD IN EXCHANGE FOR EASEMENT RIGHTS ON LOT 189 FORREST ROAD, HAMILTON HILL (2202127) (KJS) (ATTACH)

RECOMMENDATION

That Council transfer Lot 188 on Diagram 35997 to S F and M L Halissy conditional on being granted a drainage easement along the western boundary of Lot 189 Forrest Road, Hamilton Hill.

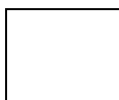
COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

CARRIED 9/0

Background

Lot 188 has an area of 129 square metres and contains a stormwater sump. Stormwater collects from Bucat Street via an easement along the western boundary of Lot 187 Bucat Street. On a number of occasions during the winter months the sump has overflowed resulting



in flooding into the back yard and swimming pool of Lot 189 Forrest Road.

Submission

In recognition of the need to resolve the problem of flooding on Lot 189 Forrest Road, the Council set aside funds in the 2005/06 Budget to deal with the situation.

Report

The sump cannot be increased in volume as the lot is too small and the base of the sump is solid limestone. The engineering solution is to pipe the stormwater through to Forrest Road and then west to a large sump on the corner of Frederick Street. The sump in Lot 188 will then become redundant, filled and sold to the owner of Lot 189 at a price equivalent in value to the easement.

The owners of Lot 189 Forrest Road have agreed to the proposed works and easement conditional on the City of Cockburn transferring Lot 188 to them. They also require the sump to be filled and compacted and for the fences to be replaced.

A valuation report prepared by Licensed Valuers, McGees has determined the value of Lot 188 to be \$10,000 and the reduction of value of Lot 189 due to the easement to be \$10,000.

Given that granting of the easement renders the sump site redundant the transactions can be seen as complementary. The benefit of the transfer of Lot 188 to the owners of Lot 189 taking into account the diminished value of the land due to the easement is less than \$5,000 and therefore exempt from provisions of the Local Government Act 1995.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

The sale of Lot 188 to the owner of Lot 189 Forrest Road will fund the cost of the easement, and therefore be cost neutral for the City and land owner.



The 2005/06 Budget has set aside \$75,000 in Account CW 2805 to fund the new pipe works and the filling and compaction of Lot 188 to enable the sump site to be transferred to the owner of Lot 189.

The proposed works will resolve the current flooding problem which is considered unacceptable.

Legal Implications

N/A

Community Consultation

Discussions and agreements to the proposal obtained from the owners of Lot 187 Bucat Street and Lot 189 Forrest Road.

Attachments

(1) Location Plan

Advice to Proponent(s)/Submissioners

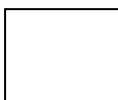
The Proponent has been advised that this matter is to be considered at the 19 November 2005 Council Meeting.

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

Nil.

14.7 (MINUTE NO 3011) (OCM 10/11/2005) - BEELIAR REGIONAL PARK MANAGEMENT PLAN (9509) (PS/CB) (ATTACH)

<p>RECOMMENDATION That Council:</p> <ul style="list-style-type: none">(1) agree to the transfer of the management of Brownman Swamp, Mount Brown and the Henderson Foreshore (Areas 39, 40, 41 and 42) to CALM in accordance with the Beelias Regional Park Management Plan;(2) prior to accepting any of the management responsibilities proposed in the Beelias Regional Park Management Plan for the Manning Lake Area (Areas 30, 31 and 32) that Council write to CALM and the WAPC seeking details of the proposed financial arrangements for the future management of these areas;(3) not accept management responsibility for the Yangebup Lake waterbody until the contamination issue is resolved with the WAPC to the satisfaction of the Council; and



- (4) endorse the final draft of the Beeliar Regional Park Management Plan subject to the conditions and requirements of recommendations 3 and 4 above.

COUNCIL DECISION

MOVED Cllr V Oliver SECONDED Cllr I Whitfield that the recommendation be adopted.

CARRIED 9/0

Background

A report and recommendations 1, 2 and 3 listed above were submitted to the August 2005 Council Meeting (Item 14:16). Council made the following alternative recommendations:

- “(1) note the Officer’s report;*
- (2) defer consideration of the proposed management changes set out in the Beeliar Regional Park Management Plan to examine the option of achieving greater cooperation and improved communication in the form of a Joint Management Agreement for works undertaken in conservation reserves by CALM, Local Environmental Groups and the City of Cockburn;*
- (3) support the facilitation of discussions to be held with CALM and Local Environmental Groups and the City’s Environmental Services;*
- (4) refer the item back to the October 2005 Meeting of Council for further consideration following these discussions referred to in (2) and (3) above; and*
- (5) advise CALM accordingly.”*

CALM were notified of the alternative recommendations made by Council. CALM has since addressed the issues as detailed in the attached correspondence. In summary CALM believe that the intent of the management plan is to ensure that all agencies have a common management direction. To ensure this is made abundantly clear CALM propose to insert the following statement into Section 11 of the Beeliar Regional Park Management Plan.



“This management plan will act as an agreement between the agencies involved in the management of Beeliar Regional Park and will provide the basis for greater coordination of management activities including the integration of grant applications and funding expenditure.”

CALM also support ongoing liaison with the community, local environmental groups and the City’s Environmental Services and believe that such a meeting would be beneficial. CALM intend to convene a meeting of stakeholders involved in the Beeliar Regional Park after final completion of the management plan.

CALM has also had discussions with Councillor Julie Baker in relation to the above issues.

In light of the CALM response to Councils alternative recommendations the original report is again submitted with an additional recommendation (4) above.

The Beeliar Regional Park is a system of bushland areas that extend from Blue Gum Reserve in Melville, through Cockburn, and ending at the Spectacles in Kwinana (Attachment 1 Map of Park). It comprises 19 wetlands located in two parallel channels.

Twelve of these bushland areas are within Cockburn. They include Manning Lake, Market Garden Swamp, Lake Coogee, Henderson Foreshore, Brownman Swamp, Mount Brown, North Lake, Bibra Lake, Yangebup Lake, Kogolup Lake, Thomson’s Lake and Banganup Lake. Of these areas the City manages Market Garden Swamp, Lake Coogee, Bibra Lake, Little Rush Lake, Yangebup Lake, and a portion of the Manning Lake Area. The remaining areas are managed by CALM.

The Beeliar Regional Park Management Plan will guide the management of both CALM and the City’s bushland areas, as well as rationalise the ownership of the different bushland areas to facilitate better management. CALM seeks the Council’s adoption of the Beeliar Regional Park Management Plan.

Submission

CALM seek Councils adoption of the Beeliar Regional Park Management Plan and also the support from Council to facilitate land exchanges in order to improve land management responsibilities of land within the Beeliar Regional Park. Details of the proposed land exchanges are set out in the following report.

Report

The Beeliar Regional Park Management Plan has been developed by CALM to serve as a guiding document for management of the entire



Regional Park, irrespective of ownership. CALM has been involved in consultation with the Beeliam Regional Park Committee and City officers during the development of the draft plan, as well as seeking community input through the public comment period held between 14/11/2001 – 14/2/2002. There was also a community workshop held at the Lesser Hall, Cockburn on the 10th October 1998. The Council endorsed the draft Beeliam Regional Park Plan at the 12/2/2002 meeting.

One of the pressing needs for the management plan was to define the management responsibilities for all land owners, including local government authorities and CALM, and in particular remove the situation where a number of different land agencies may be involved in the management of the same parcel of bushland. To facilitate ease of management the plan indicates certain land exchanges. The areas to be exchanged are outlined in the correspondence from CALM dated 23 March 2005 (Attachment 2). The land exchanges outlined in the plan (Attachment 3) are as follows:

Brownman Swamp Mount Brown and Henderson Foreshore (Areas 39, 40, 41 and 42) transferred from City of Cockburn to CALM for management

Transfer parts of the Manning Area from CALM management to the City of Cockburn (Area 30, 31 and 32)

Transfer of Area 14 to the City of Cockburn for management

The management responsibility for the water body of Yangebup Lake (Area 21) to be transferred to the City of Cockburn.

An explanation of each of the land exchanges follows:

1. Brownman Swamp Mount Brown and Henderson Foreshore (Areas 39, 40, 41 and 42) transferred from City of Cockburn to CALM for management.

The approximate total area of these sites, currently vested in the City, is 298 hectares. The City has had no management input at these sites since 1998 as CALM decided to undertake the management of the site due to the areas high biodiversity value. Since that time CALM has maintained the site with a recurrent maintenance budget of \$27,000. This has since been supplemented by 2 million dollars provided by the Jervis Bay Enhancement Plan for capital works through Brownman Swamp, Mount Brown and Woodman Point.

The officers understanding is that the agreement to have CALM undertake the management of the site stemmed from discussions with CALM and past Council staff over 7 years ago. It is understood that during these discussions it was agreed that the high conservation value of the site warranted management by CALM who, at the time, had the expertise to manage the area. This was apparently conditional on the City



undertaking the management of the Manning Park Area. There has been no known formal adoption of this informal agreement. Current City officers have emphasised that Council will consider the proposal on its merits rather than relying on past informal discussions.

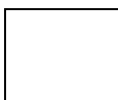
2. Transfer parts of the Manning Area from CALM management to the City of Cockburn (Area 30, 31 and 32)

There are number of implications with the City undertaking sole responsibility for the management of Manning Lake Area. The total area of the land to be managed is approximately 98 hectares. Over half of this area, (approximately 58 hectares), is already managed by the City through a lease with the Western Australian Planning Commission that expires in 2011.

One of the main implications of the City taking responsibility for all of the Manning Lake Area is the need for additional funding. One source of funding available to the Council, if it accepted the ownership of the land, is the Area Assistance Grant Scheme (AAGS). The AAGS is available for capital works, but not maintenance, and was accessed by the City when accepting the management of Little Rush Lake and Yangebup Lake from the WAPC. There would need to be negotiations with the WAPC to determine a suitable package that is satisfactory to the Council if it were to take responsibility for the whole Manning Lake Area. While this funding could be used for capital works such as upgrading the Davilak Trail, lookouts and signage, Council would still need to provide extra funding for the maintenance of the area.

Currently the majority of funds are spent in the grassed area and facilities surrounding Manning Lake. By accepting responsibility of the land outside the leased area it is estimated that an additional \$7000 would be needed for minimal maintenance such as construction of firebreaks, rubbish removal and fence repairs. This amount would not allow for any bushland rehabilitation or other works that would protect and enhance the conservation of the area as per community expectations. For example the cost to control of high priority weeds could be within the range of \$10,000; while undertaking rehabilitation of the bushland area could range from \$10,000 upwards depending on the condition of the bushland. More on ground assessment would be required before accurate costs could be provided.

A further management issue is that there is vacant freehold land on Cockburn Road that abuts the park. These are known entry points for off road vehicles and also provide access for illegal dumping. An essential part of the management of bushland area



and an important aspect of accepting the land for management is the requirement for fences to prevent unauthorised access.

3. Transfer of Area 14 to the City of Cockburn for management.

The site is adjacent to Bibra Lake and it would be practical for the City to accept management of this area as part of the management of the Bibra Lake.

4. Accepting management of the water body (Area 21) of Yangebup Lake

When the City accepted the management of Yangebup Lake the City intentionally omitted accepting the water body due to the arsenic contamination caused by the Jandakot Wool Scourers. This position has not changed and is even more pertinent because of the possible consequences of the Draft Contamination Bill which may leave the City with sole responsibility for any clean up if it were to accept management responsibility of the water body.

To summarise, before accepting the above land exchanges external funding would need to be provided to adequately manage the areas. Areas 14 and 21 could be accommodated in current annual budget allocation, but the Manning Lake Area will require additional ongoing funding to maintain the bushland and to fund any capital works that would be required as a condition the AAGS. The basic maintenance of this site, which includes fence repair and rubbish removal, would be approximately \$7000 per annum.

If the Council decided not to proceed with the above land exchanges then CALM would need to determine whether it will continue to undertake management of Council land within Area 39, 40, 41 and 42 or whether the Council would be asked to resume management of the sites. If Council were to resume management of these sites then it would be expected that the community would insist on a similar level of expenditure for maintenance on the site as is currently provided by CALM, which is currently \$27,000 per year. There will also be a need for additional funding for future maintenance of the capital works that were implemented as part of the Jervois Bay Enhancement Plan.

In addition to finalising the areas of the Beeliar Regional Park to be managed by the City, there is the potential impact of the management plan on how the City would intend to manage bushland areas under its control, in particular pest animal control. It has been established that CALMs' role, with respect to the City's management of the conservation value of these



bushland areas, is advisory in nature. This ensures the Council can undertake the management of bushland, inline with the conservation value stated in the plan, without undue interference from outside agencies. This position ensures that both the City of Cockburn and CALM can work in partnership towards the management of Beeliar Regional Park

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

Budget/Financial Implications

Financial implications relating to capital and bushland management will be determined after discussions with WAPC, with respect to the AAGS, and submitted to Council for approval and appropriate matching funding.

An additional \$7000 per annum will be required to undertake general maintenance works should Manning Lake Area (Areas 30, 31 and 32) become the responsibility of City of Cockburn.

Legal Implications

Council will seek legal advice from its Solicitors with regard to protecting itself from potential liability arising from the possible contamination of Yangebup Lake.

Community Consultation

The original Plan was advertised for community input between 14 November 2001 and 14 February 2002.

Attachments

- (1) Beeliar Regional Park maps



- (2) CALM request for land exchange
- (3) Land exchanges which affect the City of Cockburn
- (4) CALM response to Councils alternative recommendations

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 November 2005 Council Meeting.

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

Nil.

14.8 (MINUTE NO 3012) (OCM 10/11/2005) - RETAINING WALL OVER 500MM - LOT 116; 13 ASPIC CRESCENT, SPEARWOOD - OWNER: S & T M GALIC - APPLICANT: J CORPORATION P/L T/A IMPRESSIONS (3317947) (SDS) (ATTACH)

RECOMMENDATION

That Council:

- (1) refuse to grant its approval to the proposed over height retaining walls on Lot 116 (13) Aspic Crescent, Spearwood, for the following reasons:
 - 1. The proposal fails to comply with Acceptable Development/ Performance Criteria of clause 3.6.1 - Excavation or Fill of the Residential Design Codes of WA 2002.
 - 2. The proposal fails to comply with Council's Policy APD 49 Residential Design Codes - Alternative Acceptable Development Provisions.
 - 3. The proposal will adversely affect the amenity of the surrounding properties merely from the height and scale of the proposal, but also by impacting on the privacy of neighbours and intensifying the overshadowing into adjoining properties.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval Refusal and an MRS Form 2 Notice of Refusal; and
- (3) advise the submissioners of Council's decision accordingly.



COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

CARRIED 9/0

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R-30
LAND USE:	Residential	
LOT SIZE:	664m ²	
USE CLASS:	Single (R-Code) House - P	

The applicant proposes a Single (R-Code) House with retaining walls that vary in height to a maximum of 1600 mm. The subject site is governed by a number of existing features and structures and because of this, the proposed finished floor levels of the dwelling have been set so that they do not undermine the existing 1.7m high limestone retaining wall on the eastern boundary.

Submission

The applicant seeks a variation to the Residential Design Codes for two over height retaining walls along the western and southern boundaries.

Report

The application was referred to neighbouring properties on the western (No. 11 Aspic Crescent) and southern (No. 15 Aspic Crescent) boundaries of the subject site for comments (refer to Attachment 2). Both submissioners objected to the proposal for the following reasons:

- Height, scale;
- Overshadowing; and
- Drainage/Runoff.

Height/ Scale

The proposed retaining wall does not comply with clause 3.6.1 - Excavation or Fill of the *Residential Design Codes of WA 2002* or adhere to Council's Policy APD 49. This issue is the main concern from both adjoining landowners and relate specifically to the height and scale of the proposed retaining walls and the finished floor levels of the proposed dwelling (refer to Attachment 3).

The applicant has provided justification for the proposal stating that,



“any reduction in finished floor levels or other relevant levels may result in the undermining of existing retaining structures”.

However through further discussions with the City's Building Surveyors the issue of reducing finished floor levels so as to not undermine existing structures can be achieved. The City encourages finished floor levels that adhere to the median natural ground level of the land. Further, it is unreasonable and inappropriate to permit a higher ground level to the owner when the surrounding residents were required to address the slope of the land at the time of their development.

Overshadowing

No. 11 Aspic Crescent will be significantly impacted in winter when the angle of the sun is at its lowest. Both its major living areas and outdoor living area are located immediately adjacent to the western boundary of the subject site and the top of the retaining wall will effectively reach the gutter level of 11 Aspic Crescent. This, together with the 1.8m high boundary fence will further exacerbate overshadowing issues. The proposed retaining wall along the southern boundary together with the proposed garage wall will also acutely overshadow the outdoor living area for No. 15 Aspic Crescent.

Runoff

Water runoff and drainage of the land must be contained within the property and is not permitted to flow onto adjoining properties. This is an issue that the City's Building Surveyors deal with when taking into consideration proposed retaining walls along property boundaries. Both submissioners are concerned with this issue.

The adjoining properties will be adversely affected by overshadowing and overlooking and visual privacy cannot be ensured. It is therefore considered that the concerns raised by the adjoining neighbours are valid. Given the unrealistic scale and the previously mentioned issues, it is recommended that the application for over height retaining walls be refused.

Strategic Plan/Policy Implications

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

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



- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community. "*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular. "*
3. Conserving and Improving Your Environment
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained".*

The Planning Policies which apply to this item are:

APD9	Retaining Walls
APD10	Discretion to Modify Development Standards
APD17	Standard Development Conditions and Footnotes
APD32	Residential Design Codes
APD33	Town Planning Scheme No. 3 Provisions
APD35	Filling Of Land
APD 49	Residential Design Codes - Alternative Acceptable Development Provisions.

Budget/Financial Implications

Legal costs could be incurred by the City without prosecution of the owner, which can be absorbed by the 2005/06 Budget.

Legal Implications

N/A

Community Consultation

The proposal was referred to adjoining neighbours for comment. Two objections were received from both owners.

Attachment(s)

- (1) Location Plan
- (2) Site Plan
- (3) Elevations

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 November 2005 Council Meeting.

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

Nil.



14.9 (MINUTE NO 3013) (OCM 10/11/2005) - MEMBERSHIP OF THE SWAN AND SOUTH WEST/PEEL HARVEY CATCHMENT COUNCILS (9331) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) agree to remain part of the Swan Catchment Council for the purpose of Natural Heritage Trust funding and programs;
- (2) advise the Minister for the Environment, Swan Catchment Council, South West Catchment Council, Peel Harvey Catchment Council, Town of Kwinana and City of Rockingham accordingly; and
- (3) nominate Clr Baker as its representative on the Swan Catchment Council.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

CARRIED 9/0

Background

In 2003 the Federal Government announced changes to Natural Heritage Trust Funds scheme. Instead of Councils being able to access funds for environmental projects through various grant schemes, monies would be allocated at the national, regional and local levels with most of the money being channelled through regional catchment councils. Under the new structure regional communities, comprising landowners, industries, non-government organisations, local and State or Territory governments and other interested parties, have participated in putting together regional plans called Accredited Natural Resource Management Plans, and decided which are the most important issues for action and funding.

Because of the restructuring it was necessary for Cockburn to confirm an affiliation with one of the two Natural Resource Management (NRM) Regions being either the Swan Region or South West Region. This was necessary to enable Council to contribute to the preparation of the Accredited Natural Resource Management Plans and have our issues listed for consideration in future funding applications.



At that time the City of Cockburn was included in the Swan Catchment area and Council officers had worked closely with the Swan Catchment Council.

In July 2003 Council considered a report on the membership options of recognised catchment Councils which was necessary to access Natural Heritage Trust funds for environmental projects (Item 14.4 – Min 2082). The options canvassed were the Swan Catchment Council and the South West Catchment Council. Officers recommended the City be part of the Swan Catchment Council area. Council resolved to defer the matter to allow the two Councils the opportunity to make presentations.

A presentation by the Swan Catchment Council and the South West Catchment Council was held on 12 August 2003.

In August 2003 Council reconsidered the matter (Item 14.7 Min 2125). Officers recommended that the City be affiliated with the South West Catchment Council for the small section of the district that lies within the Peel Harvey Catchment with the balance continuing to be represented by the Swan Catchment Council. Council resolved to adopt an alternative recommendation to confirm its association with the South West Catchment Council for the purpose of attaining funding at the regional level on the basis that it was considered that Cockburn would have a better representation by the South West Catchment which is more in keeping with Councils “Wetland to Waves” concept

At its meeting held in November 2003 (Item 14.14 Min 2214) Council resolved to nominate Mayor Lee as a member of the Peel Harvey Catchment Council.

In June 2005 Cllr Baker was voted by Council to take over from Mayor Lee as a representative on the Peel, Harvey Catchment Council (Item 9.1 Min 2852). This appointment has now ended.

Submission

At the Meeting of Council held in August 2005 Cllr Baker requested a report on the potential to join the Swan Catchment Council as a representative instead of the Peel Harvey Catchment Council given that the 1 year term on the Peel Harvey Catchment Council had expired and all options needed to be examined.

Report

At the Ordinary Council Meeting of 19th August 2003 Council decided to become affiliated with the South West Catchment Council for the purposes of obtaining funding at a regional level once the restructuring of the National Heritage Trust was completed. The two regions that Cockburn was choosing between were the Swan Region, represented



by the Swan Catchment Council, which primarily deals with metropolitan catchment issues and the South West Region, represented by the South West Catchment Council, which is primarily rural. The attached map shows the regions covered by each Catchment Council.

In response to the Council decision, the Minister of the Environment informed Council that before Cockburn could be considered a member of the South West Catchment Council there would need to be a formal change to the Natural Resource Management (NRM) boundaries which would require a change to the bilateral agreement between the State and Commonwealth Government that sets out the arrangements for administration and delivery of NRM programs. Both relevant State and Commonwealth ministers would need to agree to a change. As the issue was unlikely to be discussed in the short term the City of Cockburn would remain as part of the Swan Catchment Council but be included in the Accredited Natural Resource Management Plans for both the Swan and South West Catchment areas. A copy of the letter from the Minister is included as an attachment to the Agenda. At this time the City of Cockburn is still regarded as being part of the Swan Catchment Council area and there is no timetable for the matter to be considered by the Ministers involved.

