

CITY OF COCKBURN

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

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CITY OF COCKBURN

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

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr A Edwards	-	Councillor
Mr K Allen	-	Councillor
Ms L Goncalves	-	Councillor
Mrs S Limbert	-	Councillor
Mr M Reeve-Fowkes	-	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 S. Hiller	-	Director, Planning & Development
Mr J Radaich	-	Acting Director, Engineering & Works
Mr A. Jones	-	Communications Manager
Ms V Viljoen	-	Personal Assistant to CEO

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm.

The Mayor advised that he had the pleasure of announcing awards the Council had received during the month:

- (1) The Mayor presented a certificate to Mr Cain, for displaying on the wall of the administration building, from the Beeliar Residents Action Group in appreciation to Council for the good work it does and the sponsorship to the Group.



- (2) A second award was in the form of a brass plaque attached to a bridge in a development called The Sanctuary. It was presented to Council's Strategic Planner and Manager of Environmental Services, Mr Allen Blood, by his peers in the planning industry in recognition of his winning the Russell Taylor Award and as one of the foremost and eminent planners in the State. Mr Cain was asked to ensure Mr Blood was made aware of this recognition.

The Mayor advised the meeting of a recent amendment to Standing Orders whereby written questions would now be responded to in writing and the proponent would be afforded the opportunity of asking the question in the relevant section of Public Question Time.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

3. DISCLAIMER (Read aloud by Presiding Member)

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

4 (OCM 15/02/2005) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised that he had received written declarations of interest from the following Members:

Deputy Mayor Graham regarding Items 14.2 and 14.15;
Councillor Allen regarding Item 14.15;
Mayor Lee regarding Item 17.2;
Councillor Goncalves regarding Item 17.4;
Councillor Reeve-Fowkes regarding Item 21.2;

which will be read at the appropriate time.

5. APOLOGIES AND LEAVE ABSENCE

Nil



6 (OCM 15/02/2005) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 15/02/2005) - PUBLIC QUESTION TIME

Mr Harry Kuc, Beaconsfield enquired whether there was any possibility of considering his family's case in regard to subdividing a block of land.

Mayor Lee suggested Mr Kuc discussed the matter with Mr Hiller after the meeting so that he could explain the specifics of Council regulations.

Mayor Lee thanked Mr Kuc for his comments.

Mr Logan Howlett, Ratepayer and Chair of the North Lake Residents' Association (NLRA) requested that the person engaged to conduct the Safety Audit of Farrington Road, be instructed to consult with the NLRA.

Mayor Lee confirmed that the successful consultant engaged to undertake the Safety Audit would be instructed to contact the NLRA.

Mr Howlett asked if any consideration had been given to reducing the speed limit to below the 50km/hour, and whether there was a provision for a pedestrian crossing on Rockingham Road, outside the Phoenix Shopping Centre.

Mayor Lee advised the concept for the upgrade of Rockingham Road between Phoenix Road and Spearwood Avenue, has been developed following extensive consultation with local residents and businesses, and is currently being considered by Council. The introduction of a lower speed limit in that section of Rockingham Road has not been pursued pending the adoption of the concept. No consideration has been given to reducing the speed limits in adjacent streets below the 50 or 60 kms.

Mr Radaich advised there was no intention to reduce the speed limit but that Council was looking at installing a pedestrian crossing in Rockingham Road near Kent Street.

Mayor Lee thanked Mr Howlett for his comments.

Mr Patrick Thompson, Spearwood advised that he had sent a written question to the AGM but could not find a copy of the Agenda or Minutes.

Mayor Lee requested Mr Cain ensure a written response was provided.



Mr Thompson asked whether statistics would be provided on the success or otherwise of the Security Patrols, in light of the fact that Spearwood has been designated in the Press as the “hoon” centre of Perth.

Mr Green advised that after three months of operation of the Security Patrols, there would be a presentation to the Council.

Mayor Lee confirmed that it would be Council’s intention for statistics to be available to the public.

Mr Thompson advised that some time ago he had advised Council that he considered it a bit strange to put a childcare centre between a cattery and a scrap centre on Rockingham Road. There is now a childcare centre in that location. A motion was passed in October 2003 and the Agenda Item refers to Rockingham Road, Jandakot and the motion refers to Rockingham Road, Hamilton Hill.

Mayor Lee requested Mr Hiller review Council records to clarify the Minutes and ensure they reflect correctly what occurred.

Mayor Lee thanked Mr Thompson for his comments.

Mr Ron Kimber, Beeliar and Secretary of BRAG Residents Group asked whether Council could support BRAG in a forthcoming Neighbourhood Watch event in the way of additional advertising and attendance.

Mayor Lee confirmed Council was a great supporter of the Neighbourhood Watch initiatives and in the past had provided and distributed flyers, media statements and displayed posters on Council premises. Council will assist in any way it can, and will also endeavour to use the radio stations and the Council website. In addition, Council will write to the State Premier inviting him to open the event.

Mayor Lee thanked Mr Kimber for his comments.

Mr Ken Hines, Yangebup referred to communication between himself and Council regarding the intersection of Spearwood Avenue and Yangebup Road. A letter from Council (dated 10 October 2004) stated that “It is considered that the intersection should be monitored with the above measures in place to see if the situation is improved. Mr Hines asked if the intersection had, indeed, been monitored and what was the outcome.

Mr Radaich advised that from the feedback received the situation seemed to have improved but the intersection would still be monitored as it was too early to gauge the overall effect.

Mr Hines advised there was approximately one accident per week and many near misses.



Mr Radaich advised that Council would review the statistics in a few months and gauge whether there was a need to do more work. With regard to accidents, it is usually individuals not following the road signs. The statistics come from Main Roads Department and these are updated every six months. By the end of this financial year we will see if there is any work that is required to be done. The Yangebup Residents Association have provided some suggestions, which may or may not be feasible, and Council has reported back to their committee.

Mayor Lee advised that the relevant Ward Members had taken the issue on board.

Mr Hines asked if Council had ascertained the vehicle count that will be used for Yangebup Road and Spearwood Avenue on the conclusion of the intended closure of Miguel Road?

Mr Radaich advised that the traffic flow in Yangebup Road west of Miguel Road would not be any more than the current traffic east of Miguel Road.

Mayor Lee thanked Mr Hines for his comments.

Mr Andrew Sullivan, Coogee and Spokesperson, Coogee Coastal Action Coalition (CCAC) extended congratulations to Mr Allen Blood and considered him a man of integrity and skilled in his field. Mr Sullivan asked whether there had been a change to Standing Orders in relation to submissions to Council Meetings, which CCAC were not aware of. CCAC lodged questions for tonight and were told that there was insufficient time for them to be responded to at tonight's meeting.

Mr Green advised that Standing Orders were changed at the last Council meeting, were gazetted on 28 January 2005 and came into effect 14 days thereafter.

Mayor Lee stated that even allowing for Standing Orders, he understood that the questions were far too long and too late to respond to at this meeting.

Mr Green confirmed the submission from CCAC was received by fax on Monday morning and that Council required two full days.

Mayor Lee clarified that any submission would need to be in the office by close of business on Friday. This submission was extremely lengthy and consideration also needed to be given to the workload of the Officers.

Mr Sullivan's concern was that Council had to deal with very complex matters on occasions but the system was not allowing for this complexity. CCAC try to put forward information in a way that the Council, in Standing Orders, previously suggested was the appropriate way. CCAC lodged questions within two full days. Mr Sullivan acknowledged the questions were lengthy but the processes Council have in place do not allow for the very complex issues to be considered by the public. He request Council take that



into account and look at the system to see if there was not a better way for the public to participate.

Mayor Lee thanked Mr Sullivan for his comments.

Mr Andrew Sullivan, Spokesperson, Coogee Coastal Action Coalition (CCAC). In relation to Item 14.15 the WEMP for Port Coogee, CCAC submitted some questions in writing.

Mayor Lee advise that the questions had been forwarded to all Elected Members.

Mr Sullivan advised that the reason CCAC provided the questions was to find out more information on very important issues. If you make a decision tonight you will be making it without a lot of information and the questions are very relevant to that decision, such as ramification in terms of insurance. What CCAC is asking of Councillors is that if they do not have all the answers to all the questions, then they do not have the information needed to make such a decision. Mr Sullivan suggested that the Elected Members should either disqualify themselves from making a decision, or defer the item until such time as the questions can be fully answered.

In terms of the report before Council, CCAC were concerned Council has been through a process of looking at issues but had not gone back to their experts in relation to engineering and financial issues, and appear to have been very selective in terms of the advice asked of the experts. It may be very well that Council take the view that the EPA are the experts, however this Council will bear the brunt of the cost if the EPA are wrong. What sort of recourse do you have in getting the money back?

Mayor Lee advised that the Elected Members would not make any decision on something that they were not comfortable with and that they had not already researched with experts. Mayor Lee thanked Mr Sullivan for his comments.

Mr Patrick Thomson, Spearwood referred to Item 17.2 – construction of two new ice skating rinks.

MAYOR LEE ADVISED THE MEETING HE HAD AN INTEREST IN THIS ITEM AND LEFT THE MEETING AT 7.31PM.

DEPUTY MAYOR GRAHAM ASSUMED THE ROLE OF PRESIDING MEMBER.

Mr Thomson asked what was wrong with the current ice skating rink as it had a history of success in competitions and questioned the need for two rinks?

Deputy Mayor Graham advised that question needed to be directed towards the applicant. The Cockburn Ice Rink had submitted a tender which Council



was considering. In discussion with the Owner it was his consideration that the current facility is inadequate in that he cannot have public and private access at the same time. One would be for public access and one would be to train people privately.

Mr Thomson queries whether there was such a demand.

Deputy Mayor Graham advised the meeting that Council had been provided with information that was confidential.

MAYOR LEE RETURNED AT 7.34PM.

Mr Thomson also raised the issue of compulsory rainwater tanks and associated health risks. Did it mean that if a householder bought a house with a tank, he/she was obliged to keep it up. Rather than making it compulsory, Mr Thomson suggested Council provide the funds and get the houseowner to install the tank.

Deputy mayor Graham advised that Mr Thomson's comments would be taken into account.

MAYOR LEE RESUMED THE ROLE OF PRESIDING MEMBER.

Mr Logan Howlett, Ratepayer and Chairman of the North Lake Ratepayers' Association (NLRA) referred to the Regional Hospital And Police and to a number of media reports over the last few months which reported on the Mayor leading various delegations to Government Ministers and Departments in regard to the location of a new hospital and regional police centre south of the river. Mr Howlett asked if there had been any resolution in regard to either of these matters.

Mayor Lee advised that he had checked the file as far back as 1991 but could not find any resolutions to that effect. However, he did find letters from the former CEO to members of parliament regarding such a complex and he believed it was likely the CEO was acting at the request of Council.

Mr Howlett asked about the Southern Cross Aged Care Facility at a previous Council Meeting, and was given advice that a written response was given on 29 October. Mr Howlett had requested a copy of the letter but had not received it, as yet.

Mayor Lee advised that Council was asked for the "date" not a copy of the letter. The Mayor requested Mr Cain to provide Mr Howlett with a copy of the subject letter.

Mayor Lee thanked Mr Howlett for his comments.

CLR TILBURY LEFT THE MEETING AT 7.36PM.

Ms Caroline Devlin, Yangebup referred to Item 14.8 – Closure of Miguel



Road and requested an approximate date for the closure.

Mr John Radaich advised that it was anticipated the closure would occur after completion of works in Beeliar Drive, which should be at the beginning of June at the latest.

Mayor Lee thanked Ms Devlin for her comments.

CLR TILBURY RETURNED TO THE MEETING AT 7.40PM.

Mr Glen Diggins, Coogee made the observation that Mr Sullivan's organisation had an ambition to completely stop the Port Coogee project and was using tactics to achieve that end. No matter how much consideration Council gave to CCAC questions, they would only come up with more questions. Mr Diggins advised that he had great confidence in the ability and good sightedness of the people on this Council and that in light of the other development matters on tonight's Agenda, Council was to be congratulated with the way they were conducting themselves.

Mayor Lee thanked Mr Diggins for his comments.

Allan Davison, Coogee acknowledged Council's diligent approach in regard to the management of the waterways at Port Coogee. Detailed assessment has ensured the best possible deal for Cockburn ratepayers, future ratepayers and the local environment.

Mayor Lee thanked Mr Davison for his comments.

Hugh Needham, Coolbellup asked Elected Members to think about what they were going to do about the waterways management. Mr Needham was not against development of the land, but did not support the marina. Mr Needham asked if the Mayor had spoken to any Councillors in Noosa during his visit to that area?

Mayor Lee advised that there had been no time.

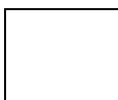
Mr Needham quoted \$1.7M since 1995 was required for beach restoration at Noosa and \$2.1M at Maroochydore, also for beach restoration. Mr Needham requested Council to leave their decision for another 5 weeks.

Mr Needham also advised Council that he could not find the Agenda or Minutes readily on the Cockburn website.

Mr Needham referred to a newspaper report that the Mayor was quoted as saying that there was going to be a tourist concept study by Murdoch University. Mr Needham asked if that report been done?

Mr Green was unaware of such a report.

Mr Needham advised that he believed the report had been given to Council



and questioned why it had not been tabled and the conclusions made known to the public.

Mayor Lee advised that not all reports received by Council would be given to the elected Members. As Officers formed their recommendations then reports would be tabled, as appropriate.

Mr Needham suggest the Mayor ask Mr Hanley if he has received the report from the university as prepared by Dr MacBeth.

Mayor Lee thanked Mr Needham for his comments.

Mr Harry Kuc, Beaconsfield had been watching Port Coogee up to South Fremantle Beach for the last five years and remembered the abattoirs and sheep on the hills, and the bad smells, etc. He congratulated the people who came up with the idea to build a marina and congratulated Council for endorsing the plan. In his opinion, Australia was one of the best countries in the world and this is one of the best Councils in the world.

Mayor Lee thanked Mr Kuc for his comments.

Mr David Lombardo, White River Pty Ltd representing the proponents of Agenda Item 14.2 which was a rezoning request from light industry to industry. This matter was deferred last month and the report before Council includes a letter from the Yangebup Progress Association (YPA) supporting the rezoning. Mr Lombardo attended a meeting of the YPA last night at which it resolved not to support the proposal. He also noted that the plan attached to the Association's letter was incorrect and he was therefore concerned that the plan may have influenced the Association's resolution last night. Following a meeting with the President of the YPA they have agreed to meet again on the issue. Accordingly, Mr Lombardo requested that Council defer this matter once again so that he could put his case to the YPA.

Mayor Lee thanked Mr Lombardo for his comments.

Ms Jan Langley, Ratepayer and on Committee of Yangebup Progress Association advised the foregoing matter had been brought to YPA's attention tonight and would be discussed in the next couple of days. At this stage the YPA could not say yes or no.

Mayor Lee thanks Ms Langley for her comments.

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 2696) (OCM 15/02/2005) - (OCM 15/02/2005) - ORDINARY COUNCIL MEETING - 18/01/2005



RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Tuesday, 18 January 2005 be adopted as a true and accurate record

COUNCIL DECISION

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

CARRIED 10/0

8.2 (MINUTE NO 2697) (OCM 15/02/2005) - SPECIAL COUNCIL MEETING - 01/02/2005

RECOMMENDATION

That the Minutes of the Special Council Meeting held on Tuesday, 1 February 2005 be adopted as a true and accurate record.

COUNCIL DECISION

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

CARRIED 10/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 15/02/2005) - DEPUTATIONS AND PETITIONS

Clr Limbert advised that she was in receipt of two petitions in relation to the development of a Pet Park in Jarvis Park, Coolbellup.

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

10



13. COUNCIL MATTERS

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 2698) (OCM 15/02/2005) - LAKES SHOPPING CENTRE SCHEME AMENDMENT - 620 NORTH LAKE ROAD, SOUTH LAKE - OWNER: DEALDOVE PTY LTD (5516730) (JM)

RECOMMENDATION

That Council:

(1) adopt the following amendment:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 25

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

1. Amending Schedule 3 Restricted Uses relating to RU 4 Lots 101, 102, 103, 104 and 105 Omeo Street, South Lake (the Lakes Shopping Centre). The intent is to increase the maximum permissible retail floor space at the centre from 4,500sqm to 5,500sqm.
2. At the same time the amount of other commercial non-retail is to be reduced from 4,000sqm to 3,000sqm to maintain the overall retail and other commercial non-retail floorspace at the existing level of 8,500 sqm as set out below:

Those uses which may be permitted within the Local Centre Zone as set out in Table 1 Zoning Table subject to retail floor space being restricted to a maximum of 5,500sqm and other commercial - non-retail floor space to a maximum of 3,000sqm gla.

Dated this day of 2005.

Chief Executive Officer



- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 7(A)(1) of the Town Planning and Development Act;
- (4) following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the WAPC;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (6) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not to proceed with the Amendment; and
- (7) advise the landowners of Council's decision.

COUNCIL DECISION

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

CARRIED 10/0

Background

ZONING:	MRS:	URBAN
	TPS:	LOCAL CENTRE
LAND USE:	SHOPPING CENTRE	
LOT SIZE:	3.5281 Ha	
AREA:		
USE CLASS:	SHOP	



The Lakes Shopping Centre is a stand-alone car orientated L shaped neighbourhood centre anchored by a Coles supermarket. It serves as the main neighbourhood centre for Bibra Lake, South Lake and the Yangebup localities. Most of the tenancies are accessed from an internal air-conditioned mall that also includes a food court.

Submission

Nil

Report

This report sets out the case for a scheme amendment to change the mix of shop retail and commercial non-retail floorspace at the Lakes Shopping Centre.

Modelling undertaken by the Council's retail planning consultant and set out in the draft City of Cockburn Local Commercial Strategy indicates that a change in the mix of uses at the centre to increase the amount of retail floorspace could be sustained. The Lakes Centre is fully developed; the increase in retail floorspace would need to be accompanied by a reduction in the amount of commercial non-retail floorspace to maintain the current overall size of the centre.

Retail floorspace at the Lakes Centre is currently restricted under Town Planning Scheme 3 - Schedule 3 Restricted Uses RU 4. Retail floorspace is restricted to a maximum of 4,500sqm, and other commercial non-retail floorspace to a maximum of 4,000 sqm. Under TPS 3 the definition of a shop is as follows:

“means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom, fast food outlet, bank, farm supply centre, garden centre, hardware store, liquor store and nursery.”

The City Of Cockburn finalised its Local Commercial Strategy in 2001. This document has been forwarded to the WAPC however it has yet to be formally endorsed. The strategy makes reference to the Lakes Centre (Pg. 51):

“Shop Retail floorspace is currently restricted under DZ 2 to a maximum of 4,000 sqm, and other commercial non-retail to a maximum of 4,000 sqm. Consideration should be given to relaxing these restrictions somewhat and, providing no additional physical floorspace was constructed, Shop Retail floorspace could be allowed to fluctuate up to a maximum of 5,500 sqm without any adverse external consequences, should market conditions require it.”

Following a recent development application at the Lakes Centre a survey of retail was undertaken. As a result of the survey it became



apparent that through changes in leases and activities that the amount of floorspace occupied by retail uses had increased beyond that currently permitted under TPS 3. Retail floorspace using the TPS 3 definition of a shop is currently at 5,330 sqm.

After discussions with Shrapnel Urban Planning who prepared Councils Local Commercial Strategy it has been concluded that the current Shop Retail limits in TPS 3 for the Lakes Centre could be raised to 5,500sqm without adversely impacting on the operation of the centre or other centres in the catchment area. Tony Shrapnel of Shrapnel Urban Planning, in a letter dated 15 December 2004, made the following comments:

"it would, in my opinion, be most appropriate for the Council to amend its scheme to facilitate the establishment of up to 5,500 sqm of retail floorspace [ie. "Shop" floorspace under the Scheme]. This is superficially consistent with the Strategy recommendation. Furthermore, a 5,500 sqm cap would easily accommodate the existing amount of "Shop" floorspace (5,330 sqm) in the centre, in terms of Council's definition."

Conclusion

It is recommended that Schedule 3, Restricted Uses RU 4, within Town Planning Scheme 3 be amended by lifting the control on retail floorspace from the current maximum of 4,500sqm to 5,500 sqm. In addition the amount of other commercial non-retail is to be reduced from 4,000sqm to 3,000sqm to maintain the overall retail and other commercial non-retail floorspace at the Centre at the existing level of 8,500 sqm.

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."*

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:-

APD33 TOWN PLANNING SCHEME NO. 3 PROVISIONS
APD36 SHOPPING CENTRES AND SERVICE STATIONS

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

To be undertaken as part of the amendment process.

Attachment(s)

Nil.

Advice to Proponent(s)/Applicant

N/A – Council initiated action.

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

N/A

DECLARATION OF CONFLICT OF INTEREST

Deputy Mayor Graham declared a conflict of interest in Item 14.2. The nature of the interest being that legal services had previously been provided to the applicant regarding issues relating to the subject land.

DEPUTY MAYOR GRAHAM LEFT THE MEETING AT 7.55PM.

14.2 (MINUTE NO 2699) (OCM 15/02/2005) - PROPOSED (INITIATION) REZONING AMENDMENT TO TOWN PLANNING SCHEME NO. 3 - LOT 8001 COCOS DRIVE, BIBRA LAKE - OWNER / APPLICANT: WHITE RIVER PTY LTD (4412800) (JB) (ATTACH)



RECOMMENDATION

That Council:

- (1) adopt the following amendment:

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

AMENDMENT NO. 23

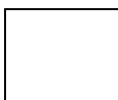
Resolved that Council, in pursuance of Section 7 of the Town Planning and Development Act 1928, amend the above Town Planning Scheme by:

1. rezoning Lot 8001, from Light and Service Industry to Industry, subject to the preparation of formal documentation and scheme amendment maps.
2. amending the Scheme Map accordingly.

Dated this..... day of 2005

Chief Executive Officer

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



COUNCIL DECISION

MOVED Cllr M Reeve-Fowkes SECONDED Cllr K Allen that the matter be deferred, pending further discussion between the proponent, Yangebup Progress Association and Council representatives.

CARRIED 9/0

Explanation

During Public Question Time, presentations on this item were made by both the proponent and the Yangebup Progress Association indicating that they were both prepared to further discuss this matter. Therefore it is appropriate to defer the matter at this stage.

Background

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

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

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

It is noted that this report has previously been to Council for determination on the 18th January 2005 and was deferred until Council's next meeting on the 15th February 2005.

Submission

The submission from White River Pty Ltd is attached.

In essence White River Pty Ltd indicate that:



- the Light Industrial area fronting Yangebup maintains an average separation distance of 170m with Lot 8001 being located outside this area;
- any potential externalities from the site are not negated due to the zoning of the land as any occupier of the site would need to comply with the existing regulations (Environmental Protection 'Noise' Regulations 1997);
- potential purchasers of future lots within Lot 8001, prefer the flexibility of the Industry Zone.

A late submission from the Yangebup Progress Association indicates that the residents of Yangebup located around Grassbird Loop and Dotterel Way will be affected if the Light Industry Buffer is reduced. However, they are willing to compromise and support the rezoning of Lots 228 to 236 (inclusive) and Lots 243, 244, 245 and part of Lot 246 to be rezoned to General Industry as is outlined on their submission (see attached).

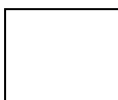
Report

White River Pty Ltd proposes to rezone Lot 8001 from "Light and Service Industry" to "Industry", whilst still allowing the average buffer separation distance to be maintained between the Cocos Park Industry Zone and Yangebup residents.

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

Reasons for support of rezoning:

1. The proposal is consistent and compatible with the surrounding landuses which are light and general industrial developments .
2. The closest residential property is approximately 188m away in Yangebup, which is comparable with existing industrial uses in Cocos Park.
3. The proposal represents a rationalisation of industrial boundaries and does not adversely affect the transitional development from Industry to Light and Service Industry as a buffer to the residential area of Yangebup.



4. The land is sufficient in size for subdivision into smaller industrial Lots (see attached).
5. The Light and Service Industry zoning limits the range of industrial uses which has contributed to the slow take-up of Lots for development in the area.
6. Council now has greater control over General (licensed) Industry uses in the Industry zone than under the former DZS No.2. Council can refuse industry uses if they require licensing by the DEP or are deemed to be incompatible.

Given this, it is suggested that Council support the extension of the Industry Zone into the eastern portion of Cocos Park (lot 8001) as per the attached plans.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

- (1) Yangebup Progress Association (Inc) letter.
- (2) Plan of Proposed Subdivision.



- (3) Email from Applicant with attachments in support of proposal.

Advice to Proponent(s)/Applicant

Applicant advised that item to be considered at February 2005 meeting of Council.

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

Nil

DEPUTY MAYOR GRAHAM RETURNED TO THE MEETING AT 7.58PM.

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

14.3 (MINUTE NO 2700) (OCM 15/02/2005) - DEDICATION OF LAND AS ROAD PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 PEDESTRIAN ACCESS WAY ON DIAGRAM 46058 - CURAN STREET TO COOLBELLUP AVENUE, COOLBELLUP (122874) (KJS) (ATTACH)

RECOMMENDATION

That Council:-

- (1) request that the Minister for Planning and Infrastructure dedicate a portion of pedestrian access way on Diagram 46058 as Road Reserve pursuant to Section 56(1) of the Land Administration Act;
- (2) indemnify the Minister for Planning and Infrastructure against reasonable costs incurred in considering and granting this request; and
- (3) adjoining owners will be expected to contribute towards the upgrade of the PAW and future ROW at a condition of development approval of the lots adjoining the Paw and future ROW.

COUNCIL DECISION

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

CARRIED 10/0



Background

The City has previously

- (1) Supported the recoding of Lot 4 Cordelia from R50 to R60 and Lot 135 Coolbellup Avenue and Lot 147 Curan Street from R20 to R30.
- (2) Supported the subdivision of Lot 4 Cordelia into 2 lots conditional on the provision of a 3.0 metre wide ROW adjacent to the proposed lot off Curan Street.

Submission

N/A

Report

Portion of the pedestrian access way will be used for both vehicles and pedestrians with vehicular access off Curan Street. The section of PAW to be utilised by vehicles extends 48.9 metres to allow access to the rear of Lot 135 Coolbellup Avenue.

The balance of the PAW through to Coolbellup Avenue will remain as pedestrian access way. The total width of the existing PAW and the proposed ROW is 6 metres. It is anticipated that the owner of Lot 4, Homeswest, will proceed with the subdivision to create the new Lot 2 area 1620 square metres. They will then construct units on Lot 2 with vehicular access off the 6 metre wide access leg. The unit development will be conditional on partial construction and landscaping of the access leg. The balance of the access leg will be constructed and landscaped once Lot 135 and 147 are developed.

Strategic Plan/Policy Implications

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

Planning Your City

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

Budget/Financial Implications

Nil



Legal Implications

Nil

Community Consultation

Past consultation has already been undertaken with the adjoining owners regarding the proposed changes to the pedestrian accessway during the scheme amendment process of increasing the density coding of the adjacent land.

Attachment(s)

Location Plan

Advice to Proponent(s)/Applicant

N/A Council Initiated

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

Nil

14.4 (MINUTE NO 2701) (OCM 15/02/2005) - DEDICATION OF PORTION OF RESERVE 27950 - NORTH LAKE ROAD, JANDAKOT FOR ROAD PURPOSES PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 (4500024) (KJS) (ATTACH)

RECOMMENDATION

That Council:-

- (1) request that the Minister for Planning and Infrastructure dedicate portion of Reserve 27950 North Lake Road, Jandakot being Lot 818 on Crown Plan 21300 as road reserve pursuant to Section 56(1)(a) of the Land Administration Act 1997; and
- (2) indemnify the Minister for Planning and Infrastructure against any reasonable costs incurred in considering and granting this request.

COUNCIL DECISION

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

CARRIED 10/0



Background

Council at its meeting held on September 2002 resolved to:

- (1) request that the Minister for Planning and Infrastructure dedicate portion of Reserve 27950 and being Lot 818 on Crown Plan 21300 as road reserve pursuant to Section 56(1)(a) of the Land Administration Act 1997.
- (2) Indemnify the Minister for Planning and Infrastructure against any reasonable costs incurred in considering and granting this request.

Submission

The Department for Planning and Infrastructure Land Asset Management Services have written to the City requesting that an additional portion of Reserve 27950 be included in the dedication as shown on the plan included in the Agenda attachments.

Report

The additional land is reserved for road purposes in the Metropolitan Region Scheme and Councils' Town Planning Scheme No. 3 and is required for the future duplication of North Lake Road. Accordingly the request to include the additional portion of Reserve 27950 is supported.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A

Legal Implications

Nil



Community Consultation

Nil

Attachment(s)

Location Plan

Advice to Proponent(s)/Applicant

N/A – Council initiated

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

Nil

14.5 (MINUTE NO 2702) (OCM 15/02/2005) - EXTENSION TO NON-CONFORMING USE - ADDITIONAL LIGHT INDUSTRY UNITS (LIGHT INDUSTRY) - 25 EMBLEMMENT CRESCENT, HAMILTON HILL, WA 6163 - OWNER / APPLICANT: V & P KOVACEVIC / VLADAN KOVACEVIC (2212226) (AB) (ATTACH)

RECOMMENDATION

That Council:-

- (1) grants approval to the extension of the Light Industry Non-Conforming Use (3 warehouses and 1 factory/warehouse on Lot 111 (25) Emblemment Crescent, Hamilton Hill subject to the following conditions:

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
5. Landscaping and tree planting to be undertaken in accordance



with the approved plan prior to the occupation of the site.

6. Not less than one shade tree being planted in the car park for every 10 car parking spaces provided on-site.
7. A minimum of one shade tree planted for every 50 square metres of the total landscaped area provided on the lot and within the street verge.
8. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
9. The street verge abutting the lot shall be developed and maintained by the owner.
10. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, by the Council.
11. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 2.1 metre truncation, as depicted on the approved plan.
12. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
13. All stormwater being contained and disposed of on-site.
14. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
15. A minimum of forty five car bays as marked in red on the approved plan.
16. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Council.
17. A minimum of one disabled carbay designed in accordance with Australian Standard 2890.1 – 1993 is to be provided in a location convenient to, and connected to a continuous accessible path to, the main entrance of the building or facility. Design and signage of the bay(s) and path(s) is to be in accordance with Australian Standard 1428.1 – 1993. **Detailed plans and specifications**

illustrating the means of compliance with this condition are to be submitted in conjunction with the building licence application.

18. The provision of 10 bicycle parking facilities is to be provided in the locations marked on the approved plans, prior to the development first being occupied.
19. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS/NZS 2890.1: 2004) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed **prior to the development being occupied** and thereafter maintained to the satisfaction of the Council.
20. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade 2.5%.
21. Landscaping is to be undertaken in the street verge adjacent to the Lot(s) in accordance with the approved plans and be established **prior to the occupation of the building**; and thereafter maintained to the Council's satisfaction.
22. The provision of 10% of the number of on-site car parking or a minimum of 2 bays being marked and permanently retained for use of **visitor parking** only.
23. Security fencing around the site if erected is to be 1.8 metre high black P.V.C. coated or galvanised link mesh plus 3 strands of barbed wire and all gate posts and associated fittings to be painted black or other fencing construction details of a similar standard to the satisfaction of the Council.
24. Where petrol, benzine or other inflammable or explosive substances or grease, oil or greasy/oily matter may be discharged, a sealed washdown area and a petrol/oil trap (gravity separator) must be installed and connected to the sewer, with the approval of the Water Corporation and Department of Environment, Water and Catchment Protection.
25. The premises must clearly display the street number and where there is no street number allocated to the property, the lot number must be displayed instead.
26. Vehicle crossovers being constructed in accordance with Council specifications and any existing disused crossovers must be removed and the verge area reinstated and stabilised.



27. A plan or description of all signs for the proposed development (including signs painted on a building) **shall be submitted to and approved by the Council as a separate application**. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the Council prior to the erection of any signage on the site/building.

28. No bunting is to be erected on the site. (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).

CONDITIONS TO BE COMPLIED WITH PRIOR TO APPLYING FOR A BUILDING LICENCE

29. All **stormwater** drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be **certified by a suitably qualified practicing Engineer**, and designed on the basis of a 1:10 year storm event.

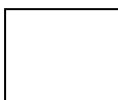
30. A landscape plan must be submitted to the Council and approved, **prior to applying for building licence** and shall include the following:-

- (1) the location, number and type of existing and proposed trees and shrubs;
- (2) any lawns to be established;
- (3) any natural landscape areas to be retained;
- (4) those areas to be reticulated or irrigated; and verge treatments.



1. FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, **should be submitted in conjunction with the Building Licence application**. Written approval from the Council's Health Service for the installation of air handling system, water system or cooling tower is **to be obtained prior to the installation of the system**.
3. The approval of the Environmental Protection Authority **may be required prior to development** under the provisions of the Environmental Protection Act 1986.
4. Access and facilities for **disabled persons** is to be provided in accordance with the requirements of the Building Code of Australia.
5. The development is to comply with the *Environmental Protection Act 1986* which contains penalties where noise limits exceed those prescribed by the *Environmental Protection (Noise) Regulations 1997*.
6. Bin storage facilities to be provided to the satisfaction of the Council's Health Service. Such facilities are to be enclosed, graded to a central drain, connected to the sewer and provided with a hose cock.
7. Uncovered parking bays shall be a minimum of 5.4 x 2.4 metres, clearly marked on the ground and served by a 6.2 metre wide paved accessway in accordance with AS/NZS 2890.1: 2004.
8. Covered car parking bays shall be a minimum of 5.4 x 3.0 metres, served by a 6 metre wide paved accessway.
9. Advertising signs must be attached to the walls or façade of the building or structure so as not to protrude above the height of the wall to the building or the structure.
10. Advertising signs are limited to a common pylon sign or hoarding for developments comprising more than two units, strata titled units or businesses up to a maximum of six (6) advertisements to each sign where units, strata titled units. Where businesses exceed 6 in number or development comprises a service station as one component then a maximum of two pylon signs or



hoardings are permitted for that site.

11. The Council takes no responsibility or liability in respect to maintenance and reinstatement of any verge area landscaped as a condition of approval.

12. Light Industry is defined within the Council's Town Planning Scheme as: "*an industry*

(a) *in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;*

(b) *the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services."*

13. A Warehouse is defined within the council's Town Planning Scheme as: "*a building wherein goods are stored and may be offered for sale by wholesale*"

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	Industrial
	TPS3:	Industry and Restricted Use 9
LAND USE:	Industrial	
LOT SIZE:	4191 sqm	
AREA:	1370.65 sqm	
USE CLASS:	Non-Conforming Use Extension – 3 Warehouses & 1 Factory/ Warehouse	

Council approved six light industrial units on Lot 111 (25) Emplacement Crescent, Hamilton Hill on 4 December 1997 by delegated authority under Clause 7.6 of District Zoning Scheme No. 2. The City then issued a Building License in 1998 (Number 9800032) for only 2 of the units. These units are now complete and a Certificate of Classification issued on 27 July 1998.



