

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 SEPTEMBER 2006 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 SEPTEMBER 2006 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Ms L Goncalves	-	Councillor
Mr T Romano	-	Councillor
Mrs S Limbert	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr N. Evans	-	Communications Manager
Ms V. Viljoen	-	Personal Assistant to the CEO

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A

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

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



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

Nil

5 (OCM 14/09/2006) - APOLOGIES AND LEAVE OF ABSENCE

Clr Kevin Allen	-	Apology
Clr Val Oliver	-	Apology
Clr Julie Baker	-	Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 14/09/2006) - PUBLIC QUESTION TIME

Robyn Scherr – Amity Boulevard, Coogee

Mrs Scherr advised she had heard Mayor Lee on radio speaking about the results of an independent survey on the sports stadium, and questioned whether any Cockburn residents had been involved in the survey.

Mayor Lee advised there had been an independent, random survey which included Cockburn residents. It had been presented to various community groups (through the Regional Community Development Group) in Cockburn, which sought their endorsement and which had received strong support.

Mrs Scherr advised that no one had approached the Coogee Beach Progress Association.

Mayor Lee advised he had made it clear to the Community Leaders that Council was more than happy to meet with the individual community associations and, in fact, Council had been asked to make a presentation to the Beeliar Residents Association. Council had also made presentations to other stakeholders within the City.

Mrs Scherr suggested there were many more groups within the community that were not represented by the Regional Community Development Group, and that perhaps Council should look at other ways to reach out to the community.

Mayor Lee thanked Mrs Scherr for her comments.



Bert Renner, March Street, Spearwood

Mr Renner requested that the new driver of the rubbish collection truck be instructed to not replace the bins in the middle of the footpath, in March Street, as children going to school have to move out onto the road to get around the bins.

Mayor Lee requested the Director of Engineering & Works to speak with his staff to resolve this problem.

Mr Renner also raised the issue of the ACROD parking bays in the Council car park and the fact that some people were using them who were not authorised to do so and were also parking so as to make it difficult to use the two bays.

Mayor Lee requested the CEO to comment. The CEO advised that there had been a problem with the curbing contractor and the matter was being rectified as quickly as possible.

Mayor Lee thanked Mr Renner for his comments.

Dan Scherr – Amity Boulevard, Coogee

Mr Scherr asked, in light of the increase in break-ins and burglaries (as reported in the Cockburn Gazette) and the recent break-in at Council, whether any review was to be undertaken of the effectiveness of the security service.

Mayor Lee advised he was not aware of any increase in the number of burglaries and asked the CEO to respond. The CEO advised that he had attended a second meeting on the matter with regard to more active security measures. The City's administration buildings are protected by both alarms and patrols. The perpetrators took advantage of a 20 minute gap between when the last employee left and when the alarms came into effect. The security patrols do random patrols but do not respond to the alarms in these buildings.

Mr Scherr asked whether the security patrols were allowed to get out of their cars.

1. The CEO advised that their range of duties allowed them to get out if there was, for instance, a break-in. The Security Officers would get out and wait with the ratepayer until additional assistance arrived from the police or the glazier arrived to fix a broken window. The service is a mobile patrol, their focus is being in the vehicles and they were not there as the primary law enforcement – that is the role of the police.

Mayor Lee thanked Mr Scherr for his comments.



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 3247) (OCM 14/09/2006) - ORDINARY COUNCIL MEETING - 10 AUGUST 2006

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday, 10 August 2006 be adopted as a true and accurate record.

COUNCIL DECISION

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

CARRIED 7/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

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

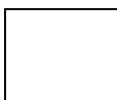
Nil

13. COUNCIL MATTERS

13.1 (MINUTE NO 3248) (OCM 14/09/2006) - MINUTES OF GRANTS AND DONATIONS COMMITTEE MEETING 15 AUGUST 2006 (5930) (RA) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Grants and Donations Committee meeting held on 15 August 2006, as attached to the Agenda and the recommendations contained therein be adopted.



COUNCIL DECISION

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

CARRIED 7/0

Background

A meeting of the Grants and Donations Committee was held on 15 August 2006.

Submission

To receive the minutes of the Grants and Donations Committee and adopt the recommendations of the Committee.

Report

On Council's 2006/07 Budget the sum of \$490,000 was identified for distribution as grants and donations to not for profit organisations and to individuals. The Grants and Donations Committee at its meeting of the 15 August 2006 gave consideration to the level and nature of grants and donations for 2006/07.

A list of the recommended grants and donations made by the committee is attached to the Agenda along with the minutes of the Grants and Donations Committee.

Strategic Plan/Policy Implications***Governance Excellence***

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

Budget/Financial Implications

All Grants and Donations will be considered in the context of Council Policy SC35 "Grant and Donations – Not for Profit Organisations" which establishes that 2% of rateable income will be available for this purpose.

Legal Implications

Nil.



Community Consultation

The availability of Community Grants and Donations will be advertised at the appropriate time.

Attachment(s)

1. Minutes of Grants and Donations Committee Meeting 15 August 2006.
2. Proposed Grants and Donations Allocations (Committee) for 2006/07.
3. Staff recommended Grants and Donations Allocations for 2006/07.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.2 **(MINUTE NO 3249)** (OCM 14/09/2006) - APPOINTMENT OF 'NOMINATED DIRECTOR' VOLUNTEER HOME SUPPORT BOARD (8926) (DMG)

RECOMMENDATION

That Council nominates Councillor Sue Limbert as a "Nominated Director" for the City of Cockburn to the Volunteer Home Support Board.

COUNCIL DECISION

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

CARRIED 7/0

Background

Councillor Oliver was nominated by Council in May 2003 as the City of Cockburn "Nominated Director" to the Volunteer Home Support (V.H.S.) Board. Councillor Oliver has recently resigned from the Board, which is now seeking a replacement Director, as nominated by Council.



Submission

To nominate Councillor Limbert as a “Nominated Director” to V.H.S.

Report

Councillor Limbert responded to a request for expressions of interest from elected members to fill the vacancy on the V.H.S. Board, created by the resignation of Councillor Oliver.

The vacancy is for the position of “Nominated Director”, as proposed by the City of Cockburn. Each sponsoring local government has the right to nominate a Director to the V.H.S. Board. In this regard, Councillor Limbert also represents the Town of East Fremantle, which is her employer.

An enquiry was made to the V.H.S. to ascertain whether it was possible for Councillor Limbert to be nominated by more than one allowable local government.

The response was, that as the Board comprises of Directors nominated by, but not representative of, the supporting local government, Councillor Limbert would not be compromised by any perception of a conflict of interest, and was, therefore, acceptable under the terms of the V.H.S. Constitution.

Accordingly, it is recommended that Councillor Limbert be nominated by Council as a “Nominated Director” to the V.H.S. Board.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Nil.

Legal Implications

N/A

Community Consultation

N/A



Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 3250) (OCM 14/09/2006) - HOME BUSINESS (SMALL RESIDENTIAL BUILDER) - LOT 124 (NO. 41) MONACO AVENUE, NORTH LAKE - OWNER: BK HEAH & JL GOBETTI - APPLICANT: BK HEAH (1105059) (TW) (ATTACH)

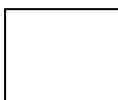
RECOMMENDATION

That Council:

- (1) grant its approval for a Home Business (Residential Builder) on Lot 124 (No. 41) Monaco Avenue, North Lake in accordance with the approved plan subject to the following conditions:-

STANDARD CONDITIONS

1. The development complying with the Home Business provisions and definition set out in the Town Planning Scheme.
2. All materials and/or equipment used in relation to the Home Business shall be stored within the residence or an approved outbuilding.
3. The Council upon receipt of substantiated complaints may withdraw the Home Business Approval.
4. The Home Business can only be undertaken by the owner of the land and is not transferable pursuant to clause 5.8.5 (a) (ii) of Town Planning Scheme No 3.
5. On the sale of the property or change in ownership of the land the home occupation entitlement ceases pursuant to clause 5.8.5 (a) (iii) of Town Planning Scheme No 3.



SPECIAL CONDITIONS

6. Client visiting times being limited to:-
9:00am to 5:00pm Monday to Friday
7. All storage must be contained on-site and screened from the public view to the satisfaction of Council.
8. All client staff car parking must be on-site and no street parking associated with the business is permitted on the verge or on Monaco Avenue.

FOOTNOTES

1. Means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-
 - (a) Does not employ more than 2 people not members of the occupier's household;
 - (b) Will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) Does not occupy an area greater than 50 square metres;
 - (d) Does not involve the retail sale, display or hire of goods of any nature;
 - (e) In relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight;
 - (f) Does not involve the use of an essential service of greater capacity than normally required in the zone; and
 - (g) Does not display a sign exceeding 0.2 square metres.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Approval);
- (3) advise the applicant and submissioners of Council's decision accordingly.



COUNCIL DECISION

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

CARRIED 7/0

Background

ZONING:	MRS:	Urban
	TPS3:	Residential (R20)
LAND USE:	Residential	
LOT SIZE:	801m ²	
AREA:	50m ²	
USE CLASS:	'A' the use is not permitted unless the local government has exercised its discretion and has granted approval after giving special notice in accordance with clause 9.4	

A formal complaint was lodged with the Planning Compliance Officer in May 2006 that the owner of 41 Monaco Avenue, North Lake was carrying on a home business. As a result of this the applicant was advised that the existing Home Business is required to obtain retrospective planning approval on 11 May 2006. Further to this the applicant was advised that the business is not permitted to use the adjoining PAW for the purpose of a storage yard and business parking.

In June 2006, the applicant submitted an application for a Home Business to operate as a small residential builder from 41 Monaco Avenue, North Lake.

The applicant seeks approval for:

- The employment of one full-time draftsman and one casual bookkeeper for the purpose of a Home Business.
- Operating hours from: 9:00am-5:00pm Monday - Friday

The applicant notes that it is very rare to have clients visit the home, as the business generally does not generate customers. The business clients are typically sub-contractors that operate from various job sites and not this residential property. Furthermore the existing driveway and hardstand can accommodate parking for 4 cars on site.



Submission

The applicant seeks Council approval to conduct a Home Business – Small Residential Builder from the subject property and has provided the following information in support of the proposal:

- The business will not generate customers.
- It is very rare to have clients come to the office, perhaps several clients in a year.
- The site has ample parking for up to 4 cars in the driveway and hardstand to accommodate employees.
- The business area will be incidental to the residential purpose of the house.

Report

Home Businesses are a discretionary use subject to advertising under Council's Town Planning Scheme No.3 and as such the application was advertised to surrounding landowners. Eight (8) landowners were advised of the development application. Two (2) provided no objections, two (2) objected and four (4) did not respond.

The two objections received noted that their main concerns lay with storage of building materials in the front yard and pedestrian accessway (PAW). Compliance notification issued to the applicant in 2006 satisfactorily resolved these issues and the PAW and front yard are no longer used for storage. Further to this the applicant has created a hardstand area capable of housing the applicant's additional vehicles or trailers and has a building licence issued for a new limestone front fence that will improve the current appearance of the yard.

One submission questioned whether the dwelling was used for residential purposes or purely as a business address. A site inspection verified that the dwelling is used for residential purposes and that the business activities are incidental to this.

Other issues raised in the submissions were not relevant to the application.

The proposed Home Business is acceptable given that:

- The low number of client visits will ensure car parking can be accommodated on-site. A condition of approval can require all client parking to be contained on-site and no street parking is permitted on the verge or on Monaco Avenue, North Lake;
- The applicant advised that a commercial property has been purchased in Cockburn Central to which the business will relocate in the future;



- The business activities are incidental to the residential use of the dwelling;
- The applicant has conformed to the actions required to be taken in the compliance order issued in May 2006; and
- An approval for home occupation can be subject to stringent compliance with conditions of approval that are intended to ameliorate any adverse impact on the amenity of neighbours.

Given the above and that the applicant reduced the scale of the activity it is recommended that Council approve the home occupation application.

Strategic Plan/Policy Implications

Governance Excellence

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

Employment and Economic Development

- *To plan and promote economic development that encourages business opportunities within the City.*

The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes

Budget/Financial Implications

Nil.

Legal Implications

Town Planning Scheme No. 3.

Community Consultation

14-Day period in which adjoining properties along Monaco Avenue were sent letters requesting comments. Nil comments were received as a result of this consultation.

Attachment(s)

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



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 September 2006 Council Meeting.

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

Nil.

14.2 **(MINUTE NO 3251) (OCM 14/09/2006) - GROUPED (R-CODE) DWELLING - LOT 36 (NO. 93) JEAN STREET, HAMILTON HILL - OWNER/APPLICANT: R & R CALIC (2202496) (TW) (ATTACH)**

RECOMMENDATION

That Council:

- (1) grant its approval to Group (R-Code) Dwelling on Lot 36 (No. 93) Jean Street, Hamilton Hill in accordance with the approved plan subject to the following conditions:-

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. Crossovers are to be located and constructed to the City's specifications. Copies of specifications are available from the City's Infrastructure Directorate.
5. The development is to comply with the requirements of the Building Code of Australia.
6. The development site should be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
7. All stormwater being contained and disposed of on-site to the satisfaction of the Council.



SPECIAL CONDITIONS

8. The western face of the proposed balcony shall be adequately screened to the satisfaction of Council as indicated in red on the approved plans.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Approval);
- (3) advise the applicant and submissioners of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 7/0

Background

ZONING:	MRS:	Urban
	TPS3:	Residential (R20)
LAND USE:	Residential	
LOT SIZE:	916m ²	
AREA:	206m ²	
USE CLASS:	Dwelling Grouped (R-Code) 'P' permitted by the scheme	

In May 2006, the applicant submitted an application for a group dwelling at 93 Jean Street, Hamilton Hill.

The applicant seeks approval for:

- A two storey group dwelling
- Variation to R-Codes overlooking from first floor balcony
- Variation to East/side setback. (1m proposed, 1.5m required)

Submission

A group dwelling in a residential zone is permitted use under Council's Town Planning Scheme No.3. The development proposes variations to the Residential Design Codes 2002 as noted above. The variations were advertised to affected landowners. Three (3) landowners were



advised of the development application. Two (2) objected and one (1) did not respond.

Report

The adjoining landowner objecting to the proposal indicated concerns regarding noise from cars driving into garage, visual privacy and overshadowing. All of these issues raised by the submissioner are not relevant to a planning consideration, as the development does not breach the R-Codes requirements for these standards. The submissioner does object to the building bulk. The section of the wall which is setback 1m rather than the required 1.5m is not considered visually intrusive as the secondary storey portion of the wall is setback 1.5m and the ground floor portion if assessed as a separate section of wall complies with the R-Codes.