Cockburn is primarily a metropolitan Council but also has a good representation of rural properties, the majority of which are rural housing lots rather than primary producers. Although Cockburn is not strictly part of any particular catchment as most surface and ground water flows towards the coast, our proximity to the Swan River and our metropolitan orientation has resulted in Cockburn being considered to be a sub region of the Swan Catchment Council. There is only a small portion of land in the southeast corner of Cockburn that is within the designated Peel-Harvey Catchment Area and thus part of the South West Region.

A Memorandum of Understanding that recognises that a small portion of Cockburn drains into the Peel-Harvey Catchment has been prepared by the two Catchment Councils (copy included in the Agenda attachments). This MoU allows Cockburn to access funds from the Natural Heritage Trust and also the National Action Plan for Salinity and Water Quality. A copy of the MoU is included as an attachment.

As part of considering which NRM area Cockburn should be part of, an assessment of the investment programs and services of each of the Catchment Councils has been undertaken to determine which will be the most relevant to Cockburn. A detailed comparison of programs and initiatives of both Councils is included as an attachment to the Agenda.

Both Catchment Councils have been allocated similar funding from the Natural Heritage Trust for 2005/6. (Swan \$4.6M, South West \$4.2M).



The South West Council also has an additional \$11M allocated via the National Action Plan for Salinity and Water Quality (NAP). It is unlikely however that the City of Cockburn will benefit from NAP funding. NAP funds would need to be spent within the portion of Cockburn that lies within the Peel-Harvey Catchment and because this is a small area in comparison to the rest of the Peel-Harvey Catchment and has little influence on catchment water quality, Cockburn would not rate very highly when applying for funding. Cockburn would also be competing with the rest of the South West for NAP funding.

It should also be noted that NHT funding for the South West Catchment Council is being distributed over an area that is almost ten times the area covered by the Swan Catchment Council. The South West Catchment also encompasses some of the larger country regional centres such as Bunbury and Mandurah as well as larger towns such as Busselton and Manjimup all of which are competing for funds.

Each of the Catchment Councils has developed a Region Strategy for Natural Resource Management and an Investment Plan. Each includes Cockburn in accordance with the MoU and have similar programs. However as would be expected most of the programs of the South West Catchment Council are rural based. Many of the projects being funded by the Swan Catchment are projects in which Cockburn is already involved with. These include Wetland Watch and the Perth Biodiversity Project.

Both of the Catchment Councils have similar organisational structures made up of 18 members which includes community and public agency representatives. The public agencies include the Departments of Environment, Agriculture, Planning and Infrastructure, Conservation and Land Management and the WA Local Government Association. There are two Local Government representatives on each of the Councils, one of which is appointed by WALGA

The Swan Catchment Council has 6 reference groups, 4 of which deal with the Investment Strategy programs, Integrated Water, Natural Diversity, Sustainable Production and Coast and Marine. The other two are the Local Government reference group and Indigenous Reference Group. Each of these groups has a Local Government representative. The City of Cockburn has a representative on the Coast and Marine Reference Group.

The South West Catchment Council has groups that are represented by river catchment groups such as Blackwood Basin Group, Geographe Catchment Group and the Peel-Harvey Catchment Council. Until recently the City of Cockburn had a representative on the Peel-Harvey Catchment Council.

Each of the catchment Councils has a similar number of staff allocated to each of the strategic programs. For example both catchment



Councils have Coastcare Facilitators, dedicated Local Government Liaison Officers and Biodiversity Co-ordinators. Given the similarity in staffing levels it would be expected that each Catchment Council would be able to supply a similar level of expertise to Local Councils although it is noted that the South West Catchment Councils resources are spread over a much greater area.

Given that the Swan Catchment Council primarily caters to the Perth Metropolitan Region many of its programs are orientated towards metropolitan issues. The City of Cockburn is primarily metropolitan and thus would benefit most from a continued association with the Swan Catchment Council.

Having the benefit of being involved with both the South West and Swan Catchment Councils over the past two years and looking at the issues confronting the district, it is considered that Council should remain as part of the Swan Catchment Council. Not only would this end the uncertainty and complexity that has arisen over the past two years, but provide ongoing long term benefits of being able to be access local expertise and experiences from other neighbouring metropolitan Councils.

Strategic Plan/Policy Implications

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

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

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

Attachment(s)

- (1) Map showing extent of catchments.
- (2) Letter dated 20 December 2004 from Minister for the Environment.
- (3) MoU Southwest Catchments Council.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



**14.10 (MINUTE NO 3014) (OCM 10/11/2005) - OVERSIZED
OUTBUILDING - LOT 19; 129 LORIMER ROAD, MUNSTER -
OWNER: L DAMJANOVICH - APPLICANT: DA COSTA DRAFTING &
DESIGN (4411536) (ACB) (ATTACH)**

RECOMMENDATION

That Council:

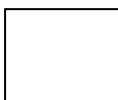
- (1) grant its approval to the oversized Outbuilding on Lot 19; 129 Lorimer Road, Munster in accordance with the approved plan subject to the following conditions:-

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No activities causing noise and/or inconvenience to neighbours being carried out after 7:00pm or before 7:00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
5. The shed shall be used for domestic and/or rural purposes only associated with the property, and not for human habitation.
6. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

SPECIAL CONDITIONS

7. The proposed shed walls and roof shall be constructed in Colorbond to complement the surroundings to the satisfaction of the Council.
8. The proposed shed being located at least 10 metres from the side boundary in accordance with clause 5.10.2(d) of the City of Cockburn Town Planning Scheme No. 3.
9. Existing sheds being removed where these have been identified as such on the submitted plans.



FOOTNOTES

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

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr I Whitfield that the recommendation be adopted.

CARRIED 9/0

Background

ZONING:	MRS:	Rural
	TPS3:	Rural
LAND USE:	Single Residential/ Rural	
LOT SIZE:	1.9728ha	
AREA:	390m ²	
USE CLASS:	Single House / Outbuilding – Permitted	

The background relevant to this proposal is:-

The City issued a Building Licence for a storage shed in 1988. The existing shed has an area of approximately 90m².

Submission

The proposal is to:-

- Construct a 390sqm shed to store vintage and collectable vehicles.

Report

The proposal is acceptable from a planning point of view except for:-

- The aggregate areas of the existing and proposed outbuildings (480m²) exceed the 300sqm size requirement in accordance with Council Policy APD18 Outbuildings.

In respect to these matters it is recommended that given the location of the proposed shed at the rear of the existing dwelling it is considered



that the shed will be reasonably screened from view of the road. In addition a letter of no objection has been received from the adjoining neighbour. The proposed shed size can be supported provided the shed is constructed with a colorbond finish, in a colour that harmonises with the rural setting, to the satisfaction of the City.

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."*
4. Facilitating the needs of Your Community
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

The Planning Policies which apply to this item are:-

APD10	Discretion to Modify Development Standards
APD11	Aged or Dependant Persons Dwellings and Ancillary Accommodation on Rural and Resource Zone Lots
APD17	Standard Development Conditions and Footnotes
APD18	Outbuildings
APD33	Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

A letter of no objection was received from a neighbouring owner.



Attachment(s)

- (1) Site Plan
- (2) Floor Plan
- (3) Elevation Plan

Advice to Proponent(s)/Submissioners

The Proponent and the submissioner on the proposal have been advised that this matter is to be considered at the 10 November 2005 Council Meeting.

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

Nil.

DECLARATION OF FINANCIAL INTEREST

Clr Allen declared a financial (proximity) interest in Item 14.11 – Southwell Master Plan, Implementation Strategy and Initiation of Amendment No.28 – Applicant: City of Cockburn/Department of Housing and Works. The nature of the interest being is that he owns land in the area.

CLR ALLEN LEFT THE MEETING AT THIS POINT THE TIME BEING 8.13 PM.

14.11 (MINUTE NO 3015) (OCM 10/11/2005) - SOUTHWELL MASTER PLAN, IMPLEMENTATION STRATEGY AND INITIATION OF AMENDMENT NO. 28 - APPLICANT: CITY OF COCKBURN / DEPT FOR HOUSING AND WORKS (9512; 93038) (AJB/JU/MD) (ATTACH)

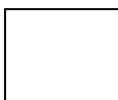
RECOMMENDATION

That Council:

- (1) receive the report;
- (2) adopt the Master Plan for Phoenix Rise, Southwell prepared by Allering Burgess as the basis for proceeding with detailed planning and programming of the redevelopment works subject to the following modifications;
 - 1. remove the proposed Bourbon Street roundabout and link from Bourbon Street to Rambures Way;
 - 2. include a roundabout at the intersection of Erpingham Road and Bourbon Street in order to control traffic speeds and to improve circulation of traffic near the primary school;



3. remove the proposed connection from Rodd Place to Fenton Way by extending Rodd Place west and terminating the extension with a cul-de-sac at the existing laneway and that Stanyford Place remain a cul-de-sac;
 4. include landscaping works along Quickly Crescent and Packham Road;
 5. remove reference to Southwell Park being a preferred location for the Community Building site and the Goodchild Reserve being identified as a preferred location for the Community Building site;
 6. include a minor entry statement at the entry to Southwell at the intersection of Phoenix Road and Quickly Crescent;
 7. redesigning the link from Helena Place to Cade Street by removing the cul-de-sac head and straightening and rationalising the link;
 8. creating a 6m Right of Way at the end of the Rodd Place extension which extends north and south down the existing Pedestrian Access Way to service future development at the rear of houses fronting Fenton Way;
 9. include median island treatments and beautification along the entire length of Southwell Crescent;
 10. modify the Eliza Court Road extension by removing the link to the proposed Caffery/Bellier Place link and extending Eliza Court into the proposed development site to the south and terminating the extension with a cul-de-sac; and
 11. extend Sykes Place into Reserve 42809 Heal Street in order to service the future development.
- (3) provide BP Refinery (Kwinana) Pty Ltd with the following:
- (a) an undertaking, backed up by appropriate insurance cover, that Council will be liable for any damage to persons or property arising out of the construction and use of pedestrian access and pathways over the Pipeline Corridor; and
 - (b) an agreement that Council will meet the costs incurred by BP (including but not limited to removal and replacement of paving, landscaping and other structures) when BP



seeks access to its pipeline for repairs and maintenance;

- (4) contact the Department of Housing and Works regarding the acquisition of land required for the proposed road connections;
- (5) writes to the Satterly Group requesting that Satterly engage a suitably qualified Traffic Engineer to investigate the appropriateness of the new road connections proposed under the Master Plan;
- (6) advise the Satterly Group, Department of Housing and Works and those persons who made a submission of Council's decision.
- (7) the City initiate negotiations with the Department for Planning and Infrastructure Midland on a suitable land exchange for the Sykes Place Public Open Space Reserve;
- (8) negotiate with the Department of Housing and Works to obtain agreement to the Draft scope of public domain works as set out in the attachment to the Agenda;
- (9) discuss options for funding public domain works with the Department of Housing and Works;
- (10) initiate the following amendment:-

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

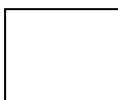
AMENDMENT NO. 38

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

1. Rezoning Reserve 42809 Sykes Place from 'Parks and Recreation – Reserve for Recreation' to 'Residential' with a density code of R25;
2. Rezoning part of Lot 18 Grandpre Crescent from 'Parks and Recreation – Reserve for Recreation' to 'Residential' with a density code of R25;
3. Rezoning approximately 1050m² of Lot 177 Ely Street (Goodchild Reserve) from 'Parks and Recreation – Reserve for Recreation' to 'Local Road' to provide a

connection from Helena Place to Cade Street;

4. Rezoning Part of Lot 485 and Lot 459 Bourbon Street from 'Parks and Recreation – Public Recreation' to 'Residential' with a density code of R25;
5. Rezoning part of Lot 432 Stanyford Place from 'Parks and Recreation – Reserve for Recreation' to 'Residential' with a density code of R25;
6. Rezoning part of the pedestrian access way on the northern side of Lot 432 Stanyford Place from 'Local Road' to 'Parks and Recreation – Reserve for Recreation';
7. Rezoning part of the pedestrian access way on the southern side of Lot 432 Stanyford Place from 'Local Road' to 'Residential' with a density code of R25;
8. Rezoning the pedestrian access way on the western side of Lot 432 Stanyford Place extending from Phoenix Road north past Lot 434 Fenton Way and connecting to Fenton Way from 'Local Road' to 'Residential' with a density code of R25;
9. Rezoning part of Lot 177 Ely Street (Goodchild Reserve) from 'Parks and Recreation – Reserve for Recreation' to 'Residential' with a density code of R40;
10. Rezoning Lot 1 Caffery Place from 'Public Purpose – Civic' to 'Residential' with a density code of R40;
11. Rezoning approximately 512m² of Caffery Road road reserve from 'Local Road' to 'Residential' with a density code of R40;
12. Rezoning Lot 65 Erpingham Road from 'Parks and Recreation – Reserve for Recreation' to 'Residential' with a density code of R25;
13. Rezoning the pedestrian access way running north-south between Lots 65, 460 and 58 Erpingham Road from 'Local Road' to 'Residential' with a density code of R25;
14. Rezoning Lot 183 Southwell Crescent from 'Parks and Recreation – Reserve for Recreation' to 'Residential' with a density code of R40;
15. Rezoning the pedestrian access way abutting Lot 183 Southwell Crescent on the western side from 'Residential'



with a density code of R20 to 'Residential' with a density code of R40;

16. Rezoning the pedestrian access way splitting Lot 183 Southwell Crescent from 'Local Road' to 'Residential' with a density code of R40;
17. Rezoning approximately 1459m² of Lot 174 Ely Street from 'Parks and Recreation – Reserve for Recreation' to 'Residential' with a density code of R40;
18. Rezoning approximately 965m² of Lot 379 Phoenix Road from 'Parks and Recreation – Reserve for Recreation' to 'Local Road' to provide a road connection from Jamy Place to Fluellen Way;
19. Rezoning Lots 224 and 380 Phoenix Road, Lot 381 Jamy Place, Lots 384 and 378 Fluellen Way and Lots 715 and 716 Teece Place from 'Residential' with a density code of R20 to 'Residential' with a density code of R25; and
20. Amending the Scheme Map accordingly.

Dated this day of 2005.

Chief Executive Officer

- (11) sign the amending documents, and advise the WAPC of Council's decision;
- (12) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 7(A)(1) of the Town Planning and Development Act;
- (13) 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;
- (14) notwithstanding (10) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment; and
- (15) following formal advice from the Environmental Protection



Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not to proceed with the Amendment.

COUNCIL DECISION

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

CARRIED 8/0

Background

Southwell is a small area within Hamilton Hill in the north-west corner of the City of Cockburn. The Department of Housing and Works (DHW) has selected Southwell as an area to be redeveloped as part of the New Living Project. There are 315 properties owned by DHW within Southwell, comprising 192 villa-townhouses, 41 duplexes and 82 single detached houses. The Department intends to reduce this number in the area to a ratio of one in nine, which means that the numbers would be reduced from 315 to 98.

The Southwell area has been in decline over the years, with crime, anti-social behaviour and some major infrastructure issues contributing to the problem. In late 2000 the then Ministry for Housing advised the City of Cockburn that a New Living Project would be progressed for Southwell in a similar way to the project almost completed in Coolbellup to the east. DHW's goal for the New Living project is to reduce the number of Homeswest properties in the Southwell area from approximately 30% to 10%.

The New Living Project name for Southwell is Phoenix Rise.

On 9 December 2003 the then State Housing Commission (Department for Housing and Works) and the City of Cockburn signed a Memorandum of Understanding (MOU) which set out the objectives and overall principles which apply to the redevelopment of Phoenix Rise, Southwell.

The MOU triggered the preparation of a draft Master Plan to facilitate and guide enhancement works within Southwell as part of the New Living Project.



Submission

Master Plan

In March 2005 the City of Cockburn advertised the Draft Master Plan for Phoenix Rise. The Master Plan will facilitate enhancement works within Southwell as part of the New Living Project. The Master Plan has been divided into 8 precinct areas and the objectives of the Master Plan are described below.

1. *Packham Road Precinct*

- Duplex lot precinct.
- Detailed Area Plan required to guide and facilitate future battleaxe style duplex development with surveillance over parkland.

2. *Sykes Place Precinct*

- Connection of Helena Place/Bourbon Street to Grandpre Crescent.
- Enhancement of connectivity to primary school.
- Provision of lots overlooking parklands and Primary School (enhance safety).
- Beautify powerline corridor (dry landscaping) and provide Dual Use Path.
- Develop and release vacant residential allotments to provide funds for overall Southwell improvements.
- Low key connection of Cade Street to Helena Place extension.
- Additional parking at southern end of Goodchild Reserve.
- Develop small amount of POS for grouped dwelling development to provide surveillance to POS.
- Develop some areas to R25 density (currently R20).

Bourbon Street Precinct

- Introduce roundabout and street connection to Rambures Way.
- Enhance vehicular access to Primary School.
- Rationalise parkland to reduce area/refine and beautify.
- Create two saleable vacant residential allotments.

4. *Fenton Way Precinct*

- Provide street connection of Stanyford Place to Fenton Way and Rodd Place (vehicular permeability).
- Refine areas of parkland and improve landscaping.



- Create R25 vacant residential allotments overlooking parkland (enhance surveillance/safety and visibility).
- Detailed Area Plan required to guide future redevelopment of lots fronting Fenton Way to ensure new homes at lots overlook abutting parkland.
- Maintain pedestrian connection from parkland to Phoenix Road.
- Redevelopment of Lot 134 to provide passive surveillance of pathway connection.

5. *Helena Place Precinct*

- Additional street connections to improve vehicular circulation around the primary school.
- Creation of unit development site overlooking active parkland (remove 'hidden' POS).
- Rationalise road reserve at existing cul-de-sac bulb to create additional residential land.

6. *Bellier Place Precinct*

- Street connection of Bellier Place to Caffery Place (enhance movement to shopping centre).
- Street connection from Eliza Court to Caffery/Bellier along oil pipeline corridor.
- Creation of additional vacant residential duplex lots over 'hidden' public open space area (Lot 65).
- Facilitate redevelopment of land at rear of lots 724, 727 & 702.
- Provide for redevelopment of existing community building site (Lot 1).

7. *Jamy Place Precinct*

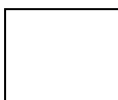
- Provide connection of Jamy Place to Fluellen Way (enhance connectivity/passive surveillance of POS).
- Detailed Area Plan required to guide future redevelopment abutting parkland to ensure future homes overlook the POS (passive surveillance).

8. *Primary School Precinct*

- Detailed Area Plan required to guide future redevelopment of additional dwellings to encourage surveillance over Primary School.

9. *Miscellaneous*

- New unit site abutting northern entry statement parkland.



- Lot 183 Southwell Crescent, Lot 362 Yorston Place and Lot 134 Fenton Way to be developed for residential purposes.
- Entry statements at Grandpre Crescent and Southwell Crescent.

10. *Landscaping*

- Comprehensive upgrading and improvement of rationalised parkland areas.
- Landscaping, lighting and pathways within oil pipeline corridor (provision of linear walkway).
- Provision of entry statements (Southwell Crescent southern entry not included within scope of works as is currently being undertaken by Council).
- Street tree planting on primary street network as shown.

A copy of the draft Master Plan is included in the Agenda attachments.

Implementation Strategy

Amendment No. 38

The Master Plan puts forward a number of proposals including redevelopment of Homeswest properties, rationalisation and upgrading of public open space areas, closure of pedestrian access ways, streetscaping and offers some potential for the development of private properties.

To achieve some of the proposal put forward in the Draft Master Plan a number of zoning modifications need to be made to Council's Town Planning Scheme No. 3. Amendment No. 38 proposes a number of zoning modifications within the Phoenix Rise area to allow for the rationalisation and development of some public open space and Council reserves.

Report

Master Plan

Advertisement of Master Plan

The draft Master Plan was referred to all landowners within Southwell for comment. Eighty-five (85) submissions were received which included 35 letters of objection and 50 letters of no objection.

The primary concerns raised in the submissions related to the following issues:

- objection to proposed Bourbon Street roundabout and street connection to Rambures Way;



- objection to proposed road connecting Stanyford Place, Rodd Place and Fenton Way;
- objection to making Eliza Court a through road;
- objection to the proposed road connecting Jamy Place and Fluellen Way;
- objection to making Helena Place a through road connection to Grandpre Crescent;
- objection to the Bellier/Caffery Place link; and
- request Quickly Crescent be provided with street tree planting and an entry statement.

A majority of the objections received related to the proposal to make existing cul-de-sac streets into through roads as this was perceived to increase traffic, noise, crime and decrease safety in these streets.

It is recommended that the following changes to the road connections proposed in the draft Master Plan be made to address the above concerns:

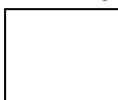
- Remove the Bourbon Street roundabout and street connection to Rambures Way;
- Remove the connection of Stanyford Place, Rodd Place and Fenton Way but still extend Rodd Place to service future development; and
- Remove the Eliza Court link but extend Eliza Court across the BP Oil Pipeline in order to service the proposed future residential development.

It is considered that the other street connections proposed in the Master Plan are essential for the Master Plan to be successful as these proposed connections will greatly improve internal vehicular circulation within Southwell, which will ensure improved access to the primary school, shops and entry/exit points within the suburb and will improve passive surveillance to the remaining POS.

The extension of Helena Place with connections to Bourbon Street and Plantagenet Crescent/Cade Street is of critical importance to improve internal circulation and accessibility to major uses, being the primary school and Goodchild Reserve and forms part of the subdivision of surplus POS land.

The Bellier Place link to Caffery Place will provide alternative access to the shopping precinct and bus route in Southwell Crescent.

The Jamy Place link to Fluellen Way is acknowledged as being physically difficult due to level differences. However, the link is regarded as essential to improve accessibility for westerly movement along Phoenix Road given that there is no right turn out of Quickly Crescent. This will significantly reduce the travel distance to access the Southwell Cr/Phoenix Rd intersection, which includes right turn movements. It is expected that traffic travelling east on Phoenix Road



would still use Quickly Crescent as opposed to the low speed environment of Jamy Place and Fluellen Way. This road link will also provide increased surveillance of the pathway and POS area, which is one of the fundamental objectives of the Master Plan.

Refer to Schedule of submissions contained with the Agenda attachments for additional comments.

It is considered that the comments raised in the schedule of submissions have been adequately addressed.