Submission

The applicant has submitted an application for 4 additional units to the existing light industrial units. The application proposes 3 warehouses with floor areas of approximately 334sqm and a factory/ warehouse with a floor area of 367sqm.

A plan depicting the proposal is included in the Agenda Attachments.

Report

The land is zoned Industry with a Restricted Use designation (RU9) under Schedule 3 of the Scheme which permits noxious industrial uses.

Despite anything contained in the zoning table, the land specified in Schedule 3 may only be used for the specific uses or that are listed in Restricted Use 9

On this basis the current light industrial units are a Non-Conforming Use which means: *“a use of land which, though lawful immediately prior to the coming into operation of a town planning scheme, is not in conformity with any provision of that scheme.”*

Notwithstanding the above restriction, the current application is identical to that originally approved by the City and complies with the provisions of Town Planning Scheme No. 3 with the exception of landscaping. The proposal includes only 160sqm of landscaping whereas 210sqm is required to comply with the Scheme’s 5% requirement. Given the location of the lot at the end of a cul de sac with minimal frontage, it is considered that this shortfall will have no adverse impact on the streetscape of the property and can be supported.

The application was advertised in accordance with clause 9.4 of Town Planning Scheme No. 3 by way of notice of the proposed development to nearby owners. No submissions were received.

In addition the application was referred to the Western Australian Planning Commission as the land is affected by a Clause 32 Resolution No. 57 (North Coogee) under the Metropolitan Region Scheme. A response from the Commission is yet to be received.

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."*

The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes
APD33 Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

Nil

Legal Implications

Nil

Community Consultation

Adjoining and nearby neighbour notification

Attachment(s)

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

Advice to Proponent(s)/Applicant

N/A – Council initiated.

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

Nil

14.6 (MINUTE NO 2703) (OCM 15/02/2005) - PROPOSED STRUCTURE PLAN - LOT 9 HAMMOND ROAD, SUCCESS - OWNER / APPLICANT: MAIN CITY PTY LTD / KOLTASZ SMITH (9656B) (JU) (ATTACH)

RECOMMENDATION
That Council:-

(1) Adopt the Structure Plan for Lot 9 Hammond Road, Success



and advise the applicant that:

- a. A Drainage and Nutrient Management Plan will be required at the time of subdivision.
 - b. The road reservation for the loop road is to be increased to 15m.
 - c. A dual use path being shown on the Structure Plan on the western side of Hammond Road.
 - d. The north-south road and public open space is to be in alignment with Lot 8 Hammond Road to the north.
 - e. A school site liability contribution required by the Department for Education and Training will be applicable at the time of subdivision.
 - f. Council will review Development Contribution Area No. 1 to include the construction of a four lane roundabout at the intersection of Carmel Way, the proposed subdivision entry road and Hammond Road.
 - g. The Structure Plan Report to be modified to include information on the road reservations, the reviewed drainage system and POS calculations.
 - h. A 30 metre long area along the boundary of adjoining Lot 5 is to be planted with fast growing native flora and reticulated at the applicants expense in accordance with the agreed principles set out in the Agenda report.
- (2) Adopt the Schedule of Submissions as contained in the Agenda attachment; and
 - (3) Advise those persons who made a submission of Council's decision and forward a copy of the Structure Plan (revised) and Schedule of Submissions to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3.

COUNCIL DECISION

MOVED Cllr A Edwards SECONDED Cllr I Whitfield that the recommendation be adopted.

CARRIED 10/0



Background

ZONING:	MRS:	Urban
	TPS:	Development
LAND USE:	Nursery	
LOT SIZE:	2.0462ha	

At its meeting on the 18 January 2005 Council deferred the consideration of a Structure Plan for Lot 9 Hammond Road, following comments during question time by the owner of Lot 5 Hammond Road, who had lodged an objection to the Plan. A site meeting was held with the applicant, Council's Senior Planning Officer – Strategic Planning and the owner of Lot 5 Hammond Road on the 24 January 2005. The concerns of this owner have now been addressed and are discussed further in this Report.

A Structure Plan was prepared and approved for Lot 8 Hammond Road (directly to the north) on the 17 June 2003, which shows indicatively the future development of Lot 9. However this Plan did not show lot densities for Lot 9 Hammond Road. See the Agenda attachments for the approved Structure Plan for Lot 8 Hammond Road. Council adopted the Structure Plan for Lot 8 Hammond Road at its meeting on the 20 August 2003 (Item 14.8)

Submission

The City received a Structure Plan on the 3 November 2004 for Lot 9 Hammond Road, Success from Koltasz Smith on behalf of Maincity Investments Pty Ltd. A locality plan and the Structure Plan are shown in the Agenda Attachments.

The proposed Structure Plan area is likely to yield approximately 24 lots, with 18 of these at a density of R20 (500m² average) and six (6) at a density of R25 (350m² average). The Structure Plan also proposes a public open space (POS) area of 2,255m², slightly exceeding the 10% POS requirement.

Report

The Plan was advertised from the 23 November 2004 to 13 December 2004. Five submissions were received during the advertising period, two of these being objections. A Schedule of Submissions is contained in the Agenda attachments. All issues raised in the submissions have been dealt with in the Schedule of Submissions and this report.

The main issues raised through the objections and by Council Officer's are as follows:



Road Access

During assessment of the Structure Plan for Lot 8 Hammond Road, Council Officer's identified that a number of lots gaining access from Branch Circus are severely affected by wetlands and associated buffers. As a result, in February 2004 Council officers wrote to the Department for Planning and Infrastructure (DPI) requesting a number of lots be included in the Beeliar Regional Park (see Agenda Attachments). A response was received on this proposal recently, which indicates that the DPI are not willing to include the properties shown in the Attachment within the Regional Park. This is not considered acceptable by the Officer's and will be pursued further in the new year. If approval can be obtained to include these lots within the Regional Park it is likely that Branch Circus would be closed to vehicle traffic but a dual use path could be retained.

The Structure Plan for Lot 9 allows for access into those lots which have development potential currently obtaining access from Branch Circus. As a result of the future traffic generated from the development of Lot 9 and those lots to the west and the Jandakot Primary School on the eastern side of Hammond Road, a roundabout at Hammond Road will be required to provide access into the area and allow for easy traffic movement. The current Development Contributions for Hammond Road do not include the construction of a four lane roundabout at this intersection and therefore it is recommended that these costs be included in Development Contribution Area No.1 as the roundabout will benefit not only Lot 9 and the balance of the land west of Hammond Road but also the Primary School and act as a traffic calming device on Hammond Road. The Structure Plan contains a notification stating that "the proposed roundabout timing and responsibility of cost and construction to be determined".

The applicant has advised that the following internal road reserves are proposed:

- 14m wide reserve for the loop road – this width is inconsistent with Council policy which requires roads to be 15m wide. The applicant is to be advised that this road is to be increased to 15m;
- 14m wide reserve for the north-south road abutting the public open space (POS) – Council policy allows for 13.5m wide road reserves adjoining POS, however, Lot 8 to the northern is currently being developed with subdivision plans showing a 14m wide road reserve abutting the POS. To ensure consistency between the two developments and alignment between the road and POS a 14m wide reserve is supported;
- 12m wide reserve for the east-west road – the applicant has advised that this reservation will include an offset road pavement due to the above ground water main easement to the south of the



subject lot, however a 4.1m road verge will be maintained on the northern side of the pavement. Council accepted a 12m wide road reserve for Carmel Way, on the eastern side of Hammond Road, due to the same Water Corporation easement. Given the width of the Water Corporation easement to the south (approx. 9.5m) and subject to the applicant providing a cross section at the time of subdivision to prove that all services can be catered for in the northern verge the 12m wide road reserve is acceptable.

It has also been noted on the Structure Plan that there is to be no direct lot access onto Hammond Road due to the high traffic volume this road will carry in the future.

Interface with Adjoining Lot 5

On the 24 January 2005 the applicant and Council's Senior Planning Officer – Strategic Planning met with the owner of Lot 5 Hammond Road to discuss Mr Dunn's objection to the Structure Plan. An aerial photograph with an overlay of the proposed subdivision of Lot 9 Hammond Road was shown to Mr Dunn (see Agenda attachments). This plan shows that the entries to the loop road are not adjacent to the existing house on Lot 5, therefore impacts from traffic headlights into the house will be minimal. However, it was agreed between the applicant and Mr Dunn that a 30 metre vegetation screen of fast growing native flora would be planted adjacent to Mr Dunn's residence. Written confirmation has been provided by the applicant and Mr Dunn that the following requirements address the issue:

- The screening vegetation is to be native and fast growing;
- The vegetation is to be planted along the boundary between Lot 5 and the Water Corporation easement in front of the existing residence on Lot 5 for a distance of 30m at the cost of the developer of Lot 9 Hammond Road;
- The vegetation is to be reticulated from the existing bore on Lot 5 Hammond Road;
- The upgrading and installation of reticulation for the vegetation is at the cost of the developer of Lot 9 Hammond Road;
- The maintenance and upkeep of the vegetation is the responsibility of the owner of Lot 5 Hammond Road;
- The vegetation is to be installed prior to any subdivision earthworks occurring on Lot 9 Hammond Road.

Drainage

After negotiations between the applicant and Council Officer's a 1:10 year drainage basin will be constructed within the northern portion of the public open space. Storm events over the 1:10 year will flow over land, northwards to the drainage basin within Lot 8. This drainage system is suitable to Council Officer's, however the applicant is to be



advised that a Drainage and Nutrient Management Plan will be required at the time of subdivision.

Comments from the WA Planning Commission

Since the Council meeting on the 18 January 2005 the WA Planning Commission advised Council that it would be prepared to endorse the Structure Plan subject to:

1. *The Local Structure Plan report being modified to clarify the proposed public open space (POS) credit arrangements having regard to the drainage arrangements referred to in section 6.2;*
2. *Pedestrian and cyclists paths being depicted along Hammond Road, the subdivision entry road and the road abutting the POS; and*
3. *The Local Structure Plan being modified to include a legend for the intended residential and POS land uses.*

These modifications have largely been made to the Structure Plan or have been requested prior to the Plan being referred to the Commission for finalisation. The applicant has agreed to modify the Structure Plan and Report as requested by the Commission.

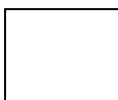
Conclusion

The Structure Plan complies with the planning criteria for a proposal of this type. The issues raised in the submissions can and have been addressed through minor modifications and as such the proposal is appropriate for the development of the site and it is recommended that the Council endorses the Structure Plan subject to the following minor modifications being made:

- The loop road reservation being increased to 15m;
- The Structure Plan Report to be modified to include information on the road reservations, reviewed drainage system POS calculations; and
- A dual use path being shown on the western side of Hammond Road.

Strategic Plan/Policy Implications

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



1. Planning Your City
 - *"To ensure that the 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."*

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

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

The Planning Policies which apply to this item are:-

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

Budget/Financial Implications

N/A

Legal Implications

Nil

Community Consultation

The Structure Plan was advertised in accordance with the requirements of Town Planning Scheme No. 3. Five submissions were received during the advertising period.



Attachment(s)

- (1) Structure and Location Plans
- (2) Aerial photograph of adjoining Lot 5
- (3) Schedule of Submissions

Advice to Proponent(s)/Applicant

Applicant advised item to be considered at February 2005 Council Meeting.

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

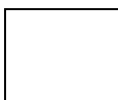
Nil

14.7 (MINUTE NO 2704) (OCM 15/02/2005) - EXTENSION / UPGRADE OF MIDLAND BRICK MASONRY PLANT - LOT 4 ARMADALE ROAD, JANDAKOT, WA 6164 - OWNER / APPLICANT: MIDLAND BRICK COMPANY PTY LTD / SINCLAIR KNIGHT MERZ (5513465, 5513465) (MR) (ATTACH)

RECOMMENDATION

That Council:-

- (1) Refuse to grant approval for the extension and upgrade of the Midland Brick Masonry Plant on Lot 4 Armadale Road, Jandakot for the following reasons:-
 1. It is unacceptable on orderly and proper planning grounds to approve the increase in scale of an industrial development on a Resource Zoned lot that has no location dependency to access basic raw materials on-site. The proposal represents a major expansion and intensification of an industrial use on "Resource Zoned" land, where there are alternative Industrial Zoned sites nearby with improved access to services and similar levels of accessibility to the raw materials.
 2. The proposed development when combined with the existing non-conforming development of the block paving plant will collectively reduce the likelihood of the land conforming to the Resource Zone provisions of the City of Cockburn Town Planning Scheme No 3.
 3. The proposed development is a major departure from the objective of the Resource Zone pursuant to the City of Cockburn Town Planning Scheme No 3.



4. The proposal represents a major redevelopment and intensification of an industrial use in the Priority 2 groundwater area, where there is a presumption against such uses on environmental grounds and the increased risk of groundwater contamination by industry. An exception to these requirements has not been adequately justified.
5. The proposed development was advertised for public comment and surrounding landowners in the Locality raised substantial objections against the proposal proceeding on the basis of off-site environmental impacts.

ADVICE TO APPLICANT

6. Approval of the proposed development would enable the continuation of the industry for another 40 years or more before the land is eventually subdivided and developed in a manner that is consistent with Statement of Planning Policy No 6 – Jandakot Groundwater Mound and Town Planning Scheme No 3.
- (2) Request the Department of Environment to negotiate with the operators of the existing plant to implement environmental management practices that minimise risks to water sources as outlined in the DoE Water Quality Protection Note June 2004.

COUNCIL DECISION

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

CARRIED 10/0

Background

ZONING:	MRS:	Rural Water Protection
	TPS3:	Resource
LAND USE:	Existing Concrete Batching and Cement Products Plant – Sand Excavation	
LOT SIZE:	58.773ha	
AREA:	Building Area 2,600sqm plus the product storage area	
USE CLASS:	Non-Conforming Use – Discretionary decision	



The Boral Masonry site plant has been operating on the site for the past 50 years. Sand is mixed with aggregate and cement, which has been transported and stockpiled on-site. The sand and aggregate is stored and mixed where it is processed into bricks and brick paving to be retailed from the site.

There are no records of the existing approval from 50 years ago because the development was built before the Metropolitan Region Scheme was gazetted and was also prior to the Town of Cockburn Town Planning Scheme No 1 gazettal.

1976 (January) – Quarry Agreement with Calsil Ltd (manufacturers of calcium silicate bricks) and the Cockburn City Council accepted by Council.

12 monthly renewals were required to continue a Quarry Licence under the Town of Cockburn Bylaw for Quarrying or Excavation.

1984 (December) – The site was zoned “*Mineral Processing Industry*” pursuant to the City of Cockburn Town Planning Scheme – District Zoning Scheme No. 1 (gazetted 12 June 1974).

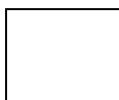
1984 (December) – Council advised Calsil that it was prepared to support a brick mart as an extension and improvement to the existing trading facilities (area of 2640sqm).

1984 (November) – Metropolitan Region Planning Authority (“MRPA”) granted planning approval to an improvement of trade facilities – landscaping.

1985 (June) – Council granted planning approval for a proposed workshop and store building (244sqm). The building included two service bays (with pits) for vehicles and spare parts.

1985 (June) – MRPA granted planning approval for the establishment of a Brickmart and pick up area and change levels in the road reserve.

1988 (June) – Calsil announced they would sell its brick and paving division to Boral for a reported \$43 million according to the article in the West Australian on 8th June 1988. Council in December agreed to reissue the



- Excavation Licence to Boral Calsil subject to planning conditions.
- 1989 (May) – Council granted a renewal of excavation approval for a period of 2 years only subject to planning conditions.
- 1990 (July) – Council granted approval to a carpark design and excavation renewal subject to planning conditions.
- 1991 (May) – The Department of Planning and Development granted planning approval to an Excavation Licence Renewal.
- 1991 (August) – Council granted planning approval to a Brick Display, Relocated Parking area, Office and Sign
- 1991 (October) – Council reconsidered conditions of approval and issued a revised approval granted earlier in August.
- 1994 (November) – Application for Planning Approval lodged with Council for “Factory Extensions”. *“The plan proposes to resolve the immediate and long term problems associated with the 40 year old masonry processing technology being undertaken at the Forrest Road site in Banjup. Boral’s Cannington plant is to be consolidated with the Banjup plant in order to achieve better economies of scale with respect to production and centralise administration to one plant.”*
- 1995 (July) – Council refused to grant planning approval to the proposed site Redevelopment - Factory Extensions because *“the proposal is not an acceptable use for the area.”*
- 1995 (August) – The Western Australian Planning Commission (“WAPC”) granted planning approval to the Factory Extensions.
- 1995 (December) – GHD acting on behalf of Boral Besser Masonry Pty Ltd lodged an appeal to the Minister for Planning.
- 1996 (May) – Minister for Planning upheld the Factory Extension Appeal to permit the



development to proceed on the basis that there is a link between the factory and the site of this natural resource lasting for many years.

- 1997 (August) – Council advised it was prepared to renew the development approval for the excavation of sand subject to planning conditions.
- 1999 (March) – McLeod & Co representing the Council instructed Boral Besser Masonry Pty Ltd that the use of Lot 4 is in breach of TPS3 – Council approval of 17 Feb 1998 in respect to Condition 12 requiring the owner to enter into a Deed with the Council and Condition 6 requiring an annual report on excavation and rehabilitation.
- 1999 (April) – Annual rehabilitation report lodged with Council. A copy of the final Deed is also retained on file sent to Council by its solicitors by cover letter dated 5 May 1999.
- 1999 (July) – Council approved a variation to the approval issued on 17 February 1998 for sand excavation on Lot 4 which allows for sand excavation within the 20 metre buffer to Reserve 1820 Warton Rd.
- 2000 (May) – Council approved a proposed Trade Display on Lot 4.
- 2001 (November) – Council temporarily withdrew a Caveat to enable the transfer of Lot 4 to the Midland Brick Company Pty Ltd.

The existing Krupp Plant is the oldest of the two plants and is located close to Armadale Road. The Cassani Plant is located behind the Krupp Plant and is partially obscured by the Krupp Plant.

Submission

The application is to extend and upgrade the existing concrete batching and cement products manufacturing plant by installing a new masonry plant and decommissioning one of the existing masonry plants. The site is the location of an existing registered masonry plant that has been operating continuously for many years.



Current production is 22,500 tonnes per year of masonry paving from the Cassani production plant operating 5 days per week 24 hours per day.

Current production is 5,000 tonnes per year from its Krupp production plant which is to be decommissioned and replaced with the new plant as follows.

The proposed plant is designed to produce up to 200,000 tonnes per year operating 5 days per week for around 16 hours per day. The major components of the plant are as follows:-

- A road hopper to unload sand and aggregates from road trucks and a transfer system to convey the raw materials to storage silos.
- A pneumatic unloading system for cement and fly ash
- Raw materials storage consisting of closed aggregate bins and cement silos
- A batching and mixing system for mixing the raw materials and making the concrete
- The press for producing the concrete products.
- A curing system consisting of an insulated room for curing the products (curing of concrete is a natural process)
- A handling and packaging system
- A sealed storage yard for storing the final packaging products.
- 20 new car parking bays for 14 workers initially

A complete copy of the applicant's report is available to Elected Members on request. Detailed plans of the proposal however are included in the agenda attachments.

The applicant believes the use of Masonry Production in Schedule 2 of TPS3 appropriately defines the proposal.

The benefits of the proposal as identified by the applicant are summarised below:-

- Reduced potential impact on the groundwater through Disposal of solid waste in accordance with a Management Plan and a new septic waste system will be installed
- Compliance with the Noise Regulations
- Visually the site will improve. The walls of the new building will be clad green and setback 150m from the road boundary and around 280m from the western site boundary. Limited visibility of the building from Armadale Road and additional vegetation planted with an earth berm.
- All stormwater run-off contained and directed to containment ponds for recycling.



- No damage will occur to the Bush Forever or other vegetation preservation areas.
- Wastage will reduce through more efficient equipment.
- The risk of dust emissions will reduce through fully enclosed raw materials handling and storage.

The applicant has undertaken community consultation as a component of the Works Approval process. Stakeholder groups included the Department of Environment, Water and Rivers Commission, Department of Housing and Works, City of Cockburn and 13 surrounding landowners adjoining Lot 4 and those landowners immediately south of the property.

The applicant also submitted a photomontage image of the proposed buildings viewed from Armadale Road.

Report

Council has the discretion to either refuse or approve the proposed development (with or without conditions) pursuant to Town Planning Scheme No 3 ("TPS3"). Council is not liable to pay compensation for injurious affection by reason that it refuses an application for reasons related to orderly and proper planning and preservation of amenity.

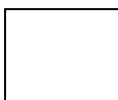
Of relevance to the Council's determination of this application is whether or not the proposed plant is acceptable from a planning and environmental point of view, having regard to the protection of the Jandakot Groundwater Mound that is of environmental and regional importance to the Metropolitan Region. Any development or use of land is rigorously controlled by Council in this location and must be subservient to the protection of groundwater.

Zoning

The land is within a Resource Zone in TPS3. The objective of the Resource Zone in Part 4 of TPS3 is as follows:-

"4.2.1 (I) To provide for the protection of the Perth Metropolitan underground water resource in accordance with the requirements of Statement of Planning Policy No. 6 published by the Western Australian Planning Commission on 12 June 1998."

Statement of Planning Policy 6 – Jandakot Groundwater Mound ("SPP6") is a State Government Policy that seeks to protect the Jandakot groundwater supply through planning requirements, which need to be considered before development can proceed in the policy area. The policy represents the views of the Western Australian Planning Commission, and has been formulated based on the views of both the Environmental Protection Authority and the Water and Rivers Commission.



The objectives of the Policy are:-

- *“to ensure that all changes to land use within the Policy Area are compatible with the long-term protection and maintenance of groundwater for public supply and maintenance of associated ecosystems;*
- *to prevent land uses likely to result in contamination of groundwater through nutrient or contaminant export;*
- *to balance environmental protection with the economic viability of the existing land uses;*
- *to maintain or increase natural vegetation cover over the Policy Area; and*
- *to protect groundwater quality and quantity in the Policy Area in order to maintain the ecological integrity of important wetlands hydraulically connected to that groundwater, including wetlands outside the Policy Area.”*

The proposed plant has been assessed using these environmental objectives.

Council was required to amend its former District Zoning Scheme No 2 upon the gazettal of SPP6 to bring the planning requirements of the Scheme into conformity with the resource protection requirements of State Government Policy. All land use and development in TPS3 is now referenced directly to SPP6.

Use Classification in TPS3

Clause 5.10.11 of TPS3 requires that the use and development of land within the Resource Zone shall be in accordance with the provisions of the Statement of Planning Policy No. 6 – Jandakot Groundwater Protection Policy. Any use which is not provided for in Table 1 of Statement of Planning Policy No 6 – Jandakot Groundwater Protection Policy is not permitted (X) in the Resource Zone.

The matter of concern is the percentage of raw materials that are used to produce the final product. It is clear that in respect of the concrete block and paving manufacturing plant 95% of raw materials would be bought onto site. The following table outlines the percentage of material used for production and their respective source locations:-

<i>Raw Material</i>	<i>Percentage</i>	<i>Source Location</i>
Water	5%	From Site
Cement	10.5%	Cockburn Cement (Munster)
Sand	28%	Rocla (Munster)
Aggregates	56%	Boral Quarry (Orange Grove)
Colours	0.5%	Bayer (imported)
SikaBlock	About 0.5%	Topseal Forrestfield



For that reason the view is that the proposed plant would fall more within the use classed "Industry".

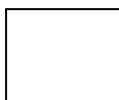
The problem with the definition of Industry – Extractive in TPS3 is that it includes *"the treatment or manufacture of products from those materials when carried out on the land from which those materials is extracted or on land adjacent thereto"*. Therefore while the sand being extracted is being used for the manufacture of bricks the industrial use conforms with the scheme. The Environmental Assessment Special Rural Subdivision for Lot 4 by Boman Bishaw Gorham dated November 2002 stated on page 1:- *"The site is currently being mined for sand, however this activity is expected to cease within 2 years."* As sand supplies have been depleted the existing and proposed factory will exist on Resource Zoned land. It would not be acceptable to have an industrial development being carried out on a Resource Zoned lot.

Aerial photo's taken in 1957 revealed that the plant existed on what was formerly Forrest Road and now Armadale Road. A non-conforming use right exists since the site has been in operation for 50 years. Clause 14 of Statement of Planning Policy No 6 – Jandakot Groundwater Protection Policy (Gaz 12 June 1998) provides for the continuation of non-conforming uses pursuant to TPS3. No compensation applies to a refusal decision by Council to a change or modification to a non-conforming use, but this may apply if the current use is restricted. A non-conforming use right was acknowledged by the Minister for Planning on Appeal Determination dated 7 May 1996.

In conclusion, the proposed plant is an industry use, which would normally be a prohibited use 'X' in a Resource Zone if the plant were to be constructed on a "green field site" as a completely new proposal. Since the plant has been operating from Lot 4 for about 50 years there are sufficient planning grounds to consider the application as a non-conforming use pursuant to TPS3. A non-conforming use exists where the carrying out of development or use on land that was prior to the gazettal date of TPS3 and where approvals required to authorise the development were obtained and are current. No planning approval would have been required for the plant since it was built prior to the gazettal of the Metropolitan Region Scheme and the City of Cockburn Town Planning Scheme No 1.

Clause 4.9 of TPS3 requires that application for planning approval is advertised.

TPS3 includes provisions relating to changing a non-conforming use to another use but not where it is proposed to erect a building used in conjunction with or furtherance of a non-conforming use. The principles of the scheme provisions are relevant and should be applied to the application as follows:-



the proposed development is to be less detrimental to the amenity of the locality than the existing non-conforming use; and
the proposed development is in the opinion of the Council to be closer to the intended purpose of the zone.

These are factual decisions to be made upon the Council's assessment of the circumstances of the case.

Site Options

The applicant has explained that a site selection study of existing Midland Brick Sites was conducted to determine the most suitable location of the proposed plant. The study concluded that the Cannington site was not of sufficient size and the production plant would have to cease while the new plant is being constructed which would impact on production. For these reasons the Cannington site was considered unacceptable and the Jandakot site was considered favourable for the following reasons:-

The surrounding site consists of semi-rural areas etc..

Access to raw materials and markets

The site is already disturbed and accommodates an existing operation

Sufficient land availability for the proposed plant.

The applicant has not considered siting the facility on vacant sites within existing industrial areas that would have been better suited to this type of industrial operation from a local planning point of view. The existing and proposed plant operation is an inappropriate use in the context of the surrounding rural land uses and visual amenity of the locality.

Social Considerations

The proposed development was advertised pursuant to Clause 9.4 of TPS3 for a period of 60 days, which included an extension period for public submissions until 29 December 2004. The proposal was referred to:-

- 37 surrounding landowners on both sides of Armadale Rd;
- Advertised in local newspapers circulating in the district; and
- Signage was erected in clear view of motorists on Armadale Rd.

At the close of the submission period there were 39 public submissions. Of these submissions 92% (36 submissions) objected to the proposal, while only 6% (3 submissions) raised no objections.

The main concerns raised in objections are summarised below:-

1. The proposal could pollute Groundwater (drinking water);



2. Increased traffic, dust, noise, visual pollution, degradation of the natural environment and impact on surrounding area;
3. Increase in production is substantial and could affect the quality of life of residents;
4. Noise Pollution/Control;
5. Midland Brick is ugly, unsightly (including the display area), noisy and dangerous;
6. Upgrade of Armadale Road needed to accommodate increased traffic – traffic hazard;
7. Consultation has not been properly carried out by the proponent;
8. Dust concerns;
9. Character of Banjup is based on rural uses determined by experts to be the best way of protecting the resource area. A brick works is a threat to the environment, water resource and lifestyle;
10. This type of industry belongs in an Industrial Area;
11. Insufficient information (ie regarding the manufacturing process/ impacts); and
12. Potential impact on property values.

Of the 3 submissions in support one respondent didn't object to the proposal subject to EPA assessment. Concerns were raised about protecting the Jandakot Water Mound, dust emissions impacting on residential areas (Atwell, Success) with prevailing easterlies in summer.

Copies of the complete public submissions are available for viewing by Elected Members on request. Responses have been mapped as shown in the Agenda attachments.

The end use of land from a planning point of view should be rural residential lots not the expansion of the existing non-conforming development. Rural residential subdivisions are expanding in the locality. Approval of the proposed development would enable the continuation of the existing industry possibly for another 40 years or more before the land is ultimately subdivided.

The proposal was referred to Main Roads WA due to the land abutting a Primary Road Reservation in the Metropolitan Region Scheme, which ultimately enables the widening of Armadale Road to a dual carriageway standard.

Environmental Considerations

The proposal was also referred to the Department of Environment and the Department of Conservation and Land Management for comment.

CALM have advised of the existence of declared rare flora species *Caladenia huegelii* which is a critically endangered species protected by State and Commonwealth Acts. CALM considers that any remnant



vegetation in this area to be suitable habitat for this species. The proposal states that there will be no damage caused to vegetation within Bush Forever or other strategic vegetation preservation areas. On the basis that the proposal doesn't involve clearing of any remnant vegetation CALM have no objection to it proceeding.

The Department of Environmental Protection have not responded formally to the City but it is understood that a section 38 referral has been received by the Department requesting the application be formally environmentally assessed.

Groundwater – The site is located within the Priority 2 (“P2”) area of the Jandakot Groundwater Mound where there is to be no increased risk of water source contamination. The principle of environmental management is *risk minimisation* and where only minor development and land use is permitted. In Water Quality Protection Note: Land-use compatibility in Public Drinking Water Source Areas (DoE, June 2004) Concrete batching and cement product plants are defined as “*Incompatible*” in P2 areas where that use should not be permitted and should be defined as an ‘X’ (unacceptable use) in the scheme. Priority 3 areas in comparison are declared with other land uses such as residential, commercial and light industrial development.

If a planning decision to approve an incompatible development proceeds due to special circumstances (eg planning appeal process) argued by the applicant it is important for the proponent to have demonstrated an overriding community benefit and that the use will not increase the risk of contamination to the Public Drinking Water Supply Area (“PDWSA”).

Bushland – The majority of the site has been cleared for sand mining. The remnant vegetation areas remain along the north western and southwestern boundary and north-eastern boundary of the site. The declared rare species *Caladadenia huegelii* (*Spider Orchid*) was located in the northwestern corner of the site and is protected by the Bush Forever Site. Of the 59ha total area of the site, 12.6ha contains regionally significant vegetation. All of the 12.6ha is protected within Bush Forever Site No. 390. 27.2ha of the land is identified as being in the area for rehabilitation.

The proposed product cement storage area extends into Bush Forever Site No 390. This area however has been previously cleared of vegetation but reduces the area for rehabilitation and integration with the Bush Forever site.

Contamination – The City has included the site as an “Inferred Contaminated Site” due to the existence of the quarry and the areas of the site currently used for industrial purposes which have a greater potential to generate contamination as confirmed by Bowman Bishaw Gorham (p13) Environmental Assessment Report 2002.



Hazardous Materials Storage – Potential contamination can be caused by the incorrect handling and storage of hazardous materials such as fuel, oil, paints, thinners and other chemicals. The applicant has outlined a series of management strategies to include in a Hazardous Materials Management Plan, which includes a pollution incident response procedure. The fact that such a management plan is needed highlights the potential risk of pollution to the groundwater. No details have been provided outlining the type, quantity of chemicals to be used only that it will be minimised.

Visual Aesthetics –The existing processing buildings of the Krupp and Cassini plants and the current product storage area at Jandakot are visible from Armadale Road. The new plant is to be setback 150 metres from Armadale Road, which reduces its visual impact that existing operations have but will still be visible from Armadale Road. The existing Cassini plant will also remain visually obtrusive from Armadale Road.

Dust Management – Cement dust is a potential source of complaint. Dust emissions will be controlled and reduced according to the applicant by several measures briefly outlined below:-

Dust suppressors on conveyors and road bins – mist sprays, dust collectors etc;

Raw materials pre batched and mixed prior to delivery at block plant;

Buildings include dust control measures;

Silo size based on raw material storage requirements;

Cement transport by bulk tanker and pneumatically conveyed to silos;

Sealing of product storage area; and

Construction dust controls

Noise Management – The applicant has outlined a series of noise management strategies to minimise noise, which include the use of an acoustic chamber inside the proposed plant building. Noise levels will also be controlled to comply with the criteria of the Environmental Protection (Noise) Regulations 1997.

Environmental Protection Act – The existing plant is a registered operation as prescribed premises under Schedule 1 of the Environmental Protection Act 1986. The works are described as concrete batching and cement products manufacturing (Category 77). The proposed development is viewed by the applicant as an extension of the existing operation. A Works Approval application has been made to the Department of Environment.

Economic Considerations

The new plant would improve economies at production by reducing dependency upon labour and reduce the total workforce by 75% to a total of 9 people. The new facility is an automated processing plant.



Traffic Considerations

The new plant will increase the number of heavy haulage vehicles accessing the site by around 8 per day of raw materials deliveries and approximately 20 per day of finished products deliveries. A total of around 28 additional heavy vehicles per day over 5 working days are expected per week and a net production of 100,000 tonnes per year of finished product according to the applicant. Sand and aggregate is also on the delivery list, which reaffirms the belief that the existing sand supplies are almost depleted and will be replaced with sand supplied off-site.

Traffic using Armadale Road is currently at 33,000 vehicles per day. The number of additional vehicles accessing the plant is not a significant increase in comparison with the current traffic using Armadale Road but it has been acknowledged that acceleration and deceleration lanes are needed for improved traffic safety and would be accommodated in liaison with Main Roads WA.

Hours of Operation

The Cassani Plant will continue to operate. When the replacement plant is operating the Krupp plant is to be closed down and decommissioned. On-going operations will then continue up to 24hrs per day, subject to market conditions. The replacement plant will have the potential to operate on a 24/7 operating cycle.

The Krupp Plant is operating at 5% original capacity and is expected to cease operations by early 2006. The Cassani plant will continue to produce concrete products at approximately 22,500 tonnes/year.

Staging

Midland Brick seek to develop and expand the existing plant and in the long term subdivide the property for rehabilitation and redevelopment to rural residential.

Conclusion

The existing plant has been in operation on the site for a lengthy period but since its establishment there has been greater recognition through State Government Policy, Strategies and statute to protect the Jandakot Groundwater Mound as a source of drinking water for the Metropolitan Region. The overriding principle is risk minimisation when considering approving any new development within a Priority 2 Water Catchment and Public Drinking Water Supply Area. The concrete and block paving plant is reputed by the applicant as having the ability to reduce pollution on-site but even if this is proven there will still be an



element of unacceptable risk of pollution associated with this industrial activity.

The response from the public submissions was the most number of submissions on a development application received by the Council for 2004. It clearly highlights the genuine concerns of local residents that could be directly affected by the proposed development. Most residents were concerned about the potential adverse impact on the Jandakot Groundwater, pollution from dust/air quality, noise, traffic safety on Armadale Rd and other matters. Although the applicant has outlined management measures regarding these points, it is difficult to conceive that these measures would be successful with a new plant producing 100,000 tonnes per annum and ultimately 200,000 tonnes per annum.