The proposed balcony is setback 2.8m from the side boundary whereas the R-Codes requires a setback of 7.5m. The variation is considered to be substantial and the adjoining owner lodged an objection.

The applicant was advised that the variation is substantial and could not be supported as it creates privacy issues for the adjoining owners private open space. Upon this advice the applicant has decided to amend their plans to incorporate a screen wall along the western face of the balcony to obstruct any views into the adjoining property. The addition of a screen wall will resolve all privacy issues and comply with the R-Code requirements.

The proposed Group Dwelling (Code - Variation) is acceptable given that:

- The side setback variation is considered to be minor and will not create overshadowing or any other adverse impact on the adjoining property.
- The applicant has resolved visual privacy issues from the balcony with the addition of a screen wall.
- The proposed group dwelling is consistent with the residential density (R20) of the area and complies with all other aspects of the R-Codes.

Given the above and that the applicant has modified the building design to conform to the R-Codes, it is recommended that Council approve the home occupation application.



Strategic Plan/Policy Implications

Demographic Planning

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

Governance Excellence

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

The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes

Budget/Financial Implications

Nil.

Legal Implications

Town Planning Scheme No. 3.

Community Consultation

14-Day period in which adjoining properties along Jean Street and Clontarf Road (to the rear of 93 Jean Street) were sent letters requesting comments.

Attachment(s)

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

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 September 2006 Council Meeting.

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

Nil.



14.3 (MINUTE NO 3252) (OCM 14/09/2006) - TEMPORARY CLOSURE OF ROAD - QUILL WAY AND NAUTICAL DRIVE, HENDERSON (450324) (KJS) (ATTACH)

RECOMMENDATION

That Council close the following roads in Henderson to the passage of vehicles for a period of nine (9) months:-

- (1) Quill Way between Sparks Road to a point 90 metres west of Nautical Drive; and
- (2) Nautical Drive.

COUNCIL DECISION

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

CARRIED 7/0

Background

The subject roads have been constructed in conjunction with the LandCorp Industrial Land Subdivision. LandCorp does not intend opening or indeed selling the subdivision lots until excavation has been completed on the adjoining land to the west.

Submission

Benchmark Projects are the project managers acting for LandCorp. Benchmark have written to the City seeking temporary closure of the subject roads for at least six (6) months.

Report

Land west of Nautical Drive is the subject of Council approved excavation project. The nature of the soil in this project is such that the earthworks require blasting. In accordance with the approved blasting permit and the Safety Management Plan an exclusion zone incorporates the subject roads. The Australian Marine Complex (AMC) have given written support to the closure. AMC occupy the area west of the LandCorp subdivision area. Benchmark Projects have undertaken to erect redirection signs and notify service authorities and emergency



vehicles. The statutory advertising has been undertaken in the local newspaper with no objections received.

LandCorp have requested that the closure be for a period of at least 6 months. This period is related to the excavation and blasting work being undertaken on adjoining land. The recommended period of 9 months will allow for any overrun of the associated project.

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

N/A

Legal Implications

Temporary closures of roads by Local Governments is pursuant to Section 3.50 of the Local Government Act 1995.

Community Consultation

The proposal was advertised in the Cockburn Gazette. Service authorities and emergency services were advised.

No responses were received.

Attachment(s)

- (1) Location Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 September 2006 Council Meeting.

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

Nil.



14.4 (MINUTE NO 3253) (OCM 14/09/2006) - PROPOSED FINAL ADOPTION OF SCHEME AMENDMENT NO. 37 TO TOWN PLANNING SCHEME NO. 3 - LOT 33 (NO. 30) MELL ROAD, SPEARWOOD - OWNER: AEGIS AGED CARE GROUP PTY LTD - PETER WEBB & ASSOCIATES (93037) (TW) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the amendment without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (2) advise the proponent of the Council's decision.

COUNCIL DECISION

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

CARRIED 7/0

Background

ZONING:	MRS:	Urban
	TPS3:	Rural
LAND USE:	Single Residence	
LOT SIZE:	1.31ha	

Council at its meeting held on 14 July 2005 resolved to initiate Amendment No. 37 to Town Planning Scheme No. 3 for the purpose of advertising.

Submission

The application has been advertised to the community and referred to relevant government agencies for a period of 42 days. This report seeks Council support for final adoption of Amendment No. 37.

Report

Amendment No. 37 proposes to amend the scheme text to rezone Lot 33 Mell Road from Rural to Special Use 21 (Residential High Dependency Aged Care Facility).



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

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the *Environmental Protection Act*.

The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days.

No submissions were received during the advertising of the proposed scheme amendment.

Conclusion

It is recommended that Amendment No. 37 be adopted by the Council and referred to the Western Australian Planning Commission for final consideration.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Nil.

Legal Implications

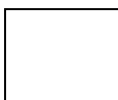
Planning and Development Act
Town Planning Regulations

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment No. 37 concluded on 1 July 2006. At the close of the advertising period no submissions were received.

Attachment(s)

- (1) Site Plan
- (2) Proposed Scheme Amendment Map.



Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 14 September 2006 Council Meeting.

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

Nil.

14.5 (MINUTE NO 3254) (OCM 14/09/2006) - DEMOLITION OF EXISTING SCHOOL BUILDINGS - LOT 4897 (NO. 183) RUSSELL ROAD WEST, MUNSTER - OWNER: DEPARTMENT OF EDUCATION AND TRAINING - APPLICANT: PARRY & WHYTE ARCHITECTS (3411196) (TW) (ATTACH)

RECOMMENDATION

That Council:

- (1) recommend to the Western Australian Planning Commission to not support the demolition of the existing school buildings at the South Coogee Primary School site on Lot 4897 (No. 183) Russell Road West, Munster in accordance with the submitted application for the following reasons:

REASONS FOR REFUSAL

1. The buildings contain local cultural heritage significance that should be preserved in order for future generations to enjoy.
 2. Initial monetary costs should not prevail over the long-term social and cultural benefits of the heritage buildings.
- (2) advise the submissioners of Council's decision accordingly;
- (3) further advise the Commission that it is prepared to support the demolition of only those buildings on-site that are not of cultural heritage significance.

COUNCIL DECISION

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

CARRIED 7/0



Background

ZONING:	MRS:	Urban
	TPS3:	Public Purposes
LAND USE:	Existing Disused Primary School	
LOT SIZE:	9221m ²	
USE CLASS:	Future stage of the Challenger TAFE (Australian Centre for Energy and Process Training Campus)	

The applicant proposes to demolish all of the existing school buildings at the South Coogee Primary School site.

The application proposes public works by a public authority, which requires determination by the Western Australian Planning Commission. Council's decision will be referred to the Commission as a recommendation.

The existing buildings have been vacant since the school closed in 2002. One of the existing buildings referred to as the "Timber Classroom" is registered on the City of Cockburn's Municipal Inventory (management category B). This building has been identified as containing hazardous materials, including asbestos. The Department of Education and Training has advised that no funds are available to upgrade the building to a safe, usable state and that there is no use for the building if it were to be upgraded.

The Department of Education and Training commissioned Palassis Architects in 2003 to prepare an archival record of the Main Teaching Block and Shelter Shed for submission to the Heritage Council. The whole of the school was assessed and after consideration by the Heritage Council it was deemed that the place was not significant enough for it to be placed on the Register of Heritage Places (State Listing). The report did identify that the Main Teaching Block and Shelter Shed are important to the history and development of its locality and therefore worthy of recognition as a place of local significance.

The buildings are considered to have cultural significance for the following reasons:

- It has aesthetic values as an example of the Inter-War country school with hipped roof features, weatherboards and fibrous cladding and timber framed twelve pane windows.
- It is one of few examples of single timber classrooms
- It is an example of adaptive additions to schools necessary in the lean financial period during and after WWII.
- Social values as an education building which gives a sense of place to people in South Coogee



- The place is associated with former pupil cricketer Lawrence Sawle, footballers Alan and Glen Jackovich, and author Paul Bunde.

The City of Cockburn commissioned two separate independent heritage architects (KTA Partnership Architects and The Heritage and Conservation Professionals) to recommend whether the buildings should be retained or demolished. KTA Partnership Architects recommended demolishing the buildings for the following reasons:

- It is too expensive to remove the asbestos and upgrade the building.
- Monies will be required to keep it maintained.
- There does not appear to be a good usage for it if it was upgraded.

The Heritage and Conservation Professionals recommended conserving the buildings for the following reasons:

- The main classroom block contains local cultural heritage significance.
- Initial restoration costs should not outweigh the long-term heritage benefits.

Report

The application was advertised in two local papers, the "Fremantle Herald" and the "Cockburn Gazette" for a period of two weeks. At the close of the submission period three objections were received from:

- The President (Jean Martin) of the Historical Society of Cockburn Inc.
- Logan Howlett
- Patricia Howlett

The objectors suggest the school buildings should be restored to be used as part of the new technical/maritime college, or used as a museum to showcase Cockburn's maritime past, or used to display memorabilia of other recently closed schools in the area.

Recommendation

Recommend to the Western Australian Planning Commission to restore and conserve the school buildings. The school buildings seem to have a significant level of local social and cultural value. The short-term restoration costs should not prevail over the long-term benefit to the local community.



Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

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

Governance Excellence

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

Budget/Financial Implications

Nil.

Legal Implications

Town Planning Scheme No. 3.

Community Consultation

The application was advertised in two local papers, the "Fremantle Herald" and the "Cockburn Gazette" for a period of two weeks. At the close of the submission period three objections were received.

Attachment(s)

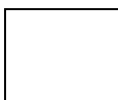
- (1) Location Plan
- (2) Site Plan
- (3) Objectors' comments.
- (4) Heritage Consultant Reports.
- (5) Municipal Heritage Place Record.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 September 2006 Council Meeting.

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

Nil.



14.6 (MINUTE NO 3255) (OCM 14/09/2006) - ADDITION OF HALL AND NEW TOILETS - LOT 154 (NO. 31) OMMANNEY STREET, HAMILTON HILL - OWNER: ROMAN CATHOLIC BISHOP OF PERTH - APPLICANT: GLENWAY HOMES (2204235) (TW) (ATTACH)

RECOMMENDATION

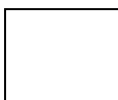
That Council:

- (1) grant its approval for hall and toilet additions on Lot 154 (No. 31) Ommanney Street, Hamilton Hill in accordance with the approved plan subject to the following conditions:

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
5. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
6. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, by the Council.
7. 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.
8. No bunting is to be erected on the site. (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).

9. 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.
10. 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.
11. All stormwater being contained and disposed of on-site.
12. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
13. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
14. Access onto the site shall be restricted to that shown on the plan approved by the Council.
15. 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.
16. 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 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.
17. A minimum of 1 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. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade 2.5%.
19. 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.
20. The development must display the street number and where there is no street number allocated to the property, the lot number shall be displayed instead.
21. The existing church building and additions must be rendered in a matching "Tuscan" style to the satisfaction of the Council.
22. The Church and hall are not to be used concurrently.
23. No alcohol is to be sold on-site.
24. A maximum number of 90 persons shall be accommodated on the premises at any given time, unless otherwise approved in writing by Council.
25. At no time shall members of the general public or parishioners hire out the proposed hall as a venue for any function.
26. The recommendations stipulated within the Herring Storer Acoustics Report dated 19 July 2005 must be incorporated into the fit-out of the proposed hall and toilet block.
27. Noise levels on the premises are to comply with the Environmental Protection Act 1986, which contains penalties where noise limits exceed those prescribed by the Environmental Protection (Noise) Regulations 1997.
28. The existing hall being demolished prior to occupying the development herein approved.

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

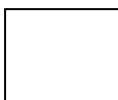
29. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and

Water Systems, is to be submitted in conjunction with the Building Licence application. Written approval from the City's Health Services for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.

30. Lots must be amalgamated prior to applying for a Building Licence.
31. 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.

FOOTNOTES

- 1 The development is to comply with the requirements of the Building Code of Australia.
2. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
3. Bin storage facilities to be provided to the satisfaction of the Council's Health Services. Such facilities are to be enclosed, graded to a central drain.
4. Until the Council has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any such purpose.
5. The use of the premises (kitchen) must comply with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only). It is anticipated that the kitchen will be a Class 3.
6. The proposed hall is a public building and therefore must comply with the requirements of the Health (Public Building) Regulations 1992. An application to Construct, Alter or Extend a Public Building must be lodged with the Building Licence Application. Once building is complete, Council's Environmental Health Services Section will assess the premises in accordance with the Regulations and provide the proprietor with a final accommodation



- number. This number is based on floor area, patron toilet facilities, exit widths and ventilation.
7. In regards to Condition No. 27, should complaints be received regarding the premises and noise monitoring reveal that noise levels exceed the prescribed levels, Council will consider taking formal action.
 8. The applicant is advised that adequate crowd control measures should be implemented in order to minimise noise levels, and to ensure patrons leaving the building do so in an acceptable manner.
 9. In regards to Condition No. 26, the applicant must obtain written confirmation from Herring Storer Acoustics certifying that, once all buildings are complete, they have assessed the premises and that all recommendations stipulated within their report have been complied with. Herring Storer Acoustics must also confirm that noise emissions emanating from the premises (during liturgical events) meet legislative requirements. In doing this, guidance shall be provided to the applicant indicating what 85dB(A) equates to. A copy of the written confirmation shall be forwarded to the City's Health Services prior to the issue of the accommodation certificate (public building approval) for the hall. In addition, it is noted that the Acoustics Report is based on all windows remaining shut during liturgical events.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval).

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

CARRIED 7/0

Background

ZONING:	MRS:	Urban
	TPS3:	Residential
LAND USE:	Place of Worship	
LOT SIZE:	Proposed 1726m ² (728m ²)	
AREA:		
USE CLASS:	Place of Worship "D" "Discretionary Use"	



A similar application to this, proposing the addition of a hall and toilet block was received on 23 March 2005. A decision was made at the August 2005 Council meeting to defer consideration of the application and invite the applicant to attend a meeting with City Officers, Ward Members and submissioners to examine resident concerns regarding car parking, hall location, hall size, visual appearance and use of the hall and its management.

A site meeting was held on Monday 8 August 2005 with the Acting Director Planning and Development, Cr Limbert and four concerned residents. The residents raised a number of concerns in respect to the hall proposal and its use.

Submission

- The applicant proposes hall and toilet additions to the side of the existing Church.
- The additions have been repositioned in order to minimise the effects, such as noise and loss of privacy to the surrounding landowners.
- The existing Church and additions are to be rendered to match each other in order to enhance the visual appearance of the property from the street.