Street Planting

The current draft Master Plan proposes to provide landscaping and beautification works along Southwell Crescent, Bourbon Street, Grandpre Crescent, Erpingham Road and along the proposed new road link connecting Helena Place to Grandpre Crescent.

In addition to these it is recommended that Quickly Crescent and Packham Road be provided with landscaping and beautification works, as these roads are major entry/exit points to Southwell.

Public Open Space (POS) Development

The Master Plan proposes the development of a number of parks and reserves within the Southwell area. Southwell currently has 14.46ha or 13.6% of POS.

Generally new subdivisions are required to provide 10% POS, in accordance with Council policy.

The draft Master Plan proposes to reduce the amount of POS to approximately 10.18ha or 9.6%, however calculated in accordance with Council Policy this figure is increased to 10.09% when taking into account the deductions such as the primary school site, BP oil pipeline and the Roe 8 Primary Regional Road Reserve.

Refer to the POS Table contained with the Agenda attachments.

The provision of POS within the proposed Southwell Master Plan area will comply with the WA Planning Commission's policy requirement for 10% POS for new subdivisions.

Further, the money generated by developing Council owned POS would be used to enhance the quality and useability of POS in the area. The development of the POS into housing will also be designed so that it facilitates passive surveillance of the remaining POS, which will assist in improving the security and useability of POS in Southwell.



It is also proposed to enhance the BP Oil Pipeline corridor with “dry” landscaping, lighting and pathways.

The Roe Highway Reserve, which runs along the northern boundary of Southwell, will also provide opportunities to obtain further public open space in the area, which contains native vegetation.

Community Building Site

Under the draft Master Plan it is proposed to move the Community Building site currently located at the end of Caffery Place to a number of possible locations, such as Southwell Park, Lot 183 Southwell Crescent or the Salvation Army site.

The potential sites have been reviewed and it is considered that the most appropriate sites for the Community Building site is on the Goodchild Reserve or potentially the Salvation Army site, subject to the Council acquiring the site. The Goodchild Reserve will be a suitable site when the proposed road connection between Helena Place and Plantagent Crescent is made, as this will greatly improve access to the site. The Community Building could be located alongside the existing clubrooms.

It is recommended that the Master Plan be amended to show the preferred locations for the Community Building as being either the Goodchild Reserve or the Salvation Army site.

BP Oil Pipeline

Council will be required to secure access to certain points along the oil pipeline corridor in order to make the proposed road connections and provide a dual use path and associated lighting along the corridor.

Council will be required to enter into an undertaking, backed by appropriate insurance cover, stating that Council will be liable for any damage to persons or property arising out of the construction and use of pedestrian access ways over the pipeline corridor and will also need to enter into an agreement with BP stating that Council will meet the costs incurred by BP when BP seeks access to its pipeline for repairs and maintenance.

Implementation Strategy

The following are essential and integral parts of the Phoenix Rise Master Plan;

- Renovation of all Dept of Housing and Works (DHW) houses and units by the New Living Project Joint venture with the Satterley Property Group.



- Enhancement of the public domain including entry statements, streetscapes, public open space upgrade and construction of pathways and some road links jointly funded by the City and DHW on a dollar for dollar basis in accordance with the agreement signed between the two parties.
- Subdivision of eight parcels of POS land to be funded by the City.
- Possible relocation of the Community hall from Caffery Place to Goodchild Reserve subject to satisfactory arrangements being negotiated between DHW and the City.

Seven of the eight POS areas to be subdivided are owned by the City but are reserved for POS in Town Planning Scheme No 3 and will need to be rezoned through an amendment to the Scheme. The eighth and largest parcel of POS proposed for subdivision located between Sykes Place and the high voltage power line easement on the north side of the primary school is a Government Reserve with care control and management vested in the City. For Council to subdivide this land it will be necessary for Council to either effect a land exchange with DPI Midland where other POS land owned by the City would be exchanged for the Reserve in question or the land is acquired by the City. It is preferred that the land be secured by a land exchange with the City vesting in the crown other POS land it owns in the Southwell area that is to be retained for that purpose. The exchange would need to be done on a valuation basis.

Of the eight parcels of POS proposed to be subdivided by the City, three are to be subdivided for group housing sites whilst the remainder will be subdivided into 40 lots of varying sizes. Preliminary engineering costings and valuations have been undertaken and show development costs for servicing, retaining etc to be some \$3.3m and a gross realisation of approx \$7.6m. Cost of sales including interest advertising, agents fees, stamp duty etc could be a further \$1.0m bringing the total cost to \$4.3m. The anticipated profit will fund Councils contribution to works in the public domain and possibly further works in the Southwell area which could include upgrading of the irrigation and playground facilities at Goodchild Reserve (\$0.3m) or towards the relocation of the community facility to Goodchild Reserve (\$1.2m).

In the event that Council is unable to successfully complete a land exchange with DPI Midland for the Sykes Place Reserve, then the gross realisation on the balance land will be reduced to \$3.5m and development costs to \$1.6m. Under this scenario Council would still be able to fund its share of works in the public domain from the profit, but there is unlikely to be any significant sum left over to fund other projects.



It is recommended that the City initiate negotiations with DPI Midland on a suitable land exchange for the Sykes Place Reserve at the earliest opportunity.

The Masterplan shows public domain works such as streetscapes, landscaping and road links that are to be jointly funded by DHW and the City. The actual elements and estimated costs are shown in the schedule included in the Agenda attachments. The estimated cost of the works is \$ 2,348,100 which is to be shared on a dollar for dollar basis by DHW and the City for agreed works. The draft scope of works now needs to be negotiated with DHW and final agreement obtained. It is recommended that Council endorse the draft scope of public domain works and submit it to DHW for consideration and approval.

Prior to the subdivision of the POS land it is necessary for the relevant areas to be rezoned from Public Open Space to Residential in TPS No 3 through a formal amendment to the Scheme. This Agenda Item puts forward the required resolutions to commence that process. It is anticipated that the Scheme Amendment could take some 12 months to be finalised. On this basis the City would not be in a position to commence subdivision of the POS land for some 18 months. The Satterley Property Group and DHW are anxious to commence some of the public domain works and accordingly it will be necessary for the City and DHW to agree satisfactory arrangements to undertake works in the short term. This could include DHW prefunding some works for a limited time or the City advancing funds to the project, on the understanding that these will be reimbursed to the relevant sources once surplus funds are generated by the subdivision of the POS land. This matter will also be discussed with DHW and recommendations will be made to a future Council meeting for appropriate funding to be considered in the February 2006 budget review and the 2006/07 budget.

Amendment No. 38

The Phoenix Rise Master Plan proposes a number of proposals, which are broken up into precincts within the area. For ease of understanding, proposed Amendment No. 38 has been prepared based on these precincts.

1. *Sykes Place Precinct*

The Master Plan proposes to subdivide Reserve 42809, Sykes Place and part of Lot 18 Grandpre Crescent into 29 lots. The lots will be developed so that the housing overlooks the remaining POS in the area.

Reserve 42809 and Lot 18 are currently zoned 'Parks and Recreation – Reserve for Recreation' under TPS 3 and 'Urban' under the MRS. Surrounding land is zoned 'Residential' with a



density coding of R20, with R25 on the southern side of the powerline corridor. Amendment No. 38 proposes to rezone Reserve 42809 and part of Lot 18 Grandpre Crescent to 'Residential' with a density code of R25.

A small area of Goodchild Reserve (1050m²) is proposed to be rezoned from 'Parks and Recreation – Reserve for Recreation' to 'Local Road' to provide a road connection from Cade Street to Helena Place extension. This connection will enhance accessibility to the community facilities on Goodchild Reserve and provide a much needed north-south link within the area.

2. *Bourbon Street Precinct*

The Master Plan proposes to develop part of Lot 485 and Lot 459 Bourbon Street for residential purposes. Both lots are owned by the City of Cockburn and zoned 'Parks and Recreation – Public Recreation' under TPS 3 and 'Urban' under the MRS. The lots will be developed for duplex housing and are proposed to be rezoned to 'Residential' with a density code of R25. Currently both lots are vacant and are not used for public open space due to their size and location. The rezoning of these lots will allow for the creation of four new residences that will be constructed to overlook the remaining POS, which provides a pedestrian thoroughfare to Southwell Primary School. The remaining POS (Lots 33 and 67) will be enhanced and upgraded.

3. *Fenton Way Precinct*

The Master Plan proposes the development of part of Lot 432 Stanyford Place into a six lot subdivision with lot sizes ranging from approximately 395m² to 410m².

Lot 432 is zoned 'Parks and Recreation – Reserve for Recreation' under TPS 3 and 'Urban' under the MRS. Surrounding land is zoned 'Residential' with a density code of R25. Lot 431 abuts Lot 432 (POS) to the east and is zoned R35, as this site contains a retirement village. To achieve the rationalisation and redevelopment of the POS proposed under the Master Plan (outlined above), Amendment No. 38 proposes the following modifications:

- a) rezone part of Lot 432 Stanyford Place from 'Parks and Recreation – Reserve for Recreation' to 'Residential' with a density code of R25;
- b) incorporating the pedestrian access way abutting Lot 432 Stanyford Place on the northern side and rezoning the access way from 'Local Road' to 'Parks and Recreation – Reserve for Recreation';
- c) incorporating the pedestrian access way abutting Lot 432 Stanyford Place on the southern side into the newly proposed



- residential lots and rezoning the access way from 'Local Road' to 'Residential' with a density coding of R25;
- d) incorporating the pedestrian access way abutting Lot 432 Stanyford Place on the western side, between Lots 134, 133, 132, 131, 435 and 434 Fenton Way into these lots and rezoning the access way from 'Local Road' to 'Residential' with a density coding of R25;
 - e) incorporating the pedestrian access way between Lot 434 Fenton Way and Lots 94, 95, and 97 Stanyford Place into Lot 434 Fenton Way and rezoning the access way from 'Local Road' to 'Residential' with a density coding of R25;

4. *Helena Place Precinct*

The Master Plan proposes the development of a part of Goodchild Reserve (Lot 177 Ely Street) for residential purposes. The proposed development will be an R40 unit site that will be developed on a part of the Reserve that is not provided with surveillance from the public domain as a result of its location and is currently used as a dumping ground. The area to be developed is 1413m² in area and will require a small cul-de-sac head to be constructed off Helena Place to gain access to the site. The unit development will provide passive surveillance to Goodchild Reserve and will also remove a hidden area of POS.

Amendment No. 38 proposes to rezone part of Lot 177 Ely Street from 'Parks and Recreation – Reserve for Recreation' to 'Residential' with a density code of R40 to provide for the unit development.

5. *Beelier Place Precinct*

The Master Plan proposes a number of developments within this precinct as listed below:

- 1) Lot 1 Caffery Place: This site currently contains the Southwell Community Building which is proposed to be relocated to the Goodchild Reserve as an extension to the existing club/change rooms. Lot 1 Caffery Place is owned by the Department for Housing and Works and leased to Council. With the relocation of the Community Building to the more appropriate site it is proposed to develop Lot 1 into an R40 residential unit site. It is also proposed to rationalise the cul-de-sac and road reserve of both roads incorporating them into the development (approximately 512m²).
- 2) Lot 65 Erpingham Road: This site is a 3647m² park which is surrounded by existing houses. The park does not have any road frontage, has the BP oil pipeline abutting the northern boundary and is not offered any surveillance by the surrounding



houses due to the properties backing onto the park with super six fencing. A retirement village (Lot 58 Erpingham Road) owned by the DHW abuts the park on the eastern side with many residents of the village raising concerns with the Department about the undesirable use of the park by people for the dumping of rubbish, loitering and to break into the retirement village. It is proposed to develop this unused and undesirable piece of POS into five residential lots with an R25 density. Access to the development will be gained through the extended cul-de-sac of Eliza Court. A public access way between Lots 65, 460 and Lot 58 is also proposed to be closed and incorporated into Lot 460 (owned by the Department for Housing and Works) and the new residential lots. Development of Lot 65 will remove a hidden area of POS that will prevent anti social use of the site.

Amendment No. 38 proposes the following amendments to TPS3 in relation to development in the Bellier Place precinct;

- a) rezone Lot 65 from 'Parks and Recreation – Reserve for Recreation' to 'Residential' with a density coding of R25;
- b) rezone the pedestrian access way running north-south between Lot 65, Lot 460 and Lot 58 Erpingham Road from 'Local Road' to 'Residential' with a density coding of R25;
- c) rezone approximately 512m² of Caffery Road road reserve from 'Local Road' to 'Residential' with a density code of R40; and
- d) Rezone Lot 1 Caffery Place from 'Public Purpose – Civic' to 'Residential' with a density code of R40.

6. *Southwell Crescent Precinct*

The Master Plan proposes two new residential developments along Southwell Crescent;

- 1) Lot 183 Southwell Crescent: This is a 3629m² unimproved park which is located close to the Southwell shopping centre and on the northern side of the DHW retirement village. It is proposed to develop the site for residential purposes with an R40 coding. A pedestrian access way cutting across the lot and one abutting the western boundary are proposed to be closed and incorporated into the residential development. These access ways do not serve any purpose as neither lead to facilities.
- 2) Part of Lot 174 Ely Street: This is a 1459m² portion of an unimproved park located at the most northern entry to Southwell. It is proposed to develop the hidden section (1459m²) of the park for residential (R40) purposes to provide passive surveillance over the remaining parkland. Access to the residential development is proposed off Southwell Crescent.



Amendment No. 38 proposes the following amendments to TPS3 in relation to development in the Southwell Crescent precinct;

- a) rezone Lot 183 Southwell Crescent from 'Parks and Recreation – Reserve for Recreation' to 'Residential' with a density code of R40;
- b) rezone approximately 1459m² of Lot 174 Ely Street from 'Parks and Recreation – Reserve for Recreation' to 'Residential' with a density code of R40;
- c) rezone the pedestrian access way abutting Lot 183 Southwell Crescent on the western side from 'Residential' with a density code of R20 to 'Residential' with a density code of R40;
- d) rezone the pedestrian access way splitting Lot 183 Southwell Crescent from 'Local Road' to 'Residential' with a density code of R40;

7. Jamy Place Precinct

Jamy Place is currently a short cul-de-sac running east off Southwell Crescent. The Master Plan proposes the connection of Jamy Place and Fluellen Way to enhance connectivity and passive surveillance of the POS at the end of Jamy Place. This connection will also provide an alternative access onto Phoenix Road (which has a full intersection) via Southwell Crescent rather than only being able to turn left onto Phoenix Road from Quickly Crescent. To achieve this connection Amendment No. 38 proposes to rezone 965m² of Lot 379 Phoenix Road which is currently zoned 'Parks and Recreation – Reserve for Recreation' under TPS3 to 'Local Road'.

Closure and rezoning of pedestrian access ways

The Master Plan proposes to close all pedestrian access ways within the Southwell area. This has resulted from numerous requests from the community to have these access ways closed due to the anti social behaviour carried out in them such as allowing access to properties for break-ins. The closures will undergo the normal process required by the Department for Planning and Infrastructure. Amendment No. 38 involves the rezoning of a number of these access ways to 'Residential' so that the land can be developed.

Advertising of the Amendment

Whilst the rezoning proposals outlined in Amendment No. 38 are consistent with the surrounding land uses and the Metropolitan Region Scheme it is considered appropriate that the amendment be forwarded to the Western Australian Planning Commission for consent to advertise given that it is proposed to reduce the amount of POS in the area.



The City will also be required to undertake a number of processes with the Department for Planning and Infrastructure – Land Administration Section as a result of the reservations placed on the POS. This will be a similar process carried out for the excision of part of Len Packham Reserve for the new Coolbellup Primary School and will involve the City seeking consent from the Minister of Lands.

Conclusion

The New Living Project will make significant changes to Southwell and is seen as an opportunity to further change the physical planning of the area to enhance safety and security, revitalise unused and rundown public open space and introduce new housing stock to the area.

It is recommended that Council adopt the Master Plan for Phoenix Rise, Southwell as the basis for proceeding with detailed planning and programming of the redevelopment works subject to modifications.

Amendment No. 38 proposes a number of zoning modifications to Town Planning Scheme No. 3 that will achieve the outcomes of the Phoenix Rise Master Plan. It is recommended that Council initiate Amendment No. 38 for the purpose of advertising.

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."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*



- *"To conserve the character and historic value of the human and built environment."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
- *"To facilitate and provide an optimum range of community services."*
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
 - *"To determine by best practice, the most appropriate range of recreation areas to be provided within the district to meet the needs of all age groups within the community."*

The Council Policies which apply to this item are:-

SPD1	BUSHLAND CONSERVATION POLICY
SPD2	COMMUNITY FACILITIES INFRASTRUCTURE - 10 YEAR FORWARD PLAN
SPD4	'LIVEABLE NEIGHBOURHOODS'
APD28	PUBLIC OPEN SPACE CREDIT CALCULATIONS
APD30	ROAD RESERVE AND PAVEMENT STANDARDS

Budget/Financial Implications

The report details costs and revenues associated with the subdivision of POS land and provides cost estimates for public domain works which are to be shared between DHW and the City.

The Draft schedule of public domain works needs to be agreed with DHW following which a further report will be presented to Council on funding implications and items for consideration for inclusion in the February 2006 budget review and the 2006/07 budget.

Legal Implications

The Council will be required to enter into an agreement with BP Refinery (Kwinana) Pty Ltd in order to gain access to the oil pipeline reserve to facilitate the road connections and dual use paths proposed under the Master Plan.

Community Consultation

The draft Master Plan was referred to all landowners within Southwell for comment. Eighty-five submissions were received, which included 35 letters of objection and 50 letters of no objection.

A breakdown of the submissions per precinct is shown below:



Precinct	Objection	No Objection
Packham Rd	---	---
Sykes Place	1	2
Bourbon St	8	2
Fenton Way	12	6
Helena Place	1	2
Bellier Place	3	0
Jamy Place	7	1
Primary School	---	---
Miscellaneous	3	37
TOTAL	35	50

It is considered that the concerns raised in the submissions have been adequately addressed in the Schedule of submissions contained in the Agenda attachments.

Attachment(s)

- (1) Site Plan
- (2) Draft Southwell Public Domain Works Schedule
- (3) Schedule of submissions – Master Plan
- (4) POS Table

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 November 2005 Council Meeting.

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

Nil.

CLR ALLEN RETURNED TO THE MEETING AT THIS STAGE THE TIME BEING 8.14 PM.

The Presiding Member advised Clr Allen of the decision of Council whilst he left the meeting.

DECLARATION OF CONFLICT OF INTEREST

Clr Tilbury declared a Conflict of Interest in item 14.12 – Woodman Point Wastewater Treatment Plant, Munster – Odour Buffer – Strategic Environmental Review. The nature of the interest being due to the requirement of her full time employment to liaise closely with owner/applicant.



CLR TILBURY LEFT THE MEETING AT THIS POINT THE TIME BEING 8.15 PM

14.12 (MINUTE NO 3016) (OCM 10/11/2005) - WOODMAN POINT WASTEWATER TREATMENT PLANT, MUNSTER - ODOUR BUFFER - STRATEGIC ENVIRONMENTAL REVIEW - OWNER/APPLICANT: WATER CORPORATION (3400024; 9322) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) prepare a submission to the Environmental Protection Authority based upon the issues raised in this report generally, but also specifically:
 1. supporting in principle the Strategic Environmental Review in recognition of the public interest significance of the Woodman Point Waste Water Treatment Plant and the need to protect it from the encroachment of incompatible land uses;
 2. supporting the retention of an odour buffer subject to the odour modelling and suggested Odour Unit standard being deemed acceptable by the Environmental Protection Authority.
 3. opposing the modification the existing odour buffer due to inequities created amongst landowners by the use of a cadastral boundary definition;
 4. oppose the "in principle approval" sought from the Environmental Protection Authority for the suggested compatible land uses of Industrial and Commercial for land within the odour buffer;
 5. request the Environmental Protection Authority acknowledge the need for a comprehensive planning study initiated by the City and involving landowner consultation to examine alternative land uses for the land affected by the odour buffer;
- (3) lodge the submission with the Environmental Protection Authority; and
- (4) advise the Water Corporation that the Council expects the Corporation to honour their commitment to bring forward elements of the Stage 1 odour control works as stated in the



Water Corporation letter dated 23 September 2005.

COUNCIL DECISION

MOVED Cllr V Oliver SECONDED Cllr S Limbert that Council:

- (1) receive the report;
- (2) prepare a submission to the Environmental Protection Authority based upon reducing the buffer line back to 500 metres or the east edge of Lake Coogee and ensure that the report submitted to the EPA reflects all relevant information available to support the Council's position including details in the Environmental Management Report 1999, CHM2HILL Odour Study 1999 (odour modelling figures), the 2040 Water Strategy Report, Separation Distances Report specifically the requirement on industry to prevent odours and buffers used as a last resort, 1998 letter from EPA Chairman Mr Bowen to the City with their advice on changing The Metropolitan Region Scheme from Rural to Urban Deferred any other relevant data;
- (3) oppose the "in principle approval" sought from the Environmental Protection Authority for the suggested compatible land uses of Industrial and Commercial for the land within the odour buffer;
- (4) strongly advise the Water Corporation that Council expect the Corporation to bring forward all three Stages of Odour Control identified in the SER to the 2008/09 completion date and in particular to complete within 12 months the covering of the SBR Bio-Selectors which is in Stage One Odour Controls at a cost of \$3.3 million dollars and which will reduce odours emitted from the plant by 33% initially;
- (5) lodge the submission with the Environmental Protection Authority; and
- (6) advise all affected ratepayers and residents who live in the Urban Deferred area of Council's decision and provide them with a copy of Council's submission to the EPA.

MOTION LOST ON CASTING VOTE OF PRESIDING MEMBER 4/4

MOVED Cllr T Romano SECONDED Cllr I Whitfield that Council:

- (1) note the Officer's report;
- (2) prepare a submission to the Environmental Protection Authority



reconfirming Council's current position for the 750m odour buffer to be contracted back to the eastern shoreline of Lake Coogee;

- (3) Oppose the "in principle approval" sought from the Environmental Protection Authority for the suggested compatible land use of Industrial and Commercial for land within the odour buffer;
- (4) request the Environmental Protection Authority acknowledge the need for a comprehensive planning study initiated by the City and involving landowner consultation to examine alternative land use for the land affected by the odour buffer should the odour buffer remain unchanged;
- (5) advise the Water Corporation that it should honour a commitment to bring forward elements of the Stage 1 odour control works as stated in the Water Corporation letter dated 23 September 2005; and
- (6) advise all affected ratepayers and residents who live in the Urban Deferred area of Council's decision and provide them with a copy of Council's submission to the EPA.