The existing plant operates as a non-conforming use pursuant to TPS3. The proposed development fails a fundamental rule applying to non-conforming development in that it is not closer to the intended purpose of the Resource Zone. Furthermore 95% of the basic raw materials used in production would be delivered to the plant ending any relationship between the processing of raw materials and the product manufactured on site. The plant is not dependant on access to raw materials in this location, which means that it could be sited elsewhere in industrial areas nearby.

The proposed development is unacceptable from a planning point of view for the reasons discussed above. It is recommended that Council refuse the application for the reasons outlined in the recommendations.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*



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

The Planning Policies which apply to this item are:-

SPD1	Bushland Conservation Policy
SPD3	Native Fauna Protection Policy
APD17	Standard Development Conditions and Footnotes
APD27	Subdivision Policy for Sand Extraction Sites and Other Sites in Jandakot & Banjup North of Armadale Road
APD40	Response To Appeals

Budget/Financial Implications

There could be costs associated with defending an appeal

Legal Implications

Town Planning Scheme No 3

Community Consultation

Community consultation was carried out pursuant to clause 9.4 of Town Planning Scheme No 3.

Attachment(s)

- (1) Location Plans
- (2) Floor Plan, Elevations
- (3) Future Subdivision Layout
- (4) Letter of submission from SKM, Photomontage Image of Proposed Buildings
- (5) Location Plan of Objections

Advice to Proponent(s)/Applicant

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

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

Nil



14.8 (MINUTE NO 2705) (OCM 15/02/2005) - CLOSURE OF PORTION OF MIGUEL ROAD ACROSS RAILWAY CROSSING BETWEEN YANGEBUP ROAD AND BARRINGTON STREET, BIBRA LAKE (450007) (KJS) (ATTACH)

RECOMMENDATION

That Council:-

- (i) Request that the Minister for Planning and Infrastructure close portion of Miguel Road at the railway crossing pursuant to Section 58 of the Land Administration Act 1997.

COUNCIL DECISION

MOVED Cllr A Edwards SECONDED Cllr I Whitfield that the recommendation be adopted.

CARRIED 10/0

Background

Council at its meeting held on 20 May 2003 resolved:

That Council, subject to Main Roads WA confirming that an allocation of \$733,333.00 be placed on its 2003/04 Budget towards the regional road grant contribution for this project, Council:

- (1) accept the tender from Bocol Constructions Pty Ltd for Tender No. 07/2003 – Bridge Construction and Associated Roadworks – Spearwood Avenue (Yangebup Road/Barrington Street) in the sum of \$3,100,280.75, including GST, less negotiated adjustments based on unit rates for the corrected Bill of Quantities;
- (2) allocate \$366,667 on the 2003/04 Budget for the staged construction of Spearwood Avenue between Yangebup Road and Sudlow Road; and
- (3) initiate the closure of Miguel Road at the railway crossing on completion of the bridge and associated roadworks.

Submission

14 letters supporting the proposal to close Miguel Road and 3 letters objecting to the closure have been received. A petition was received in



August 2004 objecting to the closure in Miguel Road with 32 signatures.

Report

The Rail Corridor Minister (Minister for Planning and Infrastructure) approved the City of Cockburn's request to construct a new bridge across the Midland to Kwinana Railway at Spearwood Avenue in March 2002. This approval was subject to the City closing that portion of Miguel Road which crosses the rail corridor.

The road closure as requested requires action pursuant to Section 58 of the Land Administration Act 1997. The proposal has been advertised in the Herald newspaper and at the conclusion of the statutory 35 day period there have been 14 letters received supporting the closure and 3 letters objecting to the closure.

The objection letters argue that Yangebup Road west bound traffic that would have previously turned north into Miguel will now continue through to Spearwood Avenue and then turn to the north and as a consequence increase traffic in Yangebup Road between Miguel and Spearwood Avenue.

The proposal to replace the Miguel rail crossing with the bridge over the rail at Spearwood Avenue has been planned since at least 1983. The intent has always been to divert commercial traffic off Miguel Road and to remove the potentially dangerous rail crossing with the grade separated crossing.

The view of the City's Engineering Department is that variations to traffic volumes in Yangebup Road will be minor and of a complementary nature. Traffic counts have been conducted and will be repeated once the closure has been effected. Appropriate traffic management measures will be implemented if the before and after counts show these to be required.

One letter raises the issue that the original advertisement in the Herald on 27 November 2004 "*would not so as much raise attention to this very important situation*".

At the close of the initial advertising period on 3 January 2005 no responses had been received. The advertisement was placed again in the Herald on 8 January 2005 closing on 4 February 2005.

It is recommended that Council proceed with the closure of Miguel Road at the railway line in accordance with its determination at the meeting held on 20 May 2003.

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."*
 - *"To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way."*

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The proposal has been advertised twice in the Local Newspaper and the Yangebup Progress Association has been contacted by letter. The Yangebup Progress Association have given written support to the proposed closure.

Attachment(s)

- (1) Site map
- (2) Schedule of Submissions

Advice to Proponent(s)/Applicant

N/A – Council initiated action.

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

N/A

14.9 (MINUTE NO 2706) (OCM 15/02/2005) - FINAL ADOPTION OF AMENDMENT NO. 1 - COCKBURN CENTRAL (THOMSONS LAKE) REGIONAL CENTRE AMENDMENT TO TOWN PLANNING SCHEME NO.3 (93001) (MR) (ATTACH)

RECOMMENDATION

That Council:



(1) adopt the recommendations made in the Schedule of Submissions attached to the Agenda;

(2) adopt the amendment subject to modifications in italics below:-

1. Amending the Scheme Map by:-

a) the land bounded by Beeliar Drive, Poletti Road, North Lake Road, Kentucky Court and Kwinana Freeway being zoned "Regional Centre (DA23)" with the area of land affected by the Other Regional Road Reservation in the MRS being excluded.

b) Lot 800, Lot 801, Lot 806, Lot 807 and portion of Lot 203 Beeliar Drive being rezoned from Regional Reserve – Railways and Local Reserve - Public Purpose DOT to "Regional Centre (DA24)".

c) renaming "Thomsons Lake Regional Centre" to "Cockburn Central Regional Centre".

2. Amending the Scheme Text by:-

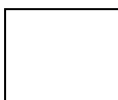
a) inserting Development Area ("DA23") Town Centre Precinct, into Schedule 11 – Development Areas as follows:-

Ref No	Area	Provisions
	COCKBURN CENTRAL (TOWN CENTRE PRECINCT)	<ol style="list-style-type: none"> 1. Structure Plan adopted to guide subdivision, land use and development. 2. To facilitate the development of a multifunctional Town Centre that includes opportunities for mixed use development of business and residential units, shopping, entertainment, regional sport, <i>bushland/wetland area</i> and cultural facilities supported by a highly interconnected transport system. 3. Land uses classified on the Structure Plan apply in accordance with clause 6.2.6.3 and clause 4.3. 4. <i>The Structure Plan is to include a strong pedestrian connection between the proposed Cockburn Central</i>

		<p><i>Railway Station and the Town Centre Precinct in addition to the Gateways Precinct; and a public access corridor for future Public Transport on the west side of the Kwinana Freeway to link the future Cockburn Central Railway Station with the Gateways Precinct.</i></p> <p>5. <i>The residential density applying to the area of the Town Centre Precinct is R160.</i></p> <p>6. <i>The local government may adopt Detailed Area Plans and Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts is to be in accordance with the adopted guidelines in addition to any other requirements of the Scheme.</i></p> <p>7. <i>An adopted Detailed Area Plan and Design Guidelines may make provision for any standard or requirement applicable to zones to be varied that apply within the area of the Detailed Area Plan and Design Guidelines, or any stipulated part of the adopted Structure Plan, as if it was a variation incorporated in this scheme.</i></p> <p>8. <i>Car parking shall be provided at a standard rate determined by Detailed Area Plans adopted by Council. Such parking areas must be located on-street and on-site behind building sites in car parking stations.</i></p>
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b) inserting Development Area (“DA24”) Gateways Precinct, into Schedule 11 – Development Areas as follows:-

	Area	Provisions
	<p>COCKBURN CENTRAL (GATEWAYS PRECINCT)</p>	<p>1. <i>An increase of the centre over the approved 30,000m² retail nla will require the prior adoption of a Structure Plan to guide subdivision, land use and development.</i></p> <p>2. <i>To facilitate the development of a</i></p>



		<p>Precinct that includes regional shopping, showroom, office, entertainment, and community facilities supported by a highly interconnected transport system.</p> <ol style="list-style-type: none"> 3. Land uses classified on the Structure Plan apply in accordance with clause 6.2.6.3 and clause 4.3. 4. The local government may adopt Detailed Area Plans and Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precincts shall be in accordance with the adopted guidelines in addition to any other requirements of the Scheme. 5. The Structure Plan is to provide for a primary pedestrian connection between the proposed Cockburn Central Railway Station and the Town Centre Precinct in addition to the Gateways Precinct. 6. A public access corridor for future Public Transport being provided on the west side of the Kwinana Freeway to link the future Cockburn Central Railway Station with the Gateways Precinct.
<ol style="list-style-type: none"> (3) proceed to sign and seal the documents and forward these to the Western Australian Planning Commission in anticipation of the Hon. Minister's advice that final approval will be granted; and (4) advise those who made submissions, of Council's decision accordingly. 		

COUNCIL DECISION

MOVED Clr M Reeve-Fowkes SECONDED Clr A Tilbury that the recommendation be adopted except for the Scheme Text provisions applying to Development Area 24 – Gateways Precinct in respect of



Point 1, which is to be amended as follows:

1. An increase of the centre over 50,000m² retail nla will require the prior adoption of a Structure Plan to guide subdivision, land use and development.

CARRIED 10/0

Explanation

A recent meeting with architects acting for The Perron Group who own The Gateways Shopping Centre revealed that an increase of approximately 1,000m² retail nla will be sought to the planning approval granted by Council for 28,000m² retail nla. This floorspace adjustment is an outcome of The Perron Group purchasing additional land from Gold Estates bordering the freeway, which allows for the width of the centre being slightly increased.

It is recommended that Council increase the retail nla of the centre to 50,000m² before requiring a Structure Plan. This will ensure the Stage 2 extensions are not unnecessarily held up by the preparation of a Structure Plan. The Structure Plan can then be used as a basis for supporting additional retail floorspace beyond 50,000m² retail nla and for the status of the centre to be changed from a Regional Centre to a Strategic Regional Centre under the State Government's Metropolitan Centres Policy.

Background

Council at its Ordinary Meeting on 27 July 2004 decided to initiate an amendment to Town Planning Scheme No 3 to facilitate the development of Cockburn Central and the expansion of the Gateways Shopping Centre.

The Thomsons Lake Regional Centre Master Plan of 1997 was commissioned by the Ministry for Planning (now Ministry for Planning and Infrastructure), City of Cockburn, LandCorp, Department of Transport, Main Roads WA and a private sector stakeholder. The Master Plan proposed a new town centre and other development at the intersection of Beeliar Drive and the Kwinana Freeway.

The Master Plan addressed the entire Regional Centre including the Town Centre, recreation area and the Gateways Shopping Centre as well as surrounding residential, industrial and mixed business area which extends both sides of the Kwinana Freeway.

The Master Plan proposes the following for the Town Centre:



- A mix of retail, commercial, cultural, residential and sporting uses.
- The railway station to be a major focal point.
- Park and ride facilities abutting the railway station.
- A regional sporting stadium and a major indoor sporting stadium.
- A football oval and stadium on the eastern side of the Freeway with access to the Town Centre via North Lake Road.

A more detailed Thomsons Lake Town Centre Structure Plan has since been prepared by LandCorp to guide the future of the Town Centre.

Council at its meeting held on 20 November 2001, resolved to receive the Cockburn Central (Thomsons Lake) Draft Regional Centre Structure Plan prepared by BSD Consultants and to advertise the plan for public comment. The advertising period coincided with the advertising of MRS Amendments 1038/33 (Thomsons Lake Regional Centre) and 1032/33 (South West Metropolitan Transit Route) in February 2002.

Council at its Ordinary Meeting on 19 March 2002 resolved to support the draft Cockburn Central (Thomsons Lake) Regional Centre Structure Plan and recommended to the Department for Planning and Infrastructure that the draft Structure Plan be adopted as the basis for more detailed planning.

On 13 December 2002 the Thomsons Lake Regional Centre MRS Amendment No 1038/33 was gazetted.

Recently the Western Australian Planning Commission granted approval to the development of the Cockburn Central Railway Station and earthworks within the future Town Centre.

Submission

An amendment to Town Planning Scheme No 3 is required as the Town Centre land is currently unzoned land in the City's Town Planning Scheme No 3. This is the result of the MRS being amended to rezone the area from Parks & Recreation Reserve to Urban. Section 35A of the Metropolitan Region Town Planning Scheme Act provides that local government councils shall, no later than 3 months after the effective date of an MRS amendment, resolve to prepare a town planning scheme or amend an existing scheme so that the land is in accordance with the Metropolitan Region Scheme.

The Regional Centre Zone is the most appropriate zoning to apply to all of the land within the future Town Centre as it is the same zoning that currently applies to the Gateways Shopping Centre. The objective of the Regional Centre Zone in TPS3 is described below:-



“(b) Regional Centre Zone

To provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses.”

The rezoning proposal includes the land between the Gateways Shopping Centre site and the Kwinana Freeway where this land is reserved in the MRS for railway purposes and for public transport access. This railway-reserved land is no longer required since the Government have chosen to construct the railway in the centre median of the Kwinana Freeway. MRS Amendment No 1032/33 (South West Metropolitan Transit Route) proposes to delete sections of the railway reservation within the district. The public purpose reservation is also broken by the railway reservation. The public transport link can still be facilitated if the land is rezoned from Public Purpose to Regional Centre.

The scheme amendment also proposes to add two new Development Areas referred to as DA23 and DA24 to be inserted into Schedule 11 of the Scheme Text. The new provisions will apply to the future Town Centre Precinct and the Gateways Shopping Centre where:-

- DA23 applies to the Town Centre Precinct; and
- DA24 applies to the Gateways Shopping Centre.

Report

The scheme amendment was referred to the Department of Environmental Protection (“DEP”) where it was decided to set the level of assessment as – *“Scheme Not Assessed – Advice Given (no appeals)*. The DEP indicated that the overall environmental impact of the implementation of the scheme amendment would not be severe enough to warrant assessment under the Environmental Protection Act. In its advice the DEP referred to the following key environmental factors:-

“ADVICE

(a) Key Environmental Factors

- *Environmental Protection Policy lake*
- *Public Drinking Water Supply Area P3*
- *Locally significant vegetation*
- *Declared Rare and Priority Flora*
- *Noise and vibration*
- *Fauna Management.*



These environmental matters have been addressed in the Metropolitan Region Scheme Amendment No 1038/33 – Thomsons Lake Regional Centre that has allowed for the future development of the Thomsons Lake Regional Centre. Whilst not exhaustive, it is considered that the Structure Plan report also adequately addressed the environmental issues at the structure planning stage.

The scheme amendment was advertised in accordance with the Regulations and at the close of the submission period two submissions were received as follows:-

- Submission One - Birds of Perth; and
- Submission Two - Taylor Burrell Barnett (Planning Consultants) acting on behalf of Perron Group Pty Ltd – owners of the Gateways Shopping Centre.

A Schedule of Submissions is contained in the attachments. A late submission was also received from LandCorp raising no objections to the proposed scheme amendment.

In regards to submission one, the environmental issues associated with the development of Cockburn Central have been examined by the DEP. It was recognised that the Thomsons Lake proposed Urban to Urban Deferred Zones were included in the draft Perth Bushplan. However an alternative bushland site has been identified for the purpose of the protection of Bushland of regional significance, and hence the Bushplan site was deleted from Perth's Bush Forever. Any threatened fauna are required to be protected consistent with the provisions of the Wildlife Conservation Act. There is an EPP Wetland within the draft Thomsons Lake Regional Centre Master Plan area west of North Lake Road. This is being retained within open space.

Submission two was of general support for the scheme amendment but various modifications were sought to the proposed text provisions. The submission raised matters that had previously been addressed in Council's determination of a earlier submission by Taylor Burrell Barnett on the draft Local Commercial Centres Strategy. It was also noted that a submission was not received from Taylor Burrell Barnett on the draft Local Structure Plan. There are however further minor modifications to the scheme amendment to enable specific development standards to apply to the town centre as opposed to the standard scheme provisions that apply. (eg car parking, landscaping etc..). Any increase in retail floorspace of the Gateways Shopping Centre over the approved 28,000m² retail nla should also require the preparation of a Structure Plan. The current Shopping Centre Master Plan Council approved mid 2004 could form the basis for preparing the Structure Plan.

It is recommended that Council proceed to adopt the amendment subject to minor modifications set out in the recommendation (in italics)



and request endorsement of the amendment by the Minister for Planning.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To 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 determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*
5. Maintaining Your Community Facilities
 - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

No Policy Implications

Budget/Financial Implications



Costs associated with the scheme amendment will be absorbed by the documents being prepared in-house. Advertising costs are expected to be accommodated within the 2004-05 Budget.

Legal Implications

Town Planning and Development Act
Town Planning Regulations
Town Planning Scheme No 3

Community Consultation

Community consultation was carried out in accordance with legislation for a period of 42 days. If Council initiates the scheme amendment, signage would be erected informing of the proposed scheme amendment being available for inspection at the City's Administration Building.

Attachment(s)

- (1) Schedule of Submissions
- (2) Existing Zoning Map
- (3) Proposed Zoning Map

Advice to Proponent(s)/Applicant

N/A – Council initiated action

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

Nil

14.10 (MINUTE NO 2707) (OCM 15/02/2005) - PROPOSED STRUCTURE PLAN - AUSTRALIAN MARINE COMPLEX TECHNOLOGY PRECINCT - VARIOUS LOTS, MUNSTER - LAND BOUNDED BY ROCKINGHAM ROAD TO THE EAST, RUSSELL ROAD TO THE SOUTH, FROBISHER ROAD TO THE NORTH AND LAKE COOGEE TO THE WEST - OWNER / APPLICANT: LANDCORP AND VARIOUS PRIVATE OWNERS / LANDCORP / THE PLANNING GROUP (9525) (CP) (ATTACH)

RECOMMENDATION

That Council:-

- (1) advise the applicant that the Council is prepared to adopt the Structure Plan for the Marine Technology Precinct affecting the land bounded by Rockingham Road to the east, Russell Road to the south, Frobisher Road to the north and Lake Coogee to the



west, subject to:

- a) amending the plan to exclude all of the Department of Industry & Resources (DoIR) site from within the 50m wetland buffer;
 - b) amending the plan to indicate that Coogee Road will be temporarily disconnected north of Frobisher Avenue as part of the Stage 1 road works, and that Frobisher Avenue shall be duplicated to segregate traffic and connect with Button Street and Old Rockingham Road as part of the Stage 2 road works;
 - c) receiving written confirmation from the Department of Environment confirming the exact extent of the Woodman Point Waste Water Treatment Plant (WPWWTP) odour buffer;
 - d) amending the plan to show the existing dual-use-path connection on Wright Road;
 - e) amending the plan to state that no storage, transport, handling, use and disposal of chemicals or toxic and hazardous substances shall occur within 200m of the wetland boundary.
- (2) advise the applicant that the Council is prepared to permit the Mixed Use (Residential) and other forms of residential use provided for within the Marine Technology Precinct as well as any "Childcare facilities, Restaurants, Taverns and Cafes" subject to their being located outside the WPWWTP odour buffer as defined in (1) c) above.
 - (3) advise the applicant that the results of the Acid Sulphate Soils investigations may necessitate changes to the Structure Plan, which would need to be addressed prior to subdivision or development taking place.
 - (4) advise the applicant that the Council will recommend to the Western Australian Planning Commission at the time of subdivision that Notifications be registered against all new titles within 800m of Lake Coogee informing future owners/ lessees of the potential for Midge nuisance from the lake;
 - (5) advise the applicant of the matters indicated in the summary of submissions as requiring advice to be provided to the applicant;
 - (6) adopt the Schedule of Submissions as contained in the Agenda attachment;
 - (7) advise those persons who made a submission of Council's



decision; and

- (8) forward a copy of the Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3.

COUNCIL DECISION

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

CARRIED 10/0

Background

ZONING:	MRS:	Urban; Urban Deferred; Parks & Recreation
	TPS3:	Development, Development Area No.6, Special Use 9, Parks & Recreation, Public Purpose (Primary School, Civic)
LAND USE:	Vacant land, existing and former market gardening operations, dwellings and outbuildings	
AREA:	49 ha approximately	
USE CLASS:	N/A	

The Australian Marine Complex (AMC) at Henderson has been developed to facilitate and enhance the opportunities created by the clustering of the ship building and marine related, defence and resource industries.

The Technology Precinct forms one of the four main precincts of the AMC, which include the:

- Ship Building Precinct, including Marine Support Facility;
- Support Industry Precinct;
- Fabrication Precinct, comprising of a Common User facility and Fabrication Area and
- Technology Precinct.

Planning for the proposed Technology Precinct has been underway since the 1990's, however progress has been slow, for a number of reasons including the need to comply with Ministerial Conditions imposed as a result of the rezoning of the land under the Metropolitan Region Scheme.

An Environmental Management Plan required in the Ministerial Conditions has recently been prepared and accepted by the City of Cockburn and the Department of Environment.

A Drainage and Nutrient Management Plan and Site Contamination Management Plan are also required to be prepared, but prior to subdivision approval or development occurring.



The structure plan was originally advertised for public submissions in April 2003, but has since been the subject of considerable revision, culminating in the recent submission of the current document.

Submission

A revised Structure Plan has been submitted by The Planning Group on behalf of Landcorp affecting various Lots located west of Rockingham Road, north of Russell Road, south of Frobisher Avenue and east of Lake Coogee, Munster (refer to Agenda attachments).

The structure plan has been prepared in order to facilitate the subdivision and development of the land for uses associated with the Technology Precinct of the Australian Marine Complex at Cockburn Sound.

Key elements of the structure plan include:

- The provision of a buffer around Lake Coogee to protect the environmental values of the lake from any adverse effects associated with the operation of the Marine Technology Precinct (“MTP”). Weed control and revegetation is proposed within the buffer areas as well as enhancement of a Multiple Use wetland located within the site but outside the proposed buffer;
- Incorporation of the wetland enhancement areas within proposed Public Open Space;
- Transferring land to Public Open Space in the north-eastern corner of the structure plan area in response to the incorporation of the Russell Road “A-Class” reserve into the structure plan area as developable land;
- Provision for the development of four core landuses, including:
 1. Research and Development activities, for the majority of the structure plan area;
 2. Mixed Use (Residential, Support Services, Office) in two pockets of land to the north of the structure plan area, generally located outside the Waste Water Treatment Plant buffer and the Kwinana Air Quality buffer;
 3. Department of Industry and Resources site – the provision of specialist services to increase the capability of companies in the Technology industries, including a business and technology centre and function centre;
 4. Education and Training – The Department of Education and Training has a site set aside for development of a TAFE specialising in education, training, research and development for oil and gas research.
 - Provision for the subdivision of the site into super lots to allow for flexibility in design, with Lot sizes ranging between 0.59ha to 3.43ha in area.
 - Provision of a legible road network to allow ease of movement within the site and connections and accessibility to the major connecting roads. A Transit Square is proposed which will act as



- a hub for bus services operating through the Technology Precinct.
- The termination of Fawcett Road at the northern boundary of the structure plan area and development of a cul-de-sac head.
 - Providing a network of dual-use paths through and around the structure plan area, including downgrading to a dual-use-path standard the section of Fawcett Road to be closed, referred to above.
 - With the exception of the Department of Education and Training site, Landcorp proposes to retain control over future land uses by leasing out the land, incorporating restrictions and requirements in the leases to enable environmental objectives to be achieved.
 - Incorporating sustainability initiatives to provide for a high quality working and living environment with a strong sense of place, with the objective of being ecologically supportive, energy, water and resource efficient and economically beneficial.
 - Staging of the development, such that the first stage will comprise of development of the land between Russell Road and Gardiner Avenue. The second stage will comprise of the land north of Gardiner Avenue to Frobisher Avenue. Development of the "A" class reserve in Russell Road will only proceed once declassification of the reserve is completed.

The Structure Plan is to be read in conjunction with the Environmental Management Plan referred to earlier, which addresses protection, re-establishment and maintenance of wetlands, provision of buffer zones and management of on site construction methods. In addition, the EMP describes the framework, roles and responsibilities for implementing the plan, timing and the requirements for maintenance.

The structure plan area is located to the north of an existing industrial area at Henderson and to the south of future residential development at Munster (Development Area No.5).

Report

The structure plan was advertised for public comment in accordance with Town Planning Scheme requirements. At the close of the submission period (18 January 2005) 5 submissions had been received, while 4 further submissions were received late. A summary of submissions is contained in the agenda attachments.

The submission schedule outlines Council's recommended response in respect to the matters raised. It is noted that with the exception of the Water Corporation submission, none of the other submissions raised fundamental issues that warrant further discussion in the body of this report. It is recommended Council adopt the submission schedule accordingly.



Other elements of the structure plan that require discussion include:

- Lake Coogee Buffer
- Design Philosophy
- Town Planning Scheme Provisions
- Development Constraints
- Roading and Traffic
- Drainage
- Public Open Space

Lake Coogee Buffer

One of the main issues to be addressed has been the need to define an appropriate buffer treatment around Lake Coogee to protect the lake from the potential adverse effects of the MTP construction and operation. The majority of Lake Coogee and its fringing vegetation are classified as a Conservation Category wetland, while a Multiple Use wetland classification extends inland from the lake. The lake is also a listed Bush Forever site (No. 261) and is an EPP protected wetland.

The Environmental Management Plan has assessed the proposal and recommended the following management objectives:

- Provide sufficient buffer between the Conservation wetland and the precinct area to prevent edge effects from the different landuses.
- Provide measures to prevent facilities that would pose a significant threat to groundwater quality from being affected to be established within 200m of the Conservation wetland area taking into account drainage management measures proposed in the Drainage and Nutrient Management Plan.
- Consolidate and protect significant remnant wetland and upland habitat outside the Conservation wetland area, which potentially contributes to the ecological values of Lake Coogee.
- Restore wetland and upland habitat within the proposed buffer, re-establishing wetland upland fringes and contiguous corridors of vegetation, wherever practicable.

These objectives have resulted in the determination of a basic buffer width of 50m (measured from the boundary of Lake Coogee) extended in places including the north-western corner to consolidate outlying wetland and upland remnants, thus preventing development in these areas. It is noted the DoIR site encroaches slightly within the 50m buffer east of Coogee Road. The Structure Plan should be amended to eliminate any encroachment in this regard.

The buffer will be the subject of weed control and revegetation as determined in the proposed Revegetation and Landscaping Plan. It is envisaged the buffers will be transferred to the City upon the completion criteria for rehabilitation being achieved. To minimise



impacts on fauna, it is proposed to adopt a staged approach to implementing the revegetation strategy in the buffer areas.

Design Philosophy:

The design philosophy for the MTP structure plan is based upon the four main principles of:

- Surrounding context
- Accessibility
- Environmental
- Sustainability.

Together, application of these principles has resulted in the structure plan configuration proposed which responds to the context of the site and surroundings; incorporates the buffers which influences the form of development and extent the developable area within the site; allocates landuses within a legible grid pattern road network while providing good accessibility to the major roads surrounding the MTP.

Town Planning Scheme Provisions:

Under the City of Cockburn Town Planning Scheme No.3 (“TPS3”) the subject land is subject to the provisions for Special Use No.9 and Development Area No 6.

These provisions provide for uses that are directly related to or incidental to “ship design, ship building, ship repair and marine engineering”. Permitted (“P”) and discretionary (“D”) uses are listed, while all other uses are (“X”) not permitted. Additional provisions relate to building setbacks, landscaping, parking, servicing facilities and building design.

Depending on the exact nature of the uses proposed to be incorporated in the Precinct, it may be necessary to initiate an amendment to TPS3 to enable the scheme provisions to better ‘fit’ the precise uses. In addition, there are inconsistencies in the wording of the SU9 and DA6 Schedules in TPS3, which should be regularised via a Scheme Amendment in due course.

As the Russell Road “A” Class reserve, the former South Coogee Primary School site and the Agricultural Hall site are shown as being included in the structure plan area, an amendment to TPS3 should be initiated to rezone this land to “Development” zone.

In addition to the SU9 and DA6 provisions referred to above, the proponent intends to prepare and administer Development Guidelines supplementary to the Structure Plan and TPS provisions.



Development Constraints:

The site is affected by buffers associated with the operation of the Woodman Point Waste Water Treatment Plant ("WPWWTP") to the west of Lake Coogee and Cockburn Cement to the east of the site. These buffers converge in the central northern portion of the site, resulting in an unencumbered wedge of land remaining outside and to the north of these buffers.

The Water Corporation submission states that recent odour monitoring and modelling indicates that odour can be expected to impact beyond the extent of the odour buffer currently in place. For reasons of incompatibility, the Water Corporation submission does not support residential development anywhere within the proposed structure plan area, notwithstanding the fact that the majority of such development is located outside the current odour buffer. Furthermore the Water Corporation submission recommends that other land uses such as "Childcare facilities, Restaurants, Taverns, Hotels and Cafes" not be permitted to establish within the buffer zone, but acknowledges that such uses could establish outside the buffer zone subject to developers demonstrating building design or other measures that limit or reduce potential odour impacts.

Unfortunately, the City has not been provided with information re-defining the odour buffer from either the Water Corporation or the Department of Environment. As such, it is difficult to assess the implications of the Water Corporation submission on the Structure Plan. Given the uncertainty that has arisen through the lack of information provided on the results of the review of odour impact from the WPWWTP, and in order to move forward, it is recommended that Mixed Use (Residential) and any other form of residential use provided for within the MTP as well as any "Childcare facilities, Restaurants, Taverns and Cafes" be permitted to be included in the Structure Plan upon the City receiving confirmation from the Department of Environment of the exact extent of the WPWWTP odour buffer, and furthermore, upon having confirmed that such uses will only occur outside the odour buffer.

The Structure Plan proposes to incorporate a Mixed Use zoning over the land unaffected by the current WPWWTP odour buffer and the Cockburn Cement buffer to accommodate uses such as Residential Accommodation, Support Services, Offices etc. Generally speaking, these proposed landuses form an appropriate transition between the typical 'Technology' type of activities proposed within the MTP and the future residential development cell north of Frobisher Avenue. Whether a residential component remains part of the proposed Mixed Use zone will depend upon confirmation of the location of the WPWWTP odour buffer referred to above.



The site is also affected by the 500m and 800m Midge buffers surrounding Lake Coogee. Council Policy APD6 “Residential Rezoning and Subdivision Adjoining Midge Infested Lakes” discourages residential development near Midge infested lakes. The Mixed Use zone (including provision for residential accommodation) falls within this buffer. Furthermore, TPS3 lists “caretakers dwelling” and “residential building” as uses also permitted in the zone (subject to relating to the marine industry). In this regard, the following points are noted:

- The MTP concept is very different to a residential estate, which is what Council’s policy (i.e. APD6) was intended to address. There will not be the population density achieved within the MTP that would have been achieved had it been developed as a residential estate.
- The revegetation strategy will provide an additional buffer between the Lake and developable land, reducing the likelihood of midge nuisance;
- Development of the Technology Precinct for the range of uses proposed will mean that levels of night lighting in the area will be significantly less. This in turn should attract fewer Midges from the lake.

On this basis and subject to any residential component being located outside the re-defined WWTP odour buffer referred to above, the form of residential development provided for within the MTP is considered acceptable, being largely ancillary in nature. However, it is recommended that a Notification be registered against the titles of all Lots within the 800m Midge buffer upon subdivision occurring for the purpose of informing the owners/lessees of the potential for Midge nuisance to occur due to the proximity of Lake Coogee.

Another constraint relates to the Cockburn Cement slurry pipeline running east-west across the site. The proposal is to retain the pipeline within road reserve. Development of the adjoining future Lots (i.e. the DoIR & DoET sites) may necessitate benching due to land contour, which will determine what sort of bridging occurs over the slurry line. A detailed solution for the treatment of the slurry pipe will be addressed at the Development Approval stage.

Road and Traffic Considerations:

The MTP is estimated to potentially generate up to 1600 vehicles per hour in the peak hour periods.

The main points of access into/from the MTP are proposed via:

- Russell and Coogee Roads in the south;
- Gardiner Avenue in the east (north travelling left turn in/out only from/to Rockingham Road);



- Additional east-west access roads north of Gardiner Avenue with limited left in/left out traffic movements;
- Frobisher Avenue/Button Street/Rockingham Road in the north.

The traffic report submitted with the structure plan recommends adopting a staged approach to managing road access to the MTP.

Stage 1 includes:

- Upgrading the Russell /Coogee Road intersection with localised widening, turning lanes and traffic signals;
- Provide left in/out access to Rockingham Road at Gardiner Avenue and the east-west road to the north, with turning lanes provided;
- Cul-de-sac Fawcett Avenue just north of the development;
- Bus access to the MTP would be from Russell Road for stage 1 access;
- Upgrade the Russell Road /Rockingham Road intersection;
- Provide for a small bus facility in the Transit Area, including 4 bus stands near the proposed TAFE;
- Provide roundabouts at internal 4 way intersections;
- Provide access to Button Street and Old Rockingham Road;
- Upgrade the intersection of Button Street and Old Rockingham Road.

In order to prevent traffic from the MTP from bisecting the future residential area north of the MTP, it is recommended that Coogee Road be temporarily disconnected and cul-de-sac'd north of Frobisher Avenue as part of the Stage 1 works, and that Frobisher Avenue be duplicated to segregate traffic and connect with Button Street and Old Rockingham Road as part of the Stage 2 works.

Stage 2 access (when Rockingham/Russell Roads have been upgraded and grade separated) includes:

- Maintain access north via Old Rockingham Road to the future Beeliar Drive interchange;
- The current north bound carriageway of Rockingham Road would be downgraded to a service road with the construction of a new southbound carriageway for Rockingham Road;
- Investigate opportunities for left in/out to Rockingham Road from the service road to maintain permeability to the precinct;
- Review of the operation of the Coogee/Russell Road traffic signals and upgrade if necessary;
- Stakeholders to consider further access opportunities compatible with future major road planning.

The City's engineering department has no objections to the proposed access strategy. Despite indicating an intention to submit, no response was received from Main Roads WA at the time of writing. As such, it is assumed they have no objections to the proposal.



The internal road network design utilises the existing road network to facilitate a legible layout and ease of movement within the site and connections to the major connecting roads. Variable width reserves are proposed, sufficient to accommodate utility services, landscaping and stormwater drainage.