Conclusion

The proposed relocation of the hall and toilet block area to adjoin the existing church is a vast improvement from the original concept. The concerns, relating to noise and privacy, that the residents had in regard to the original concept will be reduced. At present the property appears "run down". This development would enhance the appearance of the property and the streetscape.

Report

The subject land is zoned Residential under the City of Cockburn Town Planning Scheme No 3. Council has the discretion to either approve (with or without conditions) or to refuse the application.

The proposed additions best fall into the land use definition of "Place of Worship", which is defined in the Town Planning Scheme No. 3, as a: *"premises used for religious activities such as a church, chapel, mosque, synagogue or temple"*.

"Place of Worship" is a "D" use within the Residential Zone, which is a use that is not permitted unless Council has exercised its discretion by granting planning approval.



There is currently an approved subdivision/amalgamation application pending clearance with the City for the affected lots. This application will ensure that no buildings cross lot boundaries and that the proposed development complies with the carparking requirements stipulated in the City of Cockburn's Town Planning Scheme No. 3.

The proposed development complies with the standards and provisions of the City's Town Planning Scheme No 3 including carparking.

It is recommended that Council approve the application which has been significantly modified to address the concerns of adjoining residents.

Strategic Plan/Policy Implications

Demographic Planning

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

Lifestyle and Aspiration Achievement

- *To foster a sense of community spirit within the district generally and neighbourhoods in particular.*

Governance Excellence

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

The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes.

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No 3
 Planning and Development Act 2005
 State Administrative Tribunal Regulations



Community Consultation

Surrounding landowners were invited to comment on the proposal. Four landowners responded at the completion of the consultation period. Their comments are summarised below:

- Agreement with the additions provided appropriate sound-proofing is applied to the additions.
- The location is an improvement on the initial development proposal.
- The hall is to be used by the Church only, and not rented out for private functions.
- Onsite car parking numbers appear to be inadequate.

The issues raised in regard to sound-proofing the additions and using the hall for Church functions only have been dealt with in the recommended conditions. The car parking numbers comply with the City of Cockburn's TPS No.3.

Attachment(s)

- (1) Location Plan - Showing where Submissions of Objection and Support have been received.
- (2) Site Plan and Elevations
- (3) Submissions from surrounding landowners

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 September 2006 Council Meeting.

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

Nil.

14.7 (MINUTE NO 3256) (OCM 14/09/2006) - 9 GROUPED (R-CODE) DWELLINGS - LOT 38 (NO. 584) ROCKINGHAM ROAD, MUNSTER - OWNER: CHANDLER HOLDINGS PTY LTD - APPLICANT: PHI PROPERTY GROUP (3309063) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval to Nine (9) Grouped (R-Code) Dwellings on Lot 38 (No. 584) Rockingham Road, Munster, in accordance with the revised plans dated July 2006 subject to the following conditions:-



Standard Conditions

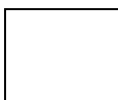
1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
5. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
6. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, by the Council.
7. 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.
8. 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.
9. All stormwater being contained and disposed of on-site.
10. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
11. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
12. 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.

13. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Off-street Carparking (AS2890) 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.
14. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade 2.5%.
15. 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.
16. All outdoor living areas must be fully developed with appropriate paving and landscaping.
17. 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.
18. An enclosed, lockable storage area, constructed in a design and material (ie brick and tile or brick and colourbond) matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5m with an internal area of at least 4sqm, for each Grouped Dwelling must be provided to the satisfaction of Council.

SPECIAL CONDITIONS

19. The owner transferring the portion of land reserved for Primary Regional Road purposes to the Crown, without payment of compensation upon the applicant liaising with Main Roads WA to determine the dimensions of the reservation.
20. Arrangements being made to the satisfaction of Council for the provision of proportional contributions towards those items of development infrastructure defined in the operative town planning scheme for the Munster Development Contribution Area (DCA6).



21. The applicant engaging a qualified geotechnical engineer to prepare a geotechnical report to certify that the land does not contain any unsuitable landfill associated with or prior to development works and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of Council.
22. The land being provided with an adequate outlet drainage system or satisfy other arrangements for drainage at the developers cost to the satisfaction of Council.
23. At least ten percent of the gross development area, in a position to be agreed between the subdivider and the Local Government, being vested in the Crown under the Planning and Development Act, such land to be ceded without payment of compensation by the Crown to the satisfaction of the Council.
24. All access roads must be designed and constructed as if they were subdivisional roads connected to the local road system and such subdivisional roads being constructed, drained and kerbed at the proponents cost to the satisfaction of Council.
25. The proponent entering into a deed of agreement secured by an absolute caveat for the future dedication of the internal access roads as public roads where such land must be transferred to the Crown free of cost for vesting for road purposes and detailing bonding of works required to facilitate the transition from private to public roads to the satisfaction of Council upon the subdivision or development of adjoining land.
26. The proponent preparing engineering drawings and specifications detailing the transition from private access road(s) to public road(s) (constructed to standard specifications) which include the potential widening of the 7.5m access to 15.0 metres upon the future subdivision or development of Lot 37.
27. Prior to commencement of development, any works required to facilitate the transition from private road(s) to public road(s) must be bonded by the proponent and furnished to Council to an amount acceptable to Council.
28. The proponent contributing towards the cost of upgrading Rockingham Road based on the lot frontage, to the satisfaction of the Council.
29. The proponent making payment for the provision of future

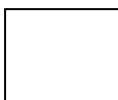


lighting to future public roads in liaison with Western Power and to the satisfaction of Council.

30. No vehicular access is permitted onto Stock Road under any circumstances.
31. All filling and drainage must be contained on-site and must not enter the road reservation of Stock Road.
32. Uniform rear boundary wall being constructed along the rear boundary with a side return that affords the development with visual privacy and acoustic noise reduction from Stock Road. Uniform side boundary fencing to the whole development must also be provided to the satisfaction of Council.
33. The proponent engaging a qualified acoustic consultant to certify that uniform fencing along the rear boundary to Stock Road complies with the *Environmental Protection (Noise) Regulations 1997* and having regard to the implications of *Statement of Planning Policy: Road and Rail Transport Noise: (Draft) May 2005 – WAPC*.
34. The front elevation of all units being modified to incorporate glass bricks or windows to the inside carport walls.
35. The strata management statement for the development must incorporate a provision that requires all carports to be left open without garage doors based on the reduced street setback.

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

36. 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.
37. 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, including calculations for the landscaping area being in conformity with the City of Cockburn Greening Plan;



- (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.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
 2. In relation to Condition 23 agreement is required from the Western Australian Planning Commission in a similar manner to that prescribed for subdivision of land under section 153 of the *Planning and Development Act 2005*, for the provision of cash-in-lieu of public open space prior to applying for a building licence.
 3. This development has been assessed and approved as "grouped dwellings". Approval of the development application should not be construed as an approval to subdivide the land and in particular the proposed development may not be suitable for "single house" subdivision.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval);
 - (3) instruct the Director Planning and Development to prepare a Structure Plan for Lots 34 to 41 Rockingham Road and Lot 451 (west of Stock Road) Munster, in consultation with the land owners and in accordance with Part 6 of the City of Cockburn Town Planning Scheme No. 3;
 - (4) not proceed with its past decision to adopt the Structure Plan for Lot 38 Rockingham Road, Munster, reflected in Minute 2241 from the Meeting on 16 December 2003, given that the Western Australian Planning Commission have not endorsed Council's decision.

COUNCIL DECISION

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

CARRIED 7/0



Background

ZONING:	MRS:	Urban & Regional Reserve – Primary Regional Road
	TPS3	Development Zone, Development Area 5, Development Contribution Area 6
LAND USE:	Existing Residence, rural lot	
LOT SIZE:	4775m ²	
USE CLASS:	Grouped (R-Code) Dwelling ‘discretionary use’	

The following summarises the background to the subject Structure Plan:

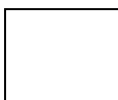
In early 2003, the applicant approached Council wanting to prepare a Structure Plan for Pt Lot 38 Rockingham Road, Munster. Council officers advised that it was preferable for a Structure Plan to be prepared for the area bounded by Mayor, Rockingham, Stock Roads and Howe Street.

The applicant contacted all affected landowners in the area in April 2003, prior to lodging the Structure Plan with Council, to ascertain if they wished to participate in the Plan and if so what their requirements for future development were. Following this the applicant received one submission of objection stating that they do not wish to develop their land (owners of Lot 34, 39 and 40), and the owners of Lot 42 advised verbally that they did not wish to be included in the Structure Plan. The owners of Lots 35 and 36 said that they would like to develop their property in the future and requested they meet with the applicant. This meeting did not take place. Based on this information the applicant prepared an overall Structure Plan for the area bounded by Stock, Rockingham and Mayor Roads and Howe Street.

Prior to Council advertising the proposed Plan the applicant was asked to seek comments from the adjoining property to the south, Pt Lot 37, as the Plan proposed access to Pt Lot 38 across Pt Lot 37. The owner of Pt Lot 37 objected to the Plan stating that they “*do not support the plan and do not wish to subdivide and develop their property*”. The owners of Pt Lot 37 did not make any comments when originally contacted by the applicant in April.

As a result of the objection from Pt Lot 37 the plan was modified to show development over Pt Lot 38 only. Upon receipt of the modified plan, the City, acting under delegated authority of Council, determined that the proposal was suitable to be advertised for public comment.

The Structure Plan was advertised and presented to Council for consideration at its Meeting on 16 December 2003 where it was decided to adopt the Structure Plan and seek endorsement from the Western Australian Planning Commission.



On 4 June 2004 the Western Australian Planning Commission advised Council that it considers that the proposed structure plan for Lot 38 Rockingham Road, Munster does not provide for orderly and proper planning of 'Development Area 5' (Munster) because it relates only to a single lot within Development Area. The proposed structure plan does not demonstrate or provide for the comprehensive planning required by the relevant provisions in the town planning scheme. The Commission resolved not to endorse the proposed structure plan for Lot 38 Rockingham Road, Munster.

The Commission advised that the City should review structure planning requirements for Development Area 5 (Munster) in consultation with the affected landowners.

Submission

Greg Rowe & Associates, acting on behalf of Chandler Holdings Pty Ltd, is seeking approval for a Development Application for Pt Lot 38 Rockingham Road, Munster (see Agenda Attachment C – Letter received from the applicant).

The applicant seeks approval to construct 9 single storey residential units at the rear of the existing residence fronting Rockingham Road. All units have 3 bedrooms and double carports with central private courtyards.

Report

The subject land is zoned Development under the City of Cockburn Town Planning Scheme No 3. Council has the discretion to either approve (with or without conditions) or to refuse the application.

The purpose of the Development Area is to identify areas requiring comprehensive planning and coordinate subdivision and development in areas requiring comprehensive planning.

Clause 6.2.4 of Town Planning Scheme No 3 requires that Council is not to consider recommending subdivision; or approve development of land within a Development Area unless there is a structure plan. The Structure Plan Council adopted for Pt Lot 38 doesn't have any effect as it wasn't endorsed by the Commission, therefore a structure plan doesn't exist in respect to the land.

Clause 6.2.4.2 of TPS3 allows the Council to support subdivision and approve the development of land (herein applied) within a Development Zone prior to a Structure Plan coming into effect in relation to that land, if the Council is satisfied that this will not prejudice the specific purposes and requirements of the Development Area.



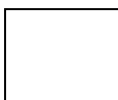
City Officers have met with the applicant and initially accepted that there may be an avenue for the Council to consider a development application on its merits according to the applicant justifying how the proposed development still maintains future development options for the adjoining land. The development application that was subsequently lodged with the City didn't properly address the development interface with the adjoining land and the City expressed reservations over the application for planning approval. This resulted in the applicant modifying the development application and submitting an indicative development plan for the adjoining land.

The revised development plans clearly demonstrate how the development will not prejudice future development options despite that the land is within the middle of the overall development area. This has been demonstrated by the access roads being capable of linking into the adjoining landholdings and therefore facilitating the orderly and proper development of land. The 7.5m wide access onto Rockingham Road and the rear 15m wide access road will be retained as private roads but will be required to be transferred to the Crown (free of cost) upon the development of the adjoining land. The 7.5m access can be potentially widened to 15m by the adjoining owner and developing their land in an identical but "mirror image" to Pt Lot 38. These future public roads can be secured through a legal agreement and an absolute caveat in favour of the City of Cockburn. The internal access roads must be constructed to the specifications of a public road in anticipation of their ultimate use as a public thoroughfare. The proponent will still be required to prepare detailed plans of the transition from private access roads to public roads. Transitional road works will be needed in future to modify the private roads into public roads. Such works will need to be bonded by the proponent who has agreed to this arrangement. The recommended conditions also enable the proponent to minimise the bonding amount by constructing public roads upfront where this can be achieved to the satisfaction of Council.

All drainage must be contained on site in which case soak wells may be the only solution for both road drainage and from buildings. The provision of public open space within this 4,789sqm development area makes this impractical and therefore cash-in-lieu of POS is required subject to the consent of the WAPC.

All of the issues affecting the site can be addressed through standard and special conditions, which include but are not limited to the transfer of land for regional road purposes, development contribution towards the construction of Beeliar Drive and uniform fencing requirements to Stock Road.

The proposed development generally complies with the Residential Design Codes (R30). Open space for Units 2, 3 & 4 are slightly less than the 45% requirement with 42% and 44% provided. All of the proposed units comply with setbacks between buildings and the 24sqm



private open space (courtyard) requirement. The variation to open space is considered to be minor in the context of the overall development. The R30 density Code was also previously supported by Council.

Recommendation

There are no objections to the proposed development application being approved from a planning point of view subject to compliance with the conditions contained in the report recommendation.

Council should also acknowledge that its resolution to adopt the previous Structure Plan for Lot 38 at its Meeting on 16 December 2003 has no further effect, given that the WAPC refused to endorse the Structure Plan. In order to provide for the future subdivision and development of the lots bounded by Rockingham Road, Howe Street, Stock Road, Yangebup Road, Munster, it is recommended that the City prepare a Structure Plan for this area. It is not considered that the proposed development application for Lot 38 would prejudice the preparation of this Structure Plan.

Strategic Plan/Policy Implications

Demographic Planning

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

Governance Excellence

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

Natural Environmental Management

- *To ensure 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:-

APD4	Public Open Space
APD6	Residential Rezoning and Subdivision Adjoining Midge Infested Lakes
APD9	Retaining Walls
APD17	Standard Development Conditions and Footnotes
APD30	Road Reserve and Pavement Standards



APD32	Residential Design Codes
APD33	Town Planning Scheme No. 3 Provisions
APD34	Uniform Fencing Subdivision and Development
APD35	Filling Of Land
APD40	Response To Appeals

Budget/Financial Implications

Nil

Legal Implications

Town Planning Scheme No 3
Residential Design Codes 2002
Planning and Development Act 2005
State Administrative Tribunal Regulations

Community Consultation

Community consultation was undertaken as part of the earlier Structure Plan adopted by Council but is not a requirement of the City's Town Planning Scheme No 3 for the approval of this development application which in many respects is similar to the structure plan adopted by Council.