CARRIED 8/0

Reason for Decision

The Water Corporation a number of years ago publicly committed to reducing the odour buffer to the eastern side of Lake Coogee. Council should endeavor to hold the Water Corporation to that commitment and request that they undertake whatever works are necessary to achieve their commitment to the community.

Background

The Water Corporation operates the Woodman Point Waste Water Treatment Plant ("WPWWTP") in Munster, which is the largest wastewater treatment plant in Western Australia, currently serving a population of 600,000 persons.

The WPWWTP was upgraded in 2000/03 at the cost of \$150 million to improve treatment and reduce odour emissions. However, a review of recent odour complaints, together with odour modelling and verification from a community annoyance survey demonstrated that the WPWWTP is still not achieving the level of odour control required by the community.



The Water Corporation has therefore prepared a Strategic Environmental Review document ("SER") to outline a strategy to reduce existing and future odour emissions from the WPWWTP, and provides justification for an offsite odour buffer for the endorsement of the Environmental Protection Authority ("EPA") and Minister for Environment. The SER is available for a public review period which closes on Tuesday 22 November 2005. This report is intended to form the basis of a submission to the EPA. A copy of the SER Executive Summary is contained in the Agenda attachments

In terms of further background, the Council, at its Ordinary meeting on 16 November 2004 (Item 14.7) considered various land use options for the land situated within the WPWWTP odour buffer east of Lake Coogee. The Agenda report for that Item outlined in some detail the background of the WPWWTP and existing odour buffer, which it is not proposed to repeat here. The report considered possible zoning options and recommended initiating the preparation of a Scheme Amendment to rezone the land within the WPWWTP odour buffer to "Rural Living" Zone".

At that meeting, the Council resolved to:

- (1) *receive the Report;*
- (2) *defer consideration to initiate a scheme amendment for the land affected by the Woodman Point Waste Water Treatment Plant odour buffer, until such time as:-*
 1. *the letter from the Mayor to the Director General of Water Corporation, Dr Jim Gill, dated 9 November 2004 has been responded to and said response has been considered by Council.*
 2. *extensive consultation has been undertaken seeking public comment on the future use of the land affected by the Woodman Point Waste Water Treatment Plant odour buffer;*
- (3) *following consideration of the response from Dr Gill, and subject to there being no conflict with the Water Corporation's position, commence the public consultation referred to in (2) 2. above by:-*
 1. *conducting a telephone survey by a suitably qualified consultant of residents and ratepayers living in the district, to ascertain their opinion about the future of the land affected by the odour buffer, including but not limited to residential, rural living and recreational (golf course) uses;*



2. *including a survey in an issue of the Cockburn Soundings, with the survey questionnaire being the same as that used in the telephone survey;*
 3. *undertaking a letter drop of property owners living in the vicinity, namely between Cockburn Road and Stock Road and between Mayor Road and Russell Road, with the questionnaire being the same as that used in the telephone survey;*
- (4) *reconsider the matter at a subsequent meeting of Council, following the closing of public comment period.”*

Concerns were expressed by some residents that the recently completed WWTP upgrade works did not result in the odour buffer contracting back to the edge of Lake Coogee as they had expected.

Following the above meeting, a letter was received from the CEO of the Water Corporation (dated 23 November 2004) confirming that the community and Corporation expected that the 2000/03 upgrade works would result in the odour buffer contracting to the eastern edge of Lake Coogee, but which did not eventuate. A copy of this letter is contained in the Agenda attachments.

Submission

The SER report states that the WPWWTP operates in the public interest by protecting public health and providing wastewater infrastructure and security of planning for individuals and land developers throughout the service area, as well as facilitating water recycling and providing a high level of protection to public health and the aquatic environment in Perth's coastal waters.

The report states the WPWWTP:

- will need to expand as population in the catchment increases and is planned to serve approximately 1.2 million persons in 2045;
- currently treats 120 million litres of wastewater each day (ML/d);
- has a nominal capacity of 160 ML/d;
- will need to be expanded to handle 240 ML/d by the year 2045;
- further expansion will be required in the long term for the plant to meet the ultimate capacity of the catchment of 320 ML/d.

Although recently upgraded, the Water Corporation has acknowledged a further significant reduction in odour emissions is required and has reviewed the best available odour control technology along with the current technology and infrastructure at the WPWWTP.

The SER states that the Water Corporation's odour management philosophy is to *“manage odour to minimise conflicts by progressively implementing national best practice odour control to reduce as much*



as possible, the odour impact footprint created by the WPWWTP. In addition, the Corporation is seeking to implement an odour buffer, incorporating compatible land use, in order to provide a high level of protection by separating sensitive land uses from odour impacts”.

The Water Corporations objectives for the implementation of the new odour control facilities at the WPWWTP are:

- adoption of national best practice odour control standards;
- limit or prevent disruption to ongoing treatment operations;
- align proposed odour control works with future upgrades to the secondary treatment and sludge processing facilities; and
- remove detectable odour impacts from highly urbanised areas as a priority.

To achieve an acceptable level of odour control and to ensure continued operation of the treatment plant, the Corporation proposes to upgrade the WWTP in three stages:

Stage 1: proposes to control emissions from large odour sources, including installing covers, decommissioning and upgrading various aspects of plant and machinery. Estimated to cost \$26 million, the works would be completed by approximately 2009. This upgrade is predicted to decrease odour emissions from the plant by 41% from 2005 levels.

Stage 2: improves the effectiveness of odour control at the plant and is estimated to cost \$16 million. The works are estimated to be completed by 2011/12. This upgrade is predicted to decrease odour emissions from the plant by a further 8%.

Stage 3: commences only after additional secondary capacity has been constructed. Stage 3 works reduce odour emissions by covering aerated sections of the secondary treatment modules (Sequencing Batch Reactor). The works will include provision of new secondary treatment tanks to allow a 40 ML/d secondary treatment module to be taken out of service for covering, additional ducts and scrubbers and related items. Stage 3 is estimated to cost \$50 million for covering the existing SIR only. A further \$85 million is required for amplification and odour control of the new works. It is estimated that Stage 3 will reduce odour emissions by a further 25%, and be completed by approximately 2015.

In view of the large investment and the uncertainties associated with odour modelling, a comprehensive verification (ground truthing) is proposed of the performance of the odour controls as each stage is progressed. In particular, verification will be undertaken at the end of Stage 2 to validate the odour modelling and the predicted reduction in odour levels and confirm the best course of action in the following stage.



The SER states that even with all three stages of upgrade, there will still be recognisable odours for a small number of hours per year on some land near the WWTP, with the largest risk of odour impact being to the industrial land to the west of the plant and the Urban Deferred zoned land along the eastern shore of Lake Coogee.

It is noted that the CEO of the Water Corporation in a letter to the Member for Cockburn, Hon Francis Logan MLA, has committed to implementing the Stage 1 works irrespective of the outcome of the SER process and furthermore, to bring forward some aspects of the stage to facilitate some earlier improvements. It is noted though that the commitment does not necessarily mean the Stage 1 works would be actually completed earlier than 2009. A copy of the Water Corporation letter dated 23 September 2005 is contained in the Agenda attachments.

The SER describes an off-site odour buffer defined by "*existing cadastral boundaries for ease of implementation*" for the long term operation of the WPWWTP, based on:

- buffer zones and odour experiences near other similar treatment plants;
- the local topography of Woodman Point and Lake Coogee;
- the results of extensive odour modelling using local wind data;
- the results of community surveys and odour complaints;
- long term operational needs;
- best practice odour control; and
- net benefit to the community.

The SER states that to ensure the WPWWTP is able to accommodate the predicted population growth in the service area, it is essential that a buffer zone, as proposed, be implemented by state and local government planning agencies. Maintenance of the buffer zone will assist in minimising potential odour conflicts with the surrounding community in the future. A copy of the plan submitted depicting the odour buffer zone is contained in the Agenda attachments.

In summary, the Water Corporation is seeking the EPA's endorsement of the following in its advice to the Minister for Environment:

- The WPWWTP operates in the public interest serving the needs of the State, and therefore needs to be protected from the encroachment of incompatible land uses which threaten its continued operation;
- An odour upgrade in three stages is seen as the best practical course of action;
- Even with best national practice odour management, there will still be an impact from odours in the areas surrounding the plant from time to time. Hence a buffer zone should be retained around the WPWWTP and the boundary should be as proposed by the Corporation;



- Even with best national practice odour management, there is an unacceptably high risk of odour impacts to sensitive receptors within the proposed buffer zone requiring state and local government planning agencies to facilitate compatible land uses (which do not include residential development); and
- The regional and state significance of the WPWWTP be endorsed by the inclusion of the proposed buffer zone within the appropriate statutory planning and environmental instruments.

Report

Firstly it should be noted that the Council doesn't have any role in relation to the definition or enforcement of the WPWWTP odour buffer. It is the role of the Department of Environment to make recommendations to the EPA and Minister if required. Once finalised the Western Australian Planning Commission is then responsible for administering any zoning changes in the Metropolitan Region Scheme as a consequence of changes in the alignment of the odour buffer. The Council's role is to ensure its Town Planning Scheme No 3 is made consistent with the Metropolitan Region Scheme.

The buffer would be applied during the necessary structure planning and subdivision processes that would result from the Town Planning Scheme zonings affecting the surrounding land.

With this in mind, the following comments are made on the SER.

Public Interest Issues:

As stated in the SER, the WPWWTP is a major component of wastewater infrastructure that serves the needs of the existing catchment population and is proposed to serve an anticipated population of 1.2 million people by 2045. In addition to protecting public health, the WWTP also facilitates water recycling, planning for urban growth and protects the water quality in Cockburn Sound. It is accepted the WPWWTP is an essential facility with an important role that needs to be protected and maintained in the public interest.

National Best Practice:

Section 5.5 of the SER suggests that the odour control treatments at WPWWTP will be Australian best practice upon completion. Table 1 compares Woodman Point with other WWTP. This table shows that Woodman Point will incorporate odour controls across all aspects of the plant and therefore exceed treatments in comparable WWTP throughout the Country. However the specific control methodologies used to control each aspect of the operation are not detailed and it is not clear whether each treatment is "best practice".



Relevant Policy Guidance:

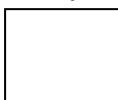
The SER states that the planning and environmental policies and guidelines relevant to the operation and expansion of the WPWWTP include:

- Environmental Protection Act 1986 – wastewater treatment plants require works approval for construction and licences for operation. The EPA is responsible for licensing and enforcement of licensing conditions;
- EPA Guidance Statement No.3 Separation Distances between Industrial and Sensitive Land Uses – wastewater treatment plants are identified as requiring separation distances, based upon site specific buffer zone studies;
- EPA Guidance Statement No.4 Assessment of Odour Impacts from New Proposals – currently under review, but Interim Guidance is provided in the form of a three stage procedure for the assessment of odours from new or expanding facilities.
- WAPC State Industrial Buffer Planning Policy (APP.) – notes that wastewater treatment plants often require extensive buffer areas which may extend off site onto surrounding properties. The identification of an off site buffer requires the application of both environmental and planning criteria to determine buffer boundary and area.
- Kwinana Air Quality Buffer – located nearby and currently under review.
- Midge Buffer – the SER (pg 29) incorrectly refers to the City of Cockburn’s “Integrated Midge Control Strategy”. The document should refer to the City’s policy “APD 6 - Residential Rezoning and Subdivision adjoining Midge Infested Lakes”. This policy stipulates the Council’s position of not supporting rezoning or subdivision/development for residential development within the identified 500m midge buffer unless it can be demonstrated the lake or wetland does not have or can be prevented from having a midge nuisance. The policy requires proponents to agree to registration of SU12 Memorials (and not “Restrictive Covenants” as stated in the SER) on titles forewarning purchasers of potential for midge nuisance.

In addition to the above, the City has adopted SPD1 “Cockburn Sound Catchment Policy” which has relevance in so far as the objective is to protect the marine waters of Cockburn Sound from nutrient contamination. The operation of the WPWWTP is consistent with this policy.

Odour Modelling:

The SER states that the Water Corporation favours a modelling approach that uses a distinct level of odour, considered for this type of wastewater treatment plant to be 5 Odour Units (“Out’s”) and the 99.9 percentile at 1 hour level of achievement. The 99.9 percentile odour



criteria provides a high level of protection to the community against odour nuisance, as this percentile limit allows exceedance of the odour criterion for only 8 hours per year (compared to say a 99.5 percentile standard which would allow an exceedance of the odour criterion for 44 hours per year). It is submitted that correlation of odour complaints, community perception survey results and odour modelling around other WWTs in Western Australia confirm that the distinct level of odour corresponds to the predicted 5 OUR level at 99.9 percentile frequency for a 1 hour averaging period. It is noted that the EPA default odour criteria (i.e. 4 OUR at 99.9 percentile at a 3 minute average period) would result in a significantly larger buffer zone, which the Water Corporation submits would be unrepresentative of the actual impact of odour.

The SER provides an estimate of odour emissions for the WWTP operating at 160 ML/d and 240 ML/d after odour control (refer to "Table 4" contained in the Agenda attachments). Although odour emissions will increase as the amount of wastewater treated at the WWTP increases, Table 4 shows predicted odour emissions reducing significantly throughout the implementation of the staged odour control work. Table 4 also shows an "unavoidable" increase (i.e. "fugitives") from the additional treatment facilities installed to augment the plant capacity to 240 ML/d. Table 4 indicates that odour emissions arising from the WWTP operating at the increased capacity 240ML/d will equate to an overall and significant reduction of 73% compared to 2004 emissions.

The assessment of odour is a highly subjective matter, requiring the application of expertise beyond that at the disposal of the City. Nevertheless, it can be said that the odour modelling content of the SER document appears to conform with the general principles applied in similar situations (eg Watsons Foods). The argument surrounding the selection of the 5 OU contour at 99.9 percentile also aligns well with the evidence presented and the Watsons Foods situation. The technical veracity of the Odour Modelling study has not been tested and it is assumed that the EPA/ DoE, who have the appropriate technical expertise will ensure that the modelling has been done properly.

Furthermore, reference in the SER and comparison of odour emissions from Lake Coogee is interesting but need to be treated with some caution. The community is often more accepting of odour from "natural causes" than man made emissions. The frequency, duration and timing of odour emissions from the lake is likely to be much more variable than those from the WWTP. During high rainfall or very low rainfall years odour emissions are likely to be very low, whereas average rainfall periods are likely to increase those emissions.



Odour Buffer Determination:

In terms of the proposed buffer for the WWTP, the SER states that the scale of the WWTP, uncertainties associated with odour modelling and the risk of detectable odour on land close to and east of Lake Coogee dictates that the existing buffer zone should be retained until the odour upgrade has been completed and the odour modelling has been verified.

However, based upon odour modelling and verification work undertaken to date, the Water Corporation proposes some modifications to the existing buffer zone to align it with cadastral boundaries and allow orderly planning to proceed in the area east of the buffer.

The principle of adopting existing cadastral boundaries for defining the odour buffer boundary appears logical enough as it could potentially simplify implementation of the buffer due to being defined along a series of straight lines. However, adoption of the cadastral boundary approach gives rise to inequity amongst landowners. Some landowners benefit where the odour buffer contracts over their land and some are detrimentally affected where the buffer line extends eastward (i.e. Lots 704 & 2 Fawcett Road). It also appears that the modified buffer line does not utilise existing cadastral boundaries for its full extent. Given the inequities and the fact that planning is underway on land adversely affected by the modified buffer line, it is recommended that the EPA adopt the existing buffer line rather than the proposed cadastral boundary approach, at least until such time as verification of the odour modelling has occurred. This would allow for planning of the Urban zoned land adjacent the existing buffer to proceed without jeopardising existing development rights.

Land Uses Within the Odour Buffer:

Incompatible land uses within the odour buffer are stated in the SER to include activities involving the presence of people on site for extended periods, with high expectations of amenity and prolonged exposure to odour. The SER identifies permanent or temporary habitation (i.e. residential uses), restaurants and other premises serving food as incompatible land uses within the buffer.

The SER seeks to provide direction on what the Water Corporation considers to be compatible forms of land use within the buffer from an odour perspective. Potentially compatible activities specified include "Heavy Industrial", "Light Industrial", "Light Commercial", "Open Space Recreation – active or passive recreation" and "Educational institutions". The Water Corporation is seeking 'in principle' approval from the EPA on the suitability of appropriate land uses, and acknowledges that further more detailed discussion is required between state, local government agencies and the community.



From a broader planning perspective, it is not considered that the Industrial and Commercial land uses suggested in the SER are likely to be suitable or appropriate uses within the odour buffer due to:

- the relative physical isolation of the land affected by the odour buffer;
- the proximity and the need to buffer the effects of development from the environmentally significant Lake Coogee;
- lack of exposure and limited accessibility of the area by road; and
- Industrial and Commercial land uses would not integrate well with the existing dwellings on the land in the odour buffer.

Furthermore, the appropriateness of alternative land uses within the odour buffer needs to be the subject of a detailed planning study, initiated by the City and involving community consultation. This approach to resolving land use uncertainty would be consistent with the Council decision made at the 16 November 2004 Council meeting (Item 14.7).

Conclusion:

The 'public interest' significance of the WPWWTP is acknowledged given the role of the facility in serving the needs of the existing and future catchment population, protecting public health, water recycling, planning for urban growth and protection of water quality in Cockburn Sound. It is accepted the WPWWTP is an essential facility with an important role that needs to be protected from the encroachment of incompatible land uses. For these reasons the application of an odour buffer is considered justified.

The appropriateness of the odour modelling outlined in the Strategic Environmental Review and its methodology is a matter requiring the consideration of the Environmental Protection Authority, given the nature of the subject and expertise required.

The commitment by the Water Corporation to bring forward elements of the Stage 1 odour control works is to be commended and expected to be implemented.

The use of a cadastral boundary approach to modifying the recommended buffer zone boundary is not supported due to inequities created amongst landowners.

There is a need for the Council to initiate a planning study to consider options for compatible land uses within the odour buffer. In the meantime it would be inappropriate for the EPA to approve 'in principle' potential Industrial and Commercial land uses as requested by the Water Corporation.



Strategic Plan/Policy Implications

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

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

The Council Policies which apply to this item are:-

APD6 RESIDENTIAL REZONING AND SUBDIVISION
ADJOINING MIDGE INFESTED LAKES
SPD8 COCKBURN SOUND CATCHMENT POLICY

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The SER is available for public comment until 22 November 2005. Submissions are to be referred to the Environmental Protection Authority

Attachment(s)

- (1) SER Executive Summary
- (2) Water Corporation letter dated 23 November 2004
- (3) Water Corporation letter dated 23 September 2005-10-27
- (4) Plan depicting the recommended odour buffer
- (5) Table 4 from the SER



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

CLR TILBURY RETURNED TO THE MEETING AT THIS STAGE THE TIME BEING 8.35 PM

The Presiding Member advised Clr Tilbury of the decision of Council whilst she left the meeting.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 3017) (OCM 10/11/2005) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 9/0

Background

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

Submission

N/A



Report

N/A

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.

Budget/Financial Implications

N/A

Legal Implications

Section 13 of the Local Government (Financial Management) Regulations 1996.

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – September 2005.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 3018) (OCM 10/11/2005) - STATEMENT OF FINANCIAL ACTIVITY - SEPTEMBER 2005 (5505) (NM) (ATTACH)

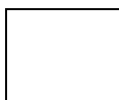
RECOMMENDATION

That Council receive the Statement of Financial Activity and associated documents for the period ended 30 September 2005, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 9/0



Background

Section 6.4 of the Local Government Act 1995 requires local governments to prepare and present financial reports in a manner and form prescribed. The Local Government (Financial Management) Regulations 1996 were amended in March 2005 with substantial changes made to Part 4 – Financial Reports. The revised Regulation 34 now prescribes a monthly reporting regime.

Submission

N/A

Report

Effective as of 1 July 2005, Regulation 34(1) prescribes that *a local government is to prepare each month a Statement of Financial Activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d)*. As Regulation 22(1)(d) refers to a Rate Setting Statement, the required Statement of Financial Activity is of a similar format to that of a Rate Setting Statement.

Regulation 34(2) requires the Statement of Financial Activity to be accompanied by documents containing –

- (a) details of the composition of the closing net current assets (less restricted and committed assets),
- (b) explanations for each material variance identified between YTD budgets and actuals; and
- (c) any other supporting information considered relevant by the local government.

Regulation 34(4)(a) prescribes that:

the Statement of Financial Activity and accompanying documents are to be presented to the Council -

- (i) *at the next ordinary meeting of Council; following the end of the month to which the statement relates; or*
- (ii) *if the statement is not prepared in time to present it to the meeting referred to in (i), then to the next ordinary meeting after that meeting.*

Due to Council's Agenda preparation timetable, it will not be possible to submit the Statement to the Ordinary Council Meeting immediately following the end of the month. Therefore, monthly statements will be presented to the second meeting following the end of month (ie. one month in arrears) in accordance with Regulation 34(4)(a)(ii).



However, to improve the timeliness and relevance of the information provided, a copy of the Statement of Financial Activity will also be included in the councillors' fortnightly newsletter after preparation each month.

Material Variance Threshold

For the purpose of identifying material variances in Statements of Financial Activity, Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality.

For the 2005/06 financial year, Council has adopted a materiality threshold of 10% or \$10,000, whichever is the greater.

Statement of Financial Activity & Associated Reports

Attached to the Agenda is the Statement of Financial Activity for September 2005. It has been prepared in accordance with all the prescribed requirements and is similar in format to a sample circulated by the Department of Local Government.

Note 2 to the Statement of Financial Activity provides a reconciliation of Council's net current assets (adjusted for restricted assets and cash backed leave provisions). This provides a financial measure of Council's working capital and an indication of its liquid financial health.

Note 1 shows how much capital grants and contributions are contained within the reported operating revenue.

Also provided are Reserve Fund and Restricted Funds Analysis Statements. These substantiate the adjustments made to Council's net current assets position.

The Reserve Fund Statement reports the budget and actual balances for Council's cash backed reserves, whilst the Restricted Funds Analysis summarises bonds, deposits and infrastructure contributions held by Council. The funds reported in these statements are deemed restricted in accordance with Accounting Standard AAS27.

