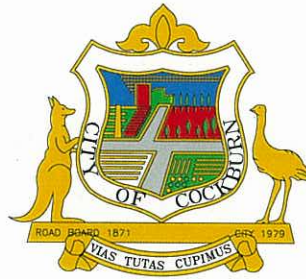


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

FOR

THURSDAY, 11 SEPTEMBER 2008

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 11 SEPTEMBER 2008 AT 7:00 PM

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CITY OF COCKBURN**AGENDA TO BE PRESENTED TO THE ORDINARY
COUNCIL MEETING TO BE HELD ON
THURSDAY, 11 SEPTEMBER 2008 AT 7:00 PM**

1. **DECLARATION OF MEETING**
2. **APPOINTMENT OF PRESIDING MEMBER (If required)**
3. **DISCLAIMER (To be read aloud by Presiding Member)**

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

4. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)**
5. **APOLOGIES AND LEAVE OF ABSENCE**
6. **(OCM 11/9/2008) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Written questions submitted by Mr Crook in relation to Item 15.2 – Statement of Financial Activity – June 2008 to the Ordinary Council Meeting held on 14 August 2008, have been responded to in writing.

7. **PUBLIC QUESTION TIME**

8. CONFIRMATION OF MINUTES

8.1 (OCM 11/9/2008) - CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday 14 August 2008, be adopted as a true and accurate record.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

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

Nil

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

13. COUNCIL MATTERS

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM 11/9/2008) - FINAL ADOPTION OF SCHEME AMENDMENT NO. 27 AND ADOPTION OF STRUCTURE PLAN FOR LAND BOUNDED BY IMLAH COURT, PRINSEP ROAD AND THE KWINANA FREEWAY, JANDAKOT - APPLICANT: CITY OF COCKBURN - OWNER: VARIOUS (93027) (M CARBONE) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the Schedule of Submissions;
- (2) amend the Scheme Amendment map to reduce the extent of the

- residential area as shown on the revised Scheme Amendment map included in the Agenda attachments and to designate that area as R25;
- (3) amend Schedule 11 Development Area 25 to include the following new provisions:
3. Industrial buildings in the mixed business lots which abut residential lots should not be higher than 3.0m in height at the residential boundary. The wall can increase in height by 1m for every 1m it is setback from the residential boundary.
 4. Prior to subdivision approval or development approval, the applicant is to prepare and submit to the local government an acoustic noise report which demonstrates that the mixed business development will not adversely impact the amenity of the residential development and that noise issues associated with the Kwinana Freeway and Perth to Mandurah railway has been addressed or can be addressed for the residential development.
 5. Single house, grouped dwelling, multiple dwelling, lodging houses and residential building uses shall not be permitted in the mixed business zone.
 6. No development in the mixed business zone shall have access to Imlah Court.
 7. The owners of Lots 19, 69, 21 and 22 Imlah Court shall pay in proportion of their land zoned mixed business the full cost of providing Road A shown on the Structure Plan for Development Area 25 including land, construction, drainage and all other associated costs with no contribution or reimbursement from the owner of Lot 303 Prinsep Road.
- (4) adopt the revised structure plan for Development Area 25;
- (5) adopt the modified scheme amendment map and text as per points (2) and (3) above, 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;
- (6) advise the submissioners of Council's decision; and
- (7) request the Western Australian Planning Commission to lift the "Urban Deferred" zoning for the subject area under the Metropolitan Region Scheme and replace with an Urban Zone.

COUNCIL DECISION

Background

Council at its meeting held on 11 August 2005 resolved to initiate Amendment 27 to Town Planning Scheme No. 3 and advertise a structure plan for the subject area. The purpose of the proposal was to allow existing residences to be contained wholly within the residential zone, facilitate redevelopment of the residential section and coordinate mixed business development.

The subject area is partly affected by a generic buffer from the soil blending facility at Lot 502 Cutler Road, Jandakot. The City has been required to resolve the buffer prior to finalising the amendment.

The advertised scheme amendment proposed to increase the depth of the residential zone to approximately 83m (and include the entire area of Lots 23 and 24) and increase the coding from R20 to R40 (refer Attachment 1). The structure plan proposed a cul-de-sac entering the mixed business area from Prinsep Road.

Submission

Nil.

Report

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

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the Environmental Protection Act. However, the EPA raised issues regarding industrial buffers and noise which are discussed in detail later in this report. The amendment was subsequently advertised seeking public comment in accordance with the regulations for not less than 42 days. The structure plan for the mixed business section was also advertised as part of the amendment. Nine submissions were received; six from service authorities/government agencies providing comment and three from landowners requesting changes.

Most submissions do not require explanation over and above that outlined in the Schedule of Submissions contained within the Agenda attachments. Those that require further explanation are discussed below.

Industrial Buffers

The EPA in their submission advised that generic separation distances should be maintained unless adequate site-specific studies have been carried out that demonstrate that a lesser distance will not cause any unreasonable amenity impacts. The EPA has imposed this requirement due to the location of a Composting Facility at Lot 502 Cutler Road. A generic 1000m buffer has been previously applied to this facility which affects the subject area as well as existing residences on The Lakes Boulevard, the Cockburn Central Town Centre and the Muriel Court area. A detailed assessment of this facility was prepared by Koltasz Smith Town Planning Consultants as part of the planning for DA19 – Muriel Court (West of the Kwinana Freeway). The assessment indicated that the operation does not include composting and could be considered a soil blending facility, however under the EPA Guidance statement on separation distances no specific buffer applies to a soil blending facility. The City's Health Department has reviewed the assessment and have concluded that a 200m separation between the soil blending facility and residential is adequate given the following:

- The 1000m buffer is designed to be applied to outdoor composting of green waste and manures which have a high propensity to generate odours.
- The soil blending facility on Lot 502 Cutler Road does not compost manures and green waste on site and therefore the propensity to create nuisance odours is minimal.
- All bulk manures are stored and blended within the main shed on site. All blended products located outside the main shed are bagged and palletised.
- The premises are assessed annually by the City's Environmental Health Officers as part of the Offensive Trade licence which applies to the business. At no time have offensive odours been detected.
- Clause 117(c) of the City's Local Laws requires the owners of licenced premises to keep them free from any unwholesome or offensive odour arising from their activities. Hence the City has adequate legislative control over the activities on the site so that they do not cause a problem to adjoining areas.
- The City's Environmental Health Services has not received any complaints from residents or businesses located in close proximity to the site.

The 200m setback partly encroached into the proposed residential area as advertised. To comply with the 200m soil blending buffer the residential zone is proposed to be extended from 35m to 45m in depth, rather than 83m as originally proposed.

Additionally, industrial zoned land is located on the eastern side of Prinsep Road, in close proximity of the proposal. It is not appropriate to significantly increase the depth of the residential zone or the residential density as it is close to Industrial zoned land. A suitable compromise is to increase the depth of the residential zone to 45m (approximately 10m deeper than what currently exists) and to increase the density to only R25. The 45m depth will ensure all existing dwellings on Imlah Court can be contained in the residential zone as currently some residences straddle the zoning boundary and allow modest redevelopment potential. Lots 23 and 24 are suitable to be entirely zoned residential as;

- They are located away from the general Industrial zoned land.
- Their configuration and location means that they would not be easily or economically subdivided for mixed business.

Mixed Business and Residential Interface

The mixed business zone provides a suitable interface between the Industrial and Residential zones. However the City will need to ensure that development on the lots do not adversely impact the abutting residential land. This should include requirements that boundary walls on the mixed business lots which abut the residential lots be no higher than 3.0m in height. The wall can increase in height 1m for every 1m it is setback from the boundary. This requirement should be included in Development Area 25 of the Scheme which applies to this subject land.

Developers will also be required to submit an acoustic noise report demonstrating that the mixed business development will not adversely affect the residential development and that noise issues associated with the Kwinana Freeway and the railway have been addressed for the residential development.