The location of the proposed TAFE site in close proximity to the high frequency bus services on Rockingham Road has been a critical objective the City has been concerned to achieve. It is understood that TransPerth is planning to heavily revise the bus route service for the start of the new train service between Perth and Rockingham. It is envisaged the existing public transport route will be altered to travel through the MTP. To this extent, a purpose built Transit Square facility is proposed to be located just to the north of the TAFE site within the MTP.

Drainage:

Drainage within the development Lots will need to be addressed via on site soakage. Landcorp proposes to place conditions on leases to require lessees to include various 'best practice' measures in their onsite stormwater disposal systems. This will also be addressed in the Development Approval process.

The overall stormwater management strategy proposed for the MTP is to be developed as part of the Drainage and Nutrient Management Plan, which is yet to be produced. It is envisaged that drainage from roads in the MTP and overflow from Lots in extreme storm events will need to be accommodated in such a manner that does not adversely impact on groundwater quality or Lake Coogee.

Public Open Space:

Public Open Space is proposed to incorporate the (Multiple Use Category) wetland enhancement area partially encapsulating the DoIR site.

It is envisaged the (Conservation Category) wetland, buffers and remnant vegetation abutting Lake Coogee will be transferred to the City upon completion of the proposed wetland enhancement.

The Russell Road A-Class reserve has been included in the structure plan area as developable land, near the south-eastern corner. It is proposed to relocate this reserve to the north-eastern corner of the MTP where it would be located more conveniently to meet the needs of nearby residents. An extended legal process is required to de-classify the current reserve, which if unsuccessful, would result in the land being excluded from the structure plan.



Conclusion:

The proposed Structure Plan is in accordance with the principles of sound planning practice, recognising the constraints and opportunities of the site and surrounding land.

The Water Corporation and Department of Environment submissions were the only submissions lodged in response to advertising the Structure Plan that raised significant issues that may result in changes to the submitted proposal. Furthermore, some matters need to be addressed prior to subdivision and development taking place, being the subject of various management plans, as specified in the EMP prepared for the site.

Subject to addressing the modifications listed in the recommendation at the beginning of this report, it is recommended that Council adopt the Structure Plan for the Marine Technology Precinct.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To conserve the character and historic value of the human and built environment."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Planning Policies which apply to this item are:-

- | | |
|------|---|
| SPD1 | Bushland Conservation Policy |
| SPD3 | Native Fauna Protection Policy |
| SPD4 | Liveable Neighbourhoods |
| SPD5 | Wetland Conservation Policy |
| SPD7 | Prevention of Sand Drift from Subdivision and Development Sites |
| SPD8 | Cockburn Sound Catchment Policy |



APD5	Public Works and Development by Public Authorities
ADP7	Rural Subdivision Policy
APD6	Residential Rezoning and Subdivision Adjoining Midge Infested Lakes
APD20	Design Principles for Incorporating Natural Management Areas Including Wetlands and Bushlands in Open Space and / or Drainage Areas
APD26	Control Measures for Protecting Water Resources in Receiving Environments
APD30	Road Reserve and Pavement Standards

Budget/Financial Implications

Maintenance costs for the Public Open Space transferred to the Council in the future.

Legal Implications

Legal processes pending for the closure of roads and de-classification of reserve land to be incorporated into the Structure Plan.

Potential costs associated with defending a Council decision should an appeal be lodged with the Planning Tribunal.

Community Consultation

Advertised for public comment.

Attachment(s)

- (1) Schedule of Submissions
- (2) Locality Map
- (3) Draft Structure Plan

Advice to Proponent(s)/Applicant

Letter to Landcorp and The Planning Group as proponents advising that items to be considered at February 2005 Council Meeting.

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

Nil

14.11 (MINUTE NO 2708) (OCM 15/02/2005) - SOLOMON ROAD (REGIONAL DRAINAGE & ROADING) SCHEME AMENDMENT - DEVELOPMENT AREA NO. 20 - OWNER: VARIOUS OWNERS (93020) (CP) (ATTACH)

RECOMMENDATION



That Council:

(1) adopt the following amendment:-

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

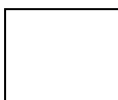
AMENDMENT NO. 20

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

1. Including the Solomon Road area as Development Contribution Area No. 8 in Schedule 12 – Development Contribution Plan of the Scheme to cover Arterial Drainage requirements.
2. Amending the Scheme Map accordingly to include 'Development Contribution Area No. 8' (DCA 8) over part of the suburb of Jandakot.
3. Amending Schedule 11 Development Area 20 (DA 20) to include provisions relating to the North Lake Road Extension Vehicle Access Policy Plan and landowner obligations for the provision and construction of North Lake Road extension.

Dated this day of 2005.

- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 7(A)(1) of the Town Planning and Development Act;
- (4) following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the WAPC;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme



- Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (6) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not to proceed with the Amendment; and
 - (7) advise the landowners of Council's decision.

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

CARRIED 10/0

Background

ZONING:	MRS:	
	TPS:	Development; Development Area No.20
LAND USE:	Industrial	
LOT SIZE:		
AREA:		
USE CLASS:	N/A	

On 17 June 2003 the Council considered the proposed Solomon Road Development Area Interim Structure Plan (See Attachment 1.). Council also resolved to adopt and implement the North Lake Road Extension Vehicle Access Policy Plan (See Attachment 2.) subject to the resolution of access arrangements to Lot 500 and Council receiving written agreement from the WAPC that landowners within the Structure Plan area will be required to construct both carriageways of the North Lake Road extension.

To assist the Council to resolve technical issues associated with the provision of a stormwater drainage system to service the area David Wills and Associates was engaged to prepare the 'Cockburn Central and Solomon Road Development Areas Arterial Drainage Scheme Review' (See Attachment 3.). This drainage scheme and the proposed North Lake Road extension form the basis of this Scheme Amendment.



North Lake Road Extension Vehicle Access Policy Plan

The extension of North Lake Road through the development area was first proposed in the Halpern Glick Maunsell report "Development Justification and Preparation of Land Requirement Plans for Forrest Road" (now North Lake Road). This proposal was incorporated in the Thomsons Lake Master Plan that was adopted by the Council in 1997. The North Lake Road extension is included in the Solomon Road Development Area Interim Structure Plan.

The Council has had prepared the North Lake Road Extension Vehicle Access Policy Plan. The statement provides for vehicle, pedestrian and cyclist access along the proposed North Lake Road extension, with particular attention to access and egress for vehicles to properties fronting the road.

The policy will be used by the City for the review of applications for development and subdivision to establish appropriate access along the North Lake Road extension. The policy area covers all land fronting the North Lake Road extension from the Kwinana Freeway to Armadale Road.

Interim Structure Plan

The Council on 17 June 2003 also resolved that, until a number of initiatives were undertaken, it was not prepared to adopt the Interim Structure Plan dated 17 June 2003 for the Solomon Road Development Area (DA20). The interim Structure Plan shows the broad land use framework, the major road network, provision for vehicle access to North Lake and Armadale Roads, the future Park and Ride facility which is to be connected to the proposed Cockburn Central Railway Station, parks and recreation areas, and mixed business and light and service industry areas.

The Interim Structure Plan is based on a Structure Plan prepared by consultants Koltasz Smith. The City has advised that this plan would not be adopted until such time that the Council:

- Has prepared a drainage management plan for the area;
- Modifications are made to the structure plan following the adoption of the drainage plan; and
- The structure plan report is modified to address environmental issues and to reflect the Council's requirements in respect to the construction of North Lake Road.



Cockburn Central and Solomon Road Development Areas Arterial Drainage Scheme Review

The David Wills Arterial Drainage Scheme Review was prepared to resolve technical issues associated with the provision of a stormwater drainage system to service the Solomon Road and Cockburn Central Development Areas. The Drainage Scheme Review has been referred to the Department of the Environment and the Water and Rivers Commission and is currently being assessed.

Council at its Ordinary Meeting held on 18 January 2005 resolved as follows:-

- (1) *“adopt the report “Cockburn Central and Solomon Road Development Area, Arterial Drainage Scheme Review” dated November 2004 prepared by David Wills & Associates, and its subsequent updates as approved by the Director of Engineering & Works;*
- (2) *requires a policy to be prepared to be considered by the Delegated Authorities, Policies & Position Statements Committee, to require all subdivisions and developments within the boundary of Development Area 20 as shown in City of Cockburn Town Planning Scheme No 3 maps and the surrounding industrial area in Cutler Road and the area known as Cockburn Central, to conform to this plan;*
- (3) *approve the engagement of a suitably qualified consultant by the Director, Engineering & Works on an as required basis to assess that proposed subdivisions and developments do comply with this plan; and*
- (4) *require an amendment to Town Planning Scheme No 3 to be prepared to create a new Developer Contribution Area (DCA) for Development Area 20, for Council’s consideration.”*

The Solomon Road area is bounded by Armadale Road, Kwinana Freeway, Prinsep Road, Cutler Road and an area of land east of Solomon Road. (See Attachment 3.)

Submission

N/A

Report

Amendment No. 20 to Town Planning Scheme No. 3 proposes to introduce ‘Development Contribution Area No. 8’ to Schedule 12 of Town Planning Scheme No. 3. It will ensure a coordinated approach is taken to regional drainage in the east Jandakot Industrial Area with all



developers contributing to the provision of the drainage infrastructure. The amendment also sets out the requirement for landowners to construct North Lake Road extension and formalise access arrangements. These are to be included in DA20 – Solomon Road in Schedule 11.

DCA 8 – DRAINAGE REQUIREMENTS

The three key elements of the design philosophy contained in the Wills Arterial Drainage Report are:

1. Lot filling to promote infiltration of the excess stormwater.
2. Maximise the use of on site stormwater disposal and minimise the area draining into infiltration (soakage) basins.
3. Use of subsoil drainage systems to control the rise in the regional groundwater levels during periods of above average rainfall.

The Report identifies the catchment area to which the DCA applies to the east of the Freeway in the vicinity of the east Jandakot industrial area.

Catchment Area 2. Kwinana Freeway East Catchment.

This area is approximately bounded by the Kwinana Freeway, Armadale Road, Solomon Road and the northern boundary of the lots abutting the northern side of Cutler Road. (See Attachment 3.)

The drainage requirements are as follows:

- All stormwater generated from lots developed in the area is to be retained on site using a suitably designed soakage system.
- Road pavements are to have minimum of 1.5m freeboard to the design regional groundwater level and are drained to a suitably positioned infiltration basin.
- To assist in providing regional groundwater control, a subsoil drainage system shall be constructed up gradient of the basin at the design regional groundwater level in any road reserves within 300metres up gradient of the proposed soakage basin.
- In the event of a sustained period of high groundwater levels within the catchment, it is proposed that a small drainage pump station be constructed in the vicinity of the proposed infiltration/soakage basin to collect water and discharge it to the drainage system on the west side of the freeway.

The infrastructure to be installed when funds from the DCA are available include a 150mm outfall pipeline to be constructed under



the freeway, the water sump and outfall and electrical power connections. The installation of a drainage pump is to be delayed until the event of the continued rise of water levels after heavy winter rains.

All developers within the area will be required to contribute to funding for the construction of the proposed integrated regional drainage infrastructure. It is proposed that Development Contribution Area No. 8 require contributions for the construction of supply and boring of a 150mm pressure main under the Kwinana Freeway and water sump and outfall, a gross pollutant trap, nutrient stripping facilities, electrical power connections and associated works associated with the proposed pump station. The cost of the drainage pump station and site works in Catchment Area Two has been estimated to be \$190,000.

Overall Contributions

Contributions will be required to be made towards the following items:
Roadworks;

- Full earthworks;
- Provision of drainage infrastructure;
- Supply and boring of a 150mm pressure main under the Kwinana Freeway and water sump and outfall, electrical power connections and works associated with the proposed pump and pump station.
- Servicing infrastructure relocation where necessary;

All other works associated with the integrated regional drainage infrastructure will be developed as part of subdivision approvals.

The Council already has several other Development Contribution Areas within its Town Planning Scheme that are used to collect contributions from developers within the designated area for similar purposes as proposed in this Amendment. The provisions required to manage Development Contribution Areas already exist within the Scheme. Amendment No. 20 proposes to introduce 'Development Contribution Area No. 8' into Schedule 12 and amend the Scheme Map to identify the area.

Western Australian Planning Commission Planning Bulletins Nos. 18 and 37 outline the requirements for the application of development contribution areas and the type of works that can be included in the contributions. The above-proposed works comply with both Planning Bulletins.

DA 20 – NORTH LAKE ROAD ACCESS AND CONSTRUCTION REQUIREMENTS

Regional roads such as North Lake Road are designed to have minimal disruptions to traffic flow by limiting or excluding direct access



to individual properties. The North Lake Road Extension Vehicle Access Policy Plan provides for parallel service roads to be constructed which allow good access and visibility while minimising traffic disruption. Affected landowners will however be required to contribute to the cost of the additional roads.

The plan will provide the framework for the control and co-ordination of access to the North Lake Road extension. This is necessary to:

1. Provide for safe and efficient movement of motorists, pedestrians and cyclists along the North Lake Road extension; and
2. Determine appropriate access to properties along the North Lake Road extension.
3. Minimise the conflict between through and local traffic.
4. Provide as attractive a visual environment as possible along the North lake Road extension.

Conclusion

The introduction of 'Development Contribution Area No. 8' to Town Planning Scheme No. 3 will require contributions towards the proposed integrated arterial drainage infrastructure be made by all developers.

The arterial drainage works proposed within Schedule 12 comply with the requirements of Planning Bulletins No. 18 and 37. The Development Contribution Area is required given that the infrastructure will benefit all landowners within the Development Area No. 20 cell.

The North Lake Road Extension Vehicle Access Policy has been drawn up to ensure that traffic safety and efficiency is maximised, property access is direct, convenient and safe and the road reserve is of sufficient width for traffic capacity. The adoption of this policy on access requirements will ensure an equitable and consistent approach is applied to property owners and future purchasers.

Strategic Plan/Policy Implications

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

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

The Council Policies which apply to this item are:-

APD33 TOWN PLANNING SCHEME NO. 3 PROVISIONS

Budget/Financial Implications



N/A

Legal Implications

N/A

Community Consultation

To be undertaken as part of the amendment process.

Attachment(s)

- (1) Scheme Amendment Map
- (2) Vehicle Access Policy Plan

Advice to Proponent(s)/Applicant

N/A – Council initiated action.

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

N/A

14.12 (MINUTE NO 2709) (OCM 15/02/2005) - SOUTHERN SUBURBS DISTRICT STRUCTURE PLAN - STAGE 3 - HAMMOND PARK / WATTLEUP AND PROPOSED SCHEME AMENDMENT NO. 28 (9669) (JLU) (ATTACH)

RECOMMENDATION

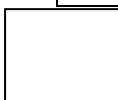
That Council:-

- (1) receive the report;
- (2) adopt the Southern Suburbs District Structure Plan – Stage 3 Hammond Park/Wattleup for the purposes of public consultation in accordance with Part 6 of Town Planning Scheme No. 3;
- (3) request the Western Australian Planning Commission to transfer the Structure Plan area from ‘Urban Deferred’ to ‘Urban’ under the Metropolitan Region Scheme;
- (4) initiate the following scheme amendment:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)
RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN
PLANNING SCHEME – TOWN PLANNING SCHEME NO. 3
AMENDMENT NO. 28



<p>Resolved that Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 amend the above Town Planning Scheme by:</p> <p>1. Including the following in Schedule 12 – Development Contribution Plan of the Scheme:</p>	
<p>Ref No: Area:</p>	<p>DCA 9 Hammond Park</p>
<p>Provisions:</p>	<p>All landowners within DCA 9 shall make a proportional contribution to the cost of:</p> <ul style="list-style-type: none"> • 61.6% of the cost of widening and upgrading of Hammond Road between Gaebler Road and Rowley Road; and • Make a proportional contribution of 50% of the total cost of constructing Rowley Road between the Kwinana Freeway and Hammond Road reservation. <p>All landowners except Lot 51 Rowley Road and Lot 301 Barfield Road within DCA 9 shall make a proportional contribution to the cost of regional drainage infrastructure.</p> <p>In relation to those portions of properties that have been identified on the Southern Suburbs District Structure Plan – Stage 3 for the purpose of a high school, if these sites are not developed for school purposes in the future a proportional contribution to the regional infrastructure will be required.</p> <p>The proportional contribution is to be determined in accordance with the provisions of clause 6.3 and contained on the Development Contribution Plan.</p> <p>Contributions shall be made towards the following items:</p> <ul style="list-style-type: none"> • The purchase of land reserved for Hammond Road under the Metropolitan Region Scheme; • A 50% proportional contribution towards the purchase of land for Rowley Road as identified in Planning Control Area No. 76; • Full earthworks; • Construction of a two-lane road and where the reserve width is less than 40 metres wide, kerbing to the verge side of the carriageway shall be provided;



	<ul style="list-style-type: none"> • Dual use path (one side only); • Pedestrian crossings (where appropriate at the discretion of the local government); • Drainage infrastructure associated with Hammond Road and Rowley Road; • Costs associated with the relocation of servicing infrastructure resulting from the implementation of this scheme, where appropriate; • Costs associated with the provision of regional drainage infrastructure; • Costs to administer cost sharing arrangements – preliminary engineering design and costings, valuations, annual reviews and audits and administration costs; • Traffic management devices.
Participants and Contributions:	In accordance with the Cost Contribution Schedule adopted by the local government for DCA 9.
Ref No: Area:	DCA 10 Wattleup
Provisions:	<p>All landowners within DCA 10 shall make a proportional contribution to the cost of:</p> <ul style="list-style-type: none"> • 38.4% of the cost of widening and upgrading of Hammond Road between Gaebler Road and Rowley Road; and • Make a proportional contribution of 50% of the total cost of constructing Rowley Road between the Hammond Road reservation and Lot 81 Wattleup Road. <p>The landowners of Lots 1, 2, 110, and 111 Wattleup Road shall make a proportional contribution towards regional drainage infrastructure.</p> <p>In relation to those portions of properties that have been identified on the Southern Suburbs District Structure Plan – Stage 3 for the purpose of a primary school, if these sites are not developed for school purposes in the future a proportional contribution to the regional infrastructure will be required.</p> <p>The proportional contribution is to be determined in accordance with the provisions of clause 6.3 and contained on the Development Contribution Plan.</p> <p>Contributions shall be made towards the following</p>

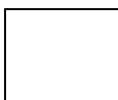


	<p>items:</p> <ul style="list-style-type: none"> • The purchase of land reserved for Hammond Road under the Metropolitan Region Scheme; • A 50% proportional contribution towards the purchase of land for Rowley Road as identified in Planning Control Area No. 76; • Full earthworks; • Construction of a two-lane road and where the reserve width is less than 40 metres wide, kerbing to the verge side of the carriageway shall be provided; • Dual use path (one side only); • Pedestrian crossings (where appropriate at the discretion of the local government); • Drainage infrastructure associated with Hammond Road and Rowley Road; • Costs associated with the relocation of servicing infrastructure resulting from the implementation of this scheme, where appropriate; • Costs associated with the provision of regional drainage infrastructure; • Costs to administer cost sharing arrangements – preliminary engineering design and costings, valuations, annual reviews and audits and administration costs; • Traffic management devices; • Where required, the relocation of servicing infrastructure. 	
<p>Participants and Contributions:</p>	<p>In accordance with the Cost Contribution Schedule adopted by the local government for DCA 10.</p>	
<p>2. Amending the Scheme Map to include Development Contribution Area No. 9 and Development Contribution Area No. 10 accordingly.</p> <p>3. Modify the Scheme Map to replace Development Area No. 9 – Gaebler Road, south of Gaebler Road with Development Area No. 23 – DA23.</p> <p>4. Including the following in Schedule 11 – Development Areas of the Scheme:</p>		
<p>Ref. No.</p>	<p>Area</p>	<p>Provisions</p>
<p>DA 23</p>	<p>Rowley Road (Development</p>	<p>1. Structure Plan adopted to guide subdivision, land use and development.</p>



	Zone)	<p>2. To provide for Residential development.</p> <p>3. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with clauses 4.3 and 6.2.6.3.</p> <p>4. Those uses which may be permitted within the Mixed Business and Local Centre Zones as set out in Table 1 - Zoning Table, and the adopted Southern Suburbs District Structure Plan Stage 3 shall be developed in accordance with the following Design Requirements:</p> <p>(a) Building Location</p> <p>(i) Development fronting the southern end of Barfield Road (off Rowley Road) and the new road into the future Mandogalup railway station is required to have a nil setback to the street front to provide a 'main street' character to the centre;</p> <p>(ii) Development fronting Hammond Road and the relocated Wattleup Road shown on the Southern Suburbs District Structure Plan Stage 3 is required to have a nil setback to the street front to provide a 'main street' character to the centre.</p> <p>(b) Building Form</p> <p>(i) Buildings shall be generally contiguous, other than for pedestrian access points or alfresco dining areas. All buildings within the area</p>
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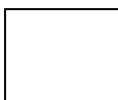
		<p>identified in the mixed business and pedestrian based retail areas shall exhibit a high degree of architectural integrity and avoid the traditional 'big box' supermarket style.</p> <p>(ii) The floor plan of all buildings within the area (other than the residential development) shall be sufficiently robust to allow land use change to occur over time.</p> <p>(iii) Development on street corners should contain strong architectural landmark elements to reinforce the corner. In particular, development on the corners of Barfield Road and the new road into the future Mandogalup railway station, and Hammond Road and Wattleup Road should provide an 'entry statement' to the centre.</p> <p>(iv) Residential development is required to address the public streets to provide streetscape amenity and casual surveillance to the street.</p> <p>(v) Where possible, development should be two storeys in height, or where single storey, the façade should be constructed to an equivalent second storey height.</p> <p>(vi) All buildings should have pitched roofs of at least 25 degrees.</p>
		<p>(c) Materials:</p> <p>(i) Materials may comprise a</p>



		<p>combination of masonry, render and tiles or custom orb sheeting. Facades should be designed to provide for varying textures and articulation to clearly define separate tenancies and reinforce a fine grained character for the area.</p> <p>(d) Building Frontage:</p> <p>(i) The facades of development along Barfield Road, the new road into the future Mandogalup railway station, Hammond Road and Wattleup Road extension shall comprise at least 60% of the façade area below the eave line as clear windows to provide a connection between uses inside the building and activity on the street.</p> <p>(ii) Windows shall not be obscured by more than 25% to ensure surveillance to streets and carparks for security purposes, and to minimise adverse impacts on streetscape.</p> <p>(e) Pedestrian Access/ Amenity:</p> <p>(i) Primary access to all tenancies shall be provided from the street, with secondary access permissible from the rear of the development, to encourage activity along the main street, and vibrancy within the area.</p> <p>(ii) All development shall have awnings or verandahs along public streets to provide shelter and comfort for</p>
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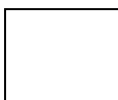
		<p>pedestrians and encourage use of the public realm.</p> <p>(f) Vehicle Access:</p> <p>(i) Vehicle accesses shall be restricted to those indicated on the final adopted Local Structure Plans for the area.</p> <p>5. The local government may adopt Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precinct is to be in accordance with the adopted guidelines in addition to any other requirements of the Scheme, and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail.</p> <p>6. No subdivision or development of incompatible use will be supported within the buffer areas associated with;</p> <ul style="list-style-type: none"> • Poultry farm on Lot 120 Wattleup Road; • Market gardens on Lots 39 and 40 Gaebler Road, Lots 114 and 123 Wattleup Road; • Intensive horticulture on Lot 37 Gaebler Road and Lot 101 Barfield Road; <p>until these uses cease or the buffer areas are scientifically determined and approved by the Department of Environment. Buffer requirements are to be determined in consultation with the local government and Department of Environment. Buffer areas are to be shown on the Structure Plan.</p>
<p>5. Including the following in Schedule 11 – Development Areas of</p>		



the Scheme:		
Ref. No.	Area	Provisions
DA 24	Wattleup Road (Development Zone)	<p>1. Structure Plan adopted to guide subdivision, land use and development.</p> <p>2. To provide for Residential development.</p> <p>3. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with clause 4.3 and 6.2.6.3</p> <p>4. Those uses which may be permitted within the Mixed Business and Local Centre Zones as set out in Table 1 - Zoning Table, and the adopted Southern Suburbs District Structure Plan Stage 3 shall be developed in accordance with the following Design Requirements:</p> <p>(a) Building Location</p> <p>(i) Development fronting Hammond Road and Wattleup Road (other than the residential development) is required to have a nil setback to the street front to provide a 'main street' character to the centre.</p> <p>(b) Building Form</p> <p>(i) Buildings shall be generally contiguous, other than for pedestrian access points or alfresco dining areas. All buildings within the area identified in the mixed business and pedestrian based retail areas shall exhibit a high degree of architectural integrity and avoid the traditional 'big box'</p>



		<p>supermarket style.</p> <p>(ii) The floor plan of all buildings within the area (other than the residential development) shall be sufficiently robust to allow land use change to occur over time.</p> <p>(iii) Development on street corners should contain strong architectural landmark elements to reinforce the corner. In particular, development on the corners of Hammond Road and Wattleup Road should provide an 'entry statement' to the centre.</p> <p>(iv) Residential development is required to address the public streets to provide streetscape amenity and casual surveillance to the street.</p> <p>(v) Where possible, development should be two storeys in height, or where single storey, the façade should be constructed to an equivalent second storey height.</p> <p>(vi) All buildings should have pitched roofs of at least 25 degrees.</p>
		<p>(c) Materials:</p> <p>(i) Materials may comprise a combination of masonry, render and tiles or custom orb sheeting. Facades should be designed to provide for varying textures and articulation to clearly define separate tenancies and reinforce a fine grained</p>



		<p>character for the area.</p> <p>(d) Building Frontage:</p> <p>(i) The facades of development along Hammond Road and Wattleup Road shall comprise at least 60% of the façade area below the eave line as clear windows to provide a connection between uses inside the building and activity on the street.</p> <p>(ii) Windows shall not be obscured by more than 25% to ensure surveillance to streets and carparks for security purposes, and to minimise adverse impacts on streetscape.</p> <p>(e) Pedestrian Access/ Amenity:</p> <p>(i) Primary access to all tenancies shall be provided from the street, with secondary access permissible from the rear of the development, to encourage activity along the main street, and vibrancy within the area.</p> <p>(ii) All development shall have awnings or verandahs along public streets to provide shelter and comfort for pedestrians and encourage use of the public realm.</p> <p>(f) Vehicle Access:</p> <p>(i) Vehicle accesses shall be restricted to those indicated on the final adopted Local Structure Plans for the area.</p> <p>5. The local government may adopt</p>
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		<p>Design Guidelines for any development precincts as defined on the Structure Plan. All development in such precinct is to be in accordance with the adopted guidelines in addition to any other requirements of the Scheme, and where there is any inconsistency between the design guidelines and the Scheme, the Scheme shall prevail.</p> <p>6. No subdivision or development of incompatible use will be supported within the buffer areas associated with;</p> <ul style="list-style-type: none"> • Poultry farm on Lot 120 Wattleup Road; • Market gardens on Lots 1, 2, 70, 71, 117 and 801 Wattleup Road; • Orchard on Lot 805 Wattleup Road; • Turf farms on Lots 78, 79, 80, 122 and 305 Wattleup Road; • Intensive horticulture on Lot 77 Wattleup Road <p>until these uses cease or the buffer areas are scientifically determined and approved by the Department of Environment. Buffer requirements are to be determined in consultation with the local government and Department of Environment. Buffer areas are to be shown on the Structure Plan.</p>
<p>6. Amending the Scheme Map to include Development Area No. 24 – DA 24 accordingly.</p> <p>Dated this day of 2005.</p> <p>Chief Executive Officer</p>		



- (5) sign the amending documents, and advise the WAPC of Council's decision;
- (6) 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;
- (7) following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the WAPC;
- (8) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment; and
- (9) 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 Clr L Goncalves SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

In October 1999 the Council and the Western Australian Planning Commission adopted Southern Suburbs District Structure Plan for that part of the newly developing urban area north of Gaebler Road, Hammond Park and Gibbs Road, Success. This area has now largely been developed with the remaining pockets in the process of being developed or local structure plans being prepared.

In October 2003 the Council and the Western Australian Planning Commission adopted the Southern Suburbs District Structure Plan –



Stage 2 – Banjup for the new urban development area on the eastern side of the Kwinana Freeway between Gibbs Road, Aubin Grove and Rowley Road, Aubin Grove. This area is also experience rapid development with the Sanctuary (Stocklands) and LWP creating new estates in the area. The City is still receiving a number of local structure plans and subdivision applications for this area.

Submission

The City's Strategic Planning Services has prepared a draft Southern Suburbs District Structure Plan – Stage 3 – Hammond Park/Wattleup for the 'Urban Deferred' area on the western side of the Kwinana Freeway, south of Gaebler Road, Hammond Park to Rowley Road, Aubin Grove and from the Freeway west along Wattleup Road (see the Agenda attachments for a locality plan).

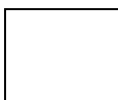
This land is zoned "Urban Deferred" under the Metropolitan Region Scheme and 'Development' under Council's Town Planning Scheme No. 3.

Report

Urban development throughout the City has been occurring at a very rapid rate. The area known as Southern Suburbs Stage 3 (SSS3) is the last remaining large greenfield area to be developed in the City. Given the current rate of development and surrounding development occurring in the adjoining localities of Aubin Grove, Success, Atwell and Hammond Park and the long lead times to get all planning approval in place, it is timely to progress planning of the Hammond Park/Wattleup area. It is also considered critical by the City's Strategic Planning Services to ensure that the Council provides strong guidance to developers and landowners of the development potential of their land.

On 9 November 2004 Strategic Planning Services convened a meeting of landowners in the area and outlined the proposal to prepare a District Structure Plan for the area, the requirements for the plan and the process to be followed including public consultation as outlined in Part 6 of TPS No. 3. The owners and their representatives supported the initiative. The following process and timeframe was presented at this meeting:

- Preparation of draft Structure Plan – complete end of January 2005;
- Council agenda report – complete 28 January 2005;
- Council meeting – 15 February 2005;
- Presentation to land owners of outcomes of Council meeting – 16 February 2005;
- Public advertising and referral to Government agencies – 16 February 2005 till 23 March 2005 (5 weeks);
- Council agenda report – complete 1 April 2005;



- Council meeting – 19 April 2005;
- Referral of submissions to the Western Australian Planning Commission and requesting of the lifting of the 'Urban Deferment' – 20 April 2005;
- Structure Plan adopted by Western Australian Planning Commission – September/October 2005;
- Lifting the deferment – September/October 2005.

The same process and similar timeframe was undertaken for the preparation of the Southern Suburbs District Structure Plan – Stage 2 – Banjup. Both the Stage 1 and Stage 2 District Structure Plans have successfully coordinated the preparation of local structure plans and detailed plans of subdivision and accordingly it is considered appropriate to conduct the Stage 3 Plan in the same manner.

A questionnaire was provided to all landowners within the SSS 3 area to obtain information on the future development or not of their land. This information along with opportunities and constraints mapping have been used as the basis for the preparation of the District Structure Plan which provides an overall context for the Hammond Park/Wattleup urban area.

District Structure Plan

A copy of the Southern Suburbs District Structure Plan Stage 3 – Hammond Park/Wattleup is included in the Agenda attachments.

Elements of the Structure Plan are as follows:

1. Major Road and Pedestrian Network – The Department for Planning and Infrastructure has identified the upgrading of Rowley Road to a dual carriageway which could potentially provide the main link from the Kwinana Freeway to the future outer port. Whilst Rowley Road has not been designated as a 'Other Regional Road' (blue road) under the Metropolitan Region Scheme, Planning Control Area No. 76 has been designated over the alignment.

Rowley Road provides direct access to the Kwinana Freeway with access onto Rowley Road being restricted to three points, being Hammond Road, Frankland Avenue and proposed extension of Barfield Road. The Hammond Road intersection is proposed to be grade separated. The District Structure Plan has only taken advantage of two access points onto Rowley Road, this being Hammond Road and the proposed extension of Barfield Road.

The main east-west link is Wattleup Road, which is proposed to be realigned to the north to avoid steep contours at the eastern end of existing Wattleup Road. Barfield Road is proposed to extend southwards and provide the only other access onto Rowley Road.



Hammond Road will be extended from Gaebler Road to Rowley Road where it will go under Rowley Road and continue south.

The road layout shown on the District Structure Plan encourages the majority of traffic generated from the development of the area to utilise a new north-south road which will link Russell Road with Rowley Road through Frankland Springs, Lot 412 Gaebler Road and the Southern Suburbs Stage 3 development. This road is focussed on directing traffic towards the future Mandogalup railway station and will be the main bus route for the area. Volumes of traffic along the Barfield, Wattleup, Hammond and the proposed main north-south road are unknown at this stage with access onto these roads being determined at the time of local structure planning.

An interconnecting network of shared paths will be provided within the Structure Plan area with the main connections being identified as Hammond Road, Rowley Road and Wattleup Road. The historic Tramway Trail has been identified on the western side of Hammond Road however it is proposed to integrate the trail within the Hammond Road reserve at the intersection with Wattleup Road. This will provide trail users with the opportunity to access and use the retail facilities within the neighbourhood centre identified for this intersection. Local Structure Plans will identify key links into the main shared path network.

2. Public Transport – A future railway station known as Mandogalup is proposed within the Kwinana Freeway Reserve on the northern side of Rowley Road. The timing of this station has not been confirmed but it is estimated to be approximately 10-15 years off. A “Park ‘n’ Ride” facility will be provided for this station on the western side of the Freeway. The land required for the carpark has already been purchased by the Western Australian Planning Commission.

The District Structure Plan ensures good vehicular, pedestrian and cycle access to the station and shows medium to high density residential within the walkable catchments to maximise the potential patronage.

The bus route originating from the transit interchange at Cockburn Central is proposed to follow the proposed new north-south road to the future Mandogalup railway stations. The proposed local road network has been designed to accommodate the bus route. It is likely that a future bus route will be required along Wattleup Road to connect into the main north-south network.

3. Neighbourhood Structure – The proposed neighbourhood structure is based on Liveable Neighbourhood 3 principles and in particular 400 metre walkable catchments. Given the shape and extent of the



urban area the District Structure Plan shows some gaps between the proposed neighbourhoods.

The proposed residential development codings shown on the plan differ from the traditional R Codings throughout the City. This is in line with the draft Liveable Neighbourhoods 3 (LN3). LN3 encourages a mixture of lot sizes distributed throughout neighbourhoods to provide housing choice. This is achieved through what is referred to as urban density targets. Urban density targets are – the number of dwellings per hectare less deductions for non-residential uses such roads, drainage sites and public open space (ie. 1 hectare minus 10% for POS, minus a further 25% for drainage and roads = 6,500m² of developable land).

The use of urban density targets rather than R Codings provides greater flexibility for lot sizes within designated areas and provides opportunity for increasingly diverse household types. Detailed Area Plans will provide guidance on lot layout, setbacks etc overriding the R Codes.