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.

Budget/Financial Implications

Where material variances are identified as relating to misjudged cash flow timing projections, these will be rectified so as not to impact again on future reporting periods (i.e. reported once only).



Where variances are of a permanent nature, these will be noted and addressed at the mid-year budget review.

Legal Implications

Section 6.4 of the Local Government Act, 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996, refer.

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports for September 2005.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 3019) (OCM 10/11/2005) - PROPOSED CLOSURE OF MIGUEL ROAD RAILWAY CROSSING, YANGEBUP (450027) (SMH)

<p>RECOMMENDATION That Council:</p> <ul style="list-style-type: none"> (1) receive the report; (2) defer the proposed closure of the Miguel Road Railway Crossing, Yangebup, until advice has been received from Main Roads Western Australia about the proposal to install traffic signals at the intersection of Spearwood Avenue and Yangebup Road; (3) take down the public advisory signs about the closure until such time as the Council decides to proceed with the closure of the Miguel Road Railway Crossing; and



- (4) advise those who lodged a submission of the Council's decision accordingly.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Mayor S Lee that Council:

- (1) receive the report;
- (2) close Miguel Road Railway crossing by 30 November 2005;
- (3) endorse the temporary closure of the western link of Yangebup Road at the intersection of Spearwood Avenue until the proposal to signalise the intersection is determined by MRWA;
- (4) advertise the closure in accordance with s3.50 of the Local Government Act 1995, consult the community in the affected area and seek feedback from South West Transit Bus Services regarding the temporary closure with any objections to the proposal to be lodged by 2 December 2005;
- (5) subject to no objections being received, institute the temporary closure on the 12th December 2005;
- (6) receive a further report on formal rationalization of the network as soon as possible once Main Roads WA has determined the current submission for signals at Spearwood Avenue and Yangebup Road;
- (7) advise the Yangebup Progress Association and those who lodged submissions of the Council decision accordingly; and
- (8) place appropriate signage on the roads affected by this decision.

CARRIED 9/0

Reason for Decision

As a condition of constructing the railway bridge, the level railway crossing at Miguel Road is required to be closed. All the necessary approvals have been received. The City now has the authority to close Miguel Road. After 20 years of lobbying from the community through the YPA there continues to be strong community support to proceed with the road closure in November 2005, as proposed and advertised.



The recommendation also addresses the concerns of Council and the community regarding the safety of the intersection. This is a temporary treatment which would be established until the signals can be installed.

Background

The railway bridge which takes traffic over the railway line between Barrington Road and Beeliar Drive has been completed.

As a condition of constructing the bridge, the level crossing (railway crossing) at Miguel Road and the railway line is to be closed. All the necessary approvals have been received.

Given this, it was planned by the City to proceed with the closure of the railway crossing in November 2005. This has been delayed, pending further consideration by the Council.

The closure of the existing railway crossing will cause traffic to use the Spearwood Avenue railway bridge, which will result in greater volumes of traffic passing through the Spearwood Avenue/Yangebup Road intersection.

As the Council is aware, there is strong community concern about the safety of the Spearwood Avenue/Yangebup Road intersection.

Submission

Following the erection of the sign advising road users of the proposed closure of Miguel Road at the railway line, a number of concerned residents have come to the administration to discuss the matter, called on the telephone and have submitted letters.

The residents are concerned about the reduced safety that may arise at the Spearwood Avenue/Yangebup Road intersection as a result of the increased traffic that would be directed from Miguel Road onto Spearwood Avenue.

The residents have requested that the closure of Miguel Road at the railway line be delayed until the future of Spearwood Avenue/Yangebup Road intersection is known and work can be undertaken there to make it safer prior to the proposed closure.

Report

The request from the concerned residents can be accommodated.

Main Roads WA have already been requested to investigate the possibility of installing traffic lights at the Spearwood Avenue/Yangebup Road intersection, following a Council decision to initiate the request at its meeting on 11 August 2005.



Since writing to Main Roads WA they have requested the City to provide additional details they require to continue the assessment of the submission by the City.

At the time of writing this report no formal response had been received from MRWA.

Once the MRWA decision is known, the Council will be in a position to know whether or not it can proceed with the installation of traffic signals at the Spearwood Avenue/ Yangebup Road intersection. If not, then the Council may need to consider alternative proposals for the intersection, and whether or not one of these should be implemented prior to the closure of Miguel Road at the railway line.

The MRWA response will determine whether this matter is referred back to Council for further consideration.

Strategic Plan/Policy Implications

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

5. Maintaining Your Community Facilities
 - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and convenient and safe for use by vehicles, cyclists and pedestrians."*

Budget/Financial Implications

The proposed closure of Miguel Road Railway Crossing has been a carry forward item CW-2157-6200.

An amount of \$60,000 was provided for this work, however, \$2,815 has already been expended leaving a balance of \$57,185.

The Council at its meeting of 11 August 2005, resolved to create an account CW 2182, for the Spearwood Avenue/ Yangebup Road intersection to provide a total of \$250,000 for the signalisation of this intersection.

Legal Implications

The City has the power under the Local Government Act to close Miguel Road following due process and receiving all the necessary approvals.



Community Consultation

Community consultation forms part of the road closure process. This has been completed.

As a result of community concern the Council resolved to seek the approval of MRWA to approve the installation of traffic signals at the intersection of Spearwood Avenue/ Yangebup Road.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

Those who lodged written submissions on the proposal have been advised that this matter is to be considered at the 10 November 2005 Council Meeting.

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

Nil.

16.2 **(MINUTE NO 3020) (OCM 10/11/2005) - ACCESS RAMP FOR PEOPLE WITH A DISABILITY - COOGEE BEACH (8409; 1903) (JR) (ATTACH)**

RECOMMENDATION

That Council:

- (1) note the consultant's report on "Access feasibility of wheelchair access ramp concept at Coogee Beach Jetty";
- (2) does not proceed with the provision of an access ramp into the ocean at Coogee Beach for people with a disability;
- (3) require the Port Coogee Marina developer to liaise with Council's Disability Advisory Committee to provide protected beach and water access at the marina for people with a disability;
- (4) require the Disability Advisory Committee to investigate the provision and management of a suitable wheelchair for beach access for people with a disability;
- (5) subject to the Committee recommendation in (4) above, identify funding requirements for this in the next Budget; and
- (6) list for consideration at the next Budget review the



reimbursement of \$14,100 to the Facilities – Disabilities Audit Account – CW4180.

COUNCIL DECISION

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

CARRIED 9/0

Background

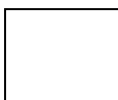
At the Ordinary Meeting of Council held on Tuesday, 15 February 2005, under Matters to be Noted for Investigation Without Debate, Mayor Lee requested that Council investigate the possibility of extending the existing access ramp for people with a disability at Coogee Beach. The proposed extension would be to enable full wheelchair access down to the waterline and to act like a mini boat ramp. The report should address all issues, including but not limited to problems with the existing ramp for people with a disability, such as sand encroachment, and provide engineering solutions or whatever solutions are necessary to solve the issue of full access to the water at Coogee Beach for all its citizens.

Accordingly, a report was presented to the Ordinary Meeting of Council held on Tuesday, 11 August 2005. It was resolved that Council:

- (1) *defer the item to enable Council officers to do a more thorough investigation into extending the access ramp for people with a disability and improve beach access options for people at Coogee Beach; and*
- (2) *an on-site meeting to be arranged between Council's Engineering staff and representatives of Coogee Beach Progress Association together with any interested Elected Members.*

Submission

An on-site meeting at Coogee Jetty was held on 1 September 2005 and involving elected and community members, together with representatives of Council's disability services. The consensus was that, should a ramp be provided, it should run back towards the shore from the low crosshead jetty, either directly off the low jetty or between the jetty piles.



Accordingly, consultants were engaged and presented reports as follows:

- Kellogg Brown and Root prepared a Concept Design Report showing that it was possible to provide a ramp for people with a disability back towards the shore from the low crosshead jetty, with an indicative construction estimate of \$300,000. A sketch of this is attached to the Agenda. They also investigated a more expensive option (\$400,000) midway off the existing ramp that leads to the low jetty.
- TADWA (Technology Assisting Disability) undertook an access audit of the ramp proposal and their report 'Access feasibility of wheelchair access ramp concept at Coogee Beach Jetty' is attached to the Agenda.

They strongly recommend against providing an access ramp at Coogee Jetty as it is too exposed and unprotected for safe access for people in wheelchairs. They identify the proposed Port Coogee Marina as a more suitable long term solution for such access. They have also suggested the use of a beach wheelchair as a better solution at this location, particularly as practical and appropriate beach ones have now been developed and would cost about \$4,000 each.

Report

Council's Disability Advisory Committee has met with the Port Coogee Marina developer (Australand) and will be working with them towards providing protected beach and water access at the marina for people with a disability. In addition, the Committee is investigating an appropriate specific use wheelchair that can be used by people with a disability for beach access. If suitable and acquired by Council, use of the wheelchair could be controlled by the new kiosk operator at Coogee Beach.

In view of the foregoing, provision of an access ramp for people with a disability should not be considered at Coogee Jetty, and provision of such a facility at the proposed Port Coogee Marina, together with availability of a suitable wheelchair at Coogee Beach, should be pursued.

Strategic Plan/Policy Implications

- Planning the development of the City to achieve high levels of convenience, amenity and a sense of community.
- Facilitating a range of services responsive to the community needs.



Budget/Financial Implications

The provision of facilities for disability access at the Port Coogee Marina should be provided by the developer. The consultancy costs of \$14,100 have been charged against the City of Cockburn Facilities – Disability Audit account (CW4180) and will need to be reimbursed at the next budget review.

Legal Implications

The jetty and seabed licence may need to be reviewed should a ramp be built off the Coogee Jetty. Council has a duty of care to ensure any provided facilities are safe for users.

Community Consultation

N/A

Attachment(s)

- KBR Concept sketch showing ramp between low jetty and water.
- TADWA access audit report on ramp proposal.

Advice to Proponent(s)/Submissioners

N/A

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

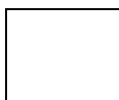
Nil.

16.3 (MINUTE NO 3021) (OCM 10/11/2005) - WELLARD STREET OPERATIONS CENTRE DEVELOPMENT STRATEGY 2005-2015 (4007) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) adopt the Wellard Street Operations Centre Development Strategy 2005-2015 as the basis for planning and developing the Wellard Street Operations Centre to meet future staff, plant, equipment and storage requirements;
- (3) include for consideration in future financial plans the sum of \$3,015,500 to enable the implementation of the Development



Strategy at the Wellard Street Operations Centre, in accordance with the schedule of expenditure contained in the report; and

- (4) list for consideration at the next Budget review the sum of \$6,000 to complete the bulk storage yard at the Operations Centre.

COUNCIL DECISION

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

CARRIED 9/0

Background

The future of the Wellard Street Operations Centre has been the subject of discussion over a number of years.

On 25 May 2005, a staff workshop was conducted by the Director Engineering and Works to address the future of the Operations Centre. This meeting discussed a number of issues and proposals.

The idea of developing a remote satellite Operations Centre was raised. This was subsequently dismissed and the consolidation of the Operations Centre activities at Wellard Street was deemed to be the best long term approach for the City.

On 26 July 2005, a follow up staff workshop was undertaken by the Director Engineering and Works to build on the outcome of the initial meeting and to discuss the options and proposals that resulted.

The second workshop refined the options and proposals and these were circulated for comment. Once the comments had been received the Director Engineering and Works formulated a preferred option as the basis to the Wellard Street Operations Centre Development Strategy 2005-2015.

Council at its meeting held on 13 October 2005 resolved to:-

- “(1) *defer consideration of this item until the next ordinary meeting of Council; and*
- (2) *direct the CEO to conduct a concept forum under Council Policy SC6, as provided for under clause 4, to assess the proposed Wellard Street Operations Centre Development Strategy 2005-2015, and that the concept forum be conducted prior to the next Ordinary Meeting of Council.”*



The Council's reason for its decision was based on discussions between Elected Members in relation to this issue, it would appear that a process to ensure high level of participation from Elected Members has not occurred. The Council believed that this is an issue that will clearly have considerable financial impact on the City, both now and in the future and therefore a thorough and rigorous process must be applied. The Council proposed that a concept forum be held before the next Ordinary Meeting of the Council, to give Elected Members the opportunity to consider this issue prior to any final decisions being made about the future of the Operations Centre and related matters.

On Wednesday 26 October 2005, a concept forum was held which discussed amongst other things, the Wellard Street Operations Centre Development Strategy 2005-2015.

In respect to the Development Strategy, it was agreed that a revised recommendation be presented to the Council for its consideration at the November Meeting.

Submission

Attached to the Agenda is a copy of the proposed Operations Centre Development Strategy 2005-2015 for the consideration of the Council.

Report

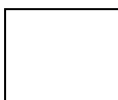
The Operations Centre is located on Lots 50, 51 and 52 Wellard Street totalling an area of 4.6 ha of which Lot 52, 0.5 ha, is undeveloped. It has direct access to an industrial collector road which enables the work teams to conveniently travel to all parts of the district within 17 minutes by car, which is considered acceptable.

The Operations Centre is located at a short convenient distance from the Administration Centre.

The Operations Centre has become the centre for the management and supervision of the outside workforce, the provision of staff amenities, the storage of plant, equipment, vehicles and materials. In conjunction with this there are vehicle repair and building maintenance workshops, training facilities and communications. The dog pound is located on the Operations Centre site.

The Wellard Street Operations Centre is well established, and has been progressively improved over time, and therefore the consolidation of the construction and maintenance services is considered the best long term outcome for the City.

The strategy provides for the office to be constructed for the long term needs of the Operations Centre on Lot 50, and to facilitate this, a new



purpose built Rangers and Community Safety Services be built on Lot 51. The Parks and Roads Construction and Maintenance Services would be relocated into new offices added to the existing Operations Office on Lot 50.

The expansion of office accommodation at the Operations Centre requires a fibre optic connection to be installed between the Administration Building and the Operations Centre to maintain existing levels of access and service to the computer system. The cost is estimated to be \$397,500.

The strategy proposes modifications and developments for the Operations Centre, to improve its efficiency and capacity to serve the City in the long term.

A schedule of the proposed staged development of the Operations Centre and decisions required over the next ten years forms part of the report, and is attached to the Agenda.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
5. Maintaining Your Community Facilities
 - *"To construct and maintain community buildings which are owned or managed by the Council, to meet community needs."*

Budget/Financial Implications

It is expected that the long term development of the Operations Centre as depicted in the proposed strategy for 2005-2015, could cost \$3,015,500, required over this period, most of which will be expended between 2007 and 2013. Although future development areas (FDA) are included in the proposed strategy, it is not clear at this time what the development is likely to be or what it may cost to build and operate, and therefore no estimates have been included beyond 2014.

A schedule of the likely costs for each year between 2005 – 2015 is attached to the Agenda.



These costs should be considered for funding in future financial plans so that the proposed Operations Centre modifications and developments can be undertaken progressively, having regard for other Council priorities for the district.

The additional \$6,000 required to complete the bulk storage yard, be considered as part of the budget review to be considered by the Council in February 2006.

The following is the proposed Schedule of Works for the period 2005 – 2015:

<u>Project</u>	<u>Year</u>	<u>Total \$</u>
1. Complete Bulk Storage Area \$60,000 (2004/05)	2005	6,000
2. Build New Building Maintenance Workshop	2006	180,000
3. Relocate Nursery and Irrigation	2006	20,000
4. Extend Office Modules 2 + 3	2007	629,000
5. Upgrade IT Communications Link	2007	397,500
6. Construct New Bus parking Area	2007	35,000
7. Extend the Security Fence	2007	20,000
8. Build Rangers and Safer City Office	2009	600,000
9. Build New Pound and Ex-Yard	2009	250,000
10. Relocate Environmental Shed (Archive)	2009	5,000
11. Relocate Building Maintenance Shed	2009	12,000
12. Relocate Tyre Store (Re-Use)	2009	8,000
13. Modify Entrance Driveway	2010	8,000
14. Build New EMS Office/Depot	2011	660,000
15. Relocate Ranger and Safer City Services to New Building	2012	12,000
16. Relocate Parks to Module 2	2012	4,000
17. Relocate Road Construction / Maintenance to Module 3	2012	4,000
18. Re-Use Parks Building for Staff Amenity and Training	2013	150,000
19. Re-Use Training Room for Environmental Services	2013	15,000
20. Future Development Area (FDA)	To be determined	
TOTAL		<u>3,015,500</u>

Legal Implications

N/A

Community Consultation

N/A. However, two workshops were conducted by the Director Engineering and Works with relevant staff to discuss the future of the Operations Centre.



On 26 October 2005, a concept forum was held where the Wellard Street Operations Centre Strategy was presented to the elected members.

On 26 October 2005 a Concept Forum with Elected Members was undertaken in accordance with the Council resolution of 13 October 2005.

Attachment(s)

- (1) Wellard Street Operations Centre Development Strategy 2005-2015.
- (2) Schedule of modifications and improvements for the Operations Centre over the financial years 2005/06 to 2014/15 with estimates of the associated expenditure.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.4 (MINUTE NO 3022) (OCM 10/11/2005) - STINGER NETS AT COOGEE BEACH (1903) (JR)

RECOMMENDATION

That Council not install any stinger resistant net enclosures at Coogee Beach.

COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr S Limbert that Council:

- (1) receive the report;
- (2) defer this matter until a response has been received from the Coogee Beach Surf Club;
- (3) advise the Coogee Beach Surf Club of its decision and request the Club to provide its position on the need for stinger nets at Coogee Beach; and
- (4) reconsider the matter following the advice received from the Coogee Beach Surf Club.

CARRIED 9/0



Reason for Decision

Coogee Beach is currently our only quality coastal attraction. With further attractions proposed, visitor numbers to the area will increase. Because no user surveys have been conducted, it is important prior to making a final decision that the views of the surf club be canvassed on the need for stinger nets at Coogee Beach.

Background

At the Ordinary Meeting of Council held on Tuesday 15 February 2005, under 'Matters to be Noted for Investigation Without Debate', Cllr Allen requested that a report be provided to Council, investigating the feasibility of installing stinger nets at Coogee Beach or a portion of Coogee Beach.

Submission

N/A

Report

Various organisations were contacted as to the feasibility and requirements to install and maintain an appropriate stinger net enclosure at Coogee Beach, typically 50 metres out to sea and 100 metres along the coast.

The following responses have been received:-

Shire of Busselton

They have a very high incidence of seasonal stingers and, coupled with the high holidaymaker influx during the summer, have found it necessary to install fine mesh stinger nets, at the swimming beach attached to piles in the water and close to shore. Because of the fine mesh and the consequent high tide loading, the maintenance of the stinger nets is labour intensive, with a crew in a small boat required to inspect the netting every morning, drag the net to remove stingers, remove tangled weed and fish, and repair damaged netting. The stinger net, with its weighted bottom rope and top fixing float rope, is replaced every year with a new one, because it is uneconomic to repair. The Shire has an annual budget of \$14,000 to replace and maintain the netting, including the cost of 300 metres of netting of \$7,000. They have an established and experienced day labour crew to efficiently maintain the netting.

Department of Environment

They would require further information before commenting:-



- details of mesh size and composition of the net,
- mooring configuration,
- exact location and period of deployment,
- a review of the environmental effects of these devices elsewhere, and
- management measures (eg. checking for entanglements/methods for releasing entrapped animals, etc).

Department of Fisheries

The area is a prohibited netting area and therefore Council will need an exemption from the relevant provisions of the Fish Resources Management Act. Section 7 (3) (e) allows the Executive Director of Fisheries to grant an exemption for the purposes of, “the promotion of tourism or recreational activities”.

Fremantle Ports

Do not see any problem with the proposal, but the waters of Coogee Beach are outside their regulated waters and come under the jurisdiction of the Department for Planning and Infrastructure – Marine.

Department of Conservation and Land Management

The Department’s primary concern is the potential of the proposal for incidental catch of marine mammals or fish. Consequently, they need a detailed submission prior to providing advice.

Department for Planning and Infrastructure – Marine Safety Division

The Division has some concerns from a navigational safety point of view and will require the following points addressed to determine the merits of approval, or if further information is required:

- An exact location giving latitude and longitude coordinates and a site map / plan of the area incorporating the proposed net with all dimensions.
- Construction material used and likely life span.
- The area surrounding this net would have to be a gazetted Boating Prohibited Area and therefore be permanently marked by lit navigation buoys. These would be effectively anchored into position and maintained.
- The likelihood of encroaching or impeding on the existing Hire and Drive Jet Ski operation in the area.
- All Marine Safety signage, literature and navigational charts depicting this area would have to be altered.



Other Authorities

- The Cockburn Sound Management Council has a responsibility for management of Owen Anchorage and they should be consulted should the proposal proceed.
- The proposal has the potential to trigger the Commonwealth Environmental Protection and Biodiversity Conservation Act if there is potential to threaten key species.

The estimated costs of establishing and seasonally (December to April) maintaining a 50 metre by 100 metre long stinger resistant net enclosure are:-

- | | |
|--------------------------------------------------------------------|--------------------|
| • Anchor piles | \$20,000 |
| • Supply of rigged fine mesh net | \$ 6,000 per annum |
| • Installation, daily maintenance and removal (by contract) of net | \$20,000 per annum |

Additional costs could also be incurred in complying with other statutory authority requirements.

It is considered that the installation of a stinger resistant net enclosure should not be supported as:-

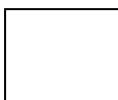
- The area is a prohibited netting area to protect fish populations and the fine mesh stinger net has the potential for incidental catches of schooling fish.
- The fine mesh net has the potential to attract and tangle young swimmers, which becomes a liability issue.
- Jet skiers have the potential to venture into the netting despite warning signs.
- There is a high cost in maintaining the net.
- The stinger problem at Coogee Beach is no worse than at other metropolitan beaches.

Strategic Plan/Policy Implications

- Planning the development of the City to achieve high levels of convenience, amenity and a sense of community.
- Facilitating a range of services responsive to the community needs.

Budget/Financial Implications

Should Council decide to proceed with this proposal, then funding of \$46,000 initially and \$26,000 subsequently per year would need to be provided, subject to confirmation of prices and statutory authority requirements.



No funds are currently provided for in the 2005/06 Budget.