When the previous Structure Plan was advertised eight submissions were received including comments from Alinta Gas, Department of Environment – Water and Rivers Commission, Main Roads WA and Water Corporation. All of the issues were addressed in the report to Council where the objections were dismissed and the Structure Plan was adopted. As previously noted the Structure Plan was not endorsed by the Commission.

Attachment(s)

- (1) Location Plan
- (2) Site Plan and Elevations
- (3) Applicant's justification

Advice to Proponent(s)/Submissioners

The proponent and submissioners(s) have been advised that this matter is to be considered at the 14 September 2006 Council Meeting.

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

Nil.



14.8 (MINUTE NO 3257) (OCM 14/09/2006) - PEDESTRIAN ACCESSWAY - EGEUS WAY TO WAVERLEY ROAD, COOLBELLUP - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: ADJOINING OWNERS (450324) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the two petitions;
- (2) not initiate the closure of Pedestrian Accessway Egeus Way to Waverley Road, Coolbellup;
- (3) advise petitioners of Council's decision.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that Council:

- (1) receives the two petitions;
- (2) not initiate the closure of the Pedestrian Accessway between Egeus Way and Waverley Road, Coolbellup;
- (3) install bollard lighting at a cost of up to \$4,000 from the "Pedestrian Accessway Closure Costs" account within the 2006/07 Budget;
- (4) erect Neighbourhood Watch signs at each end of the Pedestrian Access Way; and
- (5) advise the petitioners of Council's decision.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 6/1

Reason for Decision

The adjoining owners have reported late night anti social behaviour and fence damage. Council believes that by installing bollard lighting in the PAW it will help to improve safety and security in this area. Funding for the bollard lighting could be provided for from those funds allocated to "Pedestrian Accessway Closure" Costs in the 2006/07 Budget.



Background

The Pedestrian Accessway was created as a condition of the surrounding residential subdivision as approved by the Western Australian Planning Commission.

Submission

Two petitions have been received. The first petition containing 27 signatures was requesting a closure of the pedestrian accessway. The second petition containing 20 signatures is against any closure.

Report

The request for closure is assessed against the set criteria contained in Council closure Policy APD 21.

Policy Consideration:

The location of the pedestrian accessway in relation to community facilities and services.

1. Schools

The new Coolbellup Primary School is 670 metres from the Egeus end of the PAW. If the PAW is closed this distance increases to 900 metres. Both routes are on constructed kerbside footpaths.

2. Shops

Coolbellup shopping centre is 820 metres from the Egeus end of the PAW. If the PAW is closed this increases to 1030 metres. Both routes are on constructed kerbside footpaths.

3. Public Open Space

Len Packham Reserve is 450 metres from the Egeus end of the PAW. If the PAW is closed the distance becomes 660 metres. An alternative P.O.S. Mamillius Park in Archidamus Road is 400 metres from the Egeus end of the PAW. Closure of the PAW has little effect on access to public open space.

4. Public Transport

Bus stops are located near the corner of Waverley and Romeo Road. The distance from the Egeus end of the PAW is only 110 metres. If the PAW is closed the closest bus stop is 244 metres away in Doherty Road. More importantly the gradient to the Doherty bus stop is fairly steep, whereas the access to the bus stop in Romeo Road is on level ground. Both routes are served by constructed foot paths. The gradient to Doherty would act as a disincentive to the elderly and infirm.



5. *Community Centre*

Coolbellup Library is 920 metres from the Egeus end of the PAW. If the PAW was closed the distance would be increased to 960 metres. The increase is considered negligible.

6. *Degree of Nuisance Experienced by Adjoining Owners*

The adjoining owners have reported late night anti social behaviour, fence damage and break-ins. On-site inspection does not convey this although the inspection was carried out in a mid week in the middle of the day.

7. *Alternative Access Routes*

Alternative access routes are available along kerbside footpaths in Egeus Way, Archidamus Road, Theseus and Doherty Road. Consideration of alternative to closure of PAW.

- Increased lighting – Bollard lighting at an estimated cost of \$4,000, could be considered. If this option was to be recommended then funds are available in 2006/07 Budget – Pedestrian Accessway Closure Costs.
- Obstructing access to restrict vehicles – this is not relevant in this case.
- Increased fence heights – This measure is not considered to be an effective remedy.
- Locking the PAW between certain hours - This measure would cost an estimated \$8,000 in capital cost and an ongoing cost of \$1,500 per year for the security patrol to lock and unlock the gates in the evening and morning. These costs are considered to be excessive given the reported level of nuisance coming from the PAW.
- Eliminating Overhanging Vegetation – A site inspection reveals that there is no vegetation causing a problem in the PAW.

The proposed closure was advertised on site and a period of 21 days given for written response. As a result the second petition against closure was received along with one letter in favour of closure and a second against closure.

Consent for the closure of PAW is required from the WAPC. The Department of Planning and Infrastructure have issued a planning bulletin setting out criteria to be considered by local authorities before they make a request for closure

The planning bulletin issued by the DPI states that PAW's were incorporated into the original subdivision design to encourage pedestrian movements and to reduce the community reliance on motor vehicles.

Factors in this case that do not encourage closure are the degree of objection as shown by the petition to keep the accessway open, the



disincentive to utilise public transport that closure would create and the fact that one of the properties most effected by a closure is a Homeswest development consisting of twelve units.

It is considered unlikely that the DPI would consent to this closure.

Strategic Plan/Policy Implications

Governance Excellence

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

The Planning Policies which apply to this item are:

- APD21 Pedestrian Access Way Closures

Budget/Financial Implications

Nil

Legal Implications

Nil

Community Consultation

Signs advertising the request for comment in regards to the closure of PAW were erected at each end of the PAW for a 30 day period.

Attachment(s)

- (1) Location Map

Advice to Proponent(s)/Submissioners

Representatives from both petitions have been notified that the matter is to be considered at the next Council Meeting to be held on 14 September 2006.

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

Nil.



14.9 (MINUTE NO 3258) (OCM 14/09/2006) - ELECTED MEMBER REPRESENTATIVE TO THE WOODMAN POINT COMMUNITY REFERENCE GROUP - WATER CORPORATION (9100) (JH) (ATTACH)

RECOMMENDATION

That Council:

- (1) nominate Councillor _____ to the Woodman Point Wastewater Treatment Plant Community Reference Group with Councillor _____ as deputy;
- (2) advise the Water Corporation accordingly.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr T Romano that Council:

- (1) nominate Councillor Julie Baker to the Woodman Point Wastewater Treatment Plant Community Reference Group with Councillor Val Oliver as deputy;
- (2) advise the Water Corporation accordingly.

CARRIED 7/0

Reason for Decision

Cllr Julie Baker has expressed an interest in filling the vacancy as a 'Member' of the Woodman Point Wastewater Treatment Plant Community Reference Group and Cllr Oliver has expressed her willingness to be appointed as a 'Deputy' to this committee.

Note: Cllr Baker has confirmed in writing that she is willing to sit on this committee.

Background

On 23 May 2006 correspondence was received from the Water Corporation inviting the City to nominate a member for a new Community Reference Group for the Woodman Point Wastewater Treatment Plant. The Principal Environmental Health Officer was nominated by the CEO and has attended the first two meetings of the new group.



An independent Chairperson Dr Roz Walker was appointed and expressions of interest in membership of the group were called from the community. The Water Corporation has declared that the Woodman Point Wastewater Treatment Plant Community Reference Group has been established to:

- *“Provide advice to the Water Corporation on its decision-making processes relating to wastewater treatment issues impacting on neighbouring communities;*
- *Provide input to odour assessment and modelling activities and on the development of odour management strategies; and shall*
- *Facilitate feedback to, and seek input from, the community on the operations of the wastewater treatment plant.”*

At the first meeting it was resolved to request that an Elected Member be appointed to the group.

Submission

On 17 July 2006 a letter was received from the independent Chairperson of the Woodman Point Wastewater Treatment Plant Community Reference Group inviting the City to nominate an Elected Member to represent the Council on the group. This letter resulted from a resolution of the first meeting of the group who considered that the group *“...could be strengthened by having among its ranks an elected member of the Cockburn City Council – specifically a member from the Central ward.”*

Report

The request by the working group is supported. It is therefore recommended that Council nominate an elected member, from the Central Ward, to be a member of the Woodman Point Wastewater Treatment Plant Community Reference Group and also nominate another Elected Member for the Central Ward as Deputy.

Strategic Plan/Policy Implications

Demographic Planning

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

Natural Environmental Management

- *To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.*
- *To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.*



Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

The City has undertaken no community consultation on this matter. However, the group consists of representatives drawn from the community through a process run by the Water Corporation

Attachment(s)

- (1) Letter from Independent Chairperson of the Woodman Point Wastewater Treatment Plant Community Reference Group.

Advice to Proponent(s)/Submissioners

The Executive Secretary (Water Corporation) of the Woodman Point Wastewater Treatment Plant Community Reference Group has been advised that this matter is to be considered at the 14 September 2006 Council Meeting.

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

Nil.

14.10 (MINUTE NO 3259) (OCM 14/09/2006) - SALE OF COUNCIL OWNED LAND - LOT 503 ROWLEY ROAD, BANJUP (5514461) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) sell Lot 503 Rowley Road, Banjup to JP & MJ Penmon, ML & PD Boulton, MM & RL Bozanich for a consideration of \$200,000 plus GST, subject to no objection being received at the conclusion of statutory advertising period pursuant to section 3.58 of the Local Government Act;
- (2) allocate proceeds of the sale to Account CW2802 the "Stormwater Sumps Upgrade Programme Income", in accordance with the 2006/2007 Budget.



COUNCIL DECISION

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

CARRIED 7/0

Background

Council at its meeting held on 17 December 2002 resolved to:

- (1) *authorise the Chief Executive Officer to negotiate land exchanges and land purchases with the owners of Lot 66 Liddelow Road (F C & S Abdus), Lot 5 Wolfe Road (P D & M L Boulton and M & J Penman) and Lot 501 Rowley Road (M M & R L Bozanich) to enable Lot 24 Rowley Road, Banjup owned by the Council to be increased in areas to 2 hectares, with funds to be drawn from the Land Development Reserve Fund; and*
- (2) *sell the resultant 2 hectare lot pursuant to Section 3.58 of the Local Government Act 1995 with proceeds of the sale being transferred to the Land Development Reserve Fund.*

Submission

Planning Consultants Dykstra's Associates on behalf of the owners of adjoining Lots 5 & 501 Wolfe Road, Banjup have submitted an offer to purchase Lot 503 for \$200,000.

Report

The first stage of the land transaction outlined in the 2002 Council Resolution was completed in 2004 with the creation of Lot 503. Lot 503 comprises a portion of the former Lot 24 (City freehold) and the former Lot 66 Liddelow Road. Lot 503 has an area of 0.4683 hectares. Negotiations to complete the second stage being the acquisition of 1.5317 ha from the owners of Lot 5 and 501 were not successful. The owners of Lots 5 and 501 have instead offered to purchase the City's land.

The owners of Lot 5 and 501 have made application to the Western Australian Planning Commission to subdivide their land into 6 lots. The WAPC have advised them that their land area is not sufficient to support a 6 lot subdivision with minimum lot sizes of 2 hectares. The acquisition of the City's land should enable their subdivision to proceed.



Instructions were given to Licensed Valuer Jeff Spencer to prepare a Market Valuation. His initial response based on the area of Lot 503 determined the value to be around \$60,000, but when alerted to the special value that Lot 503 has to the adjoining owners and reference to recent special rural development, determined the value of Lot 503 to be \$190,000.

It is considered prudent to accept the offer as Lot 503 will have limited value in its own right, whilst the opportunity to sell the land to the other adjoining owners will be difficult to achieve in the short term.

Under current zoning it is not possible to get planning approval to erect a residence on Lot 503. The 2006/07 budget has allocated \$280,000 for a Sump beautification programme with funds to come from the sale of freehold land, freed up from current drainage purposes by redesign and improved utilisation of available land. Lot 503 in its former state as Lot 24 appears to have been acquired in 1976 for an open drain. Land use in 1976 was predominately for agricultural pursuits and the drain may well have been beneficial at the time.

No drainage works have been undertaken on the land (since 1976) and there is no requirement for drainage works. The sale therefore meets the objective of using the sale of surplus drainage land to fund the Sump beautification program in the 2006/07 financial year.

Strategic Plan/Policy Implications

Demographic Planning

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

Governance Excellence

- *To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.*
- *To develop and maintain a financially sustainable City.*

Budget/Financial Implications

Proceeds from the sale will contribute to the Sump Beautification Program.

Legal Implications

Provisions of section 3.58 of the Local Government Act 1995 apply.



Community Consultation

Details of the sale will be advertised in a newspaper for state-wide publication.

Attachment(s)

- (1) Location Plan
- (2) Offer to Purchase

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 September 2006 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 3260) (OCM 14/09/2006) - LIST OF CREDITORS PAID - JULY 2006 (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for July 2006, as attached to the Agenda

COUNCIL DECISION

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

CARRIED 7/0

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

The following Strategic Plan Initiative Outcome refers:

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – July 2006.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (MINUTE NO 3261) (OCM 14/09/2006) - STATEMENT OF FINANCIAL ACTIVITY - JULY 2006 (5505) (NM) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated documents for the period ended 31 July 2006, as attached to the Agenda.



COUNCIL DECISION

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

CARRIED 7/0

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

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

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

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents are to be presented to the Council.

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for July 2006.

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

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

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



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

Material Variance Threshold

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

For the 2005/06 financial year, Council had adopted a materiality threshold of 10% or \$10,000, whichever is the greater. There is a need to review this for the 2006/07 financial year. For this purpose, a Position Statement will be developed and submitted to the next DAPPS Committee meeting.

Strategic Plan/Policy Implications

The following Strategic Plan Initiative Outcome refers:

Governance Excellence

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

Budget/Financial Implications

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

Legal Implications

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

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports for – July 2006.



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.3 (MINUTE NO 3262) (OCM 14/09/2006) - 2006/07 BUDGET AMENDMENTS - CARRIED FORWARD WORKS AND PROJECTS (5402) (ATC) (ATTACH)

RECOMMENDATION

That Council amend the 2006/07 Municipal Budget to reflect adjusted figures for Carried Forward Works and Projects as set out in the Schedule attached to the Agenda, totalling \$953,857 Income and \$953,857 Expenditure.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr A Tilbury SECONDED Cllr L Goncalves that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0

Background

When Council adopted its Budget for 2006/07, estimates were used for Carried Forward Projects and Works. Final figures are now available (subject to audit).