Road access from Prinsep Road

The original advertised structure plan (attachment 3) showed a cul-de-sac entering the mixed business area from Prinsep Road through Lot 18. Despite numerous discussions between the owners of Lot 18 and the balance land, no agreement could be reached on the provision and/or construction of the proposed cul de sac and accordingly there was no certainty as to the subdivision and or development of the western portion of the mixed business zone.

To resolve this issue the road access has been relocated to the south on Lot 303 Prinsep Road which is owned by the City. This will allow the road access from Prinsep Road to be developed once satisfactory arrangements have been made. It is also noted that the City owns Lot 19 Imlah Court which benefits from the arrangement. It is also proposed to create a loop road which is preferred in industrial areas to

allow for truck movement. The north south links have been located on the common boundary between lots to ensure their equitable provision. The owners will need to fully cooperate to provide this road.

To ensure an equitable arrangement is achieved, the landowners benefiting from the proposed access road off Prinsep Road will need to make a contribution towards it. A clause will therefore be included into Development Area 25 which states that the owners of Lots 19, 69, 21 and 22 Imlah Court shall make a proportional contribution to the cost of providing Road "A", including land, construction, drainage and all associated costs with no contribution from the owner of the subject land (Lot 303) as they receive no benefit from Road A.

Restricted Uses

Ordinarily under the Council's Town Planning Scheme No. 3, residential development is permitted within the mixed business zone. However, it is not desirable to permit residential development within this mixed business area given its proximity to Industrial zoned land and that it is partially affected by the 200m buffer to the soil blending facility. Accordingly, Development Area 25 should be amended to prohibit single house, grouped dwellings, multiple dwelling, lodging house and Residential Building uses from the mixed business zone.

Lifting of the Urban Deferment in the Metropolitan Region Scheme.

The land is zoned Urban Deferred in the MRS. Given the resolution of all outstanding issues through this amendment it is recommended that the City request the Western Australian Planning Commission to transfer the land to the Urban Zone to allow for its subdivision and development.

Conclusion

It is therefore recommended that Amendment No. 27 be modified to provide for a Residential Density of R25 rather than R40 and limit residential development to the northern 45m of Lots 18, 19, 69, 21, 22 and all of Lots 23 and 24 Imlah Court. Development Area 25 provisions should also be modified to address the mixed business and Residential Interface including the requirement for an Acoustic Report, and contributions to Road "A" and to prohibit residential uses in the mixed business zone.

The modified Amendment and structure plan are to be forwarded to the WA Planning Commission for final approval.

Strategic Plan/Policy Implications

Demographic Planning

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

Employment and Economic Development

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

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005
Town Planning Scheme No. 3
Town Planning Regulations 1967

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. 27 concluded on 28 July 2006. At the close of the advertising period nine submissions were received from government agencies/service authorities and affected landowners.

Attachment(s)

1. Advertised rezoning plan
2. Proposed modified rezoning plan
3. Advertised structure plan
4. Modified structure plan
5. Schedule of submissions

Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposal have been advised that this matter is to be considered at 11 September 2008 Council Meeting.

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

Nil.

- 14.2 (OCM 11/9/2008) - 92 MULTIPLE DWELLINGS, CAR PARKING, OFFICE, RETAIL AND LIBRARY - LOCATION: LOT 7 JUNCTION BOULEVARD, COCKBURN CENTRAL - OWNER: CITY OF COCKBURN - APPLICANT: EAMES ARCHITECTS (6007094) (V LUMMER) (ATTACH)

RECOMMENDATION

That Council:-

- (1) approve the application for 92 Multiple Units, Car Parking, Office, Retail and Library at Lot 7 Junction Boulevard, Cockburn Central, in accordance with the approved plans subject to the following conditions:
 1. A construction waste management strategy, which includes the matters listed at Item 3.4 of the Cockburn Central Detailed Area Plan, is to be developed and submitted to the satisfaction of the City, prior to the issue of the building licence.
 2. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.
 3. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
 4. Notification in the form of a memorial to be lodged against the title and incorporated into the strata management plan advising of the potential impacts of noise associated with the operation of a vibrant town centre surrounding the site. Details of the memorial are to be provided to the City's satisfaction prior to the issue of a building licence for any building on the subject property. The memorial(s) are to be lodged against the title prior to any subdivision or strata titling of the subject property.
 5. All landscaping is to be undertaken and completed in accordance with the approved landscape plan prior to the occupation of any dwellings on the subject property.
 6. The landscaping installed in accordance with the approved landscape plan is to be reticulated/irrigated and maintained to the City's satisfaction.
 7. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public

street or limited in height to 0.75 metres.

8. Any retaining wall(s) are to be constructed in accordance with a qualified structural engineer's design.
9. All sealed areas must be drained so that no stormwater discharges onto the road reserve or adjacent properties. Acceptable treatments are on-site, disposal structures designed for a 1 in 100 year, 24 hour storm, with contingency for flooding. 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 or hydraulic consultant, to the satisfaction of the City.
10. All car parking and access complying with the minimum requirements of the applicable Australian Standards and the Building Code of Australia (including disabled parking).
11. The location and allocation of car parking bays to specific dwellings is to be provided prior to the issue of a building licence for any dwellings on the subject property and are to be reflected on any strata plan for the subject property to the City's satisfaction.
12. All visitor car parking bays are to be clearly delineated (marked/signed), available for use in perpetuity and reflected as such on the strata plan for the development/property.
13. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located from public view and/or screened, the details of which are to be provided to the satisfaction of the City prior to the issue of a building licence for any dwellings on the subject property.
14. Car park ventilation grills and/or panels are to be suitably located relative to the surrounding public domain taking into account the prominence of the subject property. The details are to be provided to the City's satisfaction prior to the issue of a building licence for any dwellings on the subject property.
15. The Waste Management Plan prepared by GHD dated August 2008 is to be amended to meet the requirements of the City, prior to the issue of a building licence. "The development must comply with the approved waste management plan".

16. The plans are to be amended to provide sufficient bin enclosure areas to meet the requirements of the City. The amended plans are to be presented for a building licence approval.
17. Outdoor lighting is required, particularly illuminating ground floor entries and must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
18. The submission of a construction management plan, to the satisfaction of the City prior to the issue of a building licence for the subject property, detailing how it is proposed to be managed:
 - a) access to and from the site;
 - b) the delivery of materials and equipment to the site;
 - c) the storage of materials and equipment on the site;
 - d) the parking arrangements for contractors and subcontractors; and
 - e) other matters likely to impact on the surrounding properties.
19. No building (or related) activities associated with this approval 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.
20. 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 City as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the City prior to the erection of any signage on the site/building.
21. The development is to comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
22. All washing machines for the residential units are to be AAA rated and are to be installed by the developer, prior to occupation.

FOOTNOTES

1. The application has been determined on the basis of the plans and information provided to Council for assessment.

2. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, Council's Planning Services should be consulted.
3. With respect to condition 4 the Memorial should state as follows:
"This lot and dwelling is in the vicinity of a vibrant town centre and associated land uses. Residential amenity, therefore, may be affected by noise and other impacts from late night or early morning operations".
4. With respect to condition 14, given the prominent location of the subject land, the placement of services and related hardware will require specific attention at working drawings stage. With respect to air conditioning condenser units, a generic approach to screening such units may be necessary (through a consistent screening element in balustrades for example).
5. With respect to conditions 15 and 16, the applicant is to liaise with the City's Waste Manager.
6. Detailed plans and specifications of the kitchen, dry storerooms, cool rooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, are to be submitted to and approved by the City's Health Service prior to the occupation of the premises. The plans to include details of:
 - (a) the structural finishes of all floors, walls and ceilings;
 - (b) the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc); and
 - (c) all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.

These plans are to be submitted separately to those submitted to obtain a Building Licence.