Legal Implications

Approvals would be required from various State and Commonwealth statutory authorities before the proposal can proceed.

Community Consultation

N/A.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.5 (MINUTE NO 3023) (OCM 10/11/2005) - REDEVELOPMENT OF ADMINISTRATION BUILDING AND COUNCIL CHAMBERS (4602) (KW)

RECOMMENDATION
That Council:

- (1) receive the report;
- (2) proceed with the proposal subject to acceptable tenders being received for the project; and
- (3) convene a special meeting in December 2005 to consider the tenders received.

COUNCIL DECISION
MOVED Cllr V Oliver SECONDED Cllr A Tilbury that Council:

- (1) receive the report;
- (2) not proceed with the proposal;
- (3) liaise with LandCorp to identify land in Cockburn Central suitable for the development of the Administration Building and



Council Chambers;

- (4) establish a Committee comprising five (5) Elected Members and five (5) Officers to co-ordinate the project; and
- (5) investigate all alternatives in detail for the redevelopment of the Administration Centre.

MOTION LOST 2/7

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

CARRIED 7/2

Background

This matter has been before Council since 2001.

A number of approaches to the relocation and redevelopment of the Administration Centre and the Council Chambers have been canvassed, including the:-

- reclassification of the existing Council Administration Centre site and its future use.
- relocation of the Council Administration Centre to Thomsons Lake (Cockburn Central).
- redevelopment of the existing Administration Centre and Council Chambers and the establishment of an Elected Members Committee to co-ordinate the project.

The project has involved a range of options for Elected Members and staff accommodation. A preferred option has been selected and the design is almost complete and construction tenders are about to be advertised.

1. Council Decisions

There have been a number of Council decisions since February 2001.

- **Council Decision – February 2001**

That Council:-

defer consideration of this matter to enable public consultation and advice from the pioneers of the district who have knowledge about the history of the Council use site on which the Council administration Centre is located.



- **Council Decision – June 2001**

That Council:-

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

- **Council Decision – November 2002**

That Council:-

- (1) Council verifies it does not intend to move its Elected Members' Area to the Civic Centre Hall;
- (2) in this motion, *Elected Members' Area* has the same meaning as in Council Policy SC16;
- (3) Council directs the report on the usage of the Civic Centre hall, requested by Cllr Waters at the October Council Meeting, be drafted without investigating or canvassing moving the Elected Members' Area to the Civic Centre Hall;
- (4) Council establish a committee to exercise its powers as defined in Clause (5), pursuant to s5.8 of the Local Government Act 1995 (WA);
- (5) the Committee's power be the expenditure of funds from A/c. Nos. 580602, 580761 and 580762, for the purpose of refurbishing the Elected Members' Area;
- (6) the committee be named the Elected Members' Area Refurbishment Committee;
- (7) Council appoint Mayor Lee, Deputy Mayor Graham and Cllr Waters, as members to the committee; and
- (8) the committee cease to exist on the completion of the refurbishment works.

- **Council Decision – March 2003**

That Council:-

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



Minute No 1946 of the March 2003 OCM provides a detailed explanation on the history of land acquisition and use of the current administration site.

Part of the decision at Item 17.1 at the December 2002 OCM was that Council:

“directs the Chief Executive Officer to:

1. *Oversee the preparation of white paper(2), to be presented to Council, outlining the scope of Council’s community infrastructure investment opportunities and obligations associated with the development of Cockburn Central.”*

That white paper was presented to a briefing session for Elected Members in May 2003. It looked at provision of community facilities and an administrative presence. It did not canvass the complete relocation of the administrative function.

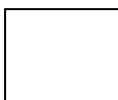
A workshop for Elected Members was held in April 2003. An officer’s report on future staff increases and office accommodation needs was considered. The report explored various options including extensions either end of the existing building, relocation of library to the Civic Centre and utilising the library for staff accommodation, relocation of the Elected Members’ area to the Civic Centre, and using the Civic Centre for staff accommodation. Following the workshop, appointment of an Architect was recommended.

- **Council Decision – May 2003**

That Council:-

- (1) Council budget for funds in the 2003/04 and 2004/05 financial years, to facilitate additions to the Administration Centre to cater for a more functional civic area and for future administrative requirements;
- (2) Council engage an architectural firm, by tender, to develop initial preliminary schematic design options and costings and to provide a full suite of architectural services in respect of the selected option; and
- (3) no further consideration of refurbishing the existing Elected Members area be undertaken unless Council determines accordingly.

At the October 2003 OCM Council adopted the recommendation to accept the tender from T&Z Pty Ltd for Architectural Services for alterations and/or extension to the Administration offices and Elected Members’ area for a sum of \$210,500. The tender price was based on a building cost of \$3,000,000.



- **Council Decision – May 2004**

That Council:-

- (1) pursuant to section 5.8 of the Local Government Act, 1995, establish the “Elected Members Facilities Construction Committee”;
- (2) nominates the Terms of Reference of the Committee to be “*to co-ordinate the extension of the Elected Members Facilities being constructed in conjunction with the refurbishment of the Administration Building*”;
- (3) appoints Elected Members Mayor Lee, Deputy Mayor Graham, Cllr Oliver, Cllr Reeve-Fowkes, Cllr Allen and Cllr Limbert as Members of the Committee; and
- (4) disbands the “Elected Members Area Refurbishment Committee” established on 19 November 2002, as its functions are no longer relevant.

The Committee held its inaugural meeting on 20 January 2005. Four Elected Members, the CEO and two representatives from T&Z were present. One motion was moved, and carried.

- **Committee Decision – January 2005**

That a proposal based on expanding and upgrading the Administration Centre and Elected Members area within the existing building envelope be prepared for consideration and be taken to the next stage of design.

The name of the Committee was changed to Administration Centre Construction Committee at a SCM held on 10 May 2005.

Project Activity Summary

T&Z was appointed Architects for the project on 22 October 2003 with a brief to provide a modern elected Members’ area and increased staff accommodation.

During the period December 2003 to August 2004, 7 meetings were held with Council staff and with Elected Members.

At the meeting with Elected Members in August 2004, a decision was made to proceed with a westerly extension for accommodation of the Elected Members’ Area.

With an increase in the estimated cost of the westerly extension rising to \$6.7M, the Elected Members Facilities Construction Committee, at its January 2005 meeting, resolved that plans be prepared to house the Administration Centre and Elected Members’ area within the existing building envelope.



Options were considered and on 10 June 2005 and T&Z was instructed to proceed with developing the current design.

Since then there has been 11 meetings between Council staff and consultants to finalise the project details. In addition, T&Z presented a schedule of internal finishes to the Council Agenda Briefing on 6 October 2005.

The current proposed timetable is to appoint a builder before Christmas, and have construction completed before the end of 2006.

Submission

At the October Council Meeting, Cllr Oliver requested under Section 22 of the Agenda "Matters to be Noted for Investigation Without Debate" that a report be presented to the November 2005 Council Meeting on the Redevelopment of the Administration Building and Chambers. The report is to include information clarifying the following matters associated with the project.

- The estimated overall cost of building works associated with the redevelopment.
- Architect / builder's fees applicable.
- Estimated ordinary working hours involved by staff relocating to and returning from temporary accommodation (Civic Centre) and cost involved.
- Cost of staff working extra hours involved in relocation to and returning from temporary accommodation (Civic Centre).
- Cost of moving equipment/furniture to and returning from temporary accommodation at Civic Centre.
- Cost of installing all services to temporary accommodation at Civic Centre.
- Cost of refurbishing new Building when complete.
- How many more work areas will this refurbishment supply for staff.
- Budget allowed for project.
- Estimated shortfall in budgeted funding.
- Implications of delaying any further action on this project until strategic options can be considered at the Strategic Planning Workshop on 24/25 November 2005.
- Cost of accommodation for Rangers and Community Safety Staff being relocated.
- Cost of upgrading services, including telephone cabling, between depot and the administration building.

Report

A brief response to each of the questions is provided as follows:-



- **The estimated overall cost of building works associated with the redevelopment.**

The last estimate was completed by Davis Langdon, Quantity Surveyors, on 4 August 2005. The estimate was based on preliminary architectural and structural drawings dated July 2005.

The estimate was \$4,993,094.32 excluding GST.

The following items were excluded from the estimate:

- External signage
- Landscaping and reticulation
- Gas service
- Carpet to existing ground floor area
- Ceiling finish to existing ground floor
- Council Chamber table
- Re-location of existing PABX
- Loose furniture and equipment including workstations
- Upgrading or extensions to existing site services
- Market conditions at the time of tender

Of the excluded items, the following (with estimates), may be required in addition:-

• Landscaping and reticulation	\$50,000
• Carpet to existing ground floor (northerly end only)	\$60,000
• Ceiling finish to existing ground floor (north only)	\$50,000
• Market conditions. Variations from estimates have ranged, in recent times, from 0 to +20%. A 10% variation (up or down) would be	\$500,000
Total	\$660,000
• Council Chamber table. Some time ago a request was submitted to the architect to provide an estimate on the cost of new furniture to the Elected Members area. This has not yet been received.	
• Workstations to staff areas. A range of options, with costings, will be prepared on furniture upgrade to the staff areas. It is proposed to present the options to the November Strategic Planning meeting.	

A pre-tender estimate is due on 18th November 2005.

- **Architect / builder's fees applicable.**

Included in the estimate of \$4,993,094.32 above is included an allowance of \$425,000 excluding GST, for professional fees. That allowance covers all consultants' fees except:

- Developed design cost plan \$ 5,000

- Bill of quantities \$45,000
- Total \$50,000**

The figures do not include GST.

The builder's fees will be determined by tender. It is proposed that tenders will close on 8th December 2005.

- **Estimated ordinary working hours involved by staff relocating to and returning from temporary accommodation (Civic Centre) and cost involved.**

The proposed method of moving staff is for:

- Staff to pack their belongings up on a Friday afternoon
- A removalist company to move boxes of belongings, desks, computers, bookshelves, etc., over the weekend.
- Staff to unpack their belongings Monday morning.

There are currently 48 staff working on the ground floor in the Finance and Corporate Services Division. If it takes 4 hours to pack, and 4 hours to unpack, then the working hours to relocate are:

$$48 \text{ staff} \times 8 \text{ hours} = 384 \text{ hours}$$

Assuming the time taken to return is the same, then total time is:

$$384 \text{ hours} \times 2 = 768 \text{ hours}$$

Assuming an average salary of \$25/hour, the total staff labour cost to relocate and return from temporary accommodation is:

$$768 \text{ hours} \times \$24/\text{hour} = \$18,432$$

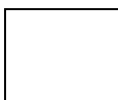
- **Cost of staff working extra hours involved in relocation to and returning from temporary accommodation (Civic Centre).**

Staff should not be working any extra hours in moving to, or returning from, temporary accommodation, in addition to the hours detailed in the item above.

- **Cost of moving equipment/furniture to and returning from temporary accommodation at Civic Centre, and Cost of installing all services to temporary accommodation at Civic Centre.**

In September a range of options, with estimates, were prepared to provide accommodation for Finance and Corporate Services staff and Elected Members' activities for 2006. The options included:

- Civic Centre with some portable buildings
- Lease commercial office space



- All Finance and Corporate Services staff to portable buildings
- Leave staff in current location while building works proceed

The Civic Centre option was considered the most viable. The estimate was \$175,182 excluding GST and covered:

- Hire of portable buildings for HR, Volunteer Resource Centre and showers
- Electrical, lighting and power
- Carpentry fitout to provide Council Chambers, dining room and training room
- Furniture/equipment moving costs
- Plumbing
- Data connections and distribution
- Physical security
- Temporary extension of covered walkway from Administration building to Civic Centre
- Dividers between workstations

Quotations are almost complete for the above goods and services. By the end of October 2005 orders will be placed for the majority of supplies listed so that accommodation in the Civic Centre will be ready for the staff by late December 2005 early January 2006.

- **Cost of refurbishing new Building when complete.**

Estimates to refurbish staff and Elected Members' areas have not yet been compiled. It is proposed to have broad budget figures for all costs associated with this project available to submit, together with a recommended building construction tender, to a SCM in the third week of December 2005. If required, those budget figures may be available for the Strategic Planning sessions late November 2005. Further, it is proposed to prepare a range of options on refurbishment with detailed costings during the early phase of construction in 2006.

The range of indicative costings are:

- Minimal work to Finance and Corporate Services area including carpet, data, phone, some furniture, partitions. Say \$250,000
- Complete refurbishment to all staff areas including carpet, painting, partitions, furniture, phone, data, power, ceilings. Say \$1,000,000
- **How many more work areas will this refurbishment supply for staff.**

The additional area provided by the building works for staff on the ground floor is 380m² compared to 491m² for the Elected Members Area. Some of the additional area provided will be used to relieve the existing cramped spaces. Therefore, additional work areas should be considered in the context of total staff workspaces.



- Current usable office space 1,513m²
- Additional office space to be provided 380m²
- Total usable office space after refurbishment 1,893m²

If 12 square metres per person is acceptable, then the total space provides for:-

$$1,893 / 12 = 158 \text{ staff}$$

$$\text{Existing staff numbers in building} = 143$$

Therefore the refurbishment provides for an additional 15 staff

- **Budget allowed for project.**

The allowance in the 2005/06 budget for this project is \$4,062,013 excl. GST.

- **Estimated shortfall in budgeted funding.**

The shortfall cannot be estimated at this time. It depends on:

- a decision on the extent of refurbishment of staff areas
- receipt of an estimate on new furnishings and window treatments to the Elected Members' area
- cost to reinstate the Civic Centre

Items to be considered when preparing the estimated shortfall are

Current budget allowance	\$4,062,013
Estimated construction cost	\$4,993,094
Estimated cost to move to Civic Centre	\$ 175,182
Cost to reinstate Civic Centre	unknown
Cost to refurbish staff areas	unknown
Furnishings and window treatments EM's area	unknown

- **Implications of delaying any further action on this project until strategic options can be considered at the Strategic Planning Workshop on 24/25 November 2005.**

The proposed timetable for short term activities in this project are:

Commit to expenditure on Civic Centre	
temporary relocation	end Oct
• Complete documentation	28 Oct
• Bill of Quantities and pre tender cost plan	18 Nov
• Advertise construction Request for Tender	12 and 19 Nov
• Commence tender period	21 Nov
• Close tender period	8 Dec



- Assess tenders and prepare recommendation 9 Dec
- Recommendation to Elected Members 12 Dec
- SCM to consider construction tender
Recommendation together with other
costs for project 20 Dec
- Sign contract 22 Dec
- Commence works 16 Jan

If a decision is made at the OCM on 10 November to delay the project, then it is assumed a possible decision to proceed could follow the Strategic Planning workshop, at the Council Meeting of 8 December 2005.

That scenario would most likely delay advertising of construction tender to the end of January 2006. That would delay the project by 2 months, with a resultant estimated completion at the end of February 2007.

A substantial delay in the Request for Tender and contract signing processes will impact on the project cost. Discussions in recent times with players in the industry indicate that in Western Australia, due to the continuing mining boom, construction costs may continue to rise by 10-20% over 2006.

Therefore, the cost of delaying the project, at an annual escalation rate of 15% per annum, will be in the order of \$62,500 per month.

- **Cost of accommodation for Rangers and Community Safety Staff being relocated.**

Based on Agenda Item of the November 2005 Council Meeting, namely:-

Office Space	\$629,000
Bus parking	\$ 35,000
Security Fencing	\$ 20,000
Relocate Tyre Store	\$ 8,000
Total	\$692,000 excluding GST

- **Cost of upgrading services, including telephone cabling, between depot and the administration building.**

As per Agenda Item of the November 2005 Council Meeting, namely:-

IT Link \$397,500

This communications upgrade between the administration building and the operations centre is required to ensure adequate data access speed for proposed and future staffing levels.



Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

In the 2004/05 financial year the City spent \$119,500 on the consultant architects.

In the 2005/06 budget the Council provided the sum of \$4,062,013 for the Administration Building and Refurbishment project. Of this \$124,777 has already been spent on consulting fees, leaving a balance of \$3,937,736 for the development.

Based on the figures estimated to date the total project cost, excluding GST, could be in excess of:-

• Building addition and alterations (excluding GST)	\$4,993,094
• Landscaping	\$50,000
• Fees	\$50,000
• Staff relocation	\$18,432
• Civic Centre Fitout	\$175,182
• Complete refurbishment of staff area	\$1,000,000
Total	\$6,286,708

The unknown costs not included in the above figure are signage, relocation of PABX, window treatments, furniture for Elected Members Area and the cost to reinstate the Civic Centre.

In addition, if the Rangers and Safer City Service relocation to the Wellard Street Operations Centre is to be undertaken as part of the office redevelopment project, then based on the cost estimate to date, this could cost \$1,089,500.

Therefore the estimated total cost could be in the order of \$7,376,208, which does not include some unknown costs which are likely to form part of the project.

However, should the project be delayed an additional \$500,000 may be required to meet anticipated market variation (10%).

This would increase the total to \$7,876,208.



Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A.

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

Nil.

(MINUTE NO 3024) (OCM 10/11/2005) - EXTENSION OF TIME

COUNCIL DECISION

During discussion of the above item it was MOVED Clr K Allen SECONDED Clr I Whitfield that pursuant to Clause 4.14 of Council's Standing Orders, Council grant an extension of time for half an hour to enable the unresolved business of the meeting to be considered.

CARRIED 9/0

CLR ALLEN LEFT THE MEETING AT THIS POINT THE TIME BEING 9.06 PM

17.1 (MINUTE NO 3025) (OCM 10/11/2005) - CULTURAL ADVISORY COMMITTEE (8810) (CC) (ATTACH)

RECOMMENDATION

That Council:

- (1) in accordance with section 5.10 of the Local Government Act 1995 appoint the following individuals as members of the Cultural Advisory Committee:

Community Members:

- Mrs. Margaret Taylor



- Mrs. Annie Otness
- Ms Jennefer Holmann
- Mr Michel Gaston Job
- Yasaman Saberi-Rezuani
- Mavis Glewis
- Serena Anderson
- Biruta Mclaughlin

Cockburn Community Cultural Council representative:

- Mr. Bill Wallington

Historical Society of Cockburn representative:

- Mrs. Helen Greer

- (2) adopt the revised Terms of Reference for the Cultural Advisory Committee as attached to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr L Goncalves SECONDED Clr T Romano that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

Council at its special meeting of May 2005 appointed Councillors Goncalves and Baker and the Cultural Development Coordinator Cassandra Cooper to the Cultural Advisory Committee. A number of other positions on the committee are required to be appointed by Council.

The main aims of the committee are to:

- Promote, support, and generate awareness of local community cultural initiatives, facilities and services in the Cockburn area.
- Provide guidance on the development of policy and programmes in cultural activities within the City of Cockburn.
- Be involved in the development and upgrade of cultural facilities within the Cockburn area.



- Oversee the Youth Arts Travel & Youth Arts Further Study Scholarship programme and allocate these funds as per the guidelines and within budget.
- Prioritise major cultural projects and investigate where and how to access additional funding.
- Oversee and review the Cultural Action Plan for the City of Cockburn.

The Cultural Advisory Committee in the past twelve months has been actively involved in the Youth Art Scholarship programme, Public Artwork programme, Memorial Hall redevelopment, and Show Off Exhibition.

Submission

N/A

Report

Expressions of Interest were called for this committee through advertisements in the local papers (Herald & Gazette) calling for applicants to address a brief selection criteria outlining their experience in the Cultural field. All Applicants met the required criteria and are duly recommended for appointment by council.

Council appointed the Cultural Advisory Committee in 2002. The Terms of Reference for this Committee states that "a minimum of four and maximum of nine community members be appointed."

As the Cultural Advisory Committee has been operating since 2002 a review of the Terms of Reference has been undertaken by the committee to make it relevant to the new committee. Attached to the Agenda is the proposed revised Terms of Reference showing alterations and explanations to the changes. Once adopted, the Draft Terms of Reference will be consolidated and the explanations removed from the attached document.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

N/A

Legal Implications

N/A



Community Consultation

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

Attachment(s)

Revised Terms of Reference for the Cultural Advisory Committee

Advice to Proponent(s)/Submissioners

N/A

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

Nil

17.2 (MINUTE NO 3026) (OCM 10/11/2005) - SECOND CRICKET PITCH AT DAVILAK OVAL (2201157) (AJ) (ATTACH)

RECOMMENDATION

That Council not proceed with the installation of two cricket pitches on Davilak Reserve and advise the clubs that use the reserve of the decision.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 8/0

Background

The Cockburn Cricket Club is a senior cricket club which has been established at Davilak Reserve for a number of years. There are three other clubs also based at Davilak Reserve, these being: the Cockburn Junior Cricket Club, Cockburn Cobras Football Club and the Cockburn Junior Football Club. The Cockburn Cricket club has made the request for a second cricket pitch be installed on Davilak Oval.

The Cricket club has made similar approaches in the past, however the City has not supported the proposal on the grounds that neither football clubs using Davilak Oval supported the project and there were concerns over safety and public liability issues of having two cricket



games concurrently played on overlapping fields. The safety concerns were mostly due to players having their attention on one of the matches in progress and being mostly unaware if a ball was hit towards them from the other match.

The Cricket club pays a seasonal hire fee for the use of the reserve, which under the Fees and Schedules charges as adopted by the Council is currently \$36 per player per season. This allows the club to use a field for training on three days and a match day on the weekend. Under a long-standing arrangement, the cricket clubs in Cockburn have been allocated up to two additional pitches on other grounds that may be used for matches on the weekend. This is required as a single match uses and entire field for a whole weekend. This arrangement has allowed the cricket clubs to develop their numbers to a viable level.

Submission

Clr Romano at the Council meeting of the 13 October 2005 requested a report be prepared for consideration by Council at its November 2005 meeting on the viability of establishing another cricket pitch on Davilak Reserve for use by the Cockburn Cricket Club/Junior Cricket Club. The report is to include cost of the proposed pitch, other infrastructure cost implications (moving light towers, etc) insurance implications and views to the proposal of the current users of the reserve, including the cricket club, the Cockburn Cobras Football Club and the Cockburn Junior Football Club.

Report

As per 'SPORT – Dimensions for playing areas – 4th ed. 1998), the dimensions of a senior cricket field is a 60m radius circle drawn from the centre of the cricket pitch. Currently, there is one cricket pitch located at Davilak Reserve which fits easily within the confines of the field. Davilak Oval has a usable playing field length of 210m. If two cricket pitches were located on Davilak Oval, the two playing fields would overlap by at least ten metres. Junior cricket players use a senior-sized cricket pitch from the age of 14.