A comparison of urban density targets shown on the District Structure Plan and the R Codes is given in the following table for information:

Urban Density Target (UDT)	Average Lot Size UDT (m²)	Approx. R Code Equivalent
30	216	R40
20	325	R25
15	433	R20
12	541	R17.5

The development potential of the land shown as residential on the District Structure Plan is as follows:

UDT code	Development Area No. 23 – Rowley Road	Development Area No. 24 – Wattleup Road	TOTAL
30	292 dwellings	Nil	292 dwellings
20	407 dwellings	134 dwellings	541 dwellings
15	163 dwellings	110 dwellings	273 dwellings
12	303 dwellings	395 dwellings	698 dwellings
TOTAL	1,165 dwellings	639 dwellings	1,804 dwellings

The following table shows the total development potential of the SSS3 area:



Land use	Development Area No. 23 – Rowley Rd (ha)	Development Area No. 24 – Wattleup Rd (ha)	TOTAL (ha)
Local Centre (retail)	2.64	0.21	2.85
Mixed Business	4.38	1.25	5.63
High School	10	0	10
Private Primary School	4	0	4
Primary School	0	4	4
Conservation Reserve	4.58	0	4.58
Residential @ 30 UDT	15	0	15
Residential @ 20 UDT	31.3	10.3	41.6
Residential @ 15 UDT	16.7	11.28	27.98
Residential @ 12 UDT	38.9	50.6	89.5
TOTAL	127.5	77.64	205.14

Council's Strategic Plan for Seniors identifies the need for an aged care facility in the southern corridor of the City. A proposal has been received for the development of a retirement village, aged care facility and childcare centre on the corner of Lyon and Gaebler Roads in Aubin Grove. This facility will generally address the needs of the current and future ageing population in the southern corridor but given the future facilities such as the railway station, neighbourhood centre and surrounding natural environmental features a further facility would benefit the area and the City as a whole. Specific sites for such a facility has not been identified on the District Structure Plan but has been noted as a potential use in the District Structure Plan Report.

4. Commercial Facilities – A neighbourhood shopping centre up to 5,000m² of retail floor space has been designated on the intersection of Hammond Road and Wattleup Road. This centre will provide the main shopping facilities for the District Structure Plan area. Within this centre a supermarket and specialty shops has been identified to be included on the south-eastern corner to take advantage of the trip home shoppers.

A local shopping centre comprising up to 1,500m² of retail floor space has been proposed at the intersection of Barfield Road and the new road into the future Mandogalup railway station.

A small service centre possibly comprising a service station, fast food outlets, deli, medical centre and several support shops has been provided at the intersection of Wattleup Road and a new proposed road in the western corner of the District Structure Plan. This will provide for the daily shopping needs of the western community.



There may also be opportunity for a service station, fast food outlets and showrooms at the southern end of Barfield Road at the intersection with Rowley Road. This Mixed Business area has not been shown on the District Structure Plan, however initial discussions with the owner of the land have indicated that these uses maybe submitted as part of a submission on the draft District Structure Plan during advertising.

The provision of mixed business and complimentary uses surrounding all the centres will provide 'main street' design opportunities which has the potential to provide a high quality built environment that will be the central focus of the area. The District Structure Plan also provides the potential for home based business around the retail cores.

5. Education Facilities – Based on the projected lots and population for the SSS3 area there is a need for a high school and additional primary school. A private Catholic primary school has also been identified for the area. This site (Lot 46 Frankland Avenue) is already owned by the Roman Catholic Archbishop of Perth and was purchased for the purpose of developing it as a primary school.

The proposed high school will provide for the future primary schools identified in Hammond Park (Lot 412 Gaebler Road), Aubin Grove (Lot 448 Lyon Road) and Wattleup (shown on the District Structure Plan). There is likely to be a future primary school over the local government boundary to the south in the Town of Kwinana which will also contribute to the high school.

In accordance with LN3 the school sites have been located on the edge of the 400 metre walkable catchments or 800 metre walkable catchment of the railway station in the case of the high school, on neighbourhood connector roads and on largely flat sites. No alternative suitable sites were identified in the SSS3 area.

6. Parks and Recreation – Frankland Reserve (Reserve No. 27057) has been nominated as a Bush Forever site however has a degraded area in the south-east corner which has been identified on the District Structure Plan for active open space including a playing field in accordance with Council's decision to support the Bush Forever nomination at its meeting on the 16 September 2003 (Agenda item 14.5). The degraded area is approximately 3ha in size and may need to be enlarged to 4ha to ensure that a viable playing field can be constructed on the site.

A series of neighbourhood and local parks have been shown throughout the residential areas on the District Structure Plan and have been split into two categories, bush and other. The two categories have been identified to assist Council in deciding which



parks will be retained as natural bush and those that could be improved with such facilities as playgrounds and grassed areas.

The selection of the public open space sites was based on the following:

- Securing of good quality bushland not only in recognition of the quality of the bushland in the area but also the potential difficulty in securing an adequate water allocation for irrigation purposes;
- Along ownership boundaries to enable owners to be able to satisfy their 10% public open space (POS) requirements within their own land holding;
- In reasonably close proximity to the future Mandogalup railway station to provide a high level of amenity for the surrounding proposed high/medium density;
- Where possible in lower lying areas of the lots to allow for the integration of drainage facilities within the POS.

Unlike the District Structure Plan for Stage 2 – Banjup provisions have not been included for the taking of cash-in-lieu in the SSS3 area. This is due to the constraints and process involved in the expenditure of cash-in-lieu monies and the lack of large POS areas where money could be spent. In the event that land holdings are consolidated and developed comprehensively the POS areas can be amalgamated into larger parks which will reduce Council's maintenance costs.

7. Community Facilities – It is proposed to develop a small community facility on Frankland Reserve as part of the active POS area. These facilities are likely to include club rooms.
8. Servicing Considerations – A servicing report prepared for the City by Sinclair Knight Merz confirms that the land can be serviced for residential purposes and that developers will need to make appropriate arrangements with the servicing authorities for the extension of infrastructure into the area.

A sewer pump station will be required in the south-western corner of the SSS3 area which will then pump the sewer east and connect into proposed pressure and gravity mains.

Water services will be provided from future mains within Hammond Road, Frankland Avenue, Rowley Road, Wattleup Road and Gaebler Road.

Telecommunication infrastructure will be provided from the existing system in the area.



Western Power have advised that the available power supply in the surrounding high voltage cables in Lyon, Rowley, Gaebler and Wattleup Roads adjacent to the SSS3 area are not adequate to serve extensive development in SSS3. Western Power have further advised that a future substation in Jandakot (approximately 10km away) will be constructed to service the area, however a scheduled start date for this substation has not been confirmed.

No natural gas supplies currently exist in the area and Alinta Gas have advised that there are currently no plans to extend the natural gas service. It is anticipated that natural gas would be extended from the north as the development front progresses southward.

To facilitate the urban development east of the Beeliar Regional Park, the Water Corporation agreed to construct the Southern Lakes Main Drainage Scheme. The majority (70%) of SSS3 falls under this scheme. Approximately 20% of the southern portion is located within the Peel Drainage Catchment and the remaining south-western portion falls into an area currently outside the Water Corporation's Licensed Operation Area. Drainage headworks contributions, payable to the Water Corporation, in the Thomson's Lake Special Developer Contribution Area and higher than standard rates.

The Russell Road Arterial Drain Scheme Report prepared by David Wills and Associates for the City of Cockburn shows a large portion of the SSS3 area between Gaebler Road and Rowley Road requiring connection into a regional drainage network. This regional drainage network will control the groundwater levels in the area and therefore developers by requiring little fill to ensure a 3m separation between development and the groundwater. Development Contribution Area No. 9 and 10 include provisions for the collection of contributions towards the regional drainage infrastructure in the SSS3 area. These contribution catchments have been based on the Water Corporation's Southern Lakes Drainage Boundary as this catchment was used for Development Contribution Area No. 7 – Aubin Grove recently proposed in Amendment No. 17 to Town Planning Scheme No. 3.

Lifting of the 'Urban Deferment'

The SSS3 area is zoned 'Urban Deferred' under the Metropolitan Region Scheme and requires the transferring into the 'Urban' zone prior to development of the area. The 'Urban Deferment' zone reflects the physical and locational suitability of the land subject to the following evidence being provided.

WA Planning Commission Guidelines for the Lifting of Urban Deferment (June 2000) requires that evidence be provided that:



- The land is capable of being provided with essential services;
- Planning is sufficiently advanced to depict an acceptable overall design to guide future development;
- The proposed urban development represents a logical progression of development;
- Regional requirements have been satisfied or provisions made for them; and
- Any constraints to urban development can be satisfactorily addressed.

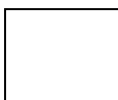
SSS3 has addressed all of the above requirements. A copy of the District Structure Plan Report and Servicing Report prepared by Sinclair Knight Merz will be forward to the WAPC for consideration.

Given that the Commissions Guidelines have been addressed through the District Structure Plan and Servicing Report it is recommended that Council support the request for the transfer of the 'Urban Deferred' land to 'Urban'.

Proposed Town Planning Scheme Amendment No. 28

As a result of the development of the area there are a number of modifications required to Town Planning Scheme No. 3 which are outlined below (the Agenda attachments show the proposed zoning changes):

- Replacing the southern section of Development Area No. 9 (DA 9) – Gaebler Road with a new Development Area No. 23 (DA 23) – Rowley Road – TPS3 shows the area south of Gaebler Road to Rowley Road as DA 9. Given the development to occur in this area as a result of SSS3 it is proposed to remove DA 9 from this area and replace it with DA 23. An additional Schedule is proposed to be included in Schedule 11 – Development Areas of the Scheme outlining the objective and requirements of this area. The proposed Schedule is in keeping with others included in this section of the Scheme and is for administrative purposes.
- Introduction of Development Area No. 24 (DA 24) – TPS 3 shows the western portion of SSS3 being zoned 'Development' however it does not contain a development area number. It is unclear why this has occurred and it is recommended that 'Development Area No. 23' be designated to the area. This will also require a Schedule to be included into Schedule 11 – Development Areas of the Scheme outlining the objective and requirements of this area including 'mainstreet' design principles for the centres designated on the



District Structure Plan. The proposed Schedule is in keeping with others included in this section of the Scheme and is for administrative purposes.

- Introduction of Development Contribution Area No. 9 (DCA 9) and Development Contribution Area No. 10 (DCA 10) – As a result of the future development of the SSS3 area there is a need for development contributions towards regional infrastructure such as the widening and upgrading of Hammond Road and Rowley Road and regional drainage infrastructure. To facilitate the collection of development contributions for the regional infrastructure it is proposed to introduce two new development contributions to the area, these being DCA 9 and DCA 10. The development contributions have been split into two areas as it is likely that development of DCA 9 will occur first given that this area is less affected by buffers from existing uses such as market gardens, poultry farms and turf farms.

Contributions being sought for the upgrading of Hammond Road have been split into percentage contributions based on the developable area (excluding the government high school and primary school sites) of the DCA's contributing to the need for the upgrading of Hammond Road. DCA 9 has 117ha of developable land and therefore will contribute 61.6% towards the cost for the upgrading and widening of Hammond Road. DCA 10 has 73ha of developable land and therefore will contribute 38.4% towards the cost for the upgrading and widening of Hammond Road.

Contributions being sought for the upgrading of Rowley Road will be split equally between City of Cockburn developers and Town of Kwinana developers given that this road straddles both Council's. The timing for the widening and upgrading of Rowley Road is unknown at this stage and will be required if and when the outer harbour is constructed.

The City already has several other Development Contribution Areas within the Town Planning Scheme (and a further two proposed) which are used to collect contributions from developers within the designated area for similar purposes as proposed above. All the required provisions required to manage Development Contribution Areas already exist within the Scheme and Amendment No. 28 proposes to introduce 'Development Contribution Area No. 9' and 'Development Contribution Area No. 10' into Schedule 12 and amend the Scheme Map to identify the area. Western Australian Planning Commission Planning Bulletins No. 18 and 37 outline the requirements for the application of development contribution areas and what works can be included in the contributions. The above proposed works comply with both Planning Bulletins.



The introduction of 'Development Contribution Area No. 9' and 'Development Contribution Area No. 10' to Schedule 12 of Town Planning Scheme No. 3 will ensure that a coordinated approach is taken to the regional infrastructure requirements the Southern Suburbs Stage 3 Area with all developers contributing to the provision of the infrastructure.

The works proposed to be included in the Schedule comply with the requirements of Planning Bulletins No. 18 and 37 and therefore Amendment No. 28 should be initiated by Council.

Conclusion

The draft Southern Suburbs District Structure Plan Stage 3 – Hammond Park/Wattleup has been prepared by Council's Strategic Planning Services as the basis for an application to the Western Australian Planning Commission to transfer the area from 'Urban Deferred' to 'Urban' in the MRS, and to coordinate local structure plans for land within the Structure Plan area. The District Structure Plan is based on Liveable Neighbourhood 3 principles and sound planning principles.

The District Structure Plan shows approved proposals for the surrounding land which provides a context for the subject land and is based on Liveable Neighbourhood principles which have been adopted by Council as a policy and the application of sound planning principles.

It is proposed that the District Structure Plan be formally adopted by Council and the Western Australian Planning Commission in accordance with the procedures set out in Part 6 of TPS 3. On completion of the procedures set out in Part 6, the Structure Plan will be formally recognised as the Plan adopted as the basis of subdivision and development within the Gaebler and Wattleup Road Development Zones (DA 9 and DA 23).

It is recommended that Council adopt the draft District Structure Plan for the purpose of public consultation which will include referral to servicing authorities and Government agencies, advertising in local papers and the West Australian, letters to landowners within the Structure Plan area and a meeting with landowners. It is anticipated that submissions will be presented to the April 2005 meeting of Council.

Strategic Plan/Policy Implications

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

1. Planning Your City



- *"To ensure that the 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."*
2. 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."*
 - *"To manage the City's waste stream in an environmentally acceptable manner."*
3. 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."*
4. 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."*
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*
 - *"To construct and maintain community buildings which are owned or managed by the Council, to meet community needs."*

The Council Policies which apply to this item are:-

SPD1	BUSHLAND CONSERVATION POLICY
SPD2	COMMUNITY FACILITIES INFRASTRUCTURE - 10 YEAR FORWARD PLAN
SPD3	NATIVE FAUNA PROTECTION POLICY
SPD4	'LIVEABLE NEIGHBOURHOODS'
SPD5	WETLAND CONSERVATION POLICY



APD4	PUBLIC OPEN SPACE
APD12	AGED PERSONS ACCOMMODATION - DEVELOPMENT GUIDELINES
APD20	DESIGN PRINCIPLES FOR INCORPORATING NATURAL MANAGEMENT AREAS INCLUDING WETLANDS AND BUSHLANDS IN OPEN SPACE AND / OR DRAINAGE AREAS
APD26	CONTROL MEASURES FOR PROTECTING WATER RESOURCES IN RECEIVING ENVIRONMENTS
APD28	PUBLIC OPEN SPACE CREDIT CALCULATIONS
APD30	ROAD RESERVE AND PAVEMENT STANDARDS

Budget/Financial Implications

N/A

Legal Implications

Nil

Community Consultation

The District Structure Plan will be advertised in accordance with Clause 6.2.8 of Town Planning Scheme No. 3. This will involve the following:

- Advertising of the District Structure Plan – 16 February to 23 March 2005 (5 weeks)
- Advertising of the draft District Structure Plan in the two local papers and West Australian;
- Presentation to land owners of the outcomes of the Council meeting and draft District Structure Plan on the 16 February 2005; and
- Refer to Government agencies, affected landowners and other stakeholders.

It is envisaged that the Structure Plan and submissions will presented to the April 2005 Council meeting.

Town Planning Scheme Amendment No. 28 will also be advertised following the advice of the EPA in accordance with the Town Planning and Development Act 1928 (as amended).

Attachment(s)

1. Locality Plan
2. Draft District Structure Plan
3. Draft Amendment Plan No. 28

Advice to Proponent(s)/Applicant

N/A – Council initiated action.



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

N/A

14.13 (MINUTE NO 2710) (OCM 15/02/2005) - PROPOSED 'SUCCESS CENTRAL MASTER PLAN - LOT 809 WENTWORTH PARADE, SUCCESS (5518344) (MR) (ATTACH)

RECOMMENDATION

That Council:

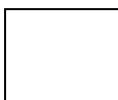
- (1) grant approval to the proposed Master Plan for Lot 809 Wentworth Parade, Success subject to the following conditions:-
1. The Master Plan being referred to Jandakot Airport Holdings Pty Ltd seeking advice on whether or not the proposed apartment towers intrudes into the obstacle Limitation Surface (OLS) and procedures for Air Navigational Services, accepting that comments may also be required from Civil Aviation Safety Authority (CASA), and Air Services Australia. The development must comply with the Airports Act (Protected Airspace) Regulations.
 2. The proponent engaging a qualified engineering consultant to prepare a detailed Traffic and Parking Report, which examines and makes recommendations on the location of proposed external and internal intersections and upgrading of Wentworth Parade.
 3. No crossovers are permitted directly onto Wentworth Parade for apartments except for the two main driveways shown on the Master Plan and subject to a Traffic Report confirming that these are acceptable.
 4. The proponent entering into an agreement to facilitate public access for pedestrian and cyclists to the main internal driveways/ footpaths and linear parkland within the development. Such an agreement being prepared by Council's solicitors and being at the cost of the proponent.
 5. Satisfactory arrangements being made for the preparation of a Drainage and Nutrient Management Plan consistent with the requirements of the Cockburn Sound Catchment Policy SPD8 and being to the satisfaction of Council.
 6. The land being provided with an adequate outlet drainage system for a 1: 100 year storm event or otherwise provide a fully self-contained drainage system to the satisfaction of the



Council.

7. The main access road through the development being treated with similar public facilities as a public street including street lighting, street trees and furniture, 1.2m wide footpaths separate from the access road and landscaped frontages.
8. The café and home store components of the proposed development seem acceptable 'in principle' but will require formal advertising prior to the Council's approval of a development application pursuant to clause 9.4 of Town Planning Scheme No 3. Approval to the Master Plan should not be construed as fettering Council's ability to either refuse or approve (with or without conditions) these commercial aspects of the proposed development.
9. A variation to the building height requirements of Table 3 of the Residential Design Codes is supported, subject to impacts of privacy and overshadowing being contained on-site and not adversely affecting the amenity of surrounding residents.
10. The proponent financially contributing to Council towards the cost of upgrading Pearson Drive based on the length of road frontage of Lot 809.
11. An acoustic wall being designed and constructed in accordance with the requirements of a qualified acoustic consultant for the lot frontage to the Kwinana Freeway.
12. A notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the Council and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to commencement of development works. The notification should (at the full cost of the applicant) be prepared by the Council's solicitors and be executed by both the landowner and the Council. This notification is to be sufficient to alert prospective purchasers as follows:-

"The subject land is situated adjacent to the Kwinana Freeway and future Perth to Mandurah railway where the amenity of future residents may be affected by noise and vibration from traffic and rail use."
13. Land use and development of land is to proceed generally in accordance with the Master Plan while recognising that the Master Plan may require enhancements once detailed development plans are prepared.
14. A linear portion of Lot 809 is reserved for Railway Purposes in



the Metropolitan Region Scheme and is subject of an amendment to the MRS to delete this reservation. In the interim any development proposed over the reserved land will require separate approval to commence development from the Western Australian Planning Commission.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that the recommendation be adopted subject to Item 1(8) being substituted and a new Item 1(15) being added as follows:

“(1) 8. The café and home store components of the proposed development will require formal advertising prior to the Council’s approval of a development application pursuant to clause 9.4 of Town Planning Scheme No. 3. Approval for the Master Plan is not to be construed as fettering Council’s ability to either refuse or approve (with or without conditions) any commercial aspects of the proposed development.”

(1) 15. All Detailed Area Plans prepared in support of the Master Plan are to be referred to the Council for consideration and determination.

CARRIED 10/0

Explanation

Council avoids providing 'in principle' support for developments, unless necessary. Given the unique nature of the development, Council wish to take an active interest in the detailed planning because of its potential impact on the adjoining properties.

Background

ZONING:	MRS:	Urban, Regional Reserve - Railways
	TPS3:	Residential R160, Regional Reserve - Railways
LAND USE:	vacant	
APPLICANT:	Cardno BSD	
OWNER:	Acepark Pty Ltd	
LOT SIZE:	6.9815ha	
USE CLASS:	Grouped (R-Code) Dwelling 'P', Multiple (R Code) Dwelling 'D', Lunch Bar 'A', Home Store 'A', Convenience Store 'A'	

Submission



The applicant seeks approval from the Council to establish a mixed-use development that offers a variety of housing choice. The proposal includes the development of landmark buildings and contemporary architecture and urban design elements. It is intended that the development will integrate with the surrounding development and enable future residents to live, work and recreate within and around the site. The applicant believes the proposal will be a model development and will set a benchmark in urban innovation and housing variety in a suburban location.

The key components of the Master Plan are outlined below:-

- Accommodates 861 dwellings distributed across 4 development precincts as follows:-

- Precinct 1: 107 dwellings
- Precinct 2: 241 dwellings
- Precinct 3: 297 dwellings
- Precinct 4: 216 dwellings

The final number of dwellings is likely to vary from these numbers but will be confirmed when development applications are prepared for each precinct.

A range of dwelling stock satisfies an objective of Liveable Neighbourhoods and will assist in satisfying a diversified market and different household types.

Accommodation Type Proposed	Location
<p>Three 8 to 10 storey apartment towers & Four 8 storey apartment towers</p> <p>Predominately 1 bed and 1 bath apartments but 2 bed and 2 bath apartments are included</p> <p>Apartments will include a number of communal facilities including swimming pools and landscaped open space.</p> <p>Car Parking will be undercroft</p>	Northern portion of site
<p>Twenty eight 3 storey apartment blocks</p> <p>1 and 3 bed and 1 and 2 bath apartments</p> <p>Apartments will include a number of communal facilities including a swimming pool</p> <p>Parking will also be undercroft to improve</p>	Southern and western periphery of the site to create an interface of a scale similar to the existing and imminent adjoining residential developments



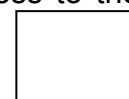
the amenity and visual quality of the development.	
Several two storey town houses and terraces Town Houses will have between 2 and 3 bedrooms and 2 bathrooms	Southern and western borders of the site to create and interface of a similar scale to surrounding residential development
Two retail outlets of a low scale such as a local café and shop that are not intended to compete with the Gateways shopping centre but to improve the level of amenity of the development.	Areas proposed for retail facilities occupy a small portion of the site and are incidental to residential development.

- Capitalises on the opportunity to accommodate a future community of some 1,500 people within a walkable distance from the proposed Thomsons Lake Rail Station and Cockburn Central Town Centre;
- Proposed communal open space “greenbelt” system traversing the northern perimeter of the site. The open space is to be developed as landscaped parklands and positioned for maximum accessibility. The area of open space is 67% of the site or 1.3ha;
- Stormwater will include water sensitive design of the parklands and will include a central water feature;
- The internal road network is based on a modified grid system;
- Some 110 car parking bays are proposed on -site. Car parking will be undercroft to improve the amenity and appearance of the development. The R-Codes require 146 bays and therefore dispensation of car parking is sought from Council on the basis that the proposed development is heavily founded on the principle of a transit-oriented community;
- Development timeframes are expected to be over a number of years given the scale and nature of the proposed development;
- The Master Plan can only be considered as a dynamic plan that will continue to evolve in response to market changes and social, economic and political change. Flexibility is therefore a main underpinning element of the Master Plan.

Report

Site Context

The subject land is situated south of the Gateways Shopping Centre and is also bounded by Wentworth Parade to the west, Pearson Drive and the Southern Cross Retirement Village and the Kwinana Freeway. The subject land is of strategic importance since it is a large vacant development site (area of 6.98ha) with excellent access to the future



Cockburn Central Town Centre and the Thompsons Lake Railway Station.

Zoning

This site is the only vacant land south of the Gateways shopping centre that is available to establish high population densities. The site is zoned under Town Planning Scheme No 3 as Residential R160, which is reflective of its highly accessible and desirable location. The density Code is the highest of its type in the district and possibly within the Perth Metropolitan Region outside of the Perth Central Area. The R160 Code was selected by Council to afford the maximum opportunity for the establishment of high density development such as being proposed in the form of tower block apartments, terrace style town houses and grouped dwelling style development.

Density

The current R160 density Code would yield up to 1,117 dwellings in comparison with the Master Plan indicatively accommodating 861 dwellings. The proposed density of 861 dwellings is equivalent to an R-Code of approximately R130 (81m² per dwelling as opposed to 62.5m² per dwelling – R160).

Master Plan

The best approach to the planning and development of the site is through the preparation of a Master Plan. The Master Plan provides a comprehensive basis for the analysis of the development opportunities and constraints and can guide the subdivision and development of the land in accordance with orderly and proper planning.

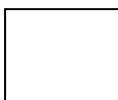
Network City

This plan has been prepared by the State Government to provide a detailed planning framework for the strategic planning for Perth and has evolved from the Dialogue with the City as a strategy to shape Perth's planning over the next 25 years.

The concept of Network City is based on optimising land use and transport linkages between land use and transport linkages between centres and for public transport to be supported by a range of activities at the centres as well as the land uses along the corridors linking the centres. Cockburn Central is an Activity Centre on an activity corridor (Kwinana Freeway & Beeliar Drive).

There is also an encouragement of mixed-use development in activity centres, including higher density residential developments and employment generators, especially where centres are well served by public transport and have high amenity walkable environments.

Network City recognised that residential densities, employment location and increasing use of car travel are key elements in the better integration of land uses and transport. By integrating land use and



transport we can achieve a more sustainable city and a high quality of life for current and future generations. The past failure of the planning system has been recognised for not delivering effective mechanisms. There is now a desire to achieve higher density nodes at train/bus stations, liveable neighbourhoods

Metropolitan Region Scheme

The western portion of the site is included within a Regional Reserve – Railways under the Metropolitan Region Scheme. This will require the referral of the MRS form 1 to the Commission for their approval for that part of the development within the Regional Reserve. The Western Australian Planning Commission have prepared an MRS Amendment to delete the reservation but this has not yet been finalised.

The State Government has decided that the railway line will be constructed within the Kwinana Freeway median. The current railway reservation is therefore redundant in terms of the final railway alignment but nevertheless all applications for planning approval will need to be referred to the Commission for approval under the MRS for that part of the development within the railways reservation. Council can then proceed to determine the Schedule 6 application for the balance section of the proposal on zoned land.

Open Space

The proposal complies with the open space requirements within the development area and communal open space requirements for future residents. Large areas of the site are to be developed as linear open space and communal facilities include a number of swimming pools. The Master Plan should be modified to enable local residents not living within the development to use the footpaths along the main internal road as an alternative means of pedestrian access to the Gateways Shopping Centre. This would be an effective way of integrating the proposed development within the locality which was an opportunity lost with the adjoining Southern Cross Retirement Village.

There is no requirement within the development area of Lot 809 to provide additional public open space because the land was formerly owned by Gold Estates (Australia) Pty Ltd who provided 10% POS within the Thomsons Lake Estate.

Urban Design

Urban design principles would support the establishment of landmark buildings on key corner sites and within the town centre. There is the possibility that while this is a strategic site for residential development it may achieve a comparable if not higher density of development than what could be achieved with the establishment of Cockburn Central. The landmark buildings will shift the development focus from Cockburn Central to this site but the proposed development will ultimately complement the development of Cockburn Central and The Gateways Shopping Centre. Presently there are no plans for tower block



apartments within Cockburn Central but these could certainly be accommodated upon the establishment of the town centre.

Retail Facilities

A lunch bar (café) and a convenience store are the only retail uses that can be considered on this Residential zoned property. A convenience store is defined as follows:-

“Convenience Store means premises —

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;*
- (b) operated during hours which include, but may extend beyond, normal trading hours;*
- (c) which provide associated parking; and*
- (d) the floor area of which does not exceed 300 square metres net lettable area.”*

More information is required from the applicant to detail the actual amount of retail floorspace proposed for the convenience of residents but given the immediate proximity to the Gateways Shopping Centre it seems inappropriate to consider a Convenience Store unless it was of such a small scale such as that of a Home Store of 100m² or less.

Plot Ratio

The proposed development complies with the maximum plot ratio requirements of the R-Codes and site area per dwelling requirements.

Building Height

A relaxation of the requirements of Table 3 of the R-Codes is required to permit a building height that is consistent with the desired building height in the locality. Table 3 would otherwise prescribe a building height limit as follows:-

	Category A	Category B	Category C
Top of external wall (roof above) (ii)	3m	6m	9m
Top of external wall (concealed roof)	4m	7m	10m
Top of pitched roof (ii) (iv)	6m	9m	12m

The proposal includes three 8 to 12 storey apartment towers and an 8-storey apartment tower, which represents a major variation to Table 3 of the Codes where normally a building height based on Category B, would apply. This is clearly inconsistent with the provisions that apply



to the R160 Code that enable the second highest residential density to be achieved outside of the Inner City Housing Requirements. There is a clear preference in Town Planning Scheme No 3 to achieve a high-density development on this landmark site, which can only be facilitated if building height limitations are varied. Also most of the proposed development is based on 3 storey built form, which has a more suitable interface with the adjacent development. Two storey townhouses also provide an appropriate scale of development onto Pearson Drive.

A variation to building height requirements of the Codes is supported if all impacts of privacy and overshadowing of the proposed development are contained on-site.

Access & Parking

A total of 1253 bays are proposed in comparison with 1455 bays required. This represents 86% of the actual car-parking requirement. Most apartments would have provision for 2 bays each. It is also reasonable to expect that not every resident will have 2 bays. Similar inner city areas in Perth where there is a high level of accessibility to public transport and services have relaxed car parking standards to 1 bay per apartment. A further visitor parking relaxation has been requested by providing for 110 bays instead of 146 bays required.

A car parking relaxation of 202 bays has been requested for residents and a 36 bay relaxation for visitors. In the context of the development being transit oriented and demonstrating a high level of access to services and facilities in the Gateways Shopping Centre and future Cockburn Central a relaxation of car parking as proposed is reasonable from a planning viewpoint. A car parking credit should be guided by the actual parking demand experienced post development of Precinct One. This will enable Council to determine if there is any additional car parking required for Precincts 2, 3 and 4 to satisfy the requirement for all car parking to be provided on-site based on actual demand.

There are two new road intersections proposed onto Wentworth Parade, which will require further investigation to identify intersection treatment including deceleration lanes and turning lanes that don't conflict with the Gateways Shopping Centre. Upgrading of Wentworth Parade will be required to facilitate the increase in traffic from the development. The proponent should engage an engineering consultant to prepare a traffic report to address this matter.

Pearson Drive

Pearson Drive in its current form is unsatisfactory and must be totally reconstructed to a higher suburban standard. Developers whose land fronts onto Pearson Drive have already provided pro-rata contributions to Council towards road upgrading. This is an equitable arrangement facilitated by Council. The proponent should be required to contribute



towards the cost of reconstructing Pearson Drive. Preliminary cost estimates for the upgrading Pearson Drive will require a contribution of approximately \$50,000 from the owner of Lot 809.

Stormwater

All stormwater disposal based on a 1:10 year storm event must be contained on-site and demonstrate how the 1:100 yr storm event can be managed to militate against flooding. A stormwater management plan should be required to the satisfaction of the Council and must incorporate a nutrient stripping function consistent with the Cockburn Sound Catchment Policy SPD8.

Conclusions

It is recommended that Council proceed to adopt the Master Plan subject to conditions addressing the matters discussed in this report relating to public access, road intersections and road upgrading.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

Budget/Financial Implications

Council's decision is appealable. Legal representation will be required if an appeal is lodged with the Tribunal.

Legal Implications

Town Planning Scheme No 3.

Community Consultation

Proposal is a P use under TPS No. 3 and does not require advertising for public comment.

Attachment(s)

- (1) Site Plan and Summary
- (2) Design Photographs

Advice to Proponent(s)/Applicant

Letter to Cardno BSD as representatives of the owner advising that item to be considered at February 2005 Council Meeting.



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

Nil

14.14 (MINUTE NO 2711) (OCM 15/02/2005) - 23 MULTIPLE (R-CODE) DWELLINGS, 3 TOWNHOUSES & OFFICES - LOT 113 (NO. 52) ROLLINSON ROAD, HAMILTON HILL - OWNER / APPLICANT: DWELLERS NOMINEES PTY LTD / GILETE OCEAN VIEW PTY LTD (2213442) (MR) (ATTACH)

RECOMMENDATION

That Council:-

- (1) approve the application for 23 Multiple (R-Code) Dwellings, 3 Townhouses and Offices on Lot 113 O'Connor Close (cnr Rollinson Road), Hamilton Hill, 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. This approval relates to the revised attached plan dated 28 January 2005.
4. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.
5. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of Council.
6. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS4282-1997: "Control of the Obtrusive Effects of Outdoor Lighting".
7. Landscaping and tree planting to be undertaken in accordance with the approved plan.
8. The landscaping, in accordance with the approved



detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.

9. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
10. Earthworks over the site and batters must be stabilised to prevent sand blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand is blown from the site.
11. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Unless otherwise specified in this approval. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied.
12. A minimum of 2 disabled carbays designed in accordance with Australian Standard 2890.1 - 1993 is to be provided in a location convenient to, and connected to a continuous accessible path to, the main entrance of the building or facility. Design and signage of the bay(s) and path(s) is to be in accordance with Australian Standard 1428.1 - 1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in conjunction with the Building Licence application.
13. Refuse bins shall be provided adequate to service the development and the bins are to be screened from view to the satisfaction of the Council before the development is occupied or used.
14. Potential occupiers must seek approval from the Council for their proposed use prior to occupying and commencing the business operation.
15. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 3 metre truncation, as depicted on the approved plan.

CONDITIONS TO BE COMPLIED WITH PRIOR TO ISSUANCE OF A BUILDING LICENCE



16. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer, to the satisfaction of the Council.
17. Approval from the Department of Land Information is required for the proposed veranda's extending into Rollinson Road and O'Connor Close prior to issuance of a building licence.
18. Notwithstanding the detailed specifications required to be submitted for a Building Licence approval, a separate schedule of the colour and texture of the building materials shall be submitted and approved to the satisfaction of the Council prior to applying for a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval.
19. A landscape plan must be submitted to the Council and approved prior to applying for building licence and shall include the following:
 - (1) the location and type of existing and proposed trees and shrubs
 - (2) any lawns to be established
 - (3) any natural landscape areas to be retained; and
 - (4) those areas to be reticulated or irrigated.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

20. The landscaping, car parking and drainage must be completed in accordance with an approved detailed landscape plan, prior to the occupation of any building.
21. An area of 680m² abutting the railway reserve being subdivided from Lot 113 and shown on a Diagram or Plan of Survey as a "Reserve for Recreation" and ceded to the Crown without payment of compensation. This condition must be satisfied prior to occupation of the development.