The application must be in accordance with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australian New Zealand Food Standards Code (Australia

- Only) and also include any information about the existing facilities to be retained and used.
7. This development has been defined as a public building and shall comply with the provisions of the Health Act 1911 relating to a public building, and the Public Building Regulations 1992. An application to construct, extend or alter a public building is to be submitted with the Building Licence application.
 8. The development is to comply with the requirements of the Building Code of Australia.
 9. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the decision, the approval shall lapse and be of no further effect.
 10. Where an approval has so lapsed, no development shall be carried out without the further approval of the City having first been sought and obtained.
- (2) advise the applicant of (1) above.

COUNCIL DECISION

Background

Zoning:	MRS:	Urban
	TPS3	Regional Centre
Land Use:	Multiple Dwelling – “D” Office - “P” Retail (shop)“P” Library - use not listed (dealt with as an “A” use)	
Lot Size:	4646m ²	
Use Class:	“D”, “P” and “A” as above	

The subject site is located adjacent to the landscaped public park at the entrance to Cockburn Central railway station. The site is vacant and cleared.

The lot is bounded to the east by the landscaped public park, to the west by Linkage Avenue, to the south by Signal Terrace and to the north by Junction Boulevard.

The history of previous resolutions relevant to this property are:

Minute No. 3269 (OCM 14/09/2006)

Minute No. 3364 (OCM 11/01/2007)

Minute No. 3496(OCM 14/06/2007)

These resolutions relate to the purchase and financial arrangements for the development of the lot and are not directly relevant to the subject of this report, however are included for information.

Submission

Nil

Report

The purpose of this report is for Council to consider those aspects of the proposed development that seek variations to the Cockburn Central Detailed Area Plan.

Statutory Context

The site is zoned Regional Centre and the structure plan for the area provides for the preparation of a Detailed Area Plan which will control the built form in lieu of the Residential Design Codes.

The Cockburn Central Detailed Area Plan (CCDAP) aims to achieve two main objectives:

- The creation of a walkable town centre with active ground floor frontages
- The development of a sustainable town centre from both a built form and community perspective

The assessment process as set out in the CCDAP includes an assessment of the proposal by Landcorp. This has taken place and Landcorp has approved the plans.

The application complies with the majority of the requirements of the CCDAP, including the following:

- Car and bicycle parking ratios
- Building Character
- Landscaping

The following requirements of the CCDAP are not fully compiled with and require Council's consideration:

Façade Types

"This section essentially controls the height, setbacks and pedestrian level treatment of the building.

Façade Type 6 for western elevation.

Maximum permitted height at street - 11m, however 14 m is proposed. Minimum required setback above 3 storeys – 3 m; however, the face of the residential balconies are set back 1.2 metres and the balcony walls are approximately 300mm from the boundary. The remainder of the upper areas are setback greater than 3m.

Façade Type 2 for eastern, northern and southern elevation.

Maximum permitted height at street – 12m, however 14 m is proposed. Minimum required setback above 3 storeys – 3m. The majority complies, other than a very small portion of balcony wall at 2.8 m.

Frontage Requirements (Consistent building frontage).

Eastern facade – required 90%, provided 73%
 Northern façade – required 90%, provided 85%
 Western façade – required 90%, provided 27%
 (Southern Façade complies)

The applicant has submitted the following justification for these variations to the CCDAP:

Façade Type 6 for Western Elevation

"The floor height of the top deck of the carpark is on average approximately 12m above the street level. A further 2m is created by the need for the crash barrier and screening of the carpark. An important principle of the design of the elevation is to breakaway from the suggestion that the base of the tower is a single monolithic box. This, in part, is achieved by a combination of variety and 'broken lines. The parapet is not a continuous line but is rather broken with screens at various heights. This variety has contributed to the height of the elevation exceeding the prescribed 11.0m. In addition, we note that these screens will be lightweight, perforated and attached to the building in a manner that doesn't appear to be a solid wall but instead soft screening permitting light and visual penetration.

The theme of the sliding boxes forming the tower is paramount to the design of the building. A challenge of the design process was to connect the tower to the ground and provide it with an identifiable

entrance. After much review a simple solution was found: continue the theme at ground level and provide a box of contrasting colour directly above the entrance of the tower. The residential tower now has an identifiable entrance and presence at street level due to their visual connection. If the tower was set back further from the street than the entrance the tower would lose its visual connection at street level. The added benefit is that the balconies will provide passive surveillance of the public domain.

In addition, the Balconies of the tower over the entrance are set back 1.2m and not 0.0m. This set back occurs for a width of approximately 17m. The glazing on the balconies is also set back 3.2m from the boundary which is in excess of the requirement. Either side of the west elevation, the tower is set back approximately 12.4m which is significantly in excess of the requirement. Beyond this point for 17m on the northern end there is no building and on the southern end for 2.4m there is no building. Therefore the average setback along the street is far in excess of the required 3m.

Façade Type 2 for Eastern, Southern and Northern Elevations

The car park portion of the elevation to the north and south side was developed with the same principles as described above. The soft screening extends beyond the prescribed 12m as opposed to a solid wall and can be viewed as surface decoration.

The height of the commercial portion of the elevations particularly on the eastern side overlooking the town square is important. Firstly, and as described earlier, it is imperative that we move away from the notion of a monolithic box. Therefore we have added interest by introducing a variety of form, material, colour and height to the building. A variation in height allows us to break the line of the parapet with feature elements and reduce the elevation into a series of components to activate the streetscape and provide a more human scale. This is also a landmark site and therefore calls for a landmark building that has a presence reinforcing the town square location. The building will be the centrepiece of the square providing a visual cue and reference for people as they arrive at the train station and look across the square. Therefore the building needs to have prominence, which is achieved in its design and aided by the additional height.

Frontage requirement for Eastern Façade

The frontage requirement to the library is to ensure that the foyer has the dominant presence on the square. The presence of the entry foyer is not just measured by its width on the street. Its sense of presence is also determined by colour, form, material and height. The entry of the library is flanked by a large vertical stone wall. This wall feature only occurs in this location. In addition to the wall the perforated screening is reduced to reveal the large glass walls of the foyer. The glass entry wall

is set back breaking the line of the elevation and creates a gathering point outside the entrance. Furthermore, a large projecting glass crystal that hangs off the feature wall, cantilevers approximately 6m, and will be the tallest element on the elevation will announce the library from any direction within the town square. Therefore the design of the entrance will ensure that it is predominant in the town square, and representative of the civic function and the role of the building.

Frontage requirement for Northern Façade

There is a minor reduction of the frontage along the Northern elevation due to the need of the vehicle access ramp. Access to the carpark must be provided and therefore a cross over on the street is unavoidable. The difference in levels across the site is significant, and therefore, the options for the appropriate location of a ramp are restricted. The location currently indicated is the most appropriate for the levels of the site and it also allows back of house servicing for the retail, library and office floors in the most efficient manner without impacting on the public.

Frontage requirement for Western Façade

The extent of frontage to the western elevation is reduced due to the requirement of specific services. A fire stair required by the building code takes up part of the elevation. In addition an existing western power transformer that our client would prefer not to have takes up nearly 10% of the frontage. Crossovers are also required to provide residential access to the carpark. However, the entrance foyer of the residential tower does provide approximately 23% of glass frontage to the street in addition to the 27% of retail frontage. The structure above the entrance fronting onto the street contains a gymnasium that provides further interest and passive surveillance of the street. The combination of the retail, residential entry foyer and gymnasium frontage along with landscape areas will provide a variety of interest and activations for the street at varying times throughout the day.”

It is noted that Landcorp has supported these variations to the CCDAP on the basis that the development is generally consistent with the scale and built form intended to be created by the guidelines. It is recommended that Council support these variations.

Servicing – Rubbish Collection (Item 10.1 of CCDAP)

The plans indicate that the proposed management of waste will partially meet the requirements of the CCDAP and the City, however, further refinement of the Waste Management Strategy and additional bin enclosure space is required to completely meet the City's requirements. Conditions 15 and 16 are recommended to satisfy this.