The primary infrastructure costs of the project would be the removal of the currently provided cricket pitch and the installation of the two new cricket pitches. The City's Parks Department has estimated that the cost of this part of the project would be approximately \$36,000. Should the two pitches proposal proceed there is a requirement to move two shade shelters which are currently located on the reserve to a location further from the pitches as they are located within the new cricket field boundaries at the standard 60m. The City's Building Maintenance Department has estimated this would cost approximately \$7,000 to move both shelters. Due to the need to remove the Football goals each season, there would be a requirement to ensure the goals are sleeved and end caps made at an initial cost of approximately \$3,000.



There is also a requirement to move one of the light towers at the Southern end of the field. The actual cost of this work has not been determined as it highly variable depending upon the distance needed to move and the condition of the electrical components in the tower. Suffice to say it is likely to be in the vicinity of \$1,000.

Operational costs for the reserve would increase by approximately by approximately \$9,000 per year. The components of this cost include an amount of \$1,000 per year for the removal and installation of the football goals. The other user of the Davilak Oval the Cockburn Junior Football Club have requested that should the two pitch proposal proceed that the pitches be covered with turf during the football season. This option would cost approximately \$4,000 per cricket pitch for the installation and removal of turf from the two pitches. The covering of the pitches during the football season would in itself create a potential hazard at the point that the inlaid turf met the grassed edge of the pitch.

The City has sought views from the Western Australian Cricket Association and their insurers as well as the WA Local Government Association's Risk Manager.

The following emails have been received by the City with respect to having two cricket pitches at Davilak Oval:

Received 19th July 2005 from Western Australian Local Government Association's (WALGA's) Risk Manager:

"My first thoughts were that we are concerned with "juniors" involved with Cricket. I assume therefore this relates to minors i.e.; persons under the age of 18. This MAY be relevant from a legal defence perspective should we ever have to deal with a claim as the new Voluntary Assumption of Risk legislation may be of little benefit i.e.; it is assumed (correctly) that children are unable to appreciate/gauge risks in the same way as adults.

Therefore, the legislation MAY help in the event that the plaintiff was an adult player (i.e.; risks associated with Cricket are 'obvious' and are not hidden) but would be of little help if the player who was injured was a minor.

The MLS has in the past dealt with a substantial claim involving a spectator being severely injured by a wayward cricket ball. I would suggest that if 2 games of cricket are being played at the same time, spectator numbers would be higher than if only one game were being played.

I am generally a bit uncomfortable with debates that go along the lines of 'other Councils allow overlaps and therefore so should the City of Cockburn' or words to that effect. In the unlikely event of a Court case



or perhaps a pre-trial meeting, arguments of this nature generally do not wash with the Courts.

Certainly, stakeholders would be wise to seek the comments of the WACA and the WA Cricket Association.

In addition, I would suggest that Council instruct the Club to seek the (written) comments of their own Public Liability insurer.

I assume 'registered' players have some sort of Personal Accident (PA) cover in place should they suffer an injury whilst playing. This may be in place for all 'registered' players. Again, the Club should be asked to seek the comments of the PA insurer who may have some views on the overlap issue."

A letter was received by email from the Western Australia Cricket Association's (WACA's) Game Development Manager on the 19th September 2005 with the following extracts:

"I understand that the Cockburn Cricket Club are seeking to have a second cricket ground established adjoining the main cricket ground at Davilak Reserve in Cockburn.

The Governing Association, the South Metropolitan Cricket Association, support the establishment of the second ground and do not foresee the proposed overlap of grounds as a dangerous hazard.

The WACA also supports the proposal for a second ground subject to the club being able to afford any additional club expenses that may be associated with the establishment.

I have spoken to the National Cricket Insurance Brokers, Jardines Lloyd Thompson about this issue and they have advised that there are no guidelines regarding this scenario and suggested that the club exercise sound risk management by educating their players of appropriate precautions to take."

The following response was received on the 7th October 2005 from WALGA's Risk Manager after sighting the letter from the WACA:

"In view of the comments made by the Club and the WACA, we would in principle support Council if a decision were taken to permit an overlap of pitches.

However, I would recommend that the City actually sight a copy of the Clubs Risk Management procedures to verify that risks associated with this arrangement are being properly managed. I would hope that the club have a Risk Management Plan (as per AS/NZS 4360-2004 Risk Management) and it would be 'reasonable' for Council as owners of the facility to be provided with a copy of this."



It is reasonable to assume that if this project was to be authorised, a Risk Management Plan would also be required from the Cockburn Junior Cricket Club if they wished to use both cricket pitches concurrently.

Strategic Plan/Policy Implications

Key Result Area "Facilitating the needs of your community" Refers.

Budget/Financial Implications

Initial Capital Works of up to \$46,000, for the removal and installation of the cricket pitches, upgrading of the football goals to fully sleeved systems and the possible relocation of the two shade shelters currently located on the reserve.

Ongoing operational costs of \$9,000 per year for the removal, storage and reinstallation of the football goals, plus the installation and removal of turf for both cricket pitches during the football season.

Should Council decide to proceed with this proposal it is recommended that the costs be placed on the 2006/07 budget for consideration as there is insufficient time for the work to be completed in the cricket season and it would be preferable to leave the change to the two-pitch arrangement until after the 2006 football season.

Legal Implications

To proceed with the development of two pitches on Davilak Reserve which resulted in the fielding areas of pitches overlapping may expose the City to claims of breach of duty of care.

Community Consultation

Other stakeholders of Davilak Oval were requested to provide feedback regarding the request for two cricket pitches at the Reserve.

The Cockburn Junior Cricket Club has previously expressed support for the installation of a second cricket pitch at Davilak Oval.

The Cockburn Junior Football Club objects to the installation of a second pitch unless the pitch was covered with turf during the football season. The Football Club is not prepared to meet any costs involved with the removal of the football goals each season. This objection is primarily due to the proposed cricket pitches being located in the highest traffic areas of the football field. The cricket pitches have an impact on the playability and safety of the surface in such busy parts of the field.



The Cockburn Cobra's Football Club objects to the installation of a second pitch unless the pitch was covered with turf during the football season. Essentially the Cockburn Cobra's objections mirrored those of the Cockburn Junior Football Club.

Attachment(s)

Map of Davilak Oval

Advice to Proponent(s)/Submissioners

The clubs using Davilak Reserve have been made aware that the matter of two pitches being placed on the reserve will be considered at the November 2005 Council Meeting.

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

Nil.

17.3 (MINUTE NO 3027) (OCM 10/11/2005) - REVAMP OF LOCAL NEWSPAPER ADVERTISING PROCESSES (1041) (ADJ)

RECOMMENDATION

That Council:

- (1) continue to advertise in the West Australian newspaper using WALGA's rebate schemes;
- (2) immediately implement Stage 1 and Stage 2 of the recommendations contained in this report; and
- (3) implement Stage 3 of the report by issuing a tender for advertising services for the City of Cockburn effective 1 July 2006.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 8/0



Background

A detailed Communications Audit is being carried out to ascertain the effectiveness of the City's communications channels. As part of this audit the City's advertising practices were examined.

The major criteria that these current practices were measured against were:

- Value
- Effectiveness
- Future requirements

After an initial analysis the Communications Manager identified some issues about the performance of the City's current advertising practices. These concerns were discussed with the Chief Executive Officer and it was agreed that an in depth analysis of the City's advertising expenditure be prepared for consideration by Council.

Submission

N/A

Report

The City of Cockburn currently advertises predominately in three publications:

- The West Australian Newspaper
- The Cockburn Gazette (Community Newspaper Group)
- The Cockburn Herald (Herald Publishing Group)

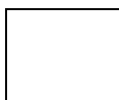
Advertising in *The West Australian Newspaper* is conducted through the Western Australian Local Government Association's (WALGA) Advertising Services Rebate Scheme. Another WALGA scheme that the City of Cockburn participates in is the Town Planning Notices Composite Advertising Scheme.

The City of Cockburn received the following rebates for the 2004/05 financial year:

- Advertising Services Rebate \$19,742.79
- Town Planning Composite Rebate \$ 1,179.23

This rebate is from a total advertising spend on the two schemes of \$102,792.81. The majority of advertising through this scheme is to fulfill our statutory requirements and human resources functions.

The City's current advertising practices for The West Australian Newspaper, which utilise the two WALGA schemes, is working well.



In the City of Cockburn there are two free newspapers that are delivered weekly into the letterboxes of residents.

The City advertises with both of these publications. A significant amount of council resources is spent advertising its services and programs as well as fulfilling our statutory requirements.

In the 2004/05 financial year the following sums were spent on advertising in our local newspapers:

- Cockburn Gazette \$ 44,912.30
- Cockburn Herald \$ 52,160.10

The advertising expenditure in these two newspapers over the last three financial years can be seen below.

Year	Gazette	Herald	Total
2002/03	\$28,823.66	\$43,722.62	\$72,546.28
2003/04	\$32,673.90	\$51,110.63	\$83,784.53
2004/05	\$44,912.30	\$52,160.10	\$97,072.40

It should be noted from these figures that expenditure at the Herald newspaper has been over \$50,000 per annum for the past two financial years. Based on these figures the City needs to examine whether it should be using a tender process even if it keeps its current advertising practices.

Part 4 of the Local Government (Functions and General) Regulations 1996 s.11 (1) states:

Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000 unless sub regulation (2) states otherwise.

If we were not to change our advertising practices it would be reasonable to assume that a figure of over \$50,000 will be spent with at least one of the local newspapers this financial year.

As can be seen from these figures the City has increased its total advertising spend on local print media by just over 25% during this period. But are we getting value for our money?

Currently the City's advertising processes are ad-hoc and are driven by the relative Service Unit. The problems with this approach are:

- Advertisements are spread throughout the paper and are difficult to find.
- Replication of the City's logo and contact details.



- Uneconomical.

The Communications Manager has had some complaints from internal customers about the position of some of their advertisements, especially when they are located in back half of the paper.

Over the period 1/5/05 to 15/6/05 the City conducted a study into the position of its advertisements in both local newspapers.

The study found that the position of these advertisements ranged from page 3 to page 38. The majority of the advertisements appeared after page 10 in both papers.

Residents who are looking for information about the City also face a similar problem. There is no set position in the paper where the reader could expect to find information about the City.

A study of the advertising practices of other local governments in Western Australia revealed that the City of Cockburn has not followed the trend to locate the majority of its advertising in an easily accessible location.

A number of city's including Melville, South Perth, Joondalup, Subiaco and Wanneroo have dedicated weekly/fortnightly sections in their local paper, which cover the whole range of their services (See attached).

The advantages of this type of approach are: -

- Easy to find information
- All information is in one place
- Only paying for one display advertisement
- More visual impact through use of portrait style advertisement.
- No replication of logo and contact details

Rather than use a standard ½ page landscape advertisements these Councils are adopting a vertical format and are modifying the weekly size to fit the amount of information they have received.

To ascertain if any financial benefits would be achieved through this format change the Communications Manager approached both local papers earlier in the year to get indicative quotations

Currently the City has an arrangement with the *Cockburn Herald* newspaper where the City purchases a ½ page advertisement every fortnight to advertise Council services and events. This advertisement is funded through the GL 112-6206 Corporate Governance Advertising Account. Service units are able to book a place on this ½ page advertisement through Customer Services and receive the advertising space for free. This service is predominately used by the service units



from the Community Services Division who rely on it when making applications for grants.

In November 2003 the CEO of the City of Cockburn, Mr. Rod Brown asked the then Communications Manager Mr. Chuck Ellis to investigate the feasibility of sharing the regular ½ page advertisement between the new local newspapers.

The 2003 report found that the ½ page advertisement in the *Cockburn Herald* was a verbal agreement made by one of his predecessors when the *Herald* newspapers created the Cockburn edition and that there was no contract.

It also found that the *Herald* had not increased its advertising rate for 4 years and that they generally placed the advertisement in what they considered the best location available (usually pages 3,5,7). It also stated that they did not guarantee this location.

The City has conducted research about the effectiveness of its communication channels. In the March 2004 “City of Cockburn Community Needs Study” conducted by Research Solutions the effectiveness of the City’s publication *Cockburn Soundings* was evaluated.

The report found that almost two thirds of residents and 1 in 2 businesses had seen a copy of the most recent edition (December 2003) and, of these more than three quarters rated it as a somewhat or extremely useful publication for the provision of Council information.

An earlier study by Australian Market Intelligence in May 2003 commissioned by the City of Cockburn compared newspaper readership in the City.

The study found:

- The *Cockburn Gazette* is the most widely read community newspaper.
 - 93% of respondents read the *Cockburn Gazette*, compared to 86% readership of the *Cockburn Herald*.
- The *Cockburn Gazette* is also the most frequently read paper.
 - 61% of respondents read the *Cockburn Gazette* weekly, compared to 49% weekly readership of the *Cockburn Herald*.

These studies tell us that the most effective communications mechanism is *Cockburn Soundings*. They also tell us that the *Cockburn Gazette* rates slightly higher than the *Cockburn Herald*.



However the most important finding from the research is that basically the same readership reads both papers. Based on this finding Council is effectively duplicating its advertising for no real benefit.

As part of the Communications audit we examined the current format and usage of the ½ page advertisement in the *Herald*. Service units are still fully utilising the free advertising in the Herald but there are some issues with the current format.

These issues are:

- The logos and contact details take up 35.5% of the advertisement. This is a large amount of dead space.
- The motto “Striving for Excellence” is irrelevant, as more recent branding by the City has focused on the motto “From Wetlands to Waves”.
- The title “Cockburn Soundings” is ambiguous as most residents associate this with the City’s community newsletter of the same name.
- The landscape format does not allow an effective use of space and contributes to the large amount of dead space in the advertisement.
- Position of the advertisement on the page has also become an issue. The advertisement now tends to be at the bottom of the page hence reducing its visual impact.
- Position within the newspaper. Given the generous rates offered to the City by the proprietors of the Herald, the advertisement has tended to be pushed further back into the paper in favour of other advertisers. For example the latest advertisement was buried in the real estate section of the paper on page 15 of 28 (see appendix item 6).

Adopting a similar format to those other local government bodies mentioned earlier in the report would alleviate these problems.

There are a number of steps that Council can pursue to improve the effectiveness of its advertising in local print media.

Stage (1): Change the format of the current fortnightly ½ advertisement in the Cockburn Herald and retain the status quo with other advertising in the local media.

This stage would see the ½ page advertisement in the Cockburn Herald change to a portrait format as described above.

There would be a small change in budgetary requirements under this option. The City would pay a slightly reduced rate for its ½ page advertisement and the cost of our display advertisements for general usage would remain the same.

This option will save Council approximately \$500 per year.



The Communications Manager can implement this change immediately if desired.

Stage (2): Change the format of the current fortnightly ½ page advertisement in the Cockburn Herald and change the current display advertisement practices in both papers.

This stage would see the ½ page advertisement in the Cockburn Herald change to a portrait format as described above.

Other display advertisements would be incorporated weekly into a half page style advertisement in both papers.

This has the potential to reduce costs quite significantly.

For example in the week commencing 18/10/05 the City placed 9 advertisements costing \$1867.6 in the *Cockburn Gazette*.

If these advertisements were consolidated in the column format proposed then a saving of \$1218.87 would be achieved. This saving would be increased if similar display advertising spots were also booked in the *Cockburn Herald* newspaper.

However this figure does not take into account the special case of the Cockburn Community Development Strategy.

The City of Cockburn currently has a sponsorship arrangement with the *Cockburn Gazette* as partners in the Cockburn Community Development Strategy.

The *Cockburn Gazette* offers the City substantial discounts for advertisements related to the strategy.

In the figures discussed above 4 of the advertisements related to activities associated with the Strategy and hence attracted the discount.

Most advertisements promoting events/activities related to the Strategy are in a format that contains all the logos of the Strategy partners. This takes up a considerable part of the advert and effectively negates the generous discount offered by the *Cockburn Gazette*.

Whilst recognising that the promotion of the strategy partners is extremely important it makes sense to consolidate these advertisements into its own column format. The reasons for using the consolidated format remain the same as discussed earlier in this report and would deliver the benefits already listed.



Obviously this format would be separate from the other City of Cockburn column and feature the logos of the Strategy partners.

If the City were to adopt a column format for general Council services how would the various Service Units be charged given that they no longer have their own advertisement?

Under this proposal Service Units would be charged a pro-rata rate based on the number of column centimeters they took up in the consolidated advertisement. The Customer Service Coordinator would calculate this once the invoice had been received.

Using a consolidated advertising format would not stop the City from using display advertisements for special events.

It is calculated that Council could save up to \$15,000 per annum by adopting this option.

The Communications Manager can implement this option in a relatively short timeframe. Changes to the procedure would need to be communicated to the various internal customers and it is envisaged that it could be operational within 4-6 weeks of a council decision.

Stage (3): Invite both local newspapers to tender for Advertising Services for the City of Cockburn.

This course of action would see the City of Cockburn undertake a tender process for the provision of advertising services by one of the local newspapers.

As noted earlier in this report the City spends close to \$100,000.00 per annum on advertising its services in local newspapers.

The City of Fremantle has operated a tender system that awards preferred status to one of the local newspapers. This operates on an annual basis. Other Councils in the Eastern States also use this model. In Western Australia a study of most local Councils found that they had a preferred newspaper for advertising, which was determined on a quotation basis. They were able to do this without breaching the Local Government Act 1995, as their advertising costs were under \$50,000. Other Councils are forced to advertise with a number of newspapers, as this is the only way to gain coverage of their whole City.

There are no statutory requirements that dictate that the City has to advertise in both newspapers. By choosing one newspaper to carry the City's advertising there is the potential to almost halve our current local advertising costs by approximately \$50,000.



If Council decided to adopt stage 3 then the following are some of the issues that would need to be addressed in the tender document.

- Audited circulation figures for the newspaper;
- Price of advertising;
- Local content/relevance of newspaper;
- Standard of publication
- Position of advertising;
- Mono/Colour options;
- Sponsorship support

Using a tender process would ensure that a coordinated approach is used to streamline the City's advertising practices. The tender document would provide both newspapers with a formalised set of parameters outlining the City's requirements. It would also be an excellent mechanism for the City to formally evaluate its advertising requirements and processes.

Choosing to proceed to this stage would not necessarily mean that the City would completely cease advertising with the unsuccessful bidder. The City would still advertise some of its special events in the unsuccessful newspaper.

This option has the potential to save up to \$50,000 per annum

This stage would take longer to implement than the two other options outlined in this report. A timeframe of 3-4 months would be required to draw up the tender and go through the tender process.

Strategic Plan/Policy Implications

Managing the City.

Budget/Financial Implications

- Stage 1 would deliver annual savings of approximately \$500.
- Stage 2 would deliver annual savings of up to \$15,000 depending on the volume of advertising by Council services.
- Stage 3 would deliver annual savings of up to \$50,000.

Legal Implications

N/A

Community Consultation

N/A



Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

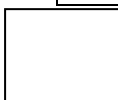
18. EXECUTIVE DIVISION ISSUES

18.1 (MINUTE NO 3028) (OCM 10/11/2005) - REPORT ON THE SISTER CITY VISIT TO YEUYANG AND MOBILE AND PROPOSAL TO RE-ESTABLISH A SISTER CITY COMMITTEE (1029) (SGC) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive and ratify the Memorandum of Discussions signed with the City of Yueyang and the Sister City Agreement signed with the City of Mobile;
- (2) pursuant to s5.8 of the Local Government Act 1995 (WA) ("the Act"), and in accordance with s5.9(2)(d) of the Act, establishes the Cockburn Sister City Committee ("the Committee");
- (3) pursuant to s17.7 of the Standing Orders, resolves that:
 1. The Committee comprises 5 members, being _____, _____, _____ and _____.
 2. The qualification for membership is that members are to be Council members.
 3. The Terms of Reference for the Committee are to:
 - (i) provide recommendations to Council and/or its Committees regarding all matters relating to Sister Cities; and
 - (ii) report to Council when deemed necessary by Council or the Committee.



- (4) authorises the presiding member of the Committee to allow individuals, including members of the public, with relevant technical skills to attend and speak at Committee meetings, as and when deemed necessary; and
- (5) directs the CEO to ensure adequate administrative support is provided to the Committee not limited to, but including, the attendance of relevant Council staff at Committee meetings.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr L Goncalves that Council:

- (1) receive and ratify the Memorandum of Discussions signed with the City of Yueyang and the Sister City Agreement signed with the City of Mobile;
- (2) pursuant to s5.8 of the Local Government Act 1995 (WA) ('the act'), and in accordance with s5.9(2) (d) of the Act, establishes the Cockburn Sister City Committee ('the Committee');
- (3) pursuant to section s17.7 of the Standing Orders, resolves that :
 - 1. The Committee comprises 5 members, being Clrs Oliver, Baker, Romano, Allen and Limbert.
 - 2. The qualification for membership is that members are to be Council members.
 - 3. The terms of Reference for the Committee are to:

CLR ALLEN RETURNED TO THE MEETING AT THIS STAGE THE TIME BEING 9.09 PM

- (a) Provide recommendations to Council and/or its Committees regarding all matters relating to Sister Cities.
- (b) Report to Council when deemed necessary by Council or the Committee.
- (4) authorise the presiding member of the Committee to allow individuals, including members of the public, with relevant technical skills to attend and speak at Committee meetings, as and where deemed necessary; and



- (5) direct the CEO to ensure adequate administrative support is provided to the Committee not limited to, but including, the attendance of relevant Council staff at Committee meetings.

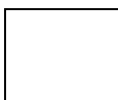
AMENDMENT TO MOTION

MOVED Clr A Tilbury that Council:

- (1) receive and ratify the Memorandum of Discussions signed with the City of Yueyang and the Sister City Agreement signed with the City of Mobile;
- (2) pursuant to s5.8 of the Local Government Act 1995 (WA) ('the act'), and in accordance with s5.9(2) (d) of the Act, establishes the Cockburn Sister City Committee ('the Committee');
- (3) pursuant to section s17.7 of the Standing Orders, resolves that :
1. The Committee comprises the following members - Clrs Oliver, Baker, Romano, Allen and Limbert and community members appointed by Council.
 2. The qualification for membership is that members are to be Council members and members of the public.
3. The terms of Reference for the Committee are to:
- (a) Provide recommendations to Council and/or its Committees regarding all matters relating to Sister Cities.
 - (b) Report to Council when deemed necessary by Council or the Committee.
- (4) authorise the presiding member of the Committee to allow individuals, including members of the public, with relevant technical skills to attend and speak at Committee meetings, as and where deemed necessary; and
- (5) direct the CEO to ensure adequate administrative support is provided to the Committee not limited to, but including, the attendance of relevant Council staff at Committee meetings.