SPECIAL CONDITIONS

22. Any residential development within 50m of the railway line is required to demonstrate compliance with noise and vibration criteria in the Noise Management Plan for the South Beach Village development ("South Beach Village Noise Management Strategy" August 2002 and accompanying *correspondence*) as approved by the



Western Australian Planning Commission to the satisfaction of the Council.

23. Notification in the form of a memorial to be placed on the Certificates of Title of all lots or dwellings within 50m of the railway line advising of the existence of a hazard or other factor in accordance with section 12A of the Town Planning and Development Act 1928 to the satisfaction of the Council and at the applicant's cost. The memorial to state as follows:-

"This lot or dwelling is within 50m of an operating freight rail line servicing the Port of Fremantle and industrial areas and operates 24 hours a day, 7 days a week. Therefore residential amenity may be affected by noise and vibration and other impacts from freight rail traffic using the rail line."

24. All mechanical plant and equipment must be screened from view of adjoining properties and O'Connor Close and Rollinson Road. The location of plant and equipment must also minimise the impact of noise being received by future residents.
25. All service areas including bin storage areas, air conditioners, equipment and transformers are to be positioned along Rollinson Road and not O'Connor Close.
26. Street veranda's being extended to a minimum width of 2 metres to the satisfaction of Council.
27. Uniform sliding balcony screens being provided in lieu of irregular screening devices used by future owners.
28. All units must include the installation of a clothes drier with the laundry. No clothing can be dried on the open balconies at any time.
29. The proponent designing and constructing on-street parking embayments along the lot frontage to Rollinson Road and O'Connor Close to the satisfaction of the Council to provide for visitor parking requirements.
30. The proponent upgrading the verge area adjoining the development to include kerbing, footpath paving, lighting and street trees that are complimentary to the style and materials being used by Stocklands in the nearby South Beach development.
31. Reconfigure the door entries to the storerooms to relate



- more closely to the location of car parking bays for each apartment.
32. The communal open space area being increased by 100m² to a total of 200m² by reducing the area of land required for public open space by 100m².
 33. The provision of underground power to service the development.
 34. The façade to O'Connor Close and Rollinson Road being amended to include fenestration details and improved articulation in design around door entries and windows to the satisfaction of the Council.
 35. The carrying on of the development must not cause a sand drift or airborne dust nuisance to neighbours. The developer must prepare and implement a Dust Management Plan in accordance with the Council's Policy for the Preparation of Dust Management Plans for development sites within the City of Cockburn. The Plan is to be approved by the Council's Health Services prior to the commencement of earthworks and complied with during the life of the development.
 36. Prior to the commencement of development the developer shall prepare and have approved a "Soil Contamination Assessment" of the site, where any contamination must be identified, removed and validated as part of civil works in consultation with the Department of Environment – Contaminated Sites Branch to the satisfaction of the Council.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. The development being connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
3. In relation to Condition 18 colours should be complimentary to a beachfront community. The base colours of the buildings should be generally light, natural and earthy, synonymous with the coastal landscape. Highlight colours should be used on features such as window frames, doors, feature walls and down pipes to create contrast.



- (2) Issue a Schedule 9 – Notice of Determination of Application for Planning Approval – Approval (inclusive of MRS Form 2 Approval); and
- (3) Contact The Planning Group – Stocklands and acknowledge their contribution to highlighting urban design changes that have been adapted where possible to the proposed apartments.

COUNCIL DECISION

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

CARRIED 10/0

Background

ZONING:	MRS:	Urban
	TPS	Development Zone (DA16)
APPLICANT:	Gilete Ocean View Pty Ltd	
OWNER:	Dwellers Nominees Pty Ltd	
LAND USE:	Shed, car parking and landscaping (unoccupied)	
LOT SIZE:	3940m ²	
USE CLASS:	Multiple (R-Code) Dwelling 'D' – Discretionary decision	

Submission

The applicant seeks approval from the Council to construct an 8 storey apartment tower incorporating the following components:-

- 21 apartments (including 4 sub-penthouse (executive) apartments and one top floor penthouse);
- 3 two level townhouses fronting onto O'Connor Close;
- mixed use component includes 2 apartments over Offices fronting onto Rollinson Road;
- 58 car parking bays are proposed on-site that includes 42 bays for the apartment tower (2 bays per apartment) and 6 bays for the office and 2 parking bays each for the town houses and apartments above the office;
- A dispensation of visitor car parking is requested from Council;
- A 100m² area of communal open space includes a lap pool on the ground floor abutting open space;
- An area of 780m² being a 15m wide strip of land abutting the railway reserve is to be transferred to the crown as "Public Open Space". The proponent has also agreed to landscape and develop



this area for public use to the City's requirements given that a relaxation of the communal open space is requested from 336m² to 100m²;

- 21 storerooms are proposed for the 21 apartments;
A communal bin store area for the whole development is also included and access is proposed via Rollinson Road.

Report

Site Context

The subject land is situated in the north-western corner of the district on the corner of Rollinson Road and O'Connor Close and on the eastern side of the Fremantle Port freight railway. Aside from the railway the site has a pleasant coastal context with an outlook over Cockburn Sound.

The surrounding development is a mixture of industrial activities along O'Connor Close and the new coastal residential development of South Beach being developed by Stocklands and LandCorp. To the south of the development is undeveloped and is zoned Industry – Restricted Use 9. Cleland Nominees have approval to construct a large cold store building on the adjacent lot but have not yet proceeded with the development. There are no apparent land use conflicts despite the ability for industrial development to occur nearby.

Zoning

The Development Zone requires that all subdivision and development of land to be in conformity with a Structure Plan adopted by Council. The South Beach Structure Plan identified the site as a Mixed Business/Residential Precinct. A narrow strip of land (15m wide) along the railway reserve is also required for future public open space.

The South Beach Structure Plan didn't specify an R-Code to apply to the site. The City recommended that an R60 Code be applied. The applicant proceeded to prepare plans for an apartment tower of 21 units in one building and an office component along Rollinson Road on this basis. Development plans were subsequently revised following the consultation with surrounding landowners. The Planning Group representing Stocklands indicated the urban design elements of the development could be improved to give a traditional main street along O'Connor Close. The applicant agreed to these design elements. This has resulted in significant improvements to the design that could only be achieved using a Coding of R80 instead of R60. The actual R-Code achieved is R66 but the next applicable Coding is R80.

The proposed development for both offices and residential apartments is considered to be highly desirable and achieves the form of development envisaged by the Structure Plan. Ground floor uses such as offices or other commercial uses creates activity and vitality to the



street and provides for improved opportunities for security and creates employment opportunities.

Vision for Cockburn Coastline (July 2004)

A vision for developing the Cockburn coastal strip between South Fremantle and Woodman Point has been prepared by the State Government. It will bring together the different planning and development initiatives in the area in an overall integrated framework. The proposed urban development is premised on high density residential and mixed use development, provision of an efficient public transport system and good access to the beach and Regional Park.

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

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

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

Key elements of the vision relevant to the development of Lot 113 are:-

- Integration of the South Beach development into the overall planning framework for the coastal strip
- Transforming the north Coogee industrial area into a high density and high amenity residential and mixed use beachside urban precinct. Existing compatible industries will remain and will be redeveloped over time
- Provision of an efficient public transport system connecting the area to Fremantle
- Improve and increase beach access
- The freight railway line through the area will be retained
- Provision of a comprehensive cycle and pedestrian path system

The proposed development is consistent with and will achieve the planning initiatives of this visionary plan.

Public Consultation

The application was advertised to surrounding landowners for public comment prior to determination of the application. At the close of the submission period only one submission was received from The Planning Group acting for Stocklands. The submission supported the



proposed development and provided several design improvements that have generally been accepted and already included in the revised plans resubmitted by the applicant. The suggested redesign elements are outline below:-

- Improve awning protection to pedestrians on the street;
- Improve the south and north facades for views to Fremantle and beaches;
- Treatment could improve on the ground level at the future POS;
- Provide awning to east and west facades;
- Provide a roof deck and landscape area over the car park with improved access to the units and avoid an unsightly roof;
- Encourage a redesign to include two storey townhouses to O'Connor Close to improve interface with residential development on Stocklands east side even if density and plot ratio bonus is needed;
- Relocate the service access to the car park from O'Connor Close onto Rollinson Road and all service areas (ie bin stores, air conditioning plant, equipment and transformers);
- Wrap balconies around the southern side of the façade for views of the beaches;
- Add more windows to the northern elevation for improved solar access;
- Vertical banding could also articulate the façade to emphasise the building height;
- Agree with the scale of development is appropriate to the location and encourage Council to permit an increase in density and plot ratio to implement the desirable urban design objectives.

Height and Scale of the proposal

The proposed 8-storey development will be the tallest building in the district but this will not be out of context with the large site area. The use of large setbacks from O'Connor Close will also ensure that there will be no adverse impacts on surrounding lots. The building is proposed at a maximum height of 26.8 metres above natural ground level. The height of the development is of landmark proportions on what is a prominent street corner and one of three future entries to the South Beach estate.

There are no building height limitations in the South Beach Structure Plan adopted by Council. The proposed development is of a comparable height and scale to other coastal apartments being developed in other nodal developments such as the City of Fremantle and the City of Rockingham. Coastal apartments provide a diversity of housing forms and wider housing choice.

Plot Ratio

The plot ratio of the proposed development, which is the gross total of all floors of buildings on the site to the area of land within the site



boundaries, is 0.65 equivalent to an R60 Code. The site area included the portion of land to be transferred as public open space and excluded the office floorspace to determine the plot ratio of the proposed development. Plot ratio when used in conjunction with other R-Code requirements of car parking, open space determines building height.

Streetscape

The development of two storey townhouses along O'Connor Close is supported because it has an appropriate interface with the Stocklands residential development to the east. Two storey townhouses will also create a 'human scale' of development and ability to attractively landscape the street. It will also ensure that the apartment tower will not dominate the streetscape. The granting of a density bonus above R60 to R80 is supported because the overall development and streetscape will significantly benefit from the increased residential density.

The *eastern facade* at the rear of the apartment complex will be highly visible at the entry to O'Connor Close. The design has been improved with a greater level of articulation and provision of windows and new balconies with vertical detailing. Awnings and sills have not been identified though but are optional and not essential.

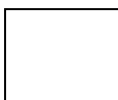
The *west façade* accounts for the separation required to the railway on the ground level, which is not suitable for residential development. The applicant has proposed art works and vents to the undercover car-parking wall to improve the visual aspect to the proposed public open space. The design includes extensive use of balconies and major openings to capitalise on the coastal aspect. A roof deck over the car park has not been pursued due to the desire to retain privacy and security to apartments. Instead the applicant agreed to relocate the communal pool area in direct alignment with the apartment entry for improved access. Shade sails are also proposed on the car park roof to improve the visual aspect from balconies above.

Building Setbacks, Landscaping

Nil street setbacks are proposed and encouraged to provide an animated "urban edge" to the development along Rollinson Road and O'Connor Close. The indentations of buildings along O'Connor Close also enable the selective placement of Street trees and landscaping to soften the impact of a hard wall to screen the car park while balconies provide for surveillance of the street above.

Vehicle Access

Access into the car park has been revised on the suggestion of The Planning Group from O'Connor Close to Rollinson Road to minimise impacts (ie aesthetics, noise, odour) on future residents living on O'Connor Close.



Car Parking

The proposed development includes the provision for 2 parking bays for each apartment and separate car parking for the ground floor office, which complies with the R-Code requirements. An additional 8 car parking bays are required along O'Connor Close and Rollinson Road to provide for visitor car parking requirements. This will also enable the installation of security gates on the ground level car parking area to prevent unauthorised access.

Communal Open Space

It is recommended that the communal open space area for the apartments be increased by 100m² to a total of 200m². This is more closely aligned with the 336m² required by the Codes. As there is no scope to absorb this extra amount in the development the only option is to reduce the amount of public open space by 100m² to a total 680m². The amount of public open space to be ceded to the Crown free of cost is still appropriate in size and configuration but realistically its use is limited by the location along the railway reserve. The communal open space will be a more functional area to future residents.

Conclusion

The proposed apartments are of a high standard in design typical of inner city style usually reserved for exclusive locations such as South Perth and East Perth. Coastal apartment living has continued to areas such as Fremantle's South Terrace and now provides an exciting prospect of revitalising former industrial land in Cockburn to a much more appropriate form of land use and development on the coast.

The applicant has been cooperative and responsive to design changes that have evolved during the consultation process with surrounding landowners and has put forward a design that is highly acceptable from an urban design point of view. There are no objections to the proposed development proceeding from a planning view point.

Budget/Financial Implications

N/A

Legal Implications

Council's decision is appealable. Legal representation will be required if an appeal is lodged with the Tribunal.

Community Consultation

Community consultation was carried out with affected landowners.

Attachments

- (1) First Floor Plan



- (2) Ground Floor Plan
- (3) North Elevation
- (4) South Elevation
- (5) East Elevation
- (6) Perspective View of Apartments
- (7) South Beach Structure Plan
- (8) South Beach Subdivision Layout – Adjacent Development

Advice to Proponents / Applicants

Letter to Gilete Ocean View Pty Ltd as the owners representative.

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

N/A

DECLARATION OF CONFLICT OF INTEREST

Deputy Mayor Graham declared a conflict of interest in Item 14.15. The nature of the interest being that he is a member of the Metropolitan Region Planning Committee, which is scheduled to consider the Waterways Environmental Management Program and Waterways Management at a future meeting.

DEPUTY MAYOR GRAHAM LEFT THE MEETING AT THIS STAGE, THE TIME BEING 8.06PM.

DECLARATION OF FINANCIAL INTEREST

Councillor Allen declared a financial interest in Item 14.15. The nature of the interest being due to the proximity of his property to the proposal.

CLR ALLEN LEFT THE MEETING AT THIS STAGE, THE TIME BEING 8.07PM.

14.15 (MINUTE NO 2712) (OCM 15/02/2005) - PORT COOGEE MARINA - WATERWAYS ENVIRONMENTAL MANAGEMENT PROGRAM (WEMP) AND WATERWAYS MANAGEMENT (9662) (9101033) (AJB/SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) advise the Western Australian Planning Commission that Council is prepared to;



1. Accept the Waterways Environmental Management Program (WEMP) subject to a written undertaking from Australand committing to;
 - (i) establishing a series of monitoring bores around the proposed area of re-injection to determine the current water quality, the most appropriate location for the bores and ongoing monitoring during the period of re-injection.
 - (ii) re-establishing any vegetation in the Region Open Space area that dies within a period of 24 months after the ground water intercept system is decommissioned and once landscaping is no longer dependent on the irrigation system.
 - (iii) continuing to explore alternative uses for the ground water from the intercept drain system.
 - (IV) the cost of pump replacement associated with the operation of the intercept drain is to be included in the Financial Program for managing the waterway.
2. Be the nominated Waterways Manager for the Port Coogee Marina;
3. Agree to enter into the "Port Coogee Waterways Management Transfer Facilitation Agreement" with Port Catherine Developments Pty Ltd and Australand Holdings Limited, prepared by Mallesons Stephen Jaques on behalf of Port Catherine Developments Pty Ltd dated February 2005;
- (3) advise Australand Holdings Pty Ltd and the Environmental Protection Authority of the Council's decision accordingly; and
- (4) take no further action in relation to the motion carried at the Annual Meeting of Electors held 1 February 2005 regarding this matter.

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Cllr L Goncalves that the recommendation be adopted subject to the addition of a new Part (5) as follows:

- (5) acknowledge the efforts of the staff of the City's Planning and Development Division, in particular those in Planning and



Environmental Services, who have provided the information and advice to the elected members necessary to achieve the milestones which should allow the proposed Port Coogee Marina to become a reality after so many years in the planning.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/1

CLR TILBURY REQUESTED HER VOTE AGAINST THE MOTION BE RECORDED.

Explanation

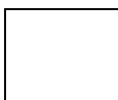
This project has been around now, in one form or another, for close on twenty years, and in my 14 years on Council I have never seen any other issue receive so much public scrutiny and require so much effort and attention to detail by staff. Our Director of Planning, Mr Stephen Hiller has written many, many volumes of detailed and precise reports concerning this particular issue, whilst in most instances under extreme pressure, knowing full well that they would be subject to microscopic scrutiny, given the nature of some of the opposition to this proposal.

The intense pressure and scrutiny has never fazed Mr Hiller and he has acted with true professionalism and provided his extremely technical recommendations and reports without fear or favour. It is fitting, at this stage, that Council formally acknowledge Mr Hiller's efforts in dealing with this issue. For I have no doubt that history will show this development to be the key catalyst and the southern gateway to a stretch of coastal planning of a quality and type never seen before in the Perth Metropolitan Area.

Background

Council at its meeting held on 23 December 2004 made the following resolution:-

- (1) *receive the report;*
- (2) *receive the independent expert advice provided by:-*
 1. *GHD Consultants in respect to the Waterways Environmental Management Program (WEMP);*
 2. *KPMG Consultants in respect to the Financial Program associated with the implementation of the WEMP;*
 3. *Mullins Handcock Solicitors in respect to the Legal Agreement associated with the implementation of the WEMP;*

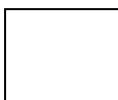


- (3) *advise the Western Australian Planning Commission that the Council is prepared to be the nominated Waterways Manager for the Port Coogee Marina, subject to:-*
1. *The Western Australian Planning Commission formally advising the Council that following the final gazettal of Amendment No. 3 to TPS No. 3, the Commission will endorse the Structure Plan adopted by the Council on 16 March 2004 in order that the area, the subject of the Management Program, can be satisfactorily identified and the implications understood (Council decision 15 October 2002 Minute 1794);*
 2. *The Management Plan being reviewed in respect to:-*
 - (i) *all the matters raised by GHD Consultants contained in Attachment 1 to the Agenda;*
 - (ii) *the issues raised by the City's Environmental Management Service contained in Attachment 4 to the Agenda;*
 - (iii) *the need to include water quality monitoring within the marina and the provision of a contingency plan to deal with any water quality issues.*
 - (iv) *where modifications are made to the Waterways Environmental Management Program in response to changes agreed between the developer and the City, that these be reflected in the Financial Plan so that the cost implications are fully understood;*
 - (v) *based on the Council decision of 21 December 2004 to not support extensive rehabilitation of the Parks and Recreation reserve east of the proposed Port Coogee Marina, alternative strategies for the remediation of the nutrified ground water should be investigated;*
 3. *The Financial Program being adjusted to reflect the comments made by KPMG Consultants as contained in Attachment 2 to the Agenda;*
 4. *The Legal Agreement:-*
 - (i) *being reconsidered in accordance with the advice received by Mullins Handcock, Lawyers, as contained in Attachment 3 to the Agenda, and that*



the Council enter into an In Principle/Facilitation Agreement;

- (ii) making provision for a guarantee by the developer that at the time of handover, the amount of money accumulated in the Reserve Fund will be at least \$1.6 million;*
 - (iii) including provision for the handover of the marina to be in accordance with the requirement set out in (4) below, to the Council's satisfaction, and the handover date is to be at least 5 years after the completion of the marina or longer period as may be agreed between the developer and the City.*
 - (iv) including a provision to ensure that an appropriate and adequate insurance policy is obtained to protect the Waterways Manager against claims arising from damage to the marina, its infrastructure, utilities and facilities.*
- (4) will require as the nominated Waterways Manager, that on handover of the management responsibilities of the marina from the developer to the City as provided for in the proposed In Principle/Facilitation Agreement recommended by Mullins Handcock, the developer to transfer all its rights, interests and entitlements in the public boat pens (303 proposed) and any other leased or sub-leased areas associated with the operation and management of the marina to the City so that the City can derive an income to support its on-going responsibilities and obligations as the Waterways Manager under the WEMP, subject to (3)1, (3)2, (3)3 and (3)4 above, being resolved to the Council's satisfaction.*
- (5) designate the project area as an area to which a Specified Area Rate be applied as provided for under section 6.37 of the Local Government Act, including the areas of coast immediately north and south of the marina groynes where it is proposed to operate the sand by-passing program which does not include any existing residential areas, in order that rates may be collected by the City from the new development within the project area to supplement the income derived from managing and operating the marina as provided for under the WEMP;*
- (6) advise the Western Australian Planning Commission and the developer that the approach to the operation and management of the Port Coogee Marina should be modelled on that adopted for the Mandurah Ocean Marina; and*



- (7) *advise Australand Holdings Pty Ltd, the Environmental Protection Authority and the Western Australian Planning Commission of the Council's decision accordingly.*

CARRIED 8/1”

In respect to the Legal Agreement relating to the management of the Waterways, a draft Legal Agreement was received from Mallesons Stephen Jaques on behalf of Port Catherine Developments Pty Ltd on 16 November 2004. The Agreement was immediately forwarded to Mullins Handcock, Solicitors, for advice. This advice formed part of the officers report and recommendation to the Council at its Special Meeting held on 23 December 2004.

As a result of the Council decision the Agreement was reconsidered by the proponent. At a meeting between the proponent, the proponents solicitors and the City's solicitors and the Director Planning and Development held on 13 January a number of issues were discussed. Following this, a revised draft Agreement was prepared and another meeting was held on 3 February, between the proponent and their solicitors, the City and its solicitors and representatives of DPI and State Solicitors Office. This meeting resulted in further refine of the Agreement, which is the basis of this report.

In addition to this at the Annual Meeting of Electors held on 1 February 2005, the following motion was moved from the floor:-

“That Council withdraw its acceptance of the role as Waterways Manager (for the Port Coogee Marina) and investigate an alternative manager if this is to be such a technically and financially acceptable role”

CARRIED 56/39”

The Local Government Act requires that motions carried at an Annual Meeting of Electors be considered at a subsequent meeting of the Council.

Given that the matter of the Waterways Management Agreement was to be considered at the February meeting of the Council it was appropriate to include consideration of this motion as part of this item.

Submission

At a meeting held on 12 January 2005, Officers from the Department of Planning and Infrastructure advised that the decision of Council on the 23 December 2004 in regards to the WEMP did not satisfy the environmental ministerial conditions and accordingly the Western Australian Planning Commission is unable to advance the process.



They requested that the City and Australand resolve all the outstanding issues to enable the WEMP to be acceptable to the Council.

A copy of the "Port Coogee Waterways Management Transfer Facilitation Agreement" was circulated under separate cover to elected members.

A copy of the advice of Mullins Handcock is attached to the Agenda, together with a letter from the DPI advising its position in respect to the proposed agreement.

Report

1. Waterways Environmental Management Program

At a joint meeting held on 12 January 2005 with Australand and officers from the Department of Planning and Infrastructure it was agreed that the City would work with Australand's consultants to resolve the issues raised by GHD and Councils Environmental Management Services contained in Attachments 2 and 4 to the Special Council Meeting Agenda held on 23 December 2004.

Subsequently, Australand's consultants provided a response on each of the points raised in the two attachments. The comments have been reviewed by Councils Environmental Management Services and a consolidated report is attached to the Agenda.

The clarification of issues raised by GHD and the City and additional information provided by Australand's consultants has been reviewed by Council's Environmental Management Services.

In general the responses are satisfactory given many of the issues raised were dealt with in previous reports including the Environmental Review. The area of outstanding concern relates to the ground water intercept system, in particular irrigation of the Region Open Space area and the potential compounding impact of pollutants at the area of re-injection.

It is acknowledged that the EPA has insisted on the inclusion of the ground water intercept system and this is the subject of specific conditions on the Ministerial approval for the project. Accordingly, whilst the City's concerns regarding the need for such a system remain, the focus is on . The three concerns are as follows:

1. Impact on water quality at the re-injection area

It is considered that the response from Australand does not adequately address the concerns of the City. No groundwater data has been collected in the area where re-injection is to occur. The data being used to assume that there will be no risk



of increasing contamination levels at the re-injection sites is data gathered from the west and slightly south of the ANI Bradken Foundry site. The re-injection bores are parallel and west of the old Robb Jetty Abattoir site.

The Robb Jetty Abattoir site has been subdivided into an industrial estate. Unfortunately there was no contamination assessment requested as part of the subdivision approval. Accordingly, it is not known if there is a problem with ground water in this area. It is known that there is a problem with residue bunker oil around the old chimney area and so ground water contamination is therefore possible due to this and other residue contaminants.

To overcome the uncertainty it is considered that Australand should undertake water sampling and analysis in the re-injection area and continue to monitor water quality in the locality during the period of re-injection.

2. Vegetation loss when the groundwater intercept system is turned off

Once the nutrient rich ground water passes the coast it is proposed that the ground water intercept system be turned off. At that time vegetation in the Region Open Space that is irrigated from the system could be weaned off the high volumes previously used to irrigate the area. It is considered by the City that the native vegetation may not survive this process leading to a degradation of the landscaping within the Regional Open Space area (see item "City 29" in Agenda Attachment for details).

It is noted that Council will assume the maintenance responsibility for the Region Open Space area after two years whilst it could be some 7 years before the water volumes are reduced as part of the turning off of the ground water intercept system.

Given the time lag when the vegetation in the Region Open Space could be adversely affected, it is considered that Australand's liability should be extended to cover the replacement of vegetation that dies during the weaning off period, by extending the hand over period.

3. Exploring options for the use of the groundwater

In response to the City's concern regarding re-injection of surplus nutrient rich water (Item "City 5" in the Report included in the Agenda Attachments) Australand advise that various



alternatives have been explored in the past but were abandoned for a variety of reasons.

Should any further options or opportunities be identified between now and when the system is constructed Australand should be required to fully investigate prior to proceeding with re-injection as planned.

On the basis of the information provided by Australand, officers recommend that Council accept the WEMP subject to the following commitments from Australand being included:

- (i) establish a series of monitoring bores around the proposed area of re-injection to determine the current water quality, the most appropriate location for the bores and ongoing monitoring during the period of re-injection.
- (ii) re-establish any vegetation in the Region Open Space area that dies within a period of 24 months after the ground water intercept system is decommissioned and the landscaping is no longer dependent on the irrigation system.
- (iii) continue to explore alternative uses for the ground water from the intercept drain system.

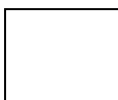
2. Legal Agreement

The proposed Legal Agreement has been assessed by the City's legal advisors, Mullins Hancock, and in their opinion the agreement as currently proposed should be acceptable to the City.

The interests of the City appear to be protected as far as possible and the roles and responsibilities of the parties are clear.

The Council at its Special Meeting held on 23 December 2004, resolved in relation to the Legal Agreement, that in addition to the recommendation made by Mullins Hancock, the Council also required the following matters to be addressed in the Agreement:-

- “
- *making provision for a guarantee by the developer that at the time of handover the amount of money accumulated in the Reserve Fund will be at least \$1.6 million;*
 - *including provision for the handover of the marina to be in accordance with the requirement set out in (4) below, to the Councils satisfaction, and the handover date is to be at least 5 years after the completion of the marina or longer period as may be agreed between the developer and the City.*
 - *including a provision to ensure that an appropriate and*



adequate insurance policy is obtained to protect the Waterways Manager against claims arising from damage to the marina, its infrastructure, utilities and facilities.

- *require as the nominated Waterways Manager, that on handover of the management responsibilities of the marina from the developer to the City as provided for in the proposed In Principle/Facilitation Agreement recommended by Mullins Hancock, the developer to transfer all its rights, interests and entitlements in the public boat pens (303 proposed) and any other leased or sub-leased areas associated with the operation and management of the marina to the City so that the City can derive an income to support its on-going responsibilities and obligations as the Waterways Manager under the WEMP, subject to (3)1, (3)2, (3)4 and (3)4 above, being resolved to the Council's satisfaction."*

The matters have been included and/or addressed in the revised Agreement.

It is pointed out, however, that under the Project Agreement No.2 between the developer and the State Government, the developer is required to construct a minimum of 150 boat mooring pens, but is not required to construct more than this, despite the fact that the Council adopted the Local Structure Plan which made provision for 303 pens. It is the view of the proponent that the plan demonstrates that there is the capacity in the proposed marina to accommodate 300 pens, or thereabouts, but the construction of the pens will be dependent upon demand.

Based on this, it was agreed that the developer would build at least 150 pens prior to handover, with the balance of the constructed pens being provided as approved/certified engineering drawings to enable the City or another party to complete the pens as required.

This does not mean that the developer may not complete around 300 pens prior to handover, in accordance with the approved structure plan, if the demand exists.

In addition, it was agreed that the start date for the 5 years management and maintenance of the marina by the developer would commence from the date of completion of the "Marina Embayment Works", which is all the works associated with creation of the marina excluding the boat pens. The reason for this is because as soon as the marina is enclosed it will require the implementation of the WEMP, but it may take a number of years following this to construct the boat pens on a staged basis. This seemed to be a reasonable approach.

The WAPC has required the WEMP obligations by Port Catherine Developments, to be underwritten by the parent company, Australand,



to ensure that there is adequate assurance from the developer that the management obligations will be met in accordance with the Agreement.

Having regard to the advice of Mullins Hancock (attached), it is recommended that the revised legal agreement is now satisfactory for the Council to consider whether or not it is prepared to enter to the facilitation agreement leading to the City becoming the Waterways Manager for the Port Coogee Marina following handover from the developer.

To achieve handover certain conditions are to be met by the developer, all of which are specified in the agreement.

Should the Council accept the recommendation to enter into the proposed legal agreement, the Council should take no further action in relation to the motion carried at the Annual Meeting of Electors held on 1 February 2005 regarding this matter.

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



Budget/Financial Implications

The financial implications for the management and implementation of the WEMP is contained in the Financial Plan, reviewed by KPMG. Refer to Attachment 2 to the Agenda.

The estimated cost of managing the WEMP by the City for the first 5 years is estimated to be \$1,528,000 assuming sand by-passing is required every five years (average \$305,600 per year). For the following five years the management cost would reduce to an average of \$248,000 per year because the groundwater interception system may not be required after 2014/15. It is estimated that the cost of sand by-passing will be in the order of \$104,000.

As the lots within the project are sold by mid 2012, the accumulated sum into a reserve fund managed by the City will be \$1.6M, assuming the sale of lots commences July 2006, however despite this, the legal agreement will require that at least \$1.6M will be in the fund at the Handover Date.

The cost of managing the WEMP may be based on contract sums accepted by the Council and paid for by income generated from the marina and if required supplemented by a Specified Area Rate applied to the project area.

Legal Implications

This is dealt with by virtue of the proposed legal agreement between the developers and the City as contained in the "Port Coogee Waterways Management Transfer Facilitation Agreement", which is the subject of this report.

Community Consultation

There has been extensive community consultation in respect to this project. However, in relation to Council's consideration of the WEMP, no consultation was required. The Council's role in this process is to provide advice to the WAPC and the EPA on the WEMP proposal and its willingness to be the nominated Waterways Manager.

Attachment(s)

Report on the WEMP, advice of Mullins Hancock and a letter from DPI.

The proposed legal agreement was circulated to elected members as a confidential document under separate cover.



Advice to Proponent(s)/Applicant

Letters to Western Australian Planning Commission, Environmental Protection Authority and Australand Holding Pty Ltd.

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

Nil.

DEPUTY MAYOR GRAHAM AND CLR ALLEN RETURNED TO THE MEETING AT 8.32PM.

THE PRESIDING MEMBER ADVISED DEPUTY MAYOR GRAHAM AND CLR ALLEN OF THE DECISION OF COUNCIL.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 2713) (OCM 15/02/2005) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

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

CARRIED 10/0

Background

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

Submission

N/A

Report



N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Payments and Summary – January 2005.

Advice to Proponent(s)/Applicant

N/A

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

Nil

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 2714) (OCM 15/02/2005) - TENDER NO. 36/2004 - ROAD CONSTRUCTION SERVICES - FOUR WAY INTERSECTION (SPEARWOOD AVENUE/BEELIAR DRIVE) (450953) (JR) (ATTACH)

RECOMMENDATION

That Council:

- (1) decline to accept any tender for Tender No. 36/2004 – Road Construction Services – Four Way Intersection (Spearwood Avenue / Beeliar Drive);
- (2) construct the Spearwood Avenue / Beeliar Drive intersection utilising its own workforce; and
- (3) amend the 2004/05 Municipal Budget by:



1. increasing Account No. CW2098 "Beelias Drive (The Grange/Spearwood) Construct 2nd Carriageway" from \$660,000 to \$870,000;
2. increasing the transfer from the Regional Road Reserve Fund from \$489,535 to \$575,535; and
3. providing for a Developer Contribution of \$124,000.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Cllr I Whitfield that Council:

- (1) decline to accept any tender for Tender No. 36/2004 – Road Construction Services – Four Way Intersection (Spearwood Avenue / Beelias Drive);
- (2) construct the Spearwood Avenue / Beelias Drive intersection as a roundabout utilising its own workforce; and
- (3) amend the 2004/05 Municipal Budget by:
 1. increasing Account No. CW2098 "Beelias Drive (The Grange/Spearwood) Construct 2nd Carriageway" from \$660,000 to \$995,000;
 2. increasing the transfer from the Regional Road Reserve Fund from \$489,535 to \$669,535; and
 3. providing for a Developer Contribution of \$155,000.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Explanation

Traffic signals are a requirement and will be installed when Spinnaker Heights to the west is extended to Beelias Drive as a four-way intersection in the future. Consequently, for safety considerations, it would be more appropriate to construct a roundabout at the Spearwood Avenue intersection for a more uninterrupted traffic flow. The estimated additional cost for the roundabout is \$125,000.

Background

There is a remaining Budget allocation of about \$650,000 to construct the second carriageway of Beelias Drive between The Grange and



Spearwood Avenue. This includes the full construction of the Spearwood Avenue / Beeliar Drive intersection, allowing for future traffic signalisation and connection to Spearwood Avenue to the south, which is about to be constructed as part of subdivision works.

As the intersection works would involve complex traffic control, and as the adjacent developer is contributing a quarter of the construction cost of the intersection, it was decided to call tenders for these works. The section of Beeliar Drive second carriageway to be constructed away from the intersection is being undertaken by Council's workforce.

Submission

Plans and tender documentation were prepared and tenders called for the construction of the four way intersection of Spearwood Avenue and Beeliar Drive. Four (4) tenders were received, details of which are attached to the Agenda.

Report

There were only two (2) compliant tenders received (Ertech and Georgiou Group), though these did not satisfactorily include all the requested supporting information. The tender from Warp only addressed one part of the tender and was thus not compliant, whilst one late tender was received and that was returned.

It was hoped that the tender process will result in competitive submissions, however, only two compliant submissions were received, and then both incomplete to the tendering requirements.

The two compliant tenders were assessed on the following criteria:

Description of Criteria	Weighting
Demonstrated experience in completing similar projects	25%
Technical Conformance	10%
Demonstrated Safety Management	5%
Quality Assurance / Management System	5%
References	10%
Tendered Price	45%
	100%

A lot of the information required to assess the criteria was not supplied with the tender submissions and they were assessed accordingly.