Sustainability

Part 3 of the CCDAP requires the buildings in Cockburn Central to conserve energy, minimise water use, contribute to a reduction in the total construction waste going to landfill and be robust and durable in design.

These requirements are generally met within the design and described in the sustainability schedule which was submitted as part of the development application. Conditions 1 and 22 are recommended to ensure compliance with water use and resource management requirements.

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.

Budget/Financial Implications

This report relates to a planning decision which has no financial implications. However, the financial implications of Council's involvement in the project are set out in previous resolutions.

Legal Implications

Nil

Community Consultation

The application has not been advertised for public comment. Under the Town Planning Scheme "Library" as a Use Not Listed is the only use which requires notification, however as there is not a resident community that will be affected by the development the use was not advertised.

Attachment(s)

1. Location plan
2. Site plan, floor plans and elevations
3. Perspectives

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 11 September 2008 Council Meeting.

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

Council has entered into a Joint Venture agreement to provide residential accommodation. The ratepayers of the City will benefit in the form of financial return on the City's investment.

14.3 (OCM 11/9/2008) - CONTAMINATED SITES FUNDING OWNER: CITY OF COCKBURN (6126) (C WATTS)

RECOMMENDATION

That Council approve \$150,000 in funds to be taken from the reserves accounts to be allocated to the City's Contaminated Sites Program.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

At its February 2008 meeting, Council adopted the Contaminated Sites Strategy which included the investigation of sites detailed in the Strategy. The City's Health Service is seeking funds from the Reserve Account to enable further investigation of selected sites to commence.

Submission

N/A

Report

The City's Health Service has reported the sites listed in the Contaminated Sites Strategy to the Department of Environment and Conservation for assessment by the Contaminated Sites Branch. The majority of these sites were classed as being "potentially contaminated – investigation required"; however, investigation and risk assessment

was not deemed necessary unless the use of the site was modified to a more sensitive land use.

The City's Environmental Health Services will progress through the list of contaminated sites commencing with preliminary site investigations (PSI) of the following ex landfill sites:-

Malabar Way Reserve 30997 (BMX track)
Poole Reserve 41306, Hamilton Road
Dixon Reserve 24550, Starling Street

Strategic Plan/Policy Implications

Demographic Planning

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

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

Transfer \$150,000 from the City's Reserve fund for Contaminated Sites which currently holds \$731,000.

Legal Implications

Compliance with the Contaminated Sites Act 2003

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

14.4 (OCM 11/9/2008) - PORT COOGEE STRUCTURE PLAN - PROPOSED AMENDMENT - PREPARED BY: TAYLOR BURRELL BARNETT (TOWN PLANNERS) ON BEHALF OF AUSTRALAND (OWNERS) (T WATSON) (ATTACH

RECOMMENDATION

That Council resolve:

- (1) to approve the amended Port Coogee Structure Plan prepared by Taylor Burrell Barnett Town Planners on behalf of Australand pursuant to the provisions contained under Clause 6.2.14.1 of the City of Cockburn Town Planning Scheme No. 3, subject to the following items being addressed at or before subdivision stage:
1. The future development of the multiple dwelling site in Stages 3A and 3B is to occur in a manner that is responsive to all four (4) lot frontages. The details of the development of this site are to be included in a Detailed Area Plan submitted to the Council for approval.
 2. The Pedestrian Access Way (PAW) dividing the multiple dwelling site and R50 lots at the southern end of Stages 3A and 3B (connecting with the adjoining Public Open Space (POS)) is to be no less than ten (10) metres wide.
 3. The narrower section of the relocated road in Stages 3A and 3B being reviewed to ensure the road reserve width is sufficient for the purpose of fulfilling the functions of this road. The functions of the road include: servicing, vehicular access, and visitor parking - and may include pedestrian movement given the connection with the POS via the PAW and the public beach west of Stages 3A and 3B.
 4. A public/visitor parking analysis taking place to determine parking demand and the necessary supply of bays taking into account factors including:
 - i. Any increase in dwelling numbers across the Stages, including single residential and multiple dwellings;
 - ii. The visitor parking demand generated by single residential dwellings, but not technically provided for (as a requirement) in the R-Codes;
 - iii. The accepted practice to date of multiple dwelling visitor parking being provided off-site i.e. in adjoining road reserves;
 - iv. General visitor demand to the Port Coogee project area; and

- v. The demand generated by waterside activity within the project area, such as boat pens etc.
 5. The submission of a revised POS schedule, detailing in particular any changes to the POS within Stages 3A, 3B, 4B, 5, 6A and 6B;
 6. The submission of a Waste Management Strategy, addressing in particular the eastern half of the realigned carriageway in Stages 3A and 3B and the layout for the north-east corner of Stage 5.
- (2) to forward the amended Port Coogee Structure Plan to the Western Australian Planning Commission for endorsement on the basis of sub recommendation (1) above;
- (3) to advise the applicant:
1. Of (1) and (2) above.
 2. The public/visitor parking analysis is the responsibility of Australand and is to be undertaken by a suitably qualified traffic related professional.
 3. With respect to sub recommendation (1) 4. above, the City is particularly concerned about public/visitor parking provision in Stages 3A, 3B and 5.
 4. The City will not approve any Deposited Plans for Lots within the Stages the subject of the Structure Plan amendment prior to all items in sub recommendation (1) above relevant to a particular stage being resolved to the City's satisfaction.

COUNCIL DECISION

Background

In March 2004 the Council adopted the Port Coogee Structure Plan in conjunction with the local Scheme Amendment providing for Development Area 22. DA22 includes the Port Coogee development. Subsequent to the initial adoption of the Structure Plan, the Plan has been amended on a number of occasions. The Structure Plan was

amended in June and August 2005, and most recently following support for changes adopted by Council in July 2006.

The amendments currently proposed are as follows. They are listed within Stage Areas for ease of reference.

- Stages 3A and 3B. The shift in a southerly direction of the R80 zoned multiple dwelling sites (brown on the plan) and the R50 terrace housing lots (red on the plan) to the edge of the Public Open Space (POS) at the southern end of the Stage. Relocation of the road previously on the northern side of the POS to the northern side of the R80 and R50 sites mentioned above (in a deviating alignment with some reduction in width where it extends in an easterly direction to Orsino Boulevard). The change in density of lots currently zoned R30 to R35 (to the north of the R50 zoned lots).
- Stages 4B, 6A and 6B. The change in density of lots currently zoned R25 and R30 to R35. Changes to road layouts and lot orientation, including an east-west primary road and the revised orientation of lots from east-west to north-south. An increase in the size of the northern east-west open space connection.
- Stage 5. The shifting of the east-west orientated lots on the eastern side of this stage toward the waterway (currently separated from the waterway by a road). Density remaining the same.

It is also noted that the top (northern most) part of Stage 6B is notated on the amended Structure Plan as being subject to future review for possible higher density/aged persons use/development.

Submission

In support of the proposed changes, the project planning consultant, Taylor Burrell Barnett (TBB), provides the following.

(Stages 3A and 3B)

A slightly greater density is proposed for the east-west facing lots on the eastern boundary of this section. Whilst the intended lot sizes in this area have not changed significantly from the existing LSP, it was noticed that the proposed lot sizes under the existing LSP may not have met the average lot size requirements of the existing R30 code. Accordingly, the density has been increased slightly to R35 to ensure compliance.

A slightly modified road layout is proposed to reduce intersections and improve the local road system.

There will be no loss of POS area; and the proposed changes show an additional seven lots compared to the layout indicatively shown on the existing LSP.

(Stages 4B, 6A and 6B)

An additional 260m² (approximately) of public open space (POS) is provided within this section of the LSP, providing further amenity and recreational space for residents.

A greater number of local roads are proposed providing better east-west permeability, and which also results in a reduced developable area.