Submission

N/A

Report

Now that final figures have been calculated for Works and Projects Carried Forward from 2005/06 to 2006/07 it is appropriate for the Budget to be amended to reflect the actual amounts rather than the estimates used where there are sufficient variations. A Schedule of the proposed amendments is attached to the Agenda. The final surplus



funds amount is \$695K above that anticipated. The attached schedule proposes that the majority of this surplus be transferred to the Major Buildings Refurbishment Reserve Fund. Additional funds are also provided for the extra cost of relocating the Success Library and urgent works needed at the skate parks at Len Packham and Atwell Reserves.

Strategic Plan/Policy Implications

Governance Excellence

- *To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.*
- *To develop and maintain a financially sustainable City.*

Budget/Financial Implications

The Budget requires amendments to reflect actual Carried Forward Works and Projects amounts rather than the estimates used when adopting the Budget.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Schedule showing 2006/07 Budget Carried Forward Reconciliation.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 3263) (OCM 14/09/2006) - INTERSECTION OF DAVILAK AVENUE / ROCKINGHAM ROAD AND FORREST ROAD/ROCKINGHAM ROAD, HAMILTON HILL (450181; 450497; 450498) (SL) (ATTACH)

RECOMMENDATION

That Council:

- (1) continues to monitor traffic movement at the intersection of Forrest Road and Rockingham Road as well as traffic movement in and around Strode Avenue;
- (2) requests Main Roads to relocate their Direction Signs from Forrest Road to Phoenix Road, as the latter is the Class 2 Restricted Access Vehicles on Notice system, while the former is not;
- (3) during subsequent budget deliberations considers the progressive downgrade of Forrest Road between North Lake Road and Rockingham Road from 4 traffic lanes to 2 and installing landscaped median islands to improve amenity and pedestrian crossing facilities;
- (4) engage a traffic engineering consultant to report on all signalised intersections and their geometry along Phoenix Road and Rockingham Road to ensure they are suitable for the transport functions proposed.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr I Whitfield that Council:

- (1) as recommended;
- (2) as recommended;
- (3) as recommended;
- (4) as recommended; and
- (5) install an advanced warning sign in Forrest Road advising people of the 'No Right Turn' into Rockingham Road.

CARRIED 7/0



Reason for Decision

The median island in Rockingham Road was extended across Forrest Rd in June 2005. Whilst there was some initial confusion to the changes, vehicles have acclimatised to the changes and a majority are using an alternate access other than Forrest and Rockingham Roads. Council believes, however, that the installation of an Advanced Warning Sign in Forrest Road of a 'No Right Turn' into Rockingham Road is necessary to ensure all motorists have advanced notification of the No Right Turn access at this particular intersection.

Background

At the ordinary meeting of Council held on 9 March 2006 it was resolved that Council:

- “(5) investigate and report back to Council on appropriate treatments addressing safety aspects at the intersections of Davilak Avenue and Forrest Road with Rockingham Road.”*

The reason given being that the intersection of Forrest Rd/Rockingham Rd and Davilak Ave/Rockingham Rd has been identified as having some safety concerns. Staff are currently reviewing appropriate treatments. Any treatments planned for these intersections may impact on Rockingham Road between Leda and Starling Streets. It is prudent that Council investigate the possible traffic safety issues at the same time and report the outcome to Council.

Submission

Nil

Report

The location of the 2 intersections is included as an attachment.

INTERSECTION OF DAVILAK AVENUE AND ROCKINGHAM ROAD

There were 5 crashes at the above junction during a five year period between 1st January 2001 and 31st December 2005. No personal injuries were involved. The junction is considered relatively safe, thereby intersection modifications are not recommended at present.

INTERSECTION OF ROCKINGHAM ROAD AND FORREST ROAD

The intersection of Rockingham Road and Forrest Road was identified in year 2003 as a 'Black Spot' in our road network, where there were



25 crashes in 5 years (from 1998 to 2002) and 76% of them were Right Angle or Thru-Right crashes (see attached crash diagram).

Three counter measures for this type of crashes had been contemplated during the Blackspot application. They were:

1. Roundabout;
2. Traffic signals; and
3. Banning right turns

The roundabout option was not recommended because it required a sizable amount of land off Davilak Oval. Attached are two concept designs undertaken by Shawmac Engineering Consultant in December 2002. Both options restricted the right turn movement from Lucius Road.

The traffic signal option was not approved by Main Roads.

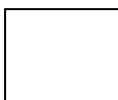
The third option of banning right turn movements by the installation of a median island in Rockingham Road opposite Forrest Road was recommended as a treatment for the Black Spot and Main Roads WA approved it for funding and installation by 30th June 2005.

Prior to the installation, the City informed the public of the proposed intersection modifications by putting a notice in Cockburn Herald, on Saturday 4 December 2004. Only 2 responses were received: one asking for an alternative truck route and the other one requesting background information of the project.

In October 2002 Council removed Forrest Road as a designated truck route (refer Council Minute No 2596 OCM 19/10/2004). The current designated truck routes follow Phoenix Road and Rockingham Road.

The median island in Rockingham Road was extended across Forrest Road in June 2005. Community concerns were immediately raised, as many motorists were doing illegal U turns at both ends of the island in Rockingham Road and motorists were turning at the intersection of Strode Street and on residential verges within Strode Street. Unfortunately the problem was exacerbated by poor directional and advanced warning signs as Main Roads took a long time to install signage and linemarking for the new treatment and the Direction signs pointing to Fremantle were not removed.

Despite the confusion, there was only one reported crash at the intersection from June to December 2005. Traffic surveys in the area suggest that traffic volume in Forrest Road has reduced by 1495 vehicles per day and in Rockingham Road 1,002 vpd, whereas traffic volume in Leda Street has increased by 497 vpd.



It is concluded that the Black spot project has reduced the crash rate at the intersection of Rockingham Road and Forrest Road and has been a means of enforcing Council's decision to remove Forrest Road as a Class 2 Restricted Access Vehicle route. Whilst there was some initial confusion, vehicles appear to have acclimatised to the changes and are using alternative access other than Forrest and Rockingham. On this basis it would not be recommended to make any further alterations to the intersection at this time.

To better promote Phoenix Road and Rockingham Road as Class 2 Restricted Access Vehicle routes, it is suggested that :

- Main Roads be requested to relocate their Direction Signs (pointing to Fremantle or Armadale) from Forrest Road to Phoenix Road and Rockingham Road;
- Reduce the traffic function of Forrest Road while increasing its access function to adjoining properties. A suggested method to achieve would be to progressively reduce the number of traffic lanes from 4 to 2 and install suitably landscaped median islands in Forrest Road to improve amenity and provide safe pedestrian crossing.
- Engage a traffic engineering consultant to report on all signalised intersections and their geometry along Phoenix Road and Rockingham Road to ensure they are suitable for the transport functions proposed.

Strategic Plan/Policy Implications

Transport Optimisation

- *To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.*
- *To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.*
- *To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.*

Budget/Financial Implications

Nil.

Legal Implications

All traffic matters may have legal implications.



Community Consultation

N/A.

Attachment(s)

- (1) Location Plan
- (2) Shawmac Drawing Numbers: R0-F0-002 & R0-F0-003.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.2 (MINUTE NO 3264) (OCM 14/09/2006) - STREET LIGHTING - PORT COOGEE MARINA DEVELOPMENT (4304) (3209006) (ML) (ATTACH)

RECOMMENDATION

That Council:

- (1) endorse the 'hybrid' lighting proposal of establishing 'private lighting' on the local collector roads within the estate as shown in purple on the Local Structure Plan attached and decorative Western Power lights throughout the remainder of the estate;
- (2) adopt option _____ as the style for 'private lighting'.

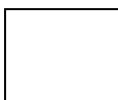
COUNCIL DECISION

MOVED Mayor S Lee SECONDED Cllr L Goncalves that the recommendation be adopted with Council endorsing Option 1 as the preferred lighting style.

CARRIED 7/0

Reason for Decision

This matter was deliberately left for Council to insert its preferred choice.



Background

The developer of Port Coogee (Port Catherine Developments) has recognised the significance of street lighting as one means of achieving a unique presentation for its development that sets it apart from others. The Developer proposes to establish a considerable entry statement and landscaped verge areas to provide a visually appealing vista into the Port Coogee Marina Village. Part of their proposal is to introduce a range of decorative street lights into the streetscape which will further enhance the aesthetics of the estate.

The lighting proposed by Port Catherine Developments are not from the Western Power decorative range and therefore do not comply with Councils current policy SEW2 Street and Public Area Lighting.

At the Ordinary Meeting of Council held on 13 July 2006 it was resolved that Council adopt the proposal to establish 'private lighting' in the Port Coogee development on the basis that:

- (1) 'private lighting' is established throughout the entire development;
- (2) the 'private lighting' proposed is of a standard that meets Council's expectations of Port Coogee being the premier development on our coastline;
- (3) the current style of lighting proposed is not supported and the final lighting adopted shall be endorsed by Council;
- (4) The proponent provides complete standards and specifications of the lighting design and styles proposed and a recommended maintenance schedule for the ongoing care and upkeep of the infrastructure;
- (5) The proponent provides a statement by the lighting consultant outlining the intended application for the lighting proposed and a signed certification that the lighting is designed and installed in accordance with the relevant Australian Standard;
- (6) The proponent agrees to be responsible for all costs associated with the commissioning of the 'private lighting' and for the ongoing maintenance of the lighting for a 2 year period after commissioning. At the expiration of the 2 year period representatives of the developer, consultant and City shall meet to inspect the lighting to satisfy themselves that the network is in good working order;
- (7) The proponent provides an additional 10% (minimum) of the total number of light poles, fittings, luminaries or any other fixture established as part of the network to be used as spares



to ensure the ongoing operation of the lighting system or a cash sum in lieu to enable the City to establish a reserve account for the same purpose; and

- (8) Any additional costs for maintenance, repair and replacement at the expiration of the 2 year period of the 'private lighting' (exceeding the operation of a network using the Western Power decorative range) is funded from the specified area rate proposed to be established over the estate.

The reason for the decision was that Port Coogee will be a premium development, not just for Cockburn but for the whole state of WA and as such it is not unreasonable to have street lighting outside of the existing Western Power Decorative Range, particularly given that any additional costs will be picked up by the Specified Area Rate Council intends to impose across this development. 'Private lighting' is currently used to great effect in places like Busselton, Shoalwater, Dunsborough and Safety Bay and should be supported for Port Coogee.

Submission

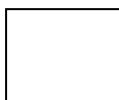
Port Catherine Developments request Council approval to use street lights which are not part of the current Western Power Decorative range poles and fittings and in so doing, are seeking a commitment from Council to continue to maintain and upgrade the lighting at its cost into the future.

Report

Since Council's decision on private lighting in July, officers have had a number of discussions with Australand regarding the proposal. On the 25th August SKM (Sinclair Knight Merz - consultants acting for Australand) submitted a revised proposal for the establishment of 'hybrid' lighting system consisting of both private lighting and Western Power lighting from its decorative range (copy of letter attached). The proposal is to establish 'private lighting' on the 2 local distributors constituting the main entry roads into the development (shown in purple on the plan attached) and the area fronting the marina village and public beach.

Australand are seeking reconsideration of the July Recommendation and specifically parts 1 – 3. Parts 4 – 7 of that July Recommendation have been accepted by the developer and Part 8 is at Council's discretion.

- 1 *'private lighting' is established throughout the entire development*



This proposal seeks to limit the quantity and location of 'private lighting' to only those significant roads in the development. During deliberations on the initial proposal, it was decided to require 'private lighting' throughout the entire development as it would necessitate a more thorough maintenance schedule and would enable the City to recover additional costs of the 'private lighting' from the residents of the area through a specified area rate. This proposal reduces the quantity of 'private lighting' throughout the estate to 65 poles @ 8m height or 80 poles @ 6m height.

It could be argued that these roads are significant to all residents of the area thus the Council would still be able to pass on any additional costs for the ongoing maintenance and replacement of 'private lighting'. The City however would still need to manage the lighting and would establish a protocol to ensure that the lighting was regularly maintained. Under this proposal these costs would be distributed against a smaller number of lights.

- 2 *the 'private lighting' proposed is of a standard that meets Council's expectations of Port Coogee being the premier development on our coastline;*

SKM have provided a power point presentation (attached for councillors information) outlining 3 alternative lighting styles that could be introduced subject to Council direction. Of the options presented, the first is the original proposal and the third is the same luminaire shown in a different configuration.

- 3 *the current style of lighting proposed is not supported and the final lighting adopted shall be endorsed by Council;*

Lighting style is fairly subjective. The initial lighting configuration was selected to remove direct light and establish a different ambience to the entry statement and entry road. Officers are not convinced that the styles presented 'capture the imagination' however this is only an opinion. It is therefore preferable for officers to focus on the technical aspects of the proposal as follows.

Concerns were raised with the initial proposal in relation to the corrosiveness of the environment, its impact on the reflectivity of the lighting and the energy efficiency with lighting established at 40m centres. The energy efficiency has been addressed and the quantity of lighting can be decreased by increasing the height of the poles. Presumably the environment will have a similar impact on any style of lighting established albeit it is likely that regular maintenance will be required on the reflector of option 1.



The City must now decide whether to endorse the 'hybrid' system and on which lighting style is to be established.

The 'hybrid' lighting proposal

At its July meeting Council supported the establishment of 'private lighting' throughout the entire estate therefore not approving the 'hybrid' proposal would mean that that position still stands.

This proposal represents a reduction of private lighting from what would have been up to 300 private lights to 65 with the remainder of the lighting provided by Western Power through its decorative range (approximately 200 lights).

Minimising the quantity of 'private lighting' established throughout the estate may well reduce the costs of providing the lighting however it is not necessarily mitigating the challenges in managing it. Whilst managing lighting infrastructure is not part of our core business at present, it is however important to acknowledge that this development will be a landmark for our coastline and Council is keen to establish it as a premier development. Provided any cost differential for 'private lighting' can be clearly identified, officers are satisfied that the 'hybrid' proposal can be managed effectively and the reduction in quantity of lights now proposed will mitigate a majority of risk.

The style of lighting proposed

As stated in the comments above, lighting style is subjective. Council has demonstrated that it wishes to make the final decision on the style of lighting, thus the 3 options are presented in the attachments for its consideration.

Strategic Plan/Policy Implications

Demographic Planning

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

The Policy, which applies to this item is SEW2 - Street and Public Area Lighting.