The compliant submissions were assessed by the Manager Engineering and Works Manager and scored as follows in the qualitative and price assessment:-

	Non-Cost Criteria	Cost Criteria	Assessment Score



Ertech Pty Ltd	5%	45%	50%
Georgiou Group Pty Ltd	30%	36%	66%

Georgiou Group provide the best value for money of the two compliant submissions received, though if both had provided all the requested information, the scoring would have been different. Both Ertech (tender price \$535,007 plus GST) and Georgiou Group (tender price \$672,620 plus GST) are established and respected civil engineering contractors. Their high prices, and the small number of submissions suggests that there is a strong demand for civil works in the current economic climate.

Due to the high tender prices, a conservative estimate of \$495,000 has been prepared for the same works to be undertaken by Council's workforce. A conservative estimate of \$365,000 to build the remaining carriageway to the Grange using Council's workforce has also been determined. This results in a total cost estimate of \$860,000 to construct the section of road using Councils workforce. This is about \$210,000 in excess of the available funds.

As the extended intersection works involved providing a subdivision connection for the adjacent developer, the developer has agreed to meet a quarter of the cost of the intersection, estimated to be \$124,000. This still leaves a short fall of \$86,000.

It is considered that, in view of the high tender prices, the construction of the intersection should be undertaken by Council's workforce and the additional funds required drawn from the Regional Road Reserve.

Strategic Plan/Policy Implications

Council's Vision Statement – Maintaining and providing roads, parks and community buildings to acceptable standards – has a commitment – 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 provision of additional funding as recommended, and a quarter contribution to the cost of constructing the intersection by the adjacent developer, will result in adequate funds being available for the construction of the second carriageway of Beeliar Drive between the Grange and Spearwood Avenue by Council's workforce, including a full intersection at Spearwood Avenue.

Legal Implications

Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations, 1996 refer.



Community Consultation

The tender was advertised in the West Australian.

Attachment(s)

Tender No: 36/2004

Advice to Proponent(s)/Applicant

N/A

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

Nil

16.2 (MINUTE NO 2715) (OCM 15/02/2005) - CONSTRUCTION OF PEARSON DRIVE - SUCCESS (451432) (BKG)

RECOMMENDATION

That Council:

- (1) Allocate \$400,000 for the upgrading of Pearson Drive and installation of a footpath.
- (2) Allocate \$248,000 from the Regional Road Reserve Fund to prefund the project with the balance of funds being made up from the \$152,000 collected from landowners to date.
- (3) Agree that when the contributions for the construction of Pearson Drive are received from Gold Estates and owners of Lot 809 Pearson Drive who adjoin Pearson Drive they will be transferred to the Regional Road Reserve Fund

TO BE CARRIED BY ABSOLUTE MAJORITY

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Cllr M Reeve-Fowkes that the recommendation be adopted subject to the inclusion of Item (4) as follows:

- (4) Construct the footpath this financial year.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0



Explanation

The Mayor, CEO and Acting Engineering Director attended a public meeting at Southern Cross Homes on 14 February 2004, at which the residents voted for construction of a footpath only, at this time. The residents accepted that it was still the desire of Council to have Gold Estates re-construct Pearson Drive as originally intended. This option would cause the residents the least amount of inconvenience, but in the interim provides them with the better pedestrian access that they are seeking.

Background

Pearson Drive was Beenyup Road and has been in place for probably 40 years. It is constructed to a rural standard.

Over the past 3 – 4 years the land adjoining it was rezoned and developments such as the Southern Cross Care Village were constructed.

As is the case with all roads in the area when landowners construct new developments, funds are collected until sufficient funds are available to construct the road to contemporary standards.

To date, funds have been collected from the owners of the land who constructed the Southern Cross Care Village and from Peet & Coy where the new units are currently being constructed.

Submission

Requests have been received from the residents of the Southern Cross Care Village to have a footpath constructed in Pearson Drive; and

Also at the Council Meeting held on the 21 December 2004 it was resolved:

- (2) write to the residents of the Southern Cross Care Village advising that the revised timetable for the reconstruction of Pearson Drive will be forwarded to them after negotiations with Gold Estates with prefunding by Council.

Report

Tenders were called by G.H.D. Pty Ltd on behalf of Gold Estates in September 2004. Gold Estates were expected to authorise the reconstruction of Pearson Drive and the construction of the footpath in December 2004.

This work was to be done as part of their proposed subdivision fronting Wentworth Parade and Pearson Drive.



They have since advised they are not going ahead with the project for at least another 6 months. As at the December meeting it was resolved that Council would be prepared to prefund the Construction of Pearson Drive.

It will be necessary to go to tender for the work as the value will be over \$50,000.

An estimate of the construction of the road is between \$300,000 and \$350,000 plus consultants fees. In these buoyant times it is difficult to obtain a firm price until a contract is let.

There has been \$152,000 collected from developers of land in Pearson Drive. The balance of the funds need to come from Gold Estates and the owners of Lot 809 Pearson Dive, Success.

However, as they are not proceeding, in the short term it is proposed Council prefund the cost of the reconstruction of Pearson Road.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

The reconstruction of Pearson Drive is estimated to cost between \$300,000 and \$350,000 plus the consultants design and supervision fees for a total of up to \$400,000. An amount of \$152,000 has been collected from two landowners in the road, leaving a shortfall of up to \$248,000. It is proposed that Council make available \$248,000 from its Regional Road Reserve Account for this work. Note that if the total amount is less than \$400,000, only the required amount will be drawn from the Reserve Fund.

When contributions are collected from the other two developers in Pearson Drive the funds will be transferred to the Regional Road Reserve Account.

Legal Implications

Nil



Community Consultation

The residents of Pearson Drive will be advised when the work is to commence.

Attachment(s)

Nil

Advice to Proponent(s)/Applicant

The Management of Southern Cross Care will be advised that the construction of Pearson Drive will be considered at Council Meeting.

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

Nil

16.3 (MINUTE NO 2716) (OCM 15/02/2005) - KING STREET - TRAFFIC CALMING (450115) (JR) (ATTACH)

RECOMMENDATION

That Council endorse the proposed treatment to install two speed plateaux in King Street between Fairview and Hillcrest Streets.

COUNCIL DECISION

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

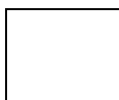
CARRIED 10/0

Background

There was an allocation of \$15,000 approved by Council on the current Budget to undertake a traffic calming treatment in King Street, Coogee, following complaints of speeding traffic. However, a report following investigations was required to be considered by Council prior to final endorsement.

Submission

An appropriate design to calm traffic following consideration of the site conditions has been prepared and this is shown on Drawing No. 2532B04 attached to the Agenda. It consists of two speed plateaux,



one on each side of the crest in King Street between Fairview Street and Hillcrest Street.

Report

Consultation has been concluded with local residents with five responses, three in favour and two against:

FOR:

- Suggest a 3rd plateau near Husk Parade
- Verbal support
- Suggest a similar treatment on Beach Street

AGAINST:

- Wrong location as he tows a trailer up the steep King Street grade
- Waste of money

A strong concern is the possible increase in Beach Road / Hillcrest Street traffic to bypass the plateaux. This will be monitored and, should it be unacceptable (volume and / or speed), then the need for further treatments will be addressed for consideration by Council.

A similar plateaux treatment has been installed in Mayor Road between Seaview Terrace and Richardson Road and has been effective.

Strategic Plan/Policy Implications

Council's Vision Statement – Maintaining and providing roads, parks and community buildings to acceptable standards – has commitment – 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

There is adequate Budget funding for the installation of the two speed plateaux.

Legal Implications

Nil

Community Consultation

The proposed plateau treatment was advertised with on-site signing, on council's website and in Council's library, with copies to the West Ward Councillors.



Attachment(s)

Traffic Treatment Plan #2532B04

Advice to Proponent(s)/Applicant

N/A

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

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 2717) (OCM 15/02/2005) - ESTABLISHMENT OF 'FRIENDS OF THE LIBRARY' GROUP (710410) (DKF)

RECOMMENDATION

That Council resolves that:-

- (1) it considers the most effective manner in which the volunteer potential of the community can be employed in support of the library service is through the establishment of a Friends of the Library Group;
- (2) the library service's professional management team initiate a Friends of the Library Group; and
- (3) the Manager Library Services reports progress on (2) above to the June 2005 meeting of Council.

COUNCIL DECISION

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

CARRIED 10/0

Background

This report has been prepared at the direction of Council which at its meeting of 19 October 2004 resolved, ".....that:



- (1) Council direct the Library and Information Service to develop a Plan in accordance with the Australian Library and Information Association Policy, on the use of volunteers for the establishment and implementation of a Cockburn Friends of the Library Group; and
- (2) a report be prepared on its establishment and implementation to be presented to the February 2005 Council Meeting for consideration.”¹

The critical element of council’s resolution is that any plan to establish a friends group is to be in line with ALIA’s policy on the use of volunteers in libraries. This is important because it clearly excludes using volunteers to do work that should be done by paid staff, as a substitute for adequate funding or to establish and maintain outreach programmes that would normally be established and maintained by paid library staff.

By adopting this report and its proposals council will be (i) affirming its commitment to the maintenance and development of its library service and, (ii) will avoid the potential of staff dissatisfaction and the possibility of industrial action. It does not however eliminate the potential to incorporate the use of volunteers. As in many situations there are practical matters that need to be considered and where on occasions there may be a fine line between the policy and what volunteers can do it does not mean that opportunities do not exist. What it does mean is that a more sophisticated and creative approach may be required. While no one has a monopoly on good ideas such judgments are in most cases best left to the library’s experienced professional team. The creation and establishment of a friends group is therefore clearly an effective way for people to give very practical support to the library service while avoiding pitfalls, conflicts and ethical dilemmas. It also means that the work of the friends is separate from that of the day-to-day operations of the service while at the same time working closely with its management. ALIA’s policy on volunteers is clear in its support for the establishment of friends groups.

Submission

To establish a “Friends of the Library” group for the City of Cockburn.

Report

What is a friends group?

A review of the aims and objectives of a number of friends groups both in Australia and the United States reveals that while different words are used there is a clear and remarkable similarity of purpose. Put simply a friends group consists of citizens who voluntarily give up personal time to support the library and contribute to its promotion as a valuable



and important local educational, cultural and recreational facility central to the life of the community. The role of friends groups is one that has been consistent and has stood the test of time. Loeber in a 1942 article defined it in the following terms.

“That a Friends of the Library group is a group of people voluntarily associated to assist the library in its work by: (i) encouraging communication between the community and the library; (ii) promoting use of the library by all groups in the community; (iii) enhancing the social, cultural and educational role of the library to users and funders of the library; (iv) protecting and encouraging sources of funding; (v) assisting in developing and maintaining services for the benefit of all.”²

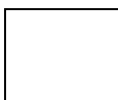
How is this to be achieved?

The next step to consider is how this can be effectively achieved. An ad hoc approach is obviously not going to be adequate. What is necessary is to ensure that the proposed group meets council’s and ALIA’s policy requirements. To maintain appropriate accountability a few clear goals need to be established.

- “. Be precise in defining what you expect*
- . define the chain of command*
- . be sure adequate training is given*
- . build in recognition*
- . build in some form of evaluation*
- . be hospitable”³*

If these or similar goals are applied then issues of separation and conflicts of interest should be easier to deal with and resolve.

Having these goals as a general guide the next stage will involve undertaking a series of more concrete steps. Friends of Libraries Australia (Fola) has produced a brochure, Key steps to establishing a friends of the library group⁴ which lays out a set of recommendations on how to proceed. It assumes that the initiative for a friends group is emerging from the community whereas in our particular case council and the library service’s management are the principal drivers. Nevertheless in general what it proposes can be applied. What is suggested is that the library service should set up a small working group that can decide on the provisional key aims and objectives and develop a draft constitution. It should also develop a set of clear guidelines as to the respective and separate roles of the library’s management and the friends group. Following the development of clear reasons as to why it is considered that a friends group would be beneficial an initial public meeting of interested people should be arranged. For this meeting to be successful it is very important that it be given detailed and wide publicity. The objective of this first meeting will be to clearly outline the reasons for wishing to establish a friends group and to elect a steering committee. If this is successful a month



or so later a second meeting should be held at which a formal constitution can be adopted and a formal committee elected. It is also the opportunity to determine membership fees.

Other issues to be considered.

The above steps represent only the very beginning. The harder task is to maintain momentum and enthusiasm. Assuming that those two elements exist along with a capacity to develop an appropriate programme of activities there is an issue that needs to be understood. It is lobbying which is a legitimate and important role for the group. It is however an activity the purpose of which can be misinterpreted and as a consequence is sometimes of concern to elected members, council administrators and even on occasions, librarians. The real risk of lobbying going "off the tracks" arises if the organization is taken over by a particular group that ignores its constitution and broader objectives in favour of some single issue. The best protection against this is broad community support for the friends group, a reasonable constitution and registration of the group's name. Incorporation should also be considered. This is advantageous because it creates a legal entity that is separate from its individual members, continues irrespective of membership changes and provides a certain degree of limited liability for members. It also facilitates the group's ability to enter into enforceable contracts including the buying and selling of property.

Another important matter is public liability. While it is possible for cover to be arranged independently it is considered that the most effective and economical way is for Council to arrange for an extension on its own insurance policy to cover the group's supporting activities. It is to be hoped that this is what will be done.

Conclusion.

If it all works the establishment of a friends group should prove the best means for people to direct their available time and energy in the interests of the library and its relationship with its community. In Cockburn's case because of the library's growing relationship and involvement with the museum and local history it could be an excellent opportunity to complement in a very positive way the voluntary work of the members of the historical society. Importantly too it will be separate from the day-to-day operations of the library. Irrespective of the source of the original motivation for a friends group its great advantage is that it is an independent community organization that while supporting and promoting the library contributes to and provides an avenue for democratic involvement of citizens in their community.

Now is in some respects an opportune time to be establishing a friends group. There is the possibility of tapping into the ever-increasing numbers of baby boomers who are getting older by the year and are progressively moving into retirement. Baby boomers are as a group



healthier, wealthier and better educated than any of their predecessors so it is likely that many of them will be looking for creative and challenging ways to volunteer their time. A friends of the library group is an organization, which if properly focused, can provide an ideal environment in which their knowledge, accumulated experience, education, expertise and creative energies can be directed to very good effect. It would be good if Cockburn were to be in a position to take advantage of this approaching phenomenon.

Work associated with the establishment and operation of a friends group will involve some investment and hence cost. This will largely consist of administrative support, involvement in training of staff and some friends and hospitality. It will involve the time of the library's senior management people each of whom must continue to ensure that normal operations are maintained as well as progress in the achievement of the plans mission and objectives of the service. Notwithstanding these matters an effective friends group has the potential to contribute in important ways to their achievement.

References

1. Cockburn, City of Minutes of ordinary council meeting (Minute No 2606)
2. 19 October 2004.
3. Loeber, L Friends of the Library, Ontario library review, 26, 1942 in Ferguson, Daniel Friend or foe? the role of friends of library groups in community development, Australasian public libraries and information services, 16 (3) September 2003.
4. Ferguson, Daniel, ibid
5. Friends of Libraries Australia Key steps to establishing a friends of the library group (pamphlet) Fola website <http://www.fola.org.au/pdfs/Establish.pdf> accessed 5 Jan 2005

Strategic Plan/Policy Implications

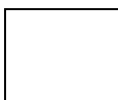
Key result area "Facilitating the needs of your community", refers.

Budget/Financial Implications

Provision for support funding in the order of \$5,000 will be necessary in the 2005/2006 and subsequent municipal budgets.

Legal Implications

N/A



Community Consultation

Interested members of the community will be involved in the establishment and ongoing functioning of a friends of the library group.

Attachment(s)

Nil.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

DECLARATION OF FINANCIAL INTEREST

Mayor Lee declared he had a financial interest in Item 17.2. The nature of the interest being that he was the recipient of an electoral gift from the tenderer for the December 2000 Council elections.

MAYOR LEE LEFT THE MEETING AT 8.48PM.

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

17.2 (MINUTE NO 2718) (OCM 15/02/2005) - REQUEST FOR TENDER 03/2004 RECREATION RESERVE - PORTION LOT 393 BAKER COURT, NORTH LAKE (1100097) (RA) (ATTACH)

RECOMMENDATION

That Council:-

- (1) not accept the tender R.F.T. 03/2004 from the Cockburn Ice Arena Pty Ltd seeking to lease a portion of lot 393 Baker Court North Lake;
- (2) as an option, pursues the potential to co-locate the proposed facilities on the unused portion of the adjacent land occupied by the Lakeside Baptist Church Recreation Centre; and
- (3) discuss the proposal mentioned in (2) above with representatives of the Cockburn Ice Arena and Lakeside Baptist Church, and report the outcome to a future meeting of Council.



COUNCIL DECISION

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

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

CARRIED 9/0

Explanation

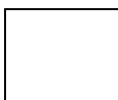
Council should keep open the option to accept the tender from Cockburn Ice Arena in the event that the proposal to co-locate does not result in a successful outcome. Council considers that the discussions between the parties should take place on a priority basis, and therefore requires a report on the outcomes to be presented to the March 2005 Ordinary Council meeting.

Background

Council, at its meeting of the 21st December, 2004, resolved to defer consideration of this item to the February Council meeting to enable further detail to be provided regarding the financial analysis of the proposal and its community benefit potential.

Council, at its meeting of the 16th September, 2003, resolved to accept the Management Order with the power to lease for lots 122 and 393 Baker Court, North Lake. This land is currently owned by the Western Australian Planning Commission and leased by the City of Cockburn at a peppercorn rent. The W.A.P.C. have sought to relinquish this land to the City.

In accordance with the head lease which still stands the Council at its meeting of the 16th March, 2004, resolved to call tenders for the sub



lease of a portion of Lot 393 Baker Court. The area of land in question is shown on the attached plan.

Submission

In response to the request for tender for a portion of Lot 393 Baker Court, North Lake, one tender was received from the Cockburn Ice Arena Pty Ltd.

Report

The request for tender was advertised in the West Australian on Saturday 31st July, 2004 and closed on the 2nd September, 2004. One tender was received from the Cockburn Ice Arena Pty Ltd.

The tender satisfactorily met the set tender compliance criteria.

The qualitative criteria and weighting for the assessment was agreed by Council at its meeting of March 2004 and is as follows:

- Recreation and leisure value of the proposal to the region. 40%
- Financial capacity in undertaking the development 30%
- Capacity in operating the facility. 30%

The results of the assessment were:

	Non cost criteria	Cost criteria	Assessment score
Cockburn Ice Arena Pty Ltd	71%	-	71%

The Manager Finance and the Manager Community Services carried out the assessment with the average score provided.

Discussion

The proponent has been operating the Cockburn Ice Arena for 9 years from premises in Cocos Drive, Bibra Lake. It is evident that sports ice skaters based at this facility have been highly successful at State and National competitions. The following information has been provided by the Ice Arena.

“Cockburn Hawks club is the premier club in WA at this time. The Cockburn Hawks have won the local hockey league for the past 2 years. This club is the largest club in the state with more than twice the membership of the club based in Mirrabooka. Another local club The Wildcats have recently been formed and have a growing membership.



In January the Ice Arena paid for 2 interstate Australian hockey coaches to come to Perth to conduct a training camp for all players in WA. Two weeks of ice time for a visiting Russian figure skating coach who is now based in USA was also made available.

Ice Hockey teams based at the centre have a number of State and Australian representatives who have done very well for a number of years. In particular Aaron Clayworth of Spearwood has played in the Australian International Ice Hockey team for 2 years winning a silver medal in 2003 and bronze in 2004 in Europe and Canada.

Synchronised skating also has quite a following. Presently there are 3 teams with 20 members in each (60 skaters). From these teams 2 skaters have gone on to skate with the Australian Synchronised team - Kristy Davies and Genevieve Faulkner. Kristy has skated in 4 Senior World Championships and Genevieve 2 Junior World Championships and both are now coaches. This is a great team sport and provides children with the opportunity to travel to other states and compete in competitions against hundreds of girls.

Ice Dancers have also done well with a junior and senior couple competing overseas on a regular basis.

The Learn to Skate program is keeping children fit and off the street. In 2004 there were over 200 kids a term (4 terms a yr) skating.

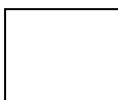
The Ice Arena has organised Christmas shows, ice shows, held 2 National Figure Skating championships and will be holding the third one this August. Numerous public skating events such as Halloween, Hippie night and disco night have been held with more planned for the rest of the year. The response to these events is very positive from parents saying how good it was that there is something in Cockburn for local kids to do to get them off the streets."

The Ice Arena advise that they have numerous requests for donations and send out thousands of 2 for 1 passes or free passes. Not for profit organisations such as the Cancer Foundation, Princess Margaret Hospital and Canteen are assisted with fundraising events, or free ice time, free food etc.

The Ice Arena subsidise entries from \$15 to \$8.80 for out of school activities, primary schools, high schools, recreation centres, childcare centres and the like.

In respect to figure skating the following results have been achieved at the National Championships.

2000	2001	2002	2003	2004
Primary Ladies - Silver	Intermediate Ladies - Gold	Primary Men - Silver	Primary Ladies - Gold	Primary Ladies - Gold



2000	2001	2002	2003	2004
Intermediate Ladies - Silver	Novice Ladies - Gold & Silver	& Bronze	Primary Men - Gold & Silver	Primary Mens - Gold & Bronze
Intermediate Mends - Silver	Primary Dance - Gold & Silver	Novice Ladies - Silver & Bronze	Intermediate Ladies - Silver	Intermediate Ladies - Gold
Novice Ladies - Gold & Silver	Novice Dance - Gold	Novice Men - Bronze	Novice Ladies - Bronze	Intermediate Mens - Gold & Silver
Novice Mens - Gold		Junior Ladies - Silver	Junior Ladies - Gold	Novice Ladies - Bronze
Junior Ladies - Bronze		Novice Dance - Gold	Primary Dance - Gold & Silver	Junior Ladies - Silver
Primary Dance - Gold & Silver			Junior Dance - Gold	Novice Dance - Gold.
			Senior Dance - Silver	

Following is an overview of the proposed facility provided by the proponent.

“Preliminary floor plan and site layout.

The proposal features a double Olympic size ice surface each of 60x30m in two separate halls. The building construction is from white coolroom panel with a white roof. There are ancillary areas including café, off ice training room, various change rooms, offices for the use of sporting associations, a skate shop, reception and engine room areas and an on site car park which will initially hold 130 vehicles.

The concept calls for the cut and recess of the development into the hillside with the whole development facing Bibra Drive. The utilisation ratio of the site is very good allowing for the venue to be clear of pylon and power lines on the northern side of the site and set back as far as possible from the Roe Highway on the south side yet not precluding further development on the south side in the future.

The development fully utilises the east west aspects of the site with the building being at the rear (as viewed from Bibra Drive) with car parking in front. The car park will be about 2 metres below the building datum level. So the building will be the main feature of the site as viewed from Bibra Drive. The development will not be significantly visible from Farrington Road. Further parking areas are available to be developed on the south side of the site as required.

Extensive re-vegetation with native (to the local area) species of trees and shrubs will complete the aesthetic appearance of the development. The planning of the development allows for all human traffic areas to



be clear of re-vegetated areas, thus ensuring the probability of the fastest possible and successful landscaping plan.

Finally, having its own entrance off the short access road leading from Bibra Drive and the possibility of a separate exit onto Bibra Drive ensures easy access and egress from the site with minimal impact on traffic on Bibra Drive. No backups of traffic on Bibra Drive will occur. The whole site will be fenced and a live on site caretaker installed (as is now the case in Barrington Street) to provide security and ensure the early opening required by elite athletes commencing training as early as 5am.

There are no noise issues from the equipment in use of the style of operation of the venue as is evidenced by the current operations at Barrington Street.

Value and building program.

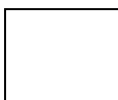
The value of the development is anticipated to be in the region of \$2.5m including fit out. Stage one (surface one) would be ready for opening approximately 12 months from when construction commences. Stage two involves the closing of Cockburn Ice Arena in Barrington Street and transfer of the refrigeration equipment to the new premises for the second ice surface. The timing on this has to remain flexible as the operator wishes to ensure that the public opening response to the new venue is maximised in the first 3 to 6 months of operation. This extra revenue is required to offset some of the removal costs.

To avoid closing down our elite sports program in the transition, both the new and old rinks will need to be open simultaneously for a short time – not a desirable situation. To open both new surfaces together would result in either displacement of the elite athletes for a period of 6 months allowing for the recovery of the equipment at Barrington Street or forgoing the benefit of the opening surge to finances (in order to allow the public unrestricted access when first open – which would disrupt the elite figure skating program) worth up to \$200K in the first 6 months – money needed to pay for the removal.

Operating concept.

The venue will open nominally from 6am to 10pm 7 days per week and support a mix of public and private access sessions. However, it is necessary to be totally closed during the day on some days for maintenance and to allow staff to attend to various business matters. We also close over Christmas and Easter.

Currently we close on Wednesdays until 4pm. On some nights – Sundays, Mondays and possible other weekday night operations will cease before 10pm. (Sundays in summer finish at 6pm).



Surface #1 (R1) will support all activities – public skating, ice hockey, aussieskate development and other activities such as ice shows.

Surface #2 (R2) is for serious figure skaters only. By splitting this way R2 can be maintained at a thinner ice level with warmer ice, which is required for figure skating, whilst deeper hard ice, which is essential for ice hockey and public skating, can be maintained on R1.

This split will provide increased access for hockey skaters on R1 by removing figure skaters to R2. It also simplifies cleaning, maintenance and oversight of operations from a duty of care perspective. It is also cheaper to provide R2 if no hockey nets or rubber matting is required and means that only one set of change rooms is required.

The venue will be constructed with two main halls allowing for independent programming to take place. Rooms for various ice sports will be provided down the centreline of the two surfaces allowing the various sports to each have a room on site exclusively for their own use. This will be provided free of charge if it is kept clean and tidy by the administrators of the sporting bodies.

Also provided are coaching rooms and other areas which have been proven to be needed in the current venue. Both surfaces will have a grandstand capable of supplying the seating needed for their respective users. R1 will have the most seating which is required for hockey games, ice shows and figure skating competitions. R2 will have limited seating to supply the needs of smaller local figure skating competitions.”

Lease

The proponent has sought a land lease fee of \$10,000 plus C.P.I. from the date of the certificate of practical completion of the facility with an additional fee of 5% (plus (G.S.T.) on all gross turnover (excluding G.S.T.) exceeding \$1,500,000 pa. The turnover figure is to be adjusted annually in line with the C.P.I.

Several lease term options have been proposed. A fixed term of 35 years. Alternatively an initial term of 21 years with an option of a further 14 years with an opportunity to be included in the lease, which allows for a further extension to the lease of either 10 years or 21 years.

The proponent has argued in the submission that the provision of an ice arena such as that proposed serves a significant community benefit and ought not be considered solely on commercial grounds.

To assist Council in its deliberations an independent management consultant experienced in business financial analysis has been contracted to review the finances of the current Cockburn Ice Arena, other similar facilities in the country and analyse the forecast finances



of the proposed facility. On the understanding that this Financial Review and Analysis was produced on the basis it would be Commercial in Confidence the proponent Tom Barrett has provided access to the accounts of the Cockburn Ice Arena. A copy of the "Commercial in Confidence" report prepared by the Consultant Con O'Brien is attached under separate cover.

In summary the O'Brien report salient conclusions are:-

"The proposed venture would not be regarded by a disinterested investor as having the potential to generate an appropriate return on investment when compared with more conventional forms of equity investment."

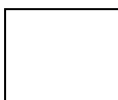
"Given the major investment proposed for the venue and short-term likelihood of operating losses, the community benefit potential of this venture should be given priority unless and until its annual operating revenue exceeds \$1.3 million."

"As stated above, short-term profitability is unlikely. Therefore a reasonable lease term should not be regarded as inappropriate if the promoter is to eventually recover invested funds and to receive an adequate degree of financial return on the commitment."

It is usual practise where a company or individual has invested a substantial sum in a business venture on leased land to have a clause which permits, subject to the agreement of the lessor, for a tenant to sub lease or sell the lease to another party. As the land in question is public land and that the lease may be discounted in recognition of perceived community benefit of the service provided it is reasonable and prudent that there be a clause which guards against a substantial profit being made with the subleasing or on selling of the lease. It is proposed that a clause be inserted in the lease that permits the Council to renegotiate the terms and conditions of the lease should the lessee seek to transfer his interest.

The tender submitted by the Cockburn Ice Arena could be assessed against the qualitative criteria. There was, however, a requirement by the Cockburn Ice Arena for a 35 year lease period. Leases of reserve land need to be approved by the Department of Planning and Infrastructure who usually provide a 21 year lease and only give longer lease periods where this can be justified.

Further the tender proposes a base fee and a two tier payment schedule, a base fee and a portion of gross turnover over \$1,500,000/year. Independent final advice is that the fee schedule proposed should be reviewed in the interest of the City. It is for these reasons it is recommended that the tender not be accepted.



Given that the emphasis of the proposal is to provide a facility and activities which have limited and specific clientele potential, it is apparent that the proponent is seeking to minimise outgoings in order to prevent the risk of the venture becoming commercially unviable. This is confirmed by the independent financial review. Given this scenario, it is difficult to recommend that Council relinquish a significant portion of land under its control to accommodate an activity that is limited in both its financial returns to Council and in providing a benefit to the wider community.

However, as the development situated immediately to the north has undeveloped land within its boundaries, it is suggested that the potential to co-locate the proposed facility within that site be pursued. The land tenure is the same as the adjoining properties immediately to the east, in that it is owned by the State Planning Commission under lease to the City of Cockburn and sub-leased to the Lakeside Baptist Church. The original sub-lease, entered into some 15 years ago, tentatively proposed the unused areas to be utilised for outdoor courts, future auditorium and caretakers residence. In 1997, the provision for the outdoor courts and caretaker residence were removed from the lease and replaced with the development of a grassed oval on the part of the lease area now relinquished. No plans have been proposed to Council for the future auditorium/offices which, in accordance with the development schedule contained within the lease, should be constructed during the lease term, which expires in 2011. This effectively leaves land located immediately to the north and west of the currently developed area in a vacant state, with no plans (or capacity within the lease) for it to be developed. Accordingly, there is the potential to utilise that land with no development planned for it to be used for the Cockburn Ice Arena proposal, with the possibility of more land being available should the final stage of the Recreation Centre (auditorium/office) development not proceed.

It is emphasised that this option has not been discussed with either the proponent of the Ice Arena concept or the Lakeside Baptist Church. However, it is considered that many benefits could be achieved through co-location, including considerable savings on construction and utility costs associated with any new facility. In addition, it is likely that lease fees will be reduced to both parties as a result of the joint tenancy arrangements for both facilities. On this basis, it is recommended that Council explore the potential in the first instance.

Strategic Plan/Policy Implications

Managing the City in a competitive open and accountable manner.

Facilitating a range of services responsive to the community needs.



Council Policy AFCS2 requires the use of the GRV or UV value of the land as the basis of determining the annual lease rental of Council controlled land with each case considered on its merits.

Budget/Financial Implications

There will be some income generated for the City through the lease fee payable by the proponent.

Under the Council Policy the indicative GRV for the land provided by the Valuer Generals Office is \$250,000 which calculates to a rate of approximately \$15,000 pa.

Should the recommended lease fee base of \$10,000 pa be accepted plus an additional fee equivalent to the rates be payable the total income from the lease would be approximately \$25,000. This fee would increase in value over time in accordance with the terms of the lease and the GRV rate.

Legal Implications

Requirements of the Local Government Act, 1995, in relation to the disposal of land have been adhered to.

Community Consultation

In accordance with the requirements of the Local Government Act, 1995, sec. 3.59 the availability of the land for tender has been called by public notice.

Attachment(s)

Map of proposed lease area
Financial Review and analysis (Confidential – under separate cover)

Advice to Proponent(s)/Applicant

Tenderer advised that the matter will be considered by Council at its Ordinary Meeting to be held on the 15 February 2005.

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

Nil.

MAYOR LEE RETURNED TO THE MEETING AT 8.50PM AND RESUMED THE ROLE OF PRESIDING MEMBER AT THIS POINT IN THE MEETING.



DEPUTY MAYOR ADVISED MAYOR LEE OF THE DECISION OF COUNCIL.

17.3 (MINUTE NO 2719) (OCM 15/02/2005) - TRIAL OPENING OF SPEARWOOD PUBLIC LIBRARY ON WEDNESDAYS (710400) (DKF) (ATTACH)

RECOMMENDATION

That:-

- (1) Spearwood Public Library continue to be open to clients on Wednesdays from 10.00 am to 5.15 pm; and
- (2) its hours of opening on Saturdays be extended by two from 3.00 pm until 5.00 pm and that this change come into effect from Saturday 16 May 2005.

COUNCIL DECISION

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

CARRIED 10/0

Background

In July, 2004, Council, in response to a report by the Manager Library Services/City Librarian, expressed the view that the continued closure of Spearwood Public Library to clients on Wednesdays was, "..... an inadequate provision of service and an inefficient use of capital resources."¹ It therefore resolved that it be opened on Wednesdays and that a comprehensive report be prepared outlining the range of staffing options available for this to be achieved. Mrs Kay Poustie of Poustie Consulting Pty Ltd was engaged to assist in the preparation of this report and subsequent recommendations to Council.

Mrs Poustie's report canvassed a range of possibilities but its main recommendation was that Wednesday opening from 1000 – 1715 be offered on a trial period of twenty three weeks commencing from 15 September 2004 and that an assessment report on its continuance or otherwise be prepared for presentation to Council at its February 2005 meeting. These recommendations were subsequently adopted by Council and the library opened on time on 15 September.



Submission

Nil.

Report

The use of the library on Wednesdays has been at about the level expected, at a little above seventy five percent of average Friday use. Friday is open for the same length of time but has the advantage of its proximity to the weekend. It has also been established as an "open day" for almost twenty-nine years. The range for the trial has been from a minimum of 218 visitors to a maximum of 410 and 447 to 1229 issues. Visitors have averaged 285 and issues 735 or about 1.69 per minute. A detailed table from 15 September 2004 to 12 January 2005 is appended.

While the view of staff based both on actual figures for visitors and issues and subjectively is positive, it was considered appropriate to seek feedback from clients as well. To that end a questionnaire short enough to be completed on the spot was developed. It was administered to clients who visited the library on 5 and 12 January. The questionnaire is appended to this report.

The results of the questionnaire suggests that clients had found Wednesday opening useful (95%) even though few were restricted to Wednesday visits alone (11%). A regularity of use emerged with 30% reporting weekly visits, 31% fortnightly and 10% monthly. As well it would seem that by being open on Wednesdays enhances the opportunity for new people to visit. 24% were first time users.

Clients were asked if they would be supportive of the additional expenditure involved in keeping the library open. 97% of respondents supported the provision of additional funding.

The original proposition was for the library to open all day until 8.15 pm. However as a consequence of the consultant's report Council agreed to trial it only during the day time. The questionnaire therefore was not really able to reflect the views of users who may have found Wednesday evenings convenient. The majority indicated that the most likely times for their visits would be during the current open times with 42% intending to visit between 10.00 am to 1.00 pm and 34% from 1.00 pm to 5.00 pm.