Slightly greater densities (from R30 to R35 and from R25 to R35) are proposed (applying to approximately half the site).

The proposed Cockburn Coast District Structure Plan (CCDSP) located immediately to the north of the Port Coogee LSP area intends relatively high density development. Accordingly, it is proposed to slightly increase density in the northern section of the Port Coogee LSP to better integrate with the CCDSP and provide a transition between the intended higher density area to the north and the primarily single residential Port Coogee Development.

The proposed density will allow for the inclusion of smaller lots within the precinct contributing to a greater variety in lot sizes offered within the overall development. This responds to market demand, which has changed substantially since the LSP was originally adopted. There is now a greater demand for smaller lots due to a range of issues including; affordability, household sizes, lifestyle benefits associated with less garden maintenance and demand for smaller gardens due to water scarcity.

(Stage 5)

The easternmost local road as depicted on the existing LSP has been relocated from the front of the lots to the rear of the lots. The relocation of this road improves the road intersection with the bridge road on the south east corner. The proposed relocation does not impact on vehicular access around the site.

Public ownership and pedestrian access will be maintained along the front of the eastern facing lots. Access will also be designed to be trafficable by emergency vehicles.

The proposed changes show an additional two lots compared to the layout indicatively shown on the existing LSP. This is a result of review in accordance with the existing RD Code and is not gained through the proposed change to the road layout.

In support of the changes to the road layouts, the project engineer Sinclair Knight Merz (SKM), provides the following.

The road layouts in this area of the Port Coogee Development have varied from the original structure plan proposal as various elements of the plan , such as the reduction of the peninsula's and the inclusion of a beach has affected the overall layout. The road layout, as far as spacing of intersections, has also varied and been the subject of discussions with Council over the design geometrics since early 2006.

The general position can be summarised as;

- 1. Structure plan mid 2006. Attachment A shows the general proposal and road geometry developed for this plan. There is a multiplicity of intersections with staggered tees at close centres with a consequence of high turning movements in short spaces. This applied to both the waterfront road and the north south spine road. It also included some tight corners in the central zone. The waterfront road also has a narrow median providing little refuge for turning vehicles.*
- 2. Interim Plan early 2007. Attachment B shows this layout which modified the connection to the southern island. This created a 4 way intersection at the island connection and Council was concerned at the traffic management for this intersection. Either a small roundabout or priority controlled signage was required. The north-south road remained with the close tees and this could manage some turning movements due to the wider median*
- 3. Current proposal. Attachment C shows the current proposal. It reduces the intersections by removing the proposed road on the north side of the POS which has an improvement on both the waterway road and north south road. The curving alignment around the POS also down grades the connection to the promenade road across the front of the village itself, highlighting the proposed mixed use of this access way. The plan retains the accessibility of the residential nodes and highlights the preferred main access route. There is a reduced number of tee intersections which have improved spacing.*

It is our opinion that the current proposal creates a better road network while retaining the intent of the structure plan.

Report

The proposed amendments to the current Structure Plan are considered minor in the context of the broader Port Coogee development, providing for on balance more appropriate local planning outcomes. Planning Services responses to the proposed changes are covered below, again dealt with on a respective Stage(s) basis.

Stage 3A and 3B

The primary benefit arising out of the changes proposed to this Stage is the improved relationship between future residential development and the POS at the southern end of the Stage. This interface will benefit from the strong connection between the private and public domain, including the substantial gain of passive surveillance of the POS. This opportunity should provide for a safer POS environment, contributing to increased community use and enjoyment of this amenity.

The changes to the road layout are considered acceptable on the basis that access to residential lots within, and connectivity through the Stage is not diminished. With respect to density, the changes are also considered minor and acceptable on the basis of proximity to the Marina Village precinct, and to a lesser extent the Cockburn Coast District Structure Plan Area (CCDSP) to the north.

The main concerns and/or qualifications of support for the changes are as follows.

- The future development of the multiple dwelling site is to occur in a manner that is responsive to all four (4) lot frontages. This is fundamental given the prominence of the site. It is also important given the relationship of the site to the Pedestrian Access Way (PAW) that will maintain the connection of the remainder of the Stage with the POS.
- The PAW is to be no less than ten (10) metres wide. This is considered necessary for the purpose of maintaining a strong visual connection between dwellings within the Stage and the POS. It is equally important for the purpose of providing a generous pedestrian environment between what will be development 10+ metres in height. A 10 metre dimension will also provide a meaningful break in the extent of builtform when viewed from the POS.
- The narrower section of the relocated road being reviewed to ensure the road reserve width is sufficient for the purpose or meeting the functions of this road. The functions of the road include: servicing, vehicular access, and visitor parking - and may include pedestrian movement given the connection with the POS via the PAW and the public beach west of Stages 3A and 3B.

The above matters are to be dealt with at the subdivision stage of development, one of the requirements of which will include the preparation of Detailed Area Plans (DAP's) for future builtform.

Stages 4B, 6A and 6B

The changes proposed within these Stages relate primarily to the proximity of the northern part of Port Coogee to the CCDSP area. At present, the development proposed within Stages 4B, 6A and 6B is low density in nature, whereas that proposed within the southern part of the District Structure Plan is medium to high density. The increases proposed represent a direct and meaningful response to the planning intentions for the broader locality.

In addition to responding to the changing context, the amendments to these Stages are considered to result in improved lot orientation. Importantly, and commensurate with the increase in development density, additional POS is proposed for the amenity of local residents. Further, the identified review of the northern part of the stage for Aged Persons Accommodation is seen as positive for the purpose of achieving a broad range of accommodation types within the locality.

In terms of the immediate setting i.e. adjacent property within Port Coogee, the density changes do not impact on other Stages or lots given the location of the subject land at the northern tip of the project area.

Stage 5

The main change to this Stage, the shifting of the eastern side lots toward the Marina water way, is considered positive for a number of reasons. Similar to the shift of development toward the POS in Stage 3A and 3B, the shift in Stage 5 will assist in activating the waters edge. This will provide the same surveillance and security benefits to the strip of public land between the rear of the lots and the waterway, as well as the landside public beach to the east. The support for this change, however, is based unequivocally on the design, establishment and permanent use of the land between the lots and waterway for public purposes.

Support is also on the understanding that support will never be provided by the City for additional boat pens, jetties or moorings in front of the lots in question (should such a proposal be made).

The other main change arising from the shift in lots towards the water is the street access that will be required to these lots. Currently in the Structure Plan the same lots are served by a rear laneway, providing for a streetscape void of vehicular access and parking related structures. This change, however, is manageable through appropriate provisions in the DAP required to be prepared and adopted for the stage.

Other

In addition to the specific concerns mentioned above, a number of general considerations need to be addressed in conjunction with support for changes to the Structure Plan.

Public/Visitor Parking

Whilst it is acknowledged that changes to the Structure Plan are more 'broad brushed' than focussed on detail, a cursory review of the detail does raise some concerns, particularly in the area of public/visitor parking provision. In this regard, a considerable loss of parking bays is noted for Stage 5. A loss is also apparent for Stages 3A and 3B and the public beach area.

The main concern relates to the potential for a significant disparity between what is proposed and that required in terms of demand. To this end, support for the Structure Plan changes is on the basis that a detailed parking analysis be provided. This analysis is the responsibility of Australand and is to be undertaken by a suitably qualified traffic related professional to determine parking demand and the necessary supply of bays taking into account factors including:

- Any increase in dwelling numbers across the Stages, including single residential and multiple dwellings;
- The visitor parking demand to be generated by single residential dwellings, but not technically provided for in the R-Codes;
- The accepted practice to date of multiple dwelling visitor parking being provide off-site i.e. in adjoining road reserves;
- General visitor demand to the Port Coogee project area; and
- The demand generated by destinations within the project area, such as boat pens etc.

The last point above relates specifically to Stage 5 and other similar locations where a direct correlation between pen numbers and public/visitor parking will occur.