Budget/Financial Implications

If lighting infrastructure other than from those approved by Western Power is endorsed by Council, the City will be wholly responsible for ongoing maintenance and replacement costs in perpetuity. The City can endeavour to mitigate those costs by conditioning our approvals, seeking extended maintenance periods, etc. or applying a specified area rate on the ratepayers to cover the ongoing additional costs of



maintaining the lighting. The City does not however have the expertise in-house (electricians) to maintain the asset therefore contractors would be required to assist.

Legal Implications

Nil.

Community Consultation

N/A

Attachment(s)

- (1) Proposed alternative street lighting proposal.

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 14 September 2006 Council Meeting.

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

Nil.

16.3 (MINUTE NO 3265) (OCM 14/09/2006) - CITY OF COCKBURN DISTRICT TRAFFIC STUDY 2016 AND 2031 TRAFFIC FORECASTS (ML/MR) (450000) (ATTACH)

RECOMMENDATION
That:-

- (1) Council endorse the use of the City of Cockburn District Traffic Study 2016 and 2031 Traffic Forecasts as a base document for use in the continued planning and development of a comprehensive Transport Strategy for the City; and
- (2) a report be prepared for a future Council meeting on the traffic implications of the draft Murdoch Centre Structure Plan.

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

CARRIED 7/0



Background

At the Ordinary Council Meeting held on 21 December 2004, the following item was listed under "Notice of Motion Given at the Meeting for Consideration at the Next Meeting" by Deputy Mayor Graham.

"That Council:

- (1) direct the CEO to present a report to the February 2005 Ordinary Council Meeting, recommending a process for the development of a plan ("the Plan") to address:
 - a) the impacts of future traffic flows on the roads listed in clause (2) below; and*
 - b) possible treatments that may be required to minimise any disruptions to residents of those roads.**
- (2) the Plan is to cover the impacts of increased traffic and possible treatments on:
 - a) Berrigan Drive and surrounding roads in Jandakot due to the construction of Roe Highway Stage 7;*
 - b) Jandakot Road due to the proposed large residential subdivision to be built east of Warton Road; and*
 - c) roads in the Jandakot and Success area due to the construction of the Cockburn Railway Station with its associated Park 'N' Ride facility.**
- (3) the report is to be prepared taking into account that Council's preference is for the Plan to be presented to Council in June 2005; and*
- (4) forward a copy of this motion to the Jandakot Progress Association Inc. "*

At the Ordinary Council Meeting held on 18 January 2005, Council considered a report from the Director of Engineering and Works on a report titled "Traffic Flow Plan – Jandakot" and resolved as follows:

- "(1) Council direct the Chief Executive Officer to prepare a report to address:*
- 1. the impacts of future traffic flows on the roads listed in clause (2) below; and*
 - 2. possible treatments that may be required to minimise any disruptions to residents of those roads.*
- (2) the Report is to cover the impacts of increased traffic and possible treatments on:*



1. *Berrigan Drive and surrounding roads in Jandakot due to the construction of Roe Highway Stage 7;*
 2. *Jandakot Road due to the proposed large residential subdivision to be built east of Warton Road; and*
 3. *Roads in the Jandakot and Success area due to the construction of the Cockburn Railway Station with its associated Park 'N' Ride facility.*
 4. *Armadale Road due to increased traffic emanating from the Midland Brick development.*
- (3) *the report is to be prepared taking into account that Council's preference is for the Report to be presented to Council in June 2005; and*
- (4) *forward a copy of this motion to the Jandakot Progress Association Inc."*

Following the Council resolution of 18 January 2005 under item 19.3 (Minute No. 2692) for a report on the impacts of future traffic flows in the east of the district and possible treatments to minimise disruption to residents, a consultant's brief was prepared and tenders were called to undertake this work. **The scope of the tender was expanded on the Council resolution to enable the study to include all of the major roads within the district.** This was justified on the basis that the consultant would need to source information on these other roads to accurately predict the impact on the Jandakot and Success area. On this basis the scope of the project was expanded to undertake a District Traffic Model which could be used as the basis for our forward and strategic planning of the road network. As a result of this, the brief to consultants was not sent out until 21 April 2005 with tenders being required by 6 May.

A successful tenderer was appointed, namely Uloth & Associates and they advised that the study would take approximately 3 months to complete. Unfortunately the study has taken longer to complete than initially anticipated.

A draft district report was prepared in December 2005, but was in a format that was difficult to interpret. Since then the City has been actively working with the consultant to assist in the content and format of the report so that it can be more easily interpreted. The Local Area Traffic Study couldn't be completed until the district report and the required modelling was finalised. This has been an exhaustive process for both the consultant and staff providing the data input required for the traffic model.



Submission

Uloth and Associates were appointed by the City of Cockburn to develop a regional and district level traffic model that will assist in determining the road and infrastructure requirements to reflect the growth and needs of the City.

The specific study area was defined as the City of Cockburn municipal boundary. However, the overall model also includes the developing urban areas in Forrestdale and Mandogalup, the redevelopment of Hope Valley/Wattleup and the existing areas to the north.

The objectives of this study are as follows:-

- Identify existing traffic volumes within the overall study area.
- Develop a regional and district level traffic model for the Overall Study Area, for both 2016 and 2031.
- Identify 2016 and 2031 traffic volumes for specified roads, both with and without Roe Highway Stage 8.
- Identify alternative 2016 traffic flows, including the planned North Lake Road bridge over Kwinana Freeway.
- Identify deficiencies in the road network and provide advice on likely timing for road network improvements.

Report

The complete report has been forwarded to each Councillor. Parts of the report specifically referred to in this item have been reproduced to provide clarity.

Existing weekday traffic flows for the overall area are documented in Figures 2 and 3 showing that the most heavily trafficked roads within the City of Cockburn (apart from Kwinana Freeway) are currently Armadale Road and North Lake Road.

Traffic forecasts have then been prepared for both 2016 and 2031, both with and without the construction of Roe Highway Stage 8. The 2016 model has also been run both with and without the proposed North Lake Road bridge over the Kwinana Freeway.

The future traffic forecasts, including differences between the various scenarios, are further expanded in the report. The existing and future traffic flows on the significant roads together with an indication of required infrastructure improvements and possible timing is summarised in Tables 4, 5 and 6 attached. These summaries show traffic Without Roe Highway Stage 8 which reflects Councils current position. The outcomes of the report have been summarised below.



Specific Conclusions from the Report

Tables 4, 5 and 6 provide a summary of existing and future traffic flows on selected road links throughout the study area (without Roe Highway Stage 8), together with an indication of timing for required improvements to road network capacity.

Table 4 includes all of the significant east-west roads within the City of Cockburn, while Tables 5 and 6 include the north-south roads west of Kwinana Freeway and east of Kwinana Freeway, respectively.

In addition to the information provided within the Tables, the following conclusions are also drawn:

- Warton Road will need to be widened to 4 lanes divided in the short term, as a direct result of the Forrestdale urban development immediately east of Warton Road.
- Armadale Road will also require widening to 4 lanes divided in the short term, and intersection controls particularly at Warton Road and Tapper Road will need to be investigated.
- Intersection treatments will also need to be investigated along North Lake Road, at Bibra Drive and the new access road to the industrial area.
- Hammond Road south of Beeliar Drive will not require widening to 4 lanes divided at least until after 2016. A high standard 2 lane road may even be sufficient in the long term.
- A high standard 2 lane road should also be sufficient for Henderson Avenue, between Beeliar Drive and Russell Road. Although its extension along Power Avenue, between Russell Road and Rowley Road may require 4 lanes divided in the long term.
- The construction of Roe Highway Stage 8 would reduce east-west traffic flows along various major roads including South Street, Beeliar Drive - Armadale Road, Russell Road, Rowley Road, and even Anketell Road. However, of more particular significance for this study it would also result in substantial reductions to traffic on the following roads, as shown in Figures 9 and 12:
 - Farrington Road,
 - Phoenix Road,
 - Bibra Drive,
 - North Lake Road,
 - Berrigan Drive, and
 - Osprey Drive.



North Lake Road Bridge in 2016

The initial traffic forecasts are based on the currently planned road network, which does not include the construction of Roe Highway Stage 8. However, an alternative forecast has also been prepared for 2016 to test the inclusion of the proposed North Lake Road bridge over Kwinana Freeway.

Figure 7 attached shows the 2016 traffic flow differences resulting from the construction of the North Lake Road bridge. It can be seen that the main impact of the bridge will be a reduction of between 10,000 and 13,000 vehicles per day on Beeliar Drive and Armadale Road at the Kwinana Freeway interchange. However, smaller reductions will also occur on Berrigan Drive and Russell Road/Gibbs Road.

Roe Highway Stage 8

The 2016 traffic flow differences resulting from the construction of Roe Highway Stage 8 (*without* the North Lake Road bridge) have been identified and is summarised in Figure 9 attached.

The construction of Roe Highway Stage 8 would increase traffic flows on both Stock Road and Forrest Road. However, significant reductions in traffic would also occur on Phoenix Road, North Lake Road, Farrington Street, Bibra Drive, Berrigan Drive, Beeliar Drive, Russell Road, and Rowley Road, together with a major decrease in traffic flows along South Street.

Summary

This information provides a robust and solid basis with which to review and finalise our Transport Strategy. Our Transport Strategy however needs not only to reflect the demand on our road network, it must also be cognisant of our ability to fund the many capital improvement projects identified. The Transport Development Infrastructure Strategy 2006 – 2016 released earlier this year identifies a range of projects and the funding opportunities which will enable Council to deliver those projects. It identified a \$34 Million Capital Regional & Major Roadwork Program to be delivered over the next 10 years and a \$59 Million program which is as yet unfunded. What is important now is to review the timing of those projects to ensure that we are able to meet the demand that will be placed on our road network by regional and local development as identified through the traffic projections and modelling undertaken in the District Traffic Study.

Draft Murdoch Activity Centre Structure Plan – Fiona Stanley Hospital

There has been much speculation about the planning for a TOD (Transport Orientated Development) around the Kwinana Freeway and South Street interchange which incorporates the proposed Health



Precinct and the new Fiona Stanley Hospital, increased commercial and residential development adjacent to the new rail and bus terminals and further development of the Murdoch University area. The Draft Murdoch Activity Centre Structure Plan was formally released on 30 August.

The regional and district transport networks required to support the Fiona Stanley Health Precinct and surrounding activities incorporate a new southern access to Kwinana Freeway, a change to the access arrangements at the South Street/ Kwinana Freeway interchange and the development of a new connection to Farrington Road. Three technically feasible options for the new southern access were developed for in-depth assessment.

The SKM sustainability assessment model was used to compare the three options for the southern connection to the Kwinana Freeway and to determine the preferred road network option. The preferred alignment was modified Option 2A (see Figure 6), in which the southern end of Murdoch Drive would be re-aligned further west to meet Farrington Road at a new roundabout. Murdoch Drive would then extend south on the alignment of Baker Court (the existing access road to the Spanish Club) to the Roe 8 reserve, using the reserve to connect with Kwinana Freeway.

The 2021 Paramics model was used to identify the extent of infrastructure improvements needed to accommodate the estimated traffic volumes on the surrounding road network. The recommended infrastructure improvements, shown in Figure 7, include:

- Construction of a new southern connection to Kwinana Freeway, through the southern realignment and extension of Murdoch Drive along the alignment of Baker Court to the Roe 8 reserve (Option 2A).
- Reconfiguration of the off-ramp from Kwinana Freeway to South Street to the northwest quadrant, and closure of the existing South Street off-ramp to allow the creation of the MRCD.
- Expansion of capacity along South Street by creating an additional westbound left turning lane; lengthening the right turn lane (westbound); and creating double right turn lanes to Murdoch Drive (southbound).
- Expansion of capacity of Murdoch Drive by creating double right turn lanes to South Street (eastbound); and providing appropriate left and right turning lanes at the proposed signalised intersection with (a) Main Street and (b) Central EW connector.
- Construction of a new internal north-south neighbourhood connector to connect Murdoch Precinct to Farrington Road and the



Kwinana Freeway on-ramp. The neighbourhood connector would have a one-way, left-turn-only link from South Street.

- Widening of Farrington Road freeway bridge by two additional lanes and reconfiguration of the traffic signals.
- Development of an interconnected public road system to provide easy access and traffic flow within the Murdoch precinct, and connecting with Murdoch University.
- Creation of appropriate road reserves to accommodate the recommended new public roads and required enhancements to existing public roads.

The City of Cockburn District Traffic Study has not taken the impacts of this development into consideration and officers have not had time to significantly review the detail. Once officers have had more time to review the proposal and the proposed amendments to Farrington Road and the southern link to the Kwinana Freeway, a further report will be prepared.

Strategic Plan/Policy Implications

Transport Optimisation

- *To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.*

Budget/Financial Implications

The financial implications of the study are far reaching and will be broadly contained in our Transport Strategy and specifically identified in each annual budget.

Legal Implications

N/A

Community Consultation

Nil. Consultation on the local strategy is yet to be completed.

Attachment(s)

- (1) Extracts from City of Cockburn District Traffic Study – 2016 and 2031 Traffic Forecasts 24 May 2006
- (2) 3 Figures from Draft Murdoch Activity Centre Structure Plan



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.4 (MINUTE NO 3266) (OCM 14/09/2006) - LOCAL TRAFFIC STUDY - JANDAKOT AND SUCCESS (ML/MR) (450000) (ATTACH)**RECOMMENDATION**

That Council endorse the Local Traffic Study for Jandakot and Success.

COUNCIL DECISION

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

CARRIED 7/0**Background**

At the Ordinary Council Meeting held on 21 December 2004, the following item was listed under "Notice of Motion Given at the Meeting for Consideration at the Next Meeting" by Deputy Mayor Graham.