MOTION LAPSED FOR WANT OF A SECONDER

ORIGINAL MOTION PUT AND CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 9/0



Reason for Decision

The City of Cockburn currently has Sister City relationships with Split, Croatia and Yueyang, China and now Mobile, Alabama. Council has established a Policy SC33 - 'Sister City Relationships', which sets out what the City aims to achieve from its Sister City relationships. Cirs Oliver, Baker, Romano, Allen and Limbert have expressed an interest in becoming members of the re-established Sister City Committee.

Background

The City of Cockburn currently has Sister City relationships with Split, Croatia and Yueyang, China and now Mobile, Alabama. Council has established a Policy SC 33 –“Sister City Relationships”, which sets out what the City aims to achieve from its Sister City relationships. During the recent visits by the Mayor and Councillor Allen to Yueyang and Mobile, both Sister Cities requested the development of a more active relationship with them.

Submission

N/A

Report

Council Sister City Policy - Council desires to maintain a small number of active sister city relationships based upon the benefits which can accrue, including trade, tourism, cultural, educational and sporting activities.

Policy SC33 states the objectives in forming Sister City Relationships are:

1. *To promote Cockburn and assist in fostering economic development, tourism and trade relations.*
2. *To seek a wider understanding of other nations, their traditions, customs, education and cultures and similarly to promote to other nations the traditions, customs and education and cultures of Australia.*
3. *To foster international peace and goodwill.*

In Council Policy SC33 the Council considers that these objectives can be achieved by:

1. *Trade, cultural, educational, tourism and sporting exchanges.*
2. *Official visits.*



Council Policy SC33 also states that Council's role will be:

1. *To encourage exchanges.*
2. *To facilitate and assist visits and exchanges (such as providing letters of introduction to the Sister City).*
3. *To arrange an exchange of greeting on the occasion of visits from Sister Cities.*
4. *To facilitate exchange of educational, cultural and promotional material.*
5. *To encourage students to learn about a Sister City by carrying out school projects on that city.*
6. *To provide information to visitors from Sister Cities on places of interest.*
7. *To set up friendship associations for its Sister Cities. These associations will be chaired by a Councillor and would provide a vehicle for businesses, cultural and community groups, sporting associations and educational institutions to action the objectives of the Sister City relationship.*
8. *To take an active role in the Australian Sister Cities Association.*

Sister City Relationship – Yueyang China - Yueyang has been a Sister City of Cockburn since 1998. The recent visit to this City is only the second since the founding of this arrangement.

The format of the recent visit involved a two and a half day itinerary that included visits to Yueyang Historical monuments, Junshan Mountain reserve, a tour of the Hunan Poli technique, visits to three State owned factories. Additionally the Chinese hosted three official banquets, arranged a recital of Chinese musical instruments and tickets to a basketball match featuring the local and national teams. Upon the conclusion of the musical recital Mayor Lee gave a presentation on Western Australia to the English language undergraduate students at the poli technique and answered questions from the audience.

Two official meetings were held with City and State officials, the first upon our arrival and the second at the conclusion of the visit. Gifts, which included local Aboriginal artworks and City of Cockburn memorabilia, were presented to the Chinese and in turn the City was presented with a replica of Yueyang Tower.



In line with Council policy SC 33 the following assessment is made of the potential for fostering an ongoing relationship with Yueyang:

- Trade – there is no direct trade between the two Cities, however, China is now Australia's third largest trading partner. Western Australia enjoys considerable trade surplus with China predominantly in minerals and energy. While there appear limited immediate trade opportunities between the Cities, this was a key element of the discussions initiated by the Chinese, which require further exploration. Any future visit from the Chinese should include a tour and meeting with local businesses.
- Cultural – there is a distinct difference in our cultures which opens the potential for exchanges of cultural groups. It may be possible to contribute to cultural tours of the local indigenous dance group in any WA sponsored events linked through tourism. The City might also consider supporting the development of indigenous culture (dance or art groups) amongst the large indigenous population residing within the City, as part of our Aboriginal Advisory Committee.
- Educational – the Hunan Poli technique is of comparable size to most of WA's Universities. With a strong intensive livestock industry there is the potential to foster a linkage with similar courses at Murdoch University's veterinary program. The Chinese were keen to have Australians lecture at Hunan and have offered paid positions including financial support for accommodation. Increasing the learning of the English language speakers is a key component of the Chinese education system.
- Tourism – the West Australian Tourism Commission recently opened an office in Shanghai, China. It is estimated that by 2020 Chinese people will be the largest group of international tourists. By this timeframe several projects within the City of Cockburn, including Port Coogee and the surrounding area, will have tourist attractions well established. Fostering growth in Chinese tourism has an economic benefit for the City. It might be possible to link an exchange of language students with local travel organisations.
- Sporting – the Chinese are keen basketball players, as evidenced during the visit. There is the possibility to support the sponsoring of an exchange of local teams playing in the WA State League with teams in Yueyang.

Sister City Relationship – Mobile, USA - At the Special Council Meeting (SCM) on 20 July 2005 Council authorised the Mayor and CEO to negotiate a Friendship Agreement with the City of Mobile. Upon the arrival of the delegation at Mobile, the attached agreement was presented, which is more aligned with a full Sister City arrangement. This agreement had been signed by all of the City's



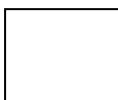
Councillors and reflected their keen interest in a fuller relationship. For the sake of diplomatic harmony the Mayor countersigned the agreement, which is now presented for Council to receive.

The City of Mobile had arranged a full itinerary for the five day visit, which included a tour of the historical part of the City, invitation to a major cultural festival 'Bayfest' over two days, a cocktail party with the Chamber of Commerce, attendance at a Council meeting and subsequent lunchtime reception where the Sister City agreement was signed. Separately to this, the CEO arranged a tour of Austal USA's shipyard.

Since returning to Australia several of the contacts made in Mobile, including a County Commissioner, official from the Chamber of Commerce and City Councillor have emailed the CEO restating their gratitude for the recent visit.

In line with Council policy SC 33 the following assessment is made of the potential for fostering an ongoing relationship with Mobile:

- Trade – there is a direct trade link between the Cities based on the Austal Shipping group. Austal sources both technical expertise and commercial products within Cockburn for its US subsidiary. It was stated to the delegation that around 10-15% of Austal's requirements are provided from Australia. The recent announcement by Austal that they had secured a build of two ships for the US Navy, opening the door for an order of up to 60 more vessels, suggests the potential for further sourcing of materials from Australia.
- Cultural – there is a distinct similarity between the Australian and US people that makes for a ready bond. Mobile has a large African American population, around 50% of the ethnic mix. Along with the suggestions made for Chinese exchanges, a similar opportunity presents with Mobile.
- Educational – the University of South Alabama is of similar size to WA universities. No discussions were held with the Uni of SA staff, but this remains an area for exploration. One area of weaknesses identified by Austal was in the development of a trade apprentices program. With the advent of the new AMC TAFE there is the potential to sponsor an exchange of staff or students. Both Mobile and Cockburn require development of additional trades people in aluminium manufacturing.
- Tourism – the delegation visited a number of tourist attractions including a museum dedicated to Mardi Gras and another based around the decommissioned battleship, USS Alabama. Mobile was the home of the first Mardi Gras in the US and still hosts the largest events with over 70 parades during their three week Mardi Gras



season, with tens of thousands of people visiting Mobile during this period. The Bayfest three-day music festival is another key tourism event for Mobile. Up to 5,000 visitors are attracted to this event, with acts performing from all over the Country. Both of these festivals present as an opportunity to promote our City.

- Sporting – the common sporting link is also with basketball. As with the Chinese it would be possible to sponsor an exchange of sporting groups.

Sister City Committee - The 20 July SCM also authorised the establishment of a Friendship Committee, with Councillor Allen as the Chair of this committee.

In light of the strong endorsement received from the Cities of Yueyang and Mobile for a more active relationship, it is proposed that the interests of the Friendship Committee get subsumed into a re-established Sister City Committee. This Committee should explore the potential for developing our city relationships using the above guidance as a starting point.

Strategic Plan/Policy Implications

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

1. Managing Your City

Vision:

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

Objective:

To manage Council affairs by employing publicly accountable practices.

Policy SC33 Sister City Relationships

Budget/Financial Implications

There are no immediate financial considerations relating to the re-establishment of this committee.

Legal Implications

N/A

Community Consultation

N/A



Attachment(s)

Memorandum of Discussion between the Municipal Government of Cockburn and Yueyang (Chinese and English versions)

Copy of the Sister City Agreement between the City of Mobile and Cockburn.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

18.2 (MINUTE NO 3029) (OCM 10/11/2005) - REPORT ON THE 7TH WORLD CONGRESS ON RECOVERY RECYCLING AND REINTEGRATION AND VISIT TO WASTE RECYCLING OPERATIONS IN SAN DIEGO, USA (1027) (SGC)

RECOMMENDATION

That Council:

- (1) receive the report on the conference attendance and visit to waste recycling facilities in San Diego;
- (2) advise the South Metropolitan Regional Council (SMRC) that it supports the acquisition of optical sorting equipment for the new Materials Recovery Facility, and
- (3) supports the ongoing education of Councillors and Officers through attendance at conferences and visits in the pursuit of new technological solutions to improve waste management.

COUNCIL DECISION

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

CARRIED 9/0

Background

The Mayor, Councillor Allen and Chief Executive Officer attended the above conference in Beijing from 25 – 29 September. The delegation



also visited waste recycling facilities and a firm specialising in waste management when they were in San Diego from 12 – 13 October.

Submission

N/A

Report

International Conference - The 7th World Congress on Recovery, Recycling and Re-Integration in Beijing, China, brought together waste management experts from around the world. The Congress presented a broad spectrum of topics ranging from the latest technology and processing techniques, to issues of the social and economic impact of recycling. Over 600 abstracts were presented at the conference, from speakers from 60 different countries.

Given the breadth of the material being presented it was not possible to attend all conference sessions, nor were all entirely relevant to the situation experienced by the SMRC and City of Cockburn. Detailed below is a summary on a number of the sessions attended that were of relevance to our local environment.

Opening Addresses - A number of speakers addressed the main theme of the conference, which were all about the 3R Economy, Recycling, Recovery and Reintegration. Various Chinese academics and Gov Officials delivered the opening address and stressed that we are at a time of crisis. It is now an Official Strategic Policy in China that a 3R Economy must be developed. All Government Departments must now adopt and develop all available 3R initiatives. All new industrial parks, and there are lots of them, must be developed along 3R lines and the 3R economy must be advanced and made known to all at every available opportunity and particularly through their education processes. China is the number 1 producer of CO₂ in the world. Various speakers stressed these issues, and similar issues, repeatedly throughout the conference.

Dr Hari Srinivas from the United Nations stressed that cities all over the world are grappling with the problems of haze and huge quantities of waste. He stressed that many countries still need to make the paradigm shift and start looking upon waste as a resource rather than a problem. He stated that we must start regulating to enforce R & D, for example designer clothes must not only be designed to make the wearers look good, but they must also be designed to enable ease of recycling and reuse. Therefore we must toughen up Manufacturers Specifications, in regards to 3R. We must also regulate to make kerbside recycling compulsory with of course less landfill.

Prof. Robin Roberts from the University of Alabama Institute for Industrial Excellence stressed that Industry must reduce its harmful



processes and we must realise that “Green” is not a destination but a journey and he quoted Sir William Bragg a famous British Physicist who said “The important thing in science is not so much to obtain new facts but to obtain new ways of thinking about them” and therein lies the challenge to many of us when dealing with recycling, recovery and reintegration.

Prof. Lotar Rae from the Swiss institute of Technology talked about a 4E strategy being, Economy, Energy, Environment and Education with a strong emphasis on recycling education and he cited the fact that each year 8 million tonnes of aluminium is going missing out of the system which is the equivalent of \$8billion US annually going to landfill/waste.

Dr B Dahlhof from the University of Duisberg talked about a new process of MSW incineration for energy production. Where putrescible waste is composted and the gas from the composting is fed into the incinerators along with the dry high calorific value components of the MSW. Thus producing greater energy at lower temperatures with less corrosion in the piping and a more economic and energy efficient steam production. The process was borne out of the fact that the Chinese Government has cancelled all subsidies to infrastructure projects and this affected the economics of a number of waste incinerators that were about to be built in Beijing and therefore this new process has been developed.

Prof. J Herbell from the University of Duisberg spoke about the challenges/opportunities facing us with regards to old landfill sites. He stated that nature has been recycling her waste for millenniums, i.e. coal, oil, gas etc and we must find a way to recover all of the trapped energy and resources that are just waiting to be mined in our old landfill sites. He also mentioned that currently no untreated waste could be buried in landfill in Germany and that by the year 2020 no landfill whatsoever will be allowed in Germany.

Unknown Speaker unfortunately the Mayor misplaced this speaker’s name but he advised that he was a typical highly motivated European Prof who was very excited that in response to the WEEE legislation which is legislation in the EEU that states that all manufacturers of all electronic equipment must take responsibility for the recycling of their product, thus when a consumer has finished with their TV or electric drill etc they return to the point of sale and the retailer returns it to the manufacturer for recycling. In response to this legislation this Prof and his team have produced software that details all the components of many types of electronic equipment and details such things as how to strip the devices down how long it will take and what quantities of the different types of materials will be produced from the various pieces of electronic equipment. The speaker felt that a huge challenge about to be facing Europe is the imminent change of the TV signal from analogue to digital and the potential for farmers fields all over Europe



to be mysteriously filled with dumped TV sets. Again the speaker felt that maybe the true solution to the problem of waste electronic lay with the manufacturers producing products that are designed to be easily recyclable.

R Schelke presented an interesting paper on medical waste and the potential hazardous quality of the waste. With between 10% and 25% of all waste being hazardous, i.e. body parts, blood products, radioactive waste and sharps. Currently there are no laws or standards in Europe to deal with medical waste and with more and more people being treated as out patients or receiving self-care, there is a danger that waste process workers may come in contact with potentially hazardous waste. Mr Schelke's company has produced a CD detailing information, based on the Basel Convention, to assist health care workers and outpatients understand the hazardous nature of their waste products.

Prof P Canepa presented a paper on soil remediation in old industrial sites. The basis of his techniques involved the removal of naturally occurring micro-organisms, which break down waste, culturing these in a laboratory and reinjecting them into the contaminated soils. Considerable work had been done in Italy on this process as more traditional methods of soil remediation can have other toxic effects on the environment. By removing locally occurring micro-organisms they are already compatible with their natural environment. This process produced significantly better results in removing chlorobenzene and other contaminants.

Dr Bolieau gave a presentation on the comparative success of household waste polices in France and Sweden. France has a national taxation of all packaging products with these funds being split between municipalities and industry. Municipalities receive financial support to run waste collection and recycling programs. These funds also provide a 'warranty' of price guarantee for the municipalities on prices for recyclables. Some of the trends in France include:

- More reliance on ready to eat meals; which produce less organic residue, but 11% more packaging.
- Better designed recycling stations, eg smaller opening on glass and plastic container receptacles, which make the consumer put the right package in the right receptacle.
- Putting more recycling messages onto Municipal vehicles.
- Using their prison labour in recycling stations.
- Banned all plastic shopping bags in supermarkets from May 05.

On the negative side, with around 50% of their national power needs met through waste incineration, this restricts the ability to meet EU mandated targets for recycling. The 'take or pay' contracts mean that municipalities must send the bulk of their waste for incineration.



The Swedes did not offer a door-to-door collection for recyclables, but are provided with separate bags for recyclables and putrescible waste. Citizens are required to transport larger items themselves to central sorting stations. The plastic bags provided to each household are colour coded, with both going into the same bin. At the MRF an optical sorter sends the 'black putrescible bag off to incineration and the 'white' recycling bag off to resources recovery. The level of compliance in the white bag was 50% highly separated, 45% reasonably sorted and only 5% poorly separated.

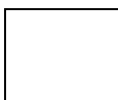
Ms A Karamperi gave an excellent presentation on the ability to use glass cullet in cement. Glass was ground to a fine level to overcome the alkali activation properties of the material. It was found that substitution rates of between 5 – 25% could be achieved, with this varying on the use of other reagents, such as fly ash and the selection of glass colour. The presence of fly ash increased the strength of the concrete glass blocks. This is an area of particular interest to the SMRC where we are trying to encourage the use of the glass fines by the construction industry. Currently all of this material goes to landfill.

Mr P Geisselhardt presented on a national approach adopted by the Swiss on PET recycling. The Swiss project aims to get 75% of all PET recycled. They have developed a closed loop system offering bottle-to-bottle recycling. A national recycling brand has been developed and placed on all PET products. The majority of bottles are being returned to the point of purchase (shopping centres) and compacted on site. To change consumer behaviour they created a cartoon character (Dinosaur) that appears on TV commercials and does one act – squeezes the plastic bottle before disposing of this in the recycling bin. This message resulted in a 30% compliance, with the reduce bottle mass, producing significant savings in transportation costs. MRFs were getting the local bales of PET into their facilities with as little as 7% contamination. An Amcor plant at Beaume in France was shown as a good facility to visit.

Conclusion

The breadth of issues covered at this conference was the principle reason for attending it. Many of the issues are exactly the same as those being experienced in the City of Cockburn and at the SMRC. At the trade exhibitions it was possible to talk with industry experts. This exchange of information was invaluable, as was evidenced by discussion with officials from the San Luis County regarding their experience with optical sorting equipment.

The delegates agreed that the cutting edge improvements in recycling are most evident in the EU countries, but particularly in Germany and Switzerland. There were pictures of many state of the art facilities shown during the presentations. Attendance at any future RRR conference should include a visit to several of these.



Visit to Waste Recycling Facilities - Following visits the completion of the sister city visit to Mobile, Alabama, the delegation stopped in San Diego to see the operation of optical sorting equipment and visit the manufacturer of this, CP Manufacturing. CP Manufacturing was a contender for the SMRC MRF project. The optical sorting equipment proposed for this project is not in use within Australia at this time.

CP Manufacturing specialises in the provision of design and engineering for the waste processing industry. They have a manufacturing plant in San Diego that produces mechanical equipment; conveyors, screens, trommels etc, and have recently acquired another manufacturer that specialised in electronic equipment, particularly sorting devices.

The CP facility was impressive, being clean and well laid out. The company conducts operational testing on all of the equipment they manufacture, which is then disassembled for transportation and reassembly at site. CP has provided equipment for several Australian companies, particularly for Thiess. They are currently tendering on two new operations for Thiess in Canberra and Wollongong.

CP arranged a site inspection of two waste plants one of which they jointly owned and the other for which they were the major equipment supplier. The first waste plant visited had a throughput of around 25,000 tonnes can per annum. It operated a single processing line with a heavy reliance on manual processing in the initial screening phase. Following the initial screening, there was greater reliance on mechanical separation, including optical sorting.

The optical sorting equipment works by using light to scan the different densities of the material travelling through the conveyor and then the injection of a jet of air to separate the denser products from the paper.

While the equipment is valued at around \$250,000 per unit, it has the potential to remove four persons from manual separation. At this facility, where six persons were employed in manually sorting the product, only two remain on the line. As such the payback on the capital investment is achieved within two years of operation. As the SMRC is considering two of these units, requiring an investment of around \$0.5M of group (ratepayer) funds, the visit enabled the delegation to observe the operation of this equipment and confirm some of the claimed operational performance.

The second waste plant visited had a throughput of around 40,000 tonnes and was designed along lines similar to our proposed MRF, with dual processing lines. The facility was fully covered and processed both domestic and commercial recyclables.



This facility did not use optical sorting, but was in the process of acquiring four machines. Plant management confirmed that they intended reducing labour by up to 16 positions with these installations.

Conclusion

The aim of the visit was to confirm the views of the SMRC CEO, Stuart McCall, that the purchase of optical sorting equipment by the SMRC represents a good business decision. The optical sorting equipment is around 10% of the proposed \$5M expenditure on a new MRF. Based on observation of the equipment in operation, tour of the manufacturing facilities and discussion with plant personnel at the operating sites, the Cockburn delegation is of the view that optical sorting equipment is a good investment and strongly recommends this course of action by the SMRC.

In addition to the recommendations contained under each of these items, the delegates will be making a presentation to the SMRC on a potential new regional marketing initiative that draws on the material from the conference and waste processing observed in London.

Strategic Plan/Policy Implications

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

1. Managing Your City

Vision:

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

Objective:

To manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A



Attachment(s)

Photographs of the operation of Optical Sorting Equipment at CP Manufacturing, San Diego

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

23.1 (MINUTE NO 3030) (OCM 10/11/2005) - HENDERSON LANDFILL SITE - DISCOUNTED GATE FEES FOR MIXED WASTE (4900) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) endorse the discounted gate fees at the Henderson Landfill Site on the basis contained in the Confidential Report.



- (3) the discounts to be effective from 1 October 2005 unless an alternative commencement date applies;
- (4) require a policy to be prepared for consideration at the next Delegated Authority, Policy and Position Statements Committee Meeting relating to the discounted Gate Fees for Mixed Waste at the Henderson Landfill Site, based on recommendation (2) above.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Cllr K Allen that Council:

- (1) receive the report;
- (2) defer consideration of this matter until after a "concept forum" is held to enable all Elected Members to become fully acquainted with this important issue.

CARRIED 9/0

Reason for Decision

The confidential report attached to the Agenda is a little scant on detail and given that a full report dealing with the Henderson Site, including a master plan, is coming to the December 2005 meeting of Council, it is far more appropriate to deal with this issue once Council is in possession of all the relevant facts.

24. (MINUTE NO 3031) (OCM 10/11/2005) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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



(3) managed efficiently and effectively.

COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr L Goncalves that the recommendation be adopted.

CARRIED 8/1

25 (OCM 10/11/2005) - CLOSURE OF MEETING

MEETING CLOSED 9.19 PM

CONFIRMATION OF MINUTES

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

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