Revised POS Schedule

As changes are proposed to POS within the Stages, the submission of a revised POS schedule is considered necessary.

Waste Management

The revised road layouts, particularly within Stages 3A, 3B and 5, are considered to warrant the submission of a Waste Management Strategy. In this regard, consideration in particular needs to be given to waste vehicle access. Equally, where access is not available, suitable strategies for servicing locations need to be determined. The areas where changes to the Structure Plan necessitate special

consideration include: the eastern half of the realigned carriageway in Stages 3A and 3B and the layout for the north-east corner of Stage 5. In the event waste vehicle access cannot be achieved in these areas (or is difficult to achieve), alternative arrangements (bin stand areas etc) that sit appropriately within the public domain need to be identified and implemented.

Conclusion

The proposed amendments to the Port Coogee Structure Plan are supported subject to the matters covered above. With respect to the various requirements, it is considered the resolution of these can take place subsequent to the referral of the approved Structure Plan to the Western Australian Planning Commission for endorsement. This approach is considered reasonable as a function of subdivision. At subdivision stage, DAP's guiding builtform are required to be prepared and approved prior to the clearance of Deposited Plans (Titles). Similarly, public/visitor parking provision and the design of PAW's is a function of subdivision.

The approval of the amended Structure Plan is in accordance with the provisions of 6.2.14.1 of Town Planning Scheme No. 3 (in the view the proposed amendment does not materially alter the intent of the 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.

Infrastructure Development

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

Council Policies that apply are:-

APD 4 Public Open Space
 APD 31 Detailed Area Plans (to be prepared).

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act

Community Consultation

The amended Structure Plan has not been the subject of consultation. The amendments are considered to represent logical changes to the existing Structure Plan and take into account planning proposals in the vicinity of Port Coogee (notably those within the Cockburn Coast District Structure Planning area). Additionally, they are proposed in locations removed from where previous public land sales have taken place.

Attachment(s)

1. Current Structure Plan
2. Amended Structure Plan
3. Revised Traffic Layout

Advice to Proponent(s)/Submissioners

The proponent has been advised that this matter is to be considered at the 11 September 2008 Council Meeting

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

Nil.

- 14.5 (OCM 11/9/2008) - DETAILED AREA PLAN AND DESIGN GUIDELINES FOR STAGE 4C PORT COOGEE, NORTH COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: AUSTRALAND (125410) (T WATSON) (ATTACH)**

RECOMMENDATION

That Council:

- (1) approve the Detailed Area Plan and Design Guidelines presented for Stage 4C Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Australand, pursuant to the provisions contained under Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3; and
- (2) advise the applicant accordingly

COUNCIL DECISION**Background**

The land covered by the subject Detailed Area Plan (DAP) and Design Guidelines is within the Port Coogee development area. Under the Structure Plan, the land represents Stage 4C. The land is identified for low density residential development (R25) and forms one of the 'Water Based Residential' precincts. The DAP and Guidelines provide development direction for 28 single residential waterside lots.

Whilst the DAP is primarily aimed at guiding builtform outcomes on all lots, the guidelines deal with the control and development of jetties and related structures in the mooring envelopes.

SubmissionDAP

The attached DAP and Design Guidelines address amongst matters:

- Key elements to be considered in the design of dwellings.
- Dwelling setback requirements (front and rear), including the extent to which parapet walls can be erected on side boundaries.
- Dwelling levels and height relative to lot levels etc.
- Access and garage requirements.

Where the DAP does not refer to an alternate standard, the applicable standard/s are those prescribed in the Residential Design Codes (R-Codes) and Town Planning Scheme No. 3 (where the R-Codes do not apply).

ReportDAP

The Stage 4C DAP provides location and site-specific planning information, to be considered in the design and development of the lots in question. The information is to be considered within the framework of the Structure Plan adopted by Council for Port Coogee, as well as the R-Codes and the City's Planning Scheme.

Presentation of the DAP to the City was by the planning consultant for Port Coogee. It is noted that the content of the DAP is very similar to

that produced for Stage 4A to the north. The production of the DAP for Stage 4A was a collaborative effort, taking some time to ensure all aspects of future development on the lots are satisfactorily covered in the document.

In addition to standard design elements, both DAP's (4A and 4C) include details of what is possible, in terms of structures and fences, within the rear setback areas of respective lots (and side setback areas on corner lots). These considerations are important given the very public 'face' the lots will present to the Marina waterways and adjacent public open space in the case of Lots 301 and 880.

Design Guidelines

The DAP also includes Jetty and Mooring Design Guidelines that deal with:

- The location and dimensions of the jetty and mooring envelopes for the lots.
- Design parameters for any proposed jetties.
- Construction standards for any proposed jetties, pontoons or mooring piles.

Again, these are similar to those recently approved by the Council for Stage 4A.

Conclusion

The DAP and Design Guidelines provide detailed controls and direction for development on the subject lots. As mentioned, Planning Services has worked closely with the planning consultant and developer to ensure the documents contain sufficient, well considered requirements to ensure future development takes place in an orderly and proper manner. It is, therefore, recommended that the DAP and Guidelines be approved by Council.

The approval of the DAP and Design Guidelines is in accordance with the provisions of 6.2.15 of the Scheme. The provisions identify planning considerations to be included in a DAP (and Guidelines) and the process for adopting such. Where a DAP/Guidelines may affect landowners other than the owner/s of the subject land, the City may undertake consultation. As Stage 4C represents an island with no immediate neighbours, no consultation has taken place.

Clause 6.2.15.8 of TPS 3 provides scope for a DAP/Guidelines to be amended.

Strategic Plan/Policy Implications

APD 31 – Detailed Area Plans

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.

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005

Community Consultation

The DAP has not been the subject of consultation. The DAP sits within the framework of the Port Coogee Structure Plan which has been through a comprehensive public consultation program, including workshops. Additionally, Stage 4C sits in isolation to other development Stages within Port Coogee.

Attachment(s)

- 1 Location/Structure Plan
- 2 Detailed Area Plan and Design Guidelines

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 11 September 2008 Council Meeting.

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

Nil.

14.6 (OCM 11/9/2008) - DETAILED AREA PLAN FOR STAGE 3A AND PORTION STAGES 4B AND 6A PORT COOGEE, NORTH COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: AUSTRALAND (9022) (T WATSON) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the Detailed Area Plan presented for Stage 3A and Portion Stages 4B and 6A Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Australand, pursuant to the provisions contained under Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3; and
- (2) advise the applicant accordingly.

COUNCIL DECISION

Background

The land covered by the subject Detailed Area Plans (DAP's) is within the Port Coogee development area. Under the Structure Plan, the land represents Stage 3A and parts of Stages 4B and 6A. The land is identified for medium density residential development (R30-35 and R50) and is situated within the northern part of the 'Dry Residential Land' precinct. The DAP's provide development direction for 48 single residential lots, to be developed in 'terrace' form.

Submission

The attached DAP's address amongst matters:

1. Key elements to be considered in the design of dwellings.
2. Dwelling setback requirements, including the extent to which parapet walls can be erected on side boundaries.
3. Dwelling height.
4. Access and garage requirements.

Where the DAP's don't refer to an alternate standard, the applicable standard/s are those prescribed in the Residential Design Codes (R-Codes) and Town Planning Scheme No. 3 where the R-Codes do not apply.

Report

The Stage 3A and portion Stages 4B and 6A DAP's provide a site-specific layer of planning information, to be considered in the design and development of the lots in question. The information is to be considered within the framework of the Structure Plan adopted by Council for Port Coogee, as well as the R-Codes and the City's Planning Scheme.

Presentation of the DAP's to the City was by the planning consultant for Port Coogee. Subsequent to an initial assessment, several changes have been made to the documents in consultation with the consultant for the benefit of all stakeholders. These include future purchasers and the City (when application is made for assessment and determination).