"That Council:

- (1) *direct the CEO to present a report to the February 2005 Ordinary Council Meeting, recommending a process for the development of a plan ("the Plan") to address:*
 - a) *the impacts of future traffic flows on the roads listed in clause (2) below; and*
 - b) *possible treatments that may be required to minimise any disruptions to residents of those roads.*
- (2) *the Plan is to cover the impacts of increased traffic and possible treatments on:*
 - d) *Berrigan Drive and surrounding roads in Jandakot due to the construction of Roe Highway Stage 7;*



- b) *Jandakot Road due to the proposed large residential subdivision to be built east of Warton Road; and*
 - c) *roads in the Jandakot and Success area due to the construction of the Cockburn Railway Station with its associated Park 'N' Ride facility.*
- (3) *the report is to be prepared taking into account that Council's preference is for the Plan to be presented to Council in June 2005; and*
- (4) *forward a copy of this motion to the Jandakot Progress Association Inc. "*

At the Ordinary Council Meeting held on 18 January 2005, Council considered a report from the Director of Engineering and Works on a report titled "*Traffic Flow Plan – Jandakot*" and resolved as follows:

- "(1) *Council direct the Chief Executive Officer to prepare a report to address:*
- 1. *the impacts of future traffic flows on the roads listed in clause (2) below; and*
 - 2. *possible treatments that may be required to minimise any disruptions to residents of those roads.*
- (2) *the Report is to cover the impacts of increased traffic and possible treatments on:*
- 1. *Berrigan Drive and surrounding roads in Jandakot due to the construction of Roe Highway Stage 7;*
 - 2. *Jandakot Road due to the proposed large residential subdivision to be built east of Warton Road; and*
 - 3. *Roads in the Jandakot and Success area due to the construction of the Cockburn Railway Station with its associated Park 'N' Ride facility.*
 - 4. *Armadale Road due to increased traffic emanating from the Midland Brick development.*
- (5) *the report is to be prepared taking into account that Council's preference is for the Report to be presented to Council in June 2005; and*
- (6) *forward a copy of this motion to the Jandakot Progress Association Inc."*

Following the Council resolution of 18 January 2005 under item 19.3 (Minute No. 2692) for a report on the impacts of future traffic flows in



the east of the district and possible treatments to minimise disruption to residents, a consultant's brief was prepared and tenders were called to undertake this work. **The scope of the tender was expanded on the Council resolution to enable the study to include all of the major roads within the district.**

The District Traffic Study and Local Traffic Study for Jandakot and Success intrinsically linked and completed concurrently. The reports were made available in April/May of this year and the District Traffic Study is the subject of a separate item to Council (refer item 16.3).

Submission

Uloth and Associates was commissioned during 2005 to develop a regional and district level traffic model to assist in determining required road characteristics and road reserves, as well as likely timing for inclusion within the City of Cockburn's road works programme and budget.

In conjunction with that study, a separate commission was also made to assess a number of local traffic issues within Jandakot and Success.

Study Objective

The objective of this local traffic study is to estimate the impacts of future traffic flows and to identify possible treatments that may be required to minimise disruptions to residents on the following:

- (i) Berrigan Drive and surrounding roads in Jandakot due to the construction of Roe Highway Stage 7;
- (ii) Jandakot Road due to the proposed large subdivision to be built east of Warton Road;
- (iii) Roads in the Jandakot and Success area due to the construction of the Cockburn Railway Station and its associated Park'n'Ride facility.
- (iv) Armadale Road due to increased traffic emanating from the proposed Midland Brick development.

Report

The study was commissioned to enable Council to consider the impact that the significant development occurring in the Jandakot and Success area would likely have on the residents of the area. The completion of Roe 7, the construction of the new rail/bus terminal, associated Park'n'ride facility, the Cockburn Central commercial precinct as well as the industrial and residential development may have some impact on the adjacent communities and Council sought to project the likely



impact so it was in a position to mitigate those outcomes through the planning and approval stages of the development.

Unfortunately the traffic modelling, review and reporting has taken some time to be finalised and formally presented to Council and the community. Aspects of the review however had been identified early and incorporated into the planning and approval process and into our Strategic Planning process.

The Local Traffic Study deals with each of the 4 issues identified in Council's recommendation. The conclusions have been reproduced below however the means at which those conclusions have been derived are best explained in the report and it has been included in the attachments for information and consideration.

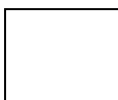
Conclusions regarding traffic on Berrigan Drive:

- Little or no traffic growth is expected on Berrigan Drive between 2006 and 2016.
- The connection of Roe Highway Stage 7 to Karel Avenue results in an increase of just 700 vehicles per day (approximately 6%) on Berrigan Drive south of Hope Road.
- The possible downgrading of Farrington Road to 2 lanes will have no impact on traffic flows within Berrigan Drive.

Conclusions regarding Jandakot Road

The following conclusions are drawn regarding future traffic flows on Jandakot Road:

- Jandakot Road is an important east-west route, secondary only to Armadale Road.
- Traffic flows on Jandakot Road are expected to increase from the existing 3,900 vehicles per day to an estimated 11,700 vehicles per day west of Warton Road and 5,100 vehicles per day west of Solomon Road. However, if travel speeds are reduced to 50 kilometres per hour, then traffic flows can be reduced to 9,310 vehicles per day west of Warton Road and 3,740 vehicles per day west of Solomon Road.
- It is therefore concluded that traffic management measures could be implemented along the full length of Jandakot Road, in order to reduce travel speeds, and hence increase safety, while also decreasing traffic volumes.
- However, it is not recommended to downgrade Jandakot Road any further (such as realignments or road closures), due to its



importance within the overall road hierarchy. Instead, it is recommended to implement frontage management measures along Jandakot Road between Warton Road and Solomon Road, suitable for traffic volumes up to 10,000 vehicles per day.

Conclusions regarding Cockburn Central Station

On the basis of the total traffic flows and the distribution of Station traffic flows, the following conclusions are drawn:

- The new Cockburn Central Railway Station will not have any significant impact on any residential streets, in either the short term (2007) or the longer term (2016).
- Station traffic in the short term will primarily be focussed on the major regional roads, North Lake Road and Beeliar Drive.
- The biggest traffic impact of the railway station in 2016 will be on Knock Place and its intersection with Solomon Road, as well as on the Solomon Road intersection with Armadale Road.

Conclusions regarding Armadale Road at Midland Brick Site

The following conclusions are drawn regarding the proposed modifications to the existing Midland Brick site:

- The existing access arrangement for the Midland Brick site is below standard for the existing travel speeds and the existing traffic volumes currently using this section of Armadale Road.
- Although the traffic increase resulting from the proposed development is small in overall terms, the proportion of heavy vehicles is such that it could have a significant impact in safety along Armadale Road.
- It is therefore recommended that if the proposed development is approved, then significant improvements should be made within Armadale Road, in order to provide left and right turn deceleration lanes and corresponding median islands. It may also be appropriate to reduce the posted speed limit along Armadale Road.

Strategic Plan/Policy Implications

Transport Optimisation

- *To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.*



Budget/Financial Implications

The report suggests:

- that there will be little impact on Berrigan Drive as a result of Roe 7 at least for the next 10 years thus no financial implications are likely.
- Traffic management may be considered for Jandakot Road as a means of reducing speed and volume however this will need to be considered in the context of the traffic mix.
- Cockburn Central is unlikely to have any significant impact on residential streets thus no financial implications are projected.
- Better access facilities will be required for Midland Brick however these costs will not be borne by the City.

Legal Implications

N/A

Community Consultation

The Local Area Traffic Study was submitted to the City in April 2006. On 9 May 2006 a meeting was attended by representatives from the Jandakot Progress Association who expressed their disappointment with the lack of consultation to date. On 30 May 2006 the City summarised the findings of the Local Traffic Study for Jandakot and Success and requested an opportunity to meet with JPA to present the report to their members. This presentation has not yet occurred however officers and the consultant will be available when JPA advises of a suitable time.

Attachment(s)

- (1) City of Cockburn Local Traffic Study – Addressing various issues within Jandakot and Success 26 April 2006
- (2) City's letter of 30 May 2006 to JPA

Advice to Proponent(s)/Submissioners

The Jandakot Progress Association has been advised that this matter is to be considered at the 14 September 2006 Council Meeting.

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

Nil.



17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 3267) (OCM 14/09/2006) - CALENDAR OF EVENTS FOR THE SUMMER OF FUN 2006/07 (8812) (RA)

RECOMMENDATION

That Council approve the Oz Rock Show as the main act for the the Summer of Fun Concert to be held on the 10th March 2007.

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Cllr S Limbert that Council:

- (1) approve the OZ Rock Show as the main act for the summer of Fun Concert to be held on the 10 March 2007; and
- (2) require the Chief Executive Officer to prepare a report for presentation to Council on the events included within the Summer of Fun budget allocation established under Council Policy SC 34 "Annual Budget Preparation".

CARRIED 7/0

Reason for Decision

Council has the view that a number of events included within the Summer of Fun Budget allocation of 1% of income generated through rates (Council Policy 34 Annual Budget Preparation) are regular municipal events, rather than Summer of Fun events. The matter should be reviewed and, if necessary, following the review a committee be formed to make further recommendations to Council. The review should be presented to Council by the December 2006 Meeting at the latest.

Background

Council at its meeting of the 11 August 2005 resolved to adopt a policy which provided for 1% of the rates revenue to be allocated for summer events. It was further resolved that a report would be prepared for consideration by Council that identified the events proposed for the forth coming year.

Council at its meeting of the 10 August 2006 resolved that '*in respect of the major event concert to be held on 10 March 2007, a report on suitable performers be presented to the September 2006 Meeting of Council.*'



Submission

Concert proposals have been sought from:

- Oz Rock Show, with performers Glen Shorrock, James Reyne and Joe Camilleri (with 12 piece backing band)
- John Williamson (with John's Backing Band)

Report

The Finale Summer of Fun Concert to be held at Manning Park is the largest single event in the City of Cockburn Summer of Fun series with an anticipated audience of 6,000 – 7,000 people on the night.

John Williamson is a well known Australian country singer who has won many awards including 2 ARIA's for Best Australian Country Record. Some of his songs include: Old Man Emu, Raining on the Plains, Bells in a Bushman's Ear and Rip Rip Woodchip.

Initial costings for the John Williamson performance indicate that he would perform a 75 minute set of music. This would require the City to obtain the services of a support act as in the past the City's concerts have provided approximately two hours of performances.

The Oz Rock Show.

This consists of three main acts: Glen Shorrock, James Reyne and Joe Camilleri, all being supported by a 12 piece band. Glen Shorrock was one of the founding members of The Little River Band and had a number of top 10 popular singles and albums. James Reyne was the lead singer with Australian Crawl and performs both country and popular music. Joe Camilleri was a founding member of The Black Sorrows and performs a wide range of popular music.

The Oz Rock Show will provide 3 x 40 minute sets from each of the performers.

It is recommended that the Oz Rock Show is approved as the entertainment for the Regional Concert held on 10 March 2007 as it provides for the greatest range in music tastes and will provide at least two (2) hours of headline entertainment compared to 75 minutes of headline entertainment with John Williamson.

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement:

- *To facilitate and provide an optimum range of community services and events.*

Council Policy SC34 "Annual Budget Preparation" refers.



Budget/Financial Implications

ACT	ITEMS	COST
John Williamson	Performance, transport accommodation, sound and lighting production, support act	\$35,360
	Security, stage, lights generators, toilets etc	\$18,400
	Local Support Act – 45 minute performance	\$2,000 (Approx)
		\$55,760
Oz Rock (Glen Shorrock, James Reyne, Joe Camilleri plus 12 piece band)	Performance, transport accommodation, sound and lighting production	\$53,500
	Security, stage, lights generators, toilets etc	\$18,400
Total		\$71,900

Both acts can be provided within the total budget allocated for the Summer of Fun Events.

Legal Implications

The Local Government (Functions and General) Regulations 1996 11(2)f implies that the unique nature of services required (artistic performances and the availability of high profile performers) can be deemed to be grounds for Council not to proceed to tender for a service which costs in excess of \$50,000 on this occasion.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A.



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

Nil.

17.2 (MINUTE NO 3268) (OCM 14/09/2006) - MINUTES OF THE BUSH FIRE ADVISORY COMMITTEE MEETING - 17/08/2006 (1550) (RA) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Bush Fire Advisory Committee meeting held on 17 August 2006 and adopts the recommendations contained therein.

COUNCIL DECISION

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

CARRIED 7/0

Background

That Council receive the Minutes of the Bush Fire Advisory Committee meeting held on 17 August 2006 and adopts the recommendations contained therein.

Submission

The Minutes of the Bush Fire Advisory Committee Meeting is attached to the Agenda. Items dealt with at the Committee Meeting form the Minutes of that Meeting.

Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council.

An Elected Member may withdraw any item from the Committee Meeting for discussion and propose an alternative recommendation for Council's consideration.



Strategic Plan/Policy Implications**Governance Excellence**

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

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

Committee Minutes refer.

Attachment(s)

Bush Fire Advisory Committee Minutes 17 August 2006

Advice to Proponent(s)/Submissioners

N/A

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

Committee Minutes refer.

17.3 (MINUTE NO 3269) (OCM 14/09/2006) - LOT 7 COCKBURN CENTRAL - PURCHASE (9629) (RA)

RECOMMENDATION

That Council:-

- (1) subject to the Board of LandCorp agreement, enter a contract to purchase Lot 7 Junction Boulevard (Lot 7 Cockburn Central) at a total price of \$2,118,576 on a GST margin scheme basis payable in instalments of \$1,500,000 on or before the 31 October 2006 and \$618,576 to be paid on or before the 30th of September 2007; and
- (2) require the terms of the contract described above to include the option for Council to withdraw from the purchase at no cost prior to the 30 June 2007 should it so decide.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr L Goncalves that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0

Background

Council at its meeting of 9 March 2006 resolved as follows:

- “(1) require for inclusion in the proposal for the development of lot 7 Cockburn Central for the City to own 2,850m² of floor space suitable for the purposes as identified in table 2 in the report;*
- (2) enter an offer to purchase with LandCorp for lot 7 Cockburn Central with conditions that protect the interest of the City to the satisfaction of the Chief Executive Officer;*
- (3) seek potential joint venture partners through an Expression of Interest process for the development of Lot 7 Cockburn Central and shortlist to tender;*
- (4) require the Chief Executive Officer to prepare a Business Plan in accordance with the requirements of section 3.59 of the Local Government Act for the project for presentation to Council following public notice being given in accordance with section 3.59 of the Act; and*
- (5) require the Chief Executive Officer to keep Elected Members informed on the progress of the development of Lot 7 Cockburn Central with regular updates in the Elected Members’ Newsletter.”*

Subsequent to the decision of Council at its meeting of the 9th of March 2006 Council resolved in respect of sub-recommendation (3) above to:

- “(1) reject the Expression of Interest (EOI) (06/2006) Lot 7 Cockburn Central submitted by Australand;*
- (2) in accordance with section 3.58 of the Local Government Act (1995) and (Functions and General) regulation 11(2)(ii) enter negotiations with Australand and/or any other interested party or parties for the development of Lot 7 Cockburn Central; and*
- (3) require the Chief Executive Officer to prepare a report as a result of discussions in (2) above which includes but is not*



limited to the assessment criteria as described in the report, for future Council consideration.”

Submission

LandCorp have offered to sell lot 7 Cockburn Central for \$2,118,576.