Clients were also provided with the opportunity to make general comments. While those that were made ranged beyond just the Wednesday question the thrust was supportive of Wednesday opening. It was seen as valuable and useful and that it should continue. Similar sentiments have been conveyed to the service in writing and orally separately from this particular exercise.



On the basis of this evidence and collective observations the library's senior staff are firmly of the view that this additional access for clients should continue.

While that is fairly obvious it is inevitable that Council should be thinking beyond this specific issue and giving consideration to the hours that Spearwood Library in its contemporary setting should be providing.

The ideal situation would probably see it being open each weekday and each evening with the probable exception of Friday evening. It would also be open for longer at the weekend than is currently the case. It closes at 3.00 pm on Saturdays and is not open on Sundays.

While that proposition would very likely be one that would find general support there is the inevitable tension that exists between the service providers who wish to meet their clients expectations and those whose responsibility it is to provide the funding. However, Council's original idea was to open the library all day on Wednesday and in fact budgeted for that to be achieved. That indicates a certain level of acceptance of the fact that additional service and the investment to support it is justified.

In considering the whole question of greater access it is timely to review how the arrangements for Saturday have developed since the hours were extended from noon to 3.00 pm. What has happened and continues to happen is a progressive bunching of activity in the two hours before 3.00 pm. This trend is particularly noticeable in the last hour (2.00 pm to 3.00 pm) during which frequently about 25% of the days loans are issues. Quite often loans are still being processed after 3.00 pm and it is quite frequently difficult to get the library closed on time.

Comparing the possible opening of the library on a Wednesday evening with opening for two extra hours to 5.00 pm on Saturday, the greater utility for the community will be on Saturday. Moreover to close on Saturday at 5.00 pm instead of 3.00 pm will fit more easily in the mindset of most people. Five o'clock closing on Saturday is the same as for most shops including the Phoenix Shopping Centre. There are advantages of operating to a similar schedule especially on Saturday. An extra two hours will increase the opportunity for some people to visit the library and allow existing users to take a slightly more relaxed approach to their visit.

None of the options comes without an investment and in each case the anticipated quality of the outcome has to be balanced against the cost of the investment. At current staffing levels the expenditure required for Wednesday to be open for an additional three hours (i.e., with two clerks and one librarian) is on the order of \$13 150 per annum. This



falls within the money that has already been allocated for the purpose. To provide service on Saturday for an additional two hours with three clerks and one librarian will be in the order of \$19 990 per annum; a difference of \$5 840 a year or \$112.30 per week.

For the remainder of the 2004/2005 financial year the cost will be about \$5 170 or \$7 304 respectively. Either of these amounts can be accommodated within the current salaries budget for Spearwood Library.

While there is a difference, within the scheme of things, it is not great. The issue is to consider which proposal will be of most benefit to Cockburn's citizens. If this is the choice the library service is firmly on the side of Saturday because it has by far the best potential to be of benefit to more people in a more immediate way.

As a result of this exercise there are several possibilities that can be pursued. Each has the potential to impact to different degrees on the benefits that can be provided to the community. In summary, they can be seen as follows :-

- to continue to open the library for the Wednesday day time hours only
- to open the library as originally envisaged for the whole of Wednesday including the evening
- to open all of Wednesday and for a further two hours on Saturday
- to open during the day on Wednesday and for a further two hours on Saturday
- discontinue being open on Wednesday.

From the point of view of the library service any outcome that retains Wednesday opening is desirable. The report has considered this and the question of service hours more generally. It is considered that, given the positive response to the Wednesday exercise, it is now appropriate to take a further step in improving the service available to the city's citizens. The recommendation achieves this while having regard to the level of investment required.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

Funds available within current Municipal Budget.

Legal Implications

N/A



Community Consultation

Questionnaire provided to Library clients.

Attachment(s)

- (a) Wednesday Opening Statistics for Spearwood Library.
- (b) Questionnaire on Wednesday Opening.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

DECLARATION OF CONFLICT OF INTEREST

Clr Goncalves declared a conflict of interest in Item 17.4. The nature of the interest being a family member is on the Board of the Club.

CLR GONCALVES LEFT THE MEETING AT 8.52PM.

**17.4 (MINUTE NO 2720) (OCM 15/02/2005) - BEELIAR SOCCER CLUB
- REQUEST FOR OFFICE SPACE (RA) (4619)**

RECOMMENDATION

That Council:

- (1) advise the Beelias Soccer Club that they it is prepared to enter a tenancy agreement for a 2 year period for the use of an office area within the East Beelias Community Centre under the following terms:-
 - 1. the club pay the City prior to the work beginning \$8,000 plus G.S.T. for the conversion of the office/activity space in the Beelias Community Centre to create a dedicated area for the use of the club, with any surplus funds from the building works being returned to the club;
 - 2. the office only be used for the express purpose of operating the Beelias Soccer Club;
 - 3. the club is responsible for all outgoing costs with the exception of electricity, and security costs;
 - 4. the club pay rent in advance of \$50.00 per week plus GST and CPI adjustments toward electricity, major maintenance and security costs;
 - 5. the Club be responsible for all cleaning costs and internal



- 6. maintenance costs associated with the office;
 - 6. upon termination of the agreement the office is returned to the City in the same condition less fair wear and tear;
 - 7. the Club not make any alterations or additions without prior written consent from the City;
 - 8. the City have the option to extend the tenancy arrangement for a period of up to 3 years;
- (2) convert the toy library space within the East Beeliar Community Centre into an office area at a cost of \$4,000 with the funds to be drawn from the Community Facilities Reserve Fund.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr M Reeve-Fowkes SECONDED Clr S Limbert that Council:

- (1) advise the Beeliar Soccer Club that it is prepared to enter a tenancy agreement for a 2 year period for the use of an office area within the East Beeliar Community Centre under the following terms:-
- 1. The office only be used for the express purpose of operating the Beeliar Soccer Club;
 - 2. The club is responsible for all outgoing costs with the exception of electricity, and security costs;
 - 3. The club pay rent in advance of \$50.00 per week plus GST with annual CPI adjustments toward electricity, major maintenance and security costs;
 - 4. The Club be responsible for all cleaning costs and internal maintenance costs associated with the office;
 - 5. Upon termination of the agreement the office is returned to the City in the same condition less fair wear and tear;
 - 6. The Club not make any alterations or additions without prior written consent from the City;
 - 7. The City have the option to extend the tenancy arrangement for a period of up to 3 years;
- (2) convert the toy library space within the East Beeliar Community Centre into an office area; and
- (3) allocate the sum of \$12,000 for the alterations to the Beeliar Community Centre with funds to be drawn from the Community Facilities Reserve fund and the budget be amended accordingly.



CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/1**Explanation**

This is a Council facility and as the landlords Council should pay for the conversion of the building.

The major portion of the \$8,000 for the alterations to the building are not associated with the new partition or 'stud wall' but with the provision of a new outside doorway. At a meeting on site between the Club and representatives of the City, it was agreed that it would be most desirable from Council's viewpoint for the soccer club to have its own access to its own office. The necessity for the Club to have out of hours access to its office, without the need to disable alarm systems to the whole facility, presented a great advantage and also prevented the Club from inadvertently impacting on other users of the facility.

The alterations to the building are to Council's advantage and serve to provide this thriving Club with facilities in our City. Council should make the changes to its own facility and rent out the space to user groups accordingly.

Background

Council resolved at the Ordinary Council meeting held on the 21/12/04 to advise the Beeliar Soccer Club that it is prepared to provide for an office area within the Beeliar Community Centre for the use of the Club, subject to an agreement detailing the conditions of the tenancy arrangements being prepared for endorsement at the February Council Meeting.

An interim office space has been provided to the Beeliar Soccer Club for the January / February period in the Toy Library area of the Beeliar Community Centre on a cost recovery basis.

Submission

The Beeliar Soccer Club has written to Council seeking, amongst other matters, use of an office area within the Beeliar Community Centre. As this request by the club to seek to have office space within the facility is outside of Council policy and could be seen to set a precedent, it is necessary for Council to consider the matter.

Report

In order to provide a separate office area for the Beeliar Soccer Club with external access and for the current activities to continue, the Office



/ Activity space would need to be divided into two separate areas and the adjacent underutilised Toy Library area be converted into an office for the Community Centre Project Officer. The Beeliar Soccer Club will therefore be provided with a dedicated office area of approximately 15m² with external access. The capital works for the division of the room into two areas with external access has been costed at \$8,000. The relatively high cost is in part due to the size of the project and the difficulty in getting builders at this time due to the building boom.

The conversion of the Toy library into an office will require the installation of carpet and air conditioning and the relocation of telephone services and other equipment. The cost of conversion of this space is \$4,000. This conversion will generate some income for the City because it will create the ability for the other half of the Office/ Activity area to be hired out to community groups for meetings when it is not being used by the Social Services staff for counselling and group activities. As this conversion has the potential to generate income it is reasonable for this cost to be covered by the City.

As described in the December 2004 report on this matter, the Beeliar Soccer Club already has had substantial assistance from the City. This combined with the fact that the provision of office space is not usually provided in this circumstance, justifies the club paying for the cost of the works including the provision of communication services and equipment. In order for the Council to be able to terminate the agreement without any disadvantage to the Club it is proposed that if the Council decides to terminate the agreement within 24 months of commencement then the Council will refund the club the cost of the capital works less depreciation. The community facility is very new and of a high standard and to ensure that this is maintained, it is expected that the City would carry out the work on behalf of the soccer club with the club being required to pay prior to commencement of the works program. As it is a multipurpose facility it would be difficult and costly to sub-meter the office for electricity, and to determine the cost for security monitoring. An appropriate rental fee given that the room was constructed by the club and that the City would be paying for electricity and security monitoring would be \$50.00 plus all other outgoing costs per week.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

There are no funds available on the budget for this project.
A budget allocation of \$4,000 would be required to convert the Toy Library Space into an office area, and it is recommended that the Club



pay for all other the capital works costs to divide the existing office / group space into two areas and install an external access door.

Legal Implications

N/A

Community Consultation

Not usually considered necessary for a relatively small project such as this. There has been some concern expressed by other users of the facility about the activities of the soccer club. There may well be some concern expressed by other clubs on the level of support the City provides this club and that the club is also provided with an office.

Attachment(s)

Nil.

Advice to Proponent(s)/Applicant

Beeliar Soccer Club has been advised that the matter of a dedicated office space for the club will be considered by Council at its February Meeting.

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

Nil.

CLR GONCALVES RETURNED TO THE MEETING AT 8.56PM.

THE PRESIDING MEMBER ADVISED CLR GONCALVES OF THE DECISION OF COUNCIL.

(MINUTE NO 2721) (OCM 15/02/2005) – EXTENSION OF TIME

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Clr M Reeve-Fowkes that pursuant to Clause 4.13 of Council's Standing Orders, Council grant an extension of time for 30 minutes to enable the unresolved business of the meeting to be considered.

CARRIED 10/0



17.5 (MINUTE NO 2722) (OCM 15/02/2005) - COCKBURN CENTRAL COMMUNITY YOUTH FACILITY EXPRESSION OF INTEREST 02/2004 (RA) (8648)

RECOMMENDATION

That Council:-

- (1) accept the Expression of Interest 03/2004 from the Y.M.C.A. of Perth; and
- (2) request the administration to enter discussions with the Y.M.C.A. on opportunities for participation in the development and/or operation of youth facilities and services on reserve 5518347 with reports prepared for consideration by the Cockburn Central Youth Centre Committee.

COUNCIL DECISION

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

CARRIED 10/0

Background

Council at its meeting of the 21 September 2004 resolved in part as follows:-

“seek registrations of interest for potential tenants/partners from not for profit organisations and the private sector for the provision of services and facilities to be co located that target young people for consideration by the City”

The Expression of Interest (E.O.I. 03/2004) was duly advertised and closed on Thursday 25 November, 2004.

Submission

An E.O.I. was received from the Y.M.C.A. of Perth which indicated that the organisation was interested in being a tenant and/or entering a ground lease.

Report



The E.O.I. provided for two options with varied qualitative criteria as follows:-

OPTION A: Ground Lease

Description of Criteria	Weighting	
(a) Concept and relevance to the needs of young people	20%	
(b) Capability in undertaking development:	40%	
Financial Capacity		20%
Development experience and credentials		20%
(c) Capability in operating facility:	40%	
Financial Capacity		15%
Operating experience and credentials		25%

OPTION B: Tenant

Description of Criteria	Weighting	
(a) Concept and relevance to the needs of young people	50%	
(b) Capability in undertaking development:	50%	
Financial Capacity		25%
Development experience and credentials		25%

The results of the assessment were:-

Ground Lease

	Non Cost Criteria	Cost Criteria	Assessment Score
Y.M.C.A.	70%		70%



Tenant	Non Cost Criteria	Cost Criteria	Assessment Score
Y.M.C.A.	77%		77%

Assessment carried out by the Manager, Community Services.

The Y.M.C.A. are a well known and very experienced benevolent organisation with a long history of operating youth and recreational services and facilities. The Y.M.C.A. provides Council with a partnership opportunity to which the Y.M.C.A. can offer additional capital and operating income sources and service provision and management expertise.

Whilst the E.O.I. provided by the Y.M.C.A. was not specific in terms of what it could offer Council it did indicate an opportunity for a partnership in the development and provision of services. The Cockburn Central site provides the opportunity for the Y.M.C.A. to meet its strategic objective of locating facilities and services in growth corridors of the metropolitan area.

It is proposed that discussions be entered into with the Y.M.C.A. for partnership opportunities on a without prejudice basis. The outcomes of the discussion may result in the preparation of a report for consideration by Council on a joint development and service delivery proposal. Reports will be submitted through the Cockburn Council Youth Centre Committee.

Strategic Plan/Policy Implications

“Facilitating a Range of Services Responsive to the Community Needs” refers.

Budget/Financial Implications

Council has placed funds for capital works on its Principal Activity Plan for the development of youth facilities on the Cockburn Central Community purposes site. There may be some opportunity for the City to save on the cost of capital works and operating expenses through an arrangement with the Y.M.C.A.

Legal Implications

Nil.

Community Consultation



There has been extensive consultation in determining the needs for youth services and facilities in the district. The E.O.I. was advertised in the West Australian newspaper.

Attachment(s)

Nil.

Advice to Proponent(s)/Applicant

The Y.M.C.A. have been advised that their E.O.I. would be considered at the February 2005 meeting of Council.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

19.1 (MINUTE NO 2723) (OCM 15/02/2005) - POLICE STATION - SUCCESS (MR) (4325)

RECOMMENDATION

That Council:

- (1) write to the Minister for Police, and Opposition Spokesperson for Police, requesting that both the Government and the Opposition respectively commit to the construction of a police station at Cockburn Central, to be built within the next four years.
- (2) write to the Minister for Planning and Infrastructure, requesting that priority be given to the transfer of the land allocated for the police station from south of the Gateways Shopping Centre to the Cockburn Central Regional Centre.
- (3) forward a copy of the above correspondence to each member of the Legislative Assembly, member of the Legislative Council and candidate in the 2005 State Election, where their constituency is within the boundaries of the City of Cockburn.



COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Mayor S Lee that Council:

- (1) Receive the report;
- (2) Write to:-
 1. the Minister for Police, and Opposition Spokesperson for Police, requesting that both the Government and the Opposition respectively commit to the construction of a police station at Cockburn Central, to be built within the next four years;
 2. the Minister for Planning and Infrastructure, requesting that priority be given to the transfer of the land allocated for the police station from south of the Gateways Shopping Centre to the Cockburn Central Regional Centre;
- (3) the above correspondence to be based on the report;
- (4) forward a copy of the above correspondence to each:
 - (a) member of the Legislative Assembly;
 - (b) member of the Legislative Council; and,
 - (c) candidate in the 2005 State Election;for a constituency with boundaries within the City of Cockburn.

CARRIED 10/0

Explanation

Council considers that the reasons for the location of a police station at Cockburn Central, stated in the report, should be incorporated into its correspondence to the persons referred to in the motion.

Background

The following notice of motion was proposed by Deputy Mayor Graham:-

That Council:

(1) write to the Minister for Police, and Opposition Spokesperson for Police, requesting that both the Government and the Opposition respectively commit to the construction of a police station at Cockburn Central, to be built within the next four years.



(2) write to the Minister for Planning and Infrastructure, requesting that priority be given to the transfer of the land allocated for the police station from south of the Gateways Shopping Centre to the Cockburn Central Regional Centre.

(3) forward a copy of the above correspondence to each:

- (a) member of the Legislative Assembly;
- (b) member of the Legislative Council; and,
- (c) candidate in the 2005 State Election;

for a constituency with boundaries within the City of Cockburn.

Explanation

Land has been allocated for the construction of a police station immediately south of the Gateways Shopping Centre. Negotiations have been undertaken by interested parties to relocate the land allocation from its current site into the Cockburn Central Regional Centre site. These negotiations have not progressed on a priority basis. For lobbying purposes, Council should write to the responsible Minister to ask for the negotiations to be made a priority. The proposed police station is currently on the WA Police Service's 10 year forward plan for capital works. Council should lobby to ensure that construction of the police station occurs sooner than is planned.

Submission

N/A

Report

Cockburn Central is an ideal location for a Police Station for the following reasons:-

- (1) Highly strategic location near freeway interchange and district distributor road links of Beeliar Drive, Armadale Road and North Lake Road;
- (2) The nearest Police Stations to Cockburn Central are 6kms to Spearwood Police Station, 6kms to Murdoch Police Station, 10kms to the Kwinana Police Station to the south, 12kms to the Fremantle Station;
- (3) Sufficient land to meet the operational requirements for the establishment of a Police Station subject to consultation with LandCorp;
- (4) The future role of Cockburn Central as a major public transport interchange, including rail. The future Cockburn Central railway station has been designed to integrate fully with the proposed Cockburn Town Centre, operational by December 2006. It will



become the main public transport focus of the area, with local and regional bus routes stopping between the station and the town centre;

- (5) Consistent with the vision of the Cockburn Central Structure Plan to include government offices, retail and commercial uses, office/business uses, health welfare and community uses, entertainment and cultural uses, residential uses;
- (6) Population growth within the district has been rapid over the past decade and in the years before. In 1996 the population grew to 60,000 people and by 2004 was 74,000 people;
- (7) Best location to serve the populated areas envisaged by 2030 (57% of ultimate population), in the central and south-eastern areas of the district and expanding population along the freeway;
- (8) Increased Government sector confidence in the establishment of public services that support the establishment of the new town centre;
- (9) High level of visibility being on a primary street frontage (not set behind buildings or on a local distributor road of less importance);
- (10) Cockburn Central is the only Regional Centre in Perth with future Passenger Rail Access and consideration to be given to elevate Cockburn Central – Gateways to a Strategic Regional Centre.

It is recommended that the Council write to the Minister, and Opposition Spokesperson for Police, requesting that both the Government and the Opposition respectively commit to the construction of a police station at Cockburn Central, to be built within the next four years. Council should also consider writing to the Minister for Planning and Infrastructure, requesting that priority be given to the transfer of the land allocated for the police station from south of the Gateways Shopping Centre to the Cockburn Central Regional Centre.

Strategic Plan/Policy Implications

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

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



Budget/Financial Implications

Nil

Legal Implications

Nil

Community Consultation

Nil

Attachment(s)

Nil

Advice to Proponent(s)/Applicant

N/A – Council initiated action.

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

Nil

19.2 (MINUTE NO 2724) (OCM 15/02/2005) - PROPOSED AMENDMENT TO TOWN PLANNING SCHEME NO. 3 - COMPULSORY RAINWATER TANKS (6605)(SMH)(ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) not initiate an Amendment to Town Planning Scheme No. 3 to make it compulsory for all new dwellings to install rainwater tanks;
- (3) not prepare a Policy to provide for a rebate to encourage existing homeowners to install rainwater tanks;
- (4) investigate the potential for a preferential supply arrangement with a local supplier that affords ratepayers the ability to purchase rainwater tanks at lower costs than currently exist; and
- (5) refer this item for review as part of the City's sustainability initiatives.





COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr M Reeve-Fowkes that Council:

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

CARRIED 8/2

Explanation

The City's population is likely to double over the next 15 years and this will exert continuing pressure on scarce water supplies.

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

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

Background

At the Council meeting held on 15 April 2003, the following item was listed under "Matters To Be Noted for Investigation Without Debate":-

"Mayor Lee requested officers to investigate the feasibility/legality of requiring that all new residences within the City of Cockburn, be provided with water tanks to complement the existing potable water supply. The report is to include details of the existing government rebates etc for provision of water tanks, type/size of tank required in relation to lot size etc."



A report was presented to the Council meeting held on 20 May 2003, and the Council resolved:-

“That Council:

- (1) receive the report; and*
- (2) not pursue the matter of requiring that all new residences within the City of Cockburn install water tanks to complement the existing potable water supply. MOVED ClrK Allen SECONDED ClrM Reeve-Fowkes CARRIED”*

Council at its meeting held on 21 December 2004 considered the recommendation and resolved to defer the matter to the Ordinary Council Meeting in January 2005.

The explanation was that as this issue was a Notice of Motion from Clr Allen, he is the only one that can raise the issue. Therefore Council should defer the matter until January and Clr Allen’s return.

Submission

In an email received on 9 December 2004, the Mayor requested that an item be prepared for the December meeting of Council in accordance with a request from Cr Allen to the Mayor as a Notice of Motion:-

“Can you organise on my behalf a recommendation or notice of the following Change to TPS to make “rainwater tanks compulsory from _____ in all new homes. For all existing homes, council offer a rebate of \$40 towards the purchase of a rainwater tank. Or something along these lines.

It’s felt that Cockburn Council should take a lead in the prevention of excess water within the home system.

(Unit development may be exempted)”

Subsequently, the following notice was prepared by Council Staff and approved for submission by Councillor Allen.

“Notice of Motion

That Council:-

- (1) initiate an Amendment to Town Planning Scheme No. 3 to make it compulsory for all new dwellings to install rainwater tanks, effective from the date of gazettal of the amendment.



- (2) prepare a Policy to encourage existing homeowners to install rainwater tanks by providing a \$40 rebate paid by the City.
- (3) instruct the Director Planning and Development to prepare the scheme amendment for the consideration of Council at its next meeting and prepare a draft policy for consideration of the next meeting of the Delegated Authority and Policy Committee. “

Report

A copy of the report prepared in support of the report presented to the Council on 20 May 2003, is attached to the Agenda.

The contents of the report continue to apply.

In the publication “*Guidance on the Use of Rainwater Tanks*” published by ‘enhealth’ Australia’s peak Environmental Health Organisation, it states.

“Although the most common use of rainwater tanks is to supply drinking water, there has been much debate over the suitability of using household tanks for this purpose. This debate has tended to be focused in the major urban centres where high quality mains water is available. In rural and remote parts of Australia, use of rainwater tanks to supply drinking water has been a long-standing and often essential practice.

The decision about how to use rainwater is a matter of personal choice. In making this decision, it should be recognised that, although the risk of contracting illness from rainwater supplied from well-maintained roof catchments and tanks is low, the quality of water from household tanks is not as consistently high as that provided by well-managed urban water supplies. Microbiological quality is not as reliable as mains water, particularly after rain events. In addition, there are a few areas where impacts from major industrial emissions (for example, Port Pirie, South Australia) mean tank rainwater is not suitable for drinking and food preparation. The impacts on rainwater of very large densities of traffic, and other emissions, in Sydney and Melbourne are yet to be determined.

One option to decrease any potential risk from tank rainwater is to minimise oral exposure by limiting use of the collected water to supplying hot water services, bathing, laundry, toilet flushing or gardening (that is, not for drinking or food preparation).

The water quality requirements for non-potable uses are lower than those for drinking water. Guideline values cited in the Australian drinking water guidelines are based on a daily consumption of 2 L of water per day for an adult and 1 L for a child.”



The Water Corporation website which promotes the rainwater tank waterwise rebate scheme refers to the 'enhealth' guidelines.

The guidelines make reference to the fact that rainwater tanks may not be suitable for areas impacted on by major industrial emissions, such as Port Pirie in South Australia. Although there is no evidence that the Kwinana Industrial Strip may affect the quality of water collected from roofs in the Kwinana and Cockburn districts, the Kwinana Strip is designated as a heavy industrial area, around which an air quality buffer has been established. The State Government is concerned about people living within the buffer to such an extent that they are actively purchasing residential properties in Hope Valley and Wattleup townships with a view to relocating people out of the area. This may give an indication of the likely impact that the Kwinana Strip, Cockburn Cement and the Henderson Industrial Area could have on residential areas located on the leeward side of these large industrial activities. Therefore, due care should be taken in respect to making rainwater tanks compulsory in the suburbs of Munster, Beeliar, Success and Hammond.

The proposal is to amend the scheme, which is currently the only way of making rainwater tanks compulsory through the planning approval process.

The options are to add a new clause 5.8.2 or 5.8.7 Rainwater Tanks.

The clause has to be written to require the installation of a rainwater tank of a minimum size and that care be taken not to promote its use as an alternative drinking water source.

The other part of the suggestion is to provide a \$40.00 incentive for existing homeowners to voluntarily install rainwater tanks. This would be provided for by way of a Council policy.

In New South Wales, the government has introduced a compulsory building licence environmental performance system called "BASIX". To achieve an acceptable score in respect to water efficiency, a rainwater tank is required to be installed of at least around 5,000 litres and be plumbed for laundry, toilet and garden purposes. It is understood that drinking water is not prohibited.

This gives some guide as to the likely size of tank required and the use of the water for domestic purposes.

In addition, the State Government, as part of its State Sustainability Strategy, is investigating the suitability of introducing BASIX or another variation of it into the building licence system in Western Australia. Therefore, the requirement for rainwater tanks could be achieved through this means.



Based on the Council report of 20 May 2003, together with the foregoing observations, the potential cost to Council and the fact that it duplicates an existing State Government incentive, it is not recommended that the Amendment or the incentive scheme be pursued by the Council.

There may be however, options for the City to enter into a preferential supply arrangement with a tank supplier that could reduce the current tank purchase price for local ratepayers. This would need further research but has the potential of achieving the same outcome as an additional rebate.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

If the suggested Amendment was to be implemented, the following financial implications could apply.

Currently there are around 1300 single dwellings being constructed in Cockburn each year.

If it is compulsory that each dwelling install a 5000 litre rainwater tank, based on 1300 tanks being installed each year, it would mean:-

- | | |
|---|---------------------|
| • City cost | Nil |
| • State Incentive Scheme \$150/tank | \$195,000 per annum |
| • State Incentive Scheme with plumbing \$300 | \$390,000 per annum |
| • Cost to Owners 4500 litre (installed) \$2,800 ea
(plumbed) | \$3,640,000 |

This is based on the assumption that despite the rainwater tanks being compulsory in the City of Cockburn, property owners would continue to be eligible to claim a rebate from the State Government under the rebate scheme.

It can be seen this approach would be at no cost to the City.

However, the State could be required to pay between \$195,000 to \$390,000 per annum in rebates depending upon the tank being either installed with no connection to the laundry or toilet, or with a pump and connection to the laundry and toilet.

The cost of a 4,500 litre (1000 gallon) is around \$870 - \$890 with around \$2000 of plumbing costs to connect into the house system.

The additional cost to the construction of 1300 houses with plumbed rainwater tanks could be in the order of \$3.6 million.



If the suggested incentive scheme is implemented at a cost of \$40 per dwelling, it could be a cost to the City of \$96,000 if say 10% of all dwellings in the district took advantage of the scheme and based on there being around 24,000 dwellings in the district (June 2004), it could cost:-

• City cost (ie 2400 rebates per annum)	\$96,000
• State Incentive Scheme \$150/tank	\$360,000
• State Incentive Scheme with plumbing \$300/tank	\$720,000
• Cost to owners 4500 litre (installed) \$2800 (plumbed)	\$6,720,000

Even with the State Incentive Scheme, the suggested \$40 incentive would have minimal impact on the cost of this initiative.

To put the State's rebate scheme into perspective, the following is understood to be the situation based on enquiries with the Water Corporation (WC):-

1. The rebate scheme commenced in February 2003 (ie. 22 months)
2. Water saving incentives for which a rebate can apply:-
 - soil wetter
 - washing machines
 - bores
 - rainwater tanks.
3. The WC is receiving about 420 enquiries per day in respect to the incentive rebate scheme.
4. As at 13 December 2004, there had been 5,177 rainwater tank rebates issued by WC for the whole of the state. Rebates only apply to households that are connected to scheme water. (ie 235 rebates per month).

If a population of 1.2 million generates 5,177 rebates, which is less than 0.5%, then it could be expected that a population of 76,000 in the City of Cockburn would more realistically be around 325 rebates per year, rather than the 10% used for indicative costing purposes. The likely level of interest is difficult to estimate.

If this were to be the case, however, then the costs could be:-

• City cost (ie 325 rebates per annum)	\$13,000
• State Incentive Scheme 150/tank	\$48,750
• State Incentive Scheme with plumbing \$300/tank	\$97,500



- Community Cost to owners 4500 litre (installed, plumbed)\$2,800
\$910,000

To make the \$40.00 available as a rebate, there would be a need to raise the source of funds through the general rates. In other words the recipient is paying for the rebate through the property rate.

Legal Implications

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

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

Community Consultation

There has been no community consultation in respect to this proposal.

However, if the Council resolved to proceed with a scheme amendment to make the installation of rainwater tanks compulsory, then public comment would need to be sought. This could be achieved through the Strategic Planning exercise to be undertaken in 2005 via comment on a 'sustainability' plan.

Should the \$40 incentive scheme be pursued, then Council could choose to seek public comment or not before considering and adopting a suitable policy.

Attachment(s)

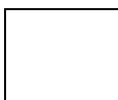
Minute No. 2019 – Council Meeting – 20 May 2003.

Advice to Proponent(s)/Applicant

N/A

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

The Amendment would be contrary to the State's position of making the installation of rainwater tanks voluntary. The suggested Amendment proposes to make the tanks mandatory. The incentive scheme is also a duplication of an addition to the State Government's (Water Corporation) waterwise rebate scheme.



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

21.1 (MINUTE NO 2725) (OCM 15/02/2005) - COMMUNITY CONSULTATION - SUMMER OF FUN EVENTS AND STREETSCAPE BEAUTIFICATION REFERENDUM (8812; 1062) (RA / JR)

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Cllr K Allen that Council:

- (1) includes the following questions in a referendum of Electors to be conducted in conjunction with the City of Cockburn Council elections on 7 May 2005:
 1. Do you want the City of Cockburn to continue providing free family entertainment such as the 2005 "Summer of Fun" Concerts, accessible to all residents of the City?
 2. Do you want the City of Cockburn to continue its streetscape and intersection beautification programme?
- (2) declares, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the referendum;
- (3) decides, in accordance with Section 4.61(2) of the Local Government Act 1995, that the method of conducting the referendum will be as a postal ballot;
- (4) funds required for the conduct of the referendum, estimated to be in the vicinity of \$10,000, be drawn from Account 110-6253 "Election/Postal Voting Expenses"; and
- (5) the CEO prepare for inclusion with the ballot papers, the "Yes" and "No" cases for both questions, together with any other information required.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/2



Explanation

There currently appears to be great support and appreciation of Council's decision to hold free family concerts accessible across all of our suburbs this year. Conversely, there appears to be a degree of resistance to these concerts from certain quarters.

Also there appears to be great appreciation and support for Council's Intersection Beautification and parks upgrade programme. Again, though there appears to be some indication of dissatisfaction coming from certain quarters.

Given that both of these programmes entail the investment of Council resources, without really any true community consultation, I believe before we can continue on with them next year, we should conduct the ultimate form of community consultation and hold a referendum.

DECLARATION OF CONFLICT OF INTEREST

Clr Reeve-Fowkes declared a conflict of interest in Item 21.2. The nature of the interest being that a family member is on the Yangebup Family Centre Committee.

CLR REEVE-FOWKES LEFT THE MEETING AT 9.21PM.

21.2 (MINUTE NO 2726) (OCM 15/02/2005) - YANGEBUP FAMILY CENTRE - SHADE CLOTH OVER THE PLAYGROUP OUTDOOR PLAY EQUIPMENT (8503) (RA)

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Clr S Limbert that Council:

Write to the Yangebup Family Centre Management Committee informing them that they may draw upon the \$20,000 already allocated by Council in its 2004/2005 budget, for the provision of storage, up to an amount not greater than \$2,400, for the immediate provision of shade over the Playgroup outdoor play equipment and the budget be amended accordingly.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Explanation

Late summer is turning out to be quite hot and unfortunately, due to the death of a Banksia tree in the grounds of the Yangebup Family Centre,



the children attending playgroup have been left with no shade over their playground equipment.

Permitting the Family Centre to access these previously allocated funds allows for the provision of an immediate solution.

CLR REEVE-FOWKES RETURNED TO THE MEETING AT 9.22PM.

THE PRESIDING MEMBER ADVISED CLR REEVE-FOWKES OF THE DECISION OF COUNCIL.

22 (OCM 15/02/2005) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

- (1) Clr Oliver requested that a report be provided detailing the current status of the Fremantle Hospital Hydrotherapy Pool. As there are many people in the Cockburn region with arthritis and other disabilities who currently attain benefit from this very important service, Clr Oliver would like Council to investigate the establishment of such a service within the confines of the City. The investigation should consider all possible providers of such a service, including but not restricted to the City of Cockburn itself.
- (2) Mayor Lee requested that Council investigate the possibility of extending the existing Disabled Persons Access Ramp at Coogee Beach. The proposed extension would be to enable full wheelchair access down to the waterline and to act like as a mini boat ramp. The report should address all issues, including but not limited to problems with the existing disabled ramp, 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.
- (3) Clr Limbert requested that Council investigate implementing a "Dob in a Hoon" project in the City of Cockburn. Anti social behaviour, burn outs and excessive vehicle speed has become an ever increasing problem on our roads. This behaviour results in safety concerns to residents, damage to Council's infrastructure and becomes a disturbance to our neighbourhoods. One of the problems for the Police Service in trying to apprehend or find drivers who are responsible for these incidents is finding and collating information, particularly from the general public. Such information and public cooperation is vital in helping to eradicate these types of incidents. The City of Gosnells has a very effective and successful program in current operation. The contact number for the Gosnells Safe City program is 93913352.



- (4) Clr 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. The report is to address all issues including but not limited to costs, engineering, effect on marine life, etc., to improve the visit to and provide a positive impression of a person's visit to Coogee Beach.

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 2727) (OCM 15/02/2005) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995) 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.
- (4)

COUNCIL DECISION

MOVED Clr I WHITFIELD SECONDED Clr A TILBURY the recommendation be adopted.

CARRIED 10/0



25 (OCM 15/02/2005) - CLOSURE OF MEETING

MEETING CLOSED AT 9.29PM

CONFIRMATION OF MINUTES

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

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