Conclusion

The DAP's provide detailed controls for small lot development identified in the Structure Plan for the land in question. It is, therefore, recommended that the DAP's be adopted by Council.

The approval of the DAP's is in accordance with the provisions of 6.2.15 of the Scheme. The provisions identify planning considerations to be included in a DAP and the process for adopting such. Where a DAP may affect landowners other than the owner of the land subject of the plan, the City may undertake consultation.

As Australand owns the majority of surrounding land, this has not occurred. Additionally, whilst adjacent lots (to the west) were sold as part of Stage 4A and are now in private ownership, the proposed DAP's sit within the requirements of the Structure Plan (and future development should occur as anticipated, precluding the need for further consultation).

Clause 6.2.15.8 provides scope for a DAP to be amended.

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.

Council Policy that applies is Policy APD 31 Detailed Area Plans.

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005

Community Consultation

The DAP's have not been the subject of consultation. The DAP's sit within the framework of the Port Coogee Structure Plan which has been through a comprehensive public consultation program, including workshops.

Attachment(s)

1. Location/Structure Plan
2. Detailed Area Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 11 September 2008 Council Meeting.

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

Nil.

14.7 (OCM 11/9/2008) - COCKBURN COAST DRAFT DISTRICT STRUCTURE PLAN - LOCATION: NORTH COOGEE - OWNER: VARIOUS - (9523) (A BLOOD) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) endorse the report contained in the Agenda attachments; and
- (3) lodge a submission on the Cockburn Coast draft district structure plan based on the report in the Agenda attachments.

COUNCIL DECISION

Background

Nil.

Submission

The Western Australian Planning Commission has advertised the Cockburn Coast draft district structure plan and supporting technical reports for public comment. The advertising period closes on 15 September 2008.

Report

The Western Australian Planning Commission (WAPC) has advertised the Cockburn Coast draft district structure plan which covers all of that part of the City of Cockburn between Port Coogee and South Beach and also includes the former land fill site within the City of Fremantle. A copy of the Draft District Structure Plan is included in the Agenda attachments.

The project has a long history. The City had been actively lobbying the state government to redevelop the area for residential purposes since 1997. Finally in 2004 the Minister for Planning and Infrastructure announced the Cockburn Coast project which was to transform the area from an industrial area to a world class residential precinct. In May 2005 the Department of Planning and Infrastructure (DPI) held a Vision

workshop for Cockburn Coast bringing together landowners, developers and community members to outline the broad aspirations for a future beyond industrial development. The workshop delved into the community's broad aspirations for the Cockburn coast which included an environmentally sound community, scaled housing and tenure mix and quality public transport and public facilities. Overall, participants of the workshop wanted a bold plan for the Cockburn coast area which creatively planned for a future as a destination that is integrated and provides a mix of beach experiences. A copy of the outcomes of the workshop is available on the WAPC website.

A key recommendation of the Vision process was for the preparation of a district structure plan as a tool to provide the frame work for the proposed regeneration. The Cockburn Coast draft district structure plan has been prepared within that context to guide future land use and development decisions and to form the basis of the required amendments to the Metropolitan Region Scheme.

The Cockburn Coast project has been managed by the Department of Planning and Infrastructure. The preparation of the structure plan has involved consultation with landowners, stakeholders technical data collection and consultation with the local governments. The City was a member of the Cockburn Coast Steering Committee and the project working group. DPI also established a reference group which met on six occasions in late 2006 through to mid 2007. The outcomes of the reference group workshops are on the WAPC website.

The Draft Structure Plan has been prepared by an extensive team of consultants appointed and managed by DPI. The consultants made presentations to the reference group workshops, the outcomes of which informed the consultants on the various issues and options. The Draft Structure Plan Report itself is a comprehensive document which is supported by an extensive range of technical appendices covering matters including European and Indigenous heritage, coastal processes, transport analysis, environmental assessment, district water management overview, socio economic analysis and coastal planning strategy. All the above reports are available on the WAPC website.

The Structure Plan covers an area of approximately 92 ha and identifies new urban areas, primary road networks, public transport services, land use distribution, major recreation areas, tourism opportunities, other major infrastructure requirements, future performance targets and measures and a redevelopment framework including implementation initiatives. In addition to the traditional role of a district structure plan this plan is complemented by more detailed objectives for built form, density, height and land use provided through the precinct character statements prepared for the seven precincts within the project area.

The key land use and infrastructure considerations are informed by the project vision which is to create a vibrant, landmark destination that is connected, integrated, diverse and accessible. The plan also reflects and incorporates an extensive suite of sustainability principles and initiatives.

The WAPC has widely advertised the project in the local papers. The City has also sent copies of the summary brochure to landowners in and immediately adjoining the structure plan area. As part of the public consultation DPI held 2 community information sessions with the City of Cockburn and 2 within the City of Fremantle. The questions and answers arising from the presentations are available on the WAPC website.

Reoccurring planning, transport, environmental and social issues raised in the information sessions are as follows;

- Public transport linkages and options.
- Vehicle and cycle accessibility with particular reference to the bottlenecks in Hampton Road and lack of east west connections, the need for, the alignment of, crossings and visual impacts of proposed Cockburn Coast Drive.
- The current status, ownership and future of the former power station.
- The cost and feasibility of relocating the switchyard and undergrounding the high voltage powerlines.
- Loss of affordable holiday accommodation and affordability generally.
- Height of buildings.
- Environmental impacts on the coastal area and Manning Park.

Given the enormity of the reports, the vast amount of information provided and that Councillors were provided with copies of the main reports it is not intended to provide a detailed synopsis of the plan and the technical appendices over and above the general information outlined above and the issues outlined in the agenda attachments.

The draft structure plan report and supporting technical reports have been reviewed by officers from the following service units, Strategic Planning, Environmental Management, Parks, Engineering, Environmental Health, Community and Infrastructure Services.

At a joint meeting officers supported the draft structure plan but raised some matters of concern or which require further consideration and or investigation. A consolidated list of issues is contained in the Agenda attachments.

It is recommended that Council lodge a submission on the Cockburn Coast Draft District Structure Plan which generally supports the plan

subject to the matters set out in the report included in the Agenda attachments.

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 provide an appropriate range of recreation areas that meets the needs of all age groups within 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.

Transport Optimisation

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

Nil.

Community Consultation

Undertaken by the Western Australian Planning Commission.

Attachment(s)

1. Cockburn Coast Draft District Structure Plan.
2. Report on the Draft Structure Plan.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

- 14.8 (OCM 11/9/2008) - FINAL ADOPTION OF PROPOSED SCHEME AMENDMENT NO. 65 TO TOWN PLANNING SCHEME NO. 3 - LOCATION: LOTS 453 & 454 MACQUARIE BOULEVARD, HAMMOND PARK OWNER: AUSTRALAND HOLDINGS - APPLICANT: BURGESS DESIGN GROUP ON BEHALF OF CCI GROUP (93065) (R DONG) (ATTACH)**

RECOMMENDATION

That Council:-

- (1) adopt the Schedule of Submissions;
- (2) adopt the amendment for final approval without modification;
- (3) 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
- (4) advise the proponent and persons lodging submissions of Council's decision accordingly.

COUNCIL DECISION**Background**

Council at its meeting held on 13 March 2008 resolved to initiate Scheme Amendment No. 65 to Town Planning Scheme No. 3 for the purposes of public consultation.

The subject land falls within the Frankland Local Structure Plan (Appendix 1 of Attachment 2 refers) area and is located at the junction of Russell Road and Hammond Road / Macquarie Boulevard in the Hammond Park locality. Lots 453 and 454 are located on the western and eastern sides of Macquarie Boulevard with lot areas of 4,692m² and 4,728m² respectively.