Report

The City of Cockburn contracted McGees Property to provide an independent valuation for lot 7 Cockburn Central who advised that their GST inclusive valuation equated to \$437/m² which for the site size of 4646m² equates to a total value of \$2,030,302 (GST Inc). The City took the position that as it provides a credible civic presence to the development and the services it intends to provide from the site are of a community service nature justifies an offer of \$1,690,000 payable in two instalments the first on or before the 30 June 2007 of \$422,727 and the second on or before the 31st of December 2007 of \$1,267,273. LandCorp made a counter offer of \$2,230,968 (GST Inc).

LandCorp and the City of Cockburn have disclosed their respective valuations for the site, which are as follows:

Valuer	Value (Incl. GST)	Value/m ² (Incl. GST)
Colliers International	\$2,189,000 (4681m ²)	\$467
CB Richard Ellis	\$2,136,876 (4681m ²)	\$456
Valuer Generals Office	\$2,400,000 (4661m ²)	\$515
McGees	\$2,030,302 (4646m ²)	\$437

It is to be noted that the valuation from the Valuer Generals Office (VGO) is substantially greater than the others. The valuation prepared by the VGO was reviewed by McGees and was found to be in the view of McGees deficient in particular as it included as comparisons valuations for land in Northbridge and Perth and stated that land in Midland was inferior to the Cockburn Central site even though there had been no sales on the Cockburn Central site. The City believed that the valuation from the VGO ought not be considered and that the remaining three valuations should be averaged. Accordingly the offer of \$2,112,000 (GST Inc) was made to LandCorp with a payment schedule of two equal instalments payable on the 30th of June 2007 and the 31st of December 2007.

LandCorp made an alternative offer on the 25th of August 2006 as follows:

- The purchase price be agreed at \$2,118,576.
- \$1,500,000 of this price shall be paid on issue of the title for the land, which is anticipated to be in mid to late October 2006.



- The balance of the purchase price of \$618,576 is to be paid on or before the 30th of September 2007.

On the assumption that the initial payment was made on the 30th of October 2006 and the balance of \$618,576 is paid on the 30th of September 2007 and the City achieved a return of 6% on its invested funds the present value of the purchase is \$2,079,900 a figure that is \$49,598 greater than the valuation prepared by Council's Valuers McGees and less than all valuations provided by LandCorp.

In conclusion, the recommended present value purchase price being offered for lot 7 is lower than all the valuations provided by LandCorp for the land and \$40,485 above the valuation prepared by the City's Valuers McGees.

Strategic Plan/Policy Implications

Demographic Planning

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

Infrastructure Development

- *To construct and maintain community facilities that meet community needs.*

Lifestyle and Aspiration Achievement

- *To facilitate and provide an optimum range of community services and events.*

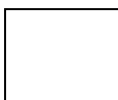
Budget/Financial Implications

Council has placed on its 2006/07 Municipal Budget \$1,500,000 for the purchase of lot 7 Cockburn Central.

Should Council resolve to proceed with the purchase a sum of \$618,576 will be required to be placed on the 2007/08 Municipal Budget for the balance of funds required for the land purchase.

Legal Implications

Section 3.59 of the Local Government Act 1995 requires that the Council prepare and advertise a Business Plan when it intends to carry out a major 'Land Transaction'. It is proposed that prior to any final decision being made by Council on all matters related to the possible initial purchase and subsequent sale of lot 7 Cockburn Central and joint venture development of the lot in accordance with the Council decision



of the 9th March 2006 that a Business Plan be prepared for the project which includes the requirements of the Act related to a 'major land transaction' and 'major trading undertaking'.

Community Consultation

The current 'Plan for the Future of the District' which is out for public comment includes the proposal to purchase and develop lot 7 Cockburn Central. The Local Government Act requires the development of a Business Plan for the project, which must be publicly advertised for public perusal and comment.

Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

The Proponent(s) LandCorp have been advised that this matter is to be considered at the September 2006 Council Meeting.

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

The provision of library, satellite Council offices and associated facilities are matters which are clearly the responsibility of a local authority. The provision of office space for lease and residential development is an area of activity usually in the domain of the private sector. The proposed Business Plan for the project gives the community and the private sector notice of Councils intent to proceed with a commercial activity. The involvement of a private joint venture partner does to some extent mitigate the issue of local government involvement in a commercial activity as the risk of such activity is shared with another party who has experience in this type of venture.

17.4 (MINUTE NO 3270) (OCM 14/09/2006) - LOT 7 BIRCHLEY ROAD YANGETUP-VISKO PARK (4309237) (RA) (ATTACH)

RECOMMENDATION

That Council advise the Cockburn Bowling Club:-

- (1) that it is unlikely the Department of Planning and Infrastructure will agree to a bowling club being located on Visko Park; and
- (2) as such, Council intends to construct a future bowling club on the Hammond Road Success Sub regional recreational facilities site.



COUNCIL DECISION

MOVED Cllr T Romano SECONDED Cllr L Goncalves that Council:

- (1) amend the Agenda Item heading reference "Lot 7 Birchley Road Yangebup-Visko Park" to "Lot 12 Birchley Road Yangebup-Visko Park";
- (2) advise the Cockburn Bowling and Recreation Club that it will seek to gain the approval of the Department of Planning and Infrastructure for the use of Visko Park for a Bowling and Recreation Club for the district;
- (3) require the Chief Executive Officer to prepare in consultation with the Cockburn Bowling and Recreation Club alternative concept designs for the location of facilities on the site to reduce any impact on the amenity of local residents;
- (4) carry out a survey of residents in the area to ascertain their views on the location of the Cockburn Bowling and Recreation Club on Visko Park and the preferred alternative concept design; and
- (5) require a report to be prepared on the results of the community survey and other matters that are required to be addressed to meet the requirements established by the Department of Planning and Infrastructure.

CARRIED 7/0

Reason for Decision

The Cockburn Bowling and Recreation Club has a proud history in the City and has the capacity to expand the level of patronage and membership with the provision of new more centrally located facilities. Visko Park is readily accessible and highly visible being located on the major east/west link of Beeliar Drive in Yangebup. The current membership of the Club has an affinity with the western portion of the City and future growth in membership and usage will in the foreseeable future be drawn from this area. Visko Park is also readily accessible for those from the central portion of the City and relatively accessible from City's eastern areas.

Background

Council at its meeting of the 8th of September 2005 resolved as follows:



“Seek approval from the Department of Planning and Infrastructure to utilise a portion of Visko Park for the Cockburn Bowling Club and associated recreational and community facilities”.

In accordance to the Council decision the City wrote to the Department of Planning and infrastructure (DPI) on the 12th of October 2005 advising of councils decision and seeking approval for the possible future construction of a bowling Club on the site.

Submission

DPI advised in a letter of the 22 May 2006 that it is unable to support the Councils proposal for a bowling club to be located on Visko Park although it stipulated a number of conditions that would need to be met for DPI to review its decision.

Report

Visko Park is a 20A reserve that is vested in the City through a management order for public recreation. State Government holds the view that land set aside under section 20A should where possible be retained for public purposes in particular:

- The subdivider of the land may be justified in expectations that the reserve would be used for the purpose for which it is created via the subdivisional process; and
- Purchases or users of subdivided blocks may frequently be influenced in their decisions to acquire land and build based on the existence of such reserves and may have an expectation that these reserves will remain.

Notwithstanding this position the DPI in relation to the use of Visko Park for a bowling club advise that they are prepared to further assess the proposal should the City be able to:

- Demonstrate, that the proposal has overwhelming community support.
- Obtain support from the DPI Statutory Planning to the proposal.
- Provide supporting evidence that the local area has sufficient “public open space” and the public would not be adversely affected by this proposal.

If the City were able to satisfy the above requirements, (DPI Land Asset Management Services) would look favourably at amending the purpose of the reserve and giving the City the power to lease and license.



A significant matter is the proportion of the reserve that would be utilised should a bowling club be located on the reserve. The Plan attached to the agenda demonstrates that conceptually approximately 50% of the reserve would be used for the specific bowling club facilities with additional space required for parking and tennis courts. It is likely that a number of immediate neighbours will object to a club facility being located near their homes as its presence could affect their amenity. It is unlikely that the Council would be able to show 'overwhelming community support'. It is evident that the use of the land for a bowling club is contrary to the intent of 20A reserve guidelines and hence may not receive the support of DPI Statutory Planning. There is a reasonable amount of public open space in the area and the development of a new active reserve on the corner of Rockingham and Frobisher Avenue in Coogee.

Provision of sub regional facilities to serve the eastern portion of the City have been planned and budgeted to be located on a site on Hammond Road in Success. This site would be very suitable for a future bowling club as it would readily serve the eastern portion of the City and would allow for a consolidated comprehensive range of recreational and community facilities to be collocated. This would in turn create an economy of scale to allow for a professionally managed facility similar to that provided at the Willetton Sports Club. As detailed design work for the Hammond Road project is due to begin it would assist in the design process to know whether Council had any intent to have a bowling club on the site in the future. It is worthy of note that the current lease the Cockburn Bowling Club has with the City is due to expire in 2016.

There appears to be two options open to Council.

- Continue to pursue with DPI approval to construct a bowling club on Visko Park in accordance with the requirements established by DPI.
- Advise the Cockburn Bowling Club that is the view of the City that it is unlikely to gain approval from DPI for the relocation of the Bowling Club to Visko Park and that it is in the longer term interest of the city to establish a new or relocate the existing bowling club to the Hammond Road Success site.

Strategic Plan/Policy Implications

Demographic Planning

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



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

Infrastructure Development

- *To construct and maintain community facilities that meet community needs.*
- *To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.*

Lifestyle and Aspiration Achievement

- *To facilitate and provide an optimum range of community services and events.*
- *To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.*

Budget/Financial Implications

The Plan for the future shows an allocation of \$4,000,000 for a Bowling Club with \$1,840,000 to come from Council sources and the balance \$2,160,000 to come from external sources. The intent has been that some of the proceeds of the sale of the land currently occupied by the Bowling Club would go toward the new facility.

Legal Implications

Nil.

Community Consultation

There has previously been extensive consultation with the community in relation to the future of the Cockburn Bowling Club carried out by the YMCA as consultants for the City. The brief to the consultants was to find an alternative site for the Cockburn Bowling Club with the consultants recommending as a negotiated alternative Visko Park.

Attachment(s)

- (1) Copy of a letter from DPI on the proposal to establish a bowling club on Visko Park.
- (2) A concept plan, which shows a bowling club with associated facilities located on the Visko Park site.



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the September 2006 Council Meeting.

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

Nil.

17.5 (MINUTE NO 3271) (OCM 14/09/2006) - RANGER TEMPORARY ACCOMMODATION (4007) (RL)

RECOMMENDATION

That Council:-

- (1) accept the tender submitted by Complete Portables for the supply and installation of one (1) 12m x 12m transportable building for Tender Number. 19/2006 Transportable Building – Commercial, Supply and Installation, Ranger & Community Safety Services Office, Bibra Lake WA for the cost to Council of \$110,898 excluding GST; and
- (2) increase the allocation to Account CW4206 “Wellard Street – Temporary Rangers Building” by \$28,898 and reduce the allocation to Account OP9750 “Project Contingency” by \$28,898.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr L Goncalves that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0

Background

Council has allocated \$150,000 on the current budget for the purchase and fit out of a 12m x 9m transportable building for the relocation of the Rangers and Community Safety Services from the Administration building to the Operational Centre. Accordingly, tenders were called for the supply and installation of this building. With further consideration of



the long-term requirements of the Rangers and Community Safety Services in mind tenders were also sought for a building of 12m x 12m the next modular size produced. It is likely the tenancy period for occupying the transportable accommodation will be 4 – 5 years.

Submission

At close of the tender period three (3) tenders totalling six (6) submissions were received as attached to the report.

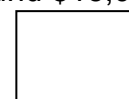
Report

All tender submissions were compliant with tender specifications.

A weighted assessment of the submissions incorporating, tendered price (60%), relevant experience (20%), demonstrated understanding (20%), was carried out by the Facilities and Plant Manager, Ranger & Community Safety Services Manager and South Lake Leisure Centre Manager. The assessment scored the following results:

	1.1.	TE ND ER ER	Non cost Criteria	Tender price (Inc GST)	Cost Criteria	Assessment Score
1	Complete Portables 12m x 9m		23.80%	92,741	60.00%	91.7%
2	Complete Portables 12m x 12m		23.80%	121,987	50.29%	82.0%
3	Ausco Building Sys 12m x 9m		27.0%	120,807	50.68%	86.7%
4	Ausco Building Sys 12m x 12m		27.0%	144,419	42.84%	78.8%
5	Fleetwood 12m x 9m		30.0%	155,511	41.4%	81.4%
6	Fleetwood 12m x 12m		30.0%	188,875	30.8%	70.8%

It is proposed that a 12m x 12m transportable from Complete Portables be accepted as the preferred tender at \$110,897(ex GST). This will allow for a stand-alone facility that can be accessed out of hours by rangers and will provide a secure reception point for the public who have reason to deal with the service. It would also allow sufficient space to accommodate the furniture currently used by the service without the necessity to purchase new more compact furniture as would be required with the 12m x 9m option. Alternatively, new furniture for the smaller facility is estimated to cost around \$15,000.



Complete Portables advise they can deliver the building 6 weeks from the order being placed.

Strategic Plan/Policy Implications

Governance Excellence

- *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.*
- *To maximise use of technology that contributes to the efficient delivery of Council's services.*

Budget/Financial Implications

The 2006/07 budget for the Rangers and Community Safety accommodation is currently \$150,000. Budgets for a 12m x 9m and a 12m x 12m transportable building is as follows:-

Item	Budget 12m x 9m	Actual 12m x 9m Complete Portables	Actual 12m x 12m Complete Portables
	\$	\$	\$
Transportable Building	82,000	84,310	110,898
Contingency	5,000	5,000	5,000
Water	5,500	5,500	5,500
Power	5,500	5,500	5,500
Septic	7,000	7,000	7,000
Data/phone	13,000	13,000	13,000
Fencing	8,000	8,000	8,000
Car park	18,000	18,000	18,000
Fit out	6,000	6,000	6,000
1.1.1. TOTAL	150,000	152,310	178,898

Should Council resolve to proceed with the tender from Complete Portables for a 12m x 12m an additional \$28,898 will be required to be placed on the budget.

Legal Implications

N/A



Community Consultation

N/A

Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the September 2006 Council Meeting.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil



24 (MINUTE NO 3272) (OCM 14/09/2006) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

MOVED C/r A TILBURY SECONDED C/r I WHITFIELD the recommendation be adopted.

CARRIED 7/0

25 (OCM 14/09/2006) - CLOSURE OF MEETING

MEETING CLOSED AT 7.40PM

CONFIRMATION OF MINUTES

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

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