The applicant, Burgess Design Group, has been engaged by the contracted land owner (the CCI Group) to prepare an amendment to the City's Town Planning Scheme No. 3 (TPS No. 3) to modify the Scheme Text provisions for the development of the neighbourhood centre in the Gaebler Road Development Area, in order to provide greater flexibility in terms of building location, building frontage and building form requirements.

Submission

The applicant at the request of the CCI Group has submitted the document for the proposed Scheme Amendment No. 65 (Attachment 2 refers).

Report

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

The EPA considered that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and nevertheless provided some advice and recommendations (Attachment 3 refers). The advice and recommendations have been suitably addressed in the Schedule of Submissions (Attachment 3 refers).

Following clearance from the EPA, the amendment was advertised for public comment for a period of 42 days, concluding on 7 July 2008. The advertising procedure included an advertisement being placed in the Cockburn Gazette newspaper; affected landowners being invited to comment on the proposal, and information made available at Council's Administration Office and on Council's website.

Advertising of the amendment has resulted in the receipt of four (4) submissions of no objection. The issues raised in the submissions are suitably addressed in the Schedule of Submissions (Attachment 3 refers) and further comment in this report regarding the above issues is unnecessary.

As mentioned in Council Item 14.6 (dated 13/03/2008, Minute No. 3691) proposed Scheme Amendment No. 65 is aimed at supporting the Hammond Park Neighbourhood Centre Master Plan (Appendix 2 of Attachment 2 refers) and provide some flexibility in the scheme

provisions relating to the subject land. The amended scheme provisions will facilitate the landowner/developer to create a more attractive local centre in accordance with the requirements of the proposed operator and hence achieve a more sustainable planning outcome. It is therefore recommended that the Council adopt Scheme Amendment No. 65 for final approval.

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.

Employment and Economic Development

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

Budget/Financial Implications

Nil.

Legal Implications

Town Planning Scheme No. 3
Planning and Development Act 2005
Town Planning Regulations 1967 (as amended)

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 Scheme Amendment No. 65 concluded on 7 July 2008. At the close of advertising, four (4) submissions were received.

Attachment(s)

- (1) Locality Plan
- (2) Scheme Amendment Document
- (3) Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 September 2008 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

**15.1 (OCM 11/9/2008) - LIST OF CREDITORS PAID - JULY 2008 (5605)
(K LAPHAM) (ATTACH)**

RECOMMENDATION

That Council receive the List of Creditors Paid for July 2008, as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

The list of accounts for July 2008 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

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

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – July 2008.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (OCM 11/9/2008) - STATEMENT OF FINANCIAL ACTIVITY - JULY 2008 (5505) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated reports for July 2008, as attached to the Agenda.

COUNCIL DECISION

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 2008. This includes explanations for material variances within operating revenue and expenditure, as well as capital expenditure.

Note 1 shows the program split for grants and contributions received towards asset purchase and development.

Note 2 provides a reconciliation of Council's net current assets (adjusted for restricted assets and cash backed reserves). 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 Standards.

Material Variance Threshold

For the purpose of identifying material variances in Statements of Financial Activity, Financial Management Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality. This standard defines materiality in financial reporting and states that materiality is a matter for professional judgement. Information is material where its exclusion may impair the usefulness of the information provided. AAS5 does offer some guidance in this regard by stating that an amount that is equal to or greater than 10% of the appropriate base amount may be presumed to be material.

The materiality threshold adopted by Council for the 2008/09 financial year is \$50,000 or 10% (whichever is the greater). In applying the threshold, officers give due regard to the nature of the data and how it is best consolidated (e.g. at an individual project level, specific works program, distinct activity, nature and type level etc).

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

Where variances reported are of a permanent nature, they will impact Council's end of year surplus/deficit position. These should be 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 - July 2008.

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 (OCM 11/9/2008) - PETITION - FOR DEVELOPMENT OF PUBLIC OPEN SPACE - LOCATION: RESERVE 48575 SPINNAKER HEIGHTS, YANGEBUP (1714) (J SMITH) (ATTACH)

RECOMMENDATION				
That Council:				
(1) endorse the schedule and priority of park development as follows:				
No	Park	Proposal	Source	Estimate
1	Lopresti Park, Reserve 47160 Belladonna Dr	Cleared, partial POS lot only.	CW 5184	\$135,500.00
2	Reserve 48568 Yangebup Rd	Perimeter landscaping, bushland rehabilitation and signage.	DCA 5	\$15,460.36
3	Reserve Reserve 48575 Spinnaker Hts	Irrigated grass. Exotic tree and garden landscaping, park furniture.	DCA 5	\$145,633.00
4	Macrozamia Park, Randazzo Wy	Rehabilitate bushland and dry grass open areas, landscaping and park furniture in two stages.	CW 5184 09/10 Budget request	\$24,500.00 \$55,467.00
	Reserve 40263 Gazania Gr	Enhance bushland, used as an access way	09/10 Budget request	\$113,830.00
6	Warthwyke Park, Reserve 40163 Gazania Gr	Selected irrigated areas, bushland rehabilitation and upgrade recreational facilities	10/11 Budget request	\$150,000.00
7	New POS 4,000m2 off Lot 63 Yangebup Rd	Recently cleared	DCA 4 and future budget consideration	\$320,000.00
8	Reserve 4710 Shallcross St	Recently cleared, partial POS lot only. Balance to be provided through further land development.	DCA 4 and future budget consideration	\$1,100,000.00

9	Future POS 6,000m2 off Lot 1 Simper Rd	Not created and subject to further land development.	DCA 4 and future budget consideration	\$412,500.00
10	Visko Park, Reserve 47278 Bayview Tce	Developed with irrigated grass, playground, etc and currently considered for bowling green and clubroom development.	Subject to specific proposal relating to bowling club relocation	\$0.00
<p>(2) amend CW 5184 to \$135,500 for the development of Lopresti Park, Belladonna Drive</p> <p>(3) transfer the balance of the funds (\$24,500) from CW 5184 and create a new CW project for the first stage development at Macrozamia Park, Randazzo Way, Yangebup;</p> <p>(4) support the proposed expenditure of public open space cash-in-lieu money in DCA5 contributions totaling \$161,093.36 to fund the development of Reserves 48568 Yangebup Road and 48575 Spinnaker Heights, Yangebup;</p> <p>(5) prepare a submission to the Western Australian Planning Commission for consideration and recommendation to the Hon. Minister for Planning and Infrastructure for the use of cash-in-lieu money to fund the development of Reserves 48568 and 48575 Yangebup; and</p> <p>(6) advise the petitioners accordingly.</p> <p>TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL</p>				

COUNCIL DECISION

Background

At the OCM of 14 August 2008 the City received a petition containing 49 signatures stating:

"We the residence of the local area, surrounding the above land reserve, hereby petition the City of Cockburn to construct a park

on the land Lot 48575 Spinnaker Heights, Yangebup set aside and zoned for "parks" under the town planning scheme.

We the under signed petitioners and residence, believe the area is sufficiently developed with residence and young families to warrant the development of the park now.

We also believe it should be brought to the councils attention that the majority of dwellings currently under construction and or completed are on the land zoned R40 (high density) and as a consequence are the exact dwelling in need of such a park due to their compact living and small land holding.

Council should also be mindful that funding for this park has had contribution made from the private land developer when developing the subdivision some years ago and this cost was passed on to the current residents. Therefore the cost associated with developing this park has been met by the current residence. We request that this parks development be made priority and brought to the top of the agenda for parks being constructed in the City of Cockburn.

The list below outlines the local residents that support this petition, albeit land owners or tenants but all are rate payers – their names and addresses."

The petitioners are requesting that development contribution funds for this Town Planning Scheme area be utilised for the development of the park Reserve 48575 Spinnaker Heights, as soon as is possible.

Submission

Spinnaker Heights Petition CTR 08/35827 File 1714.

Report

Yangebup Parks

The above undeveloped recreation reserve is within the locality of Yangebup, along with seven (7) other undeveloped whole or portions of public open space (POS) and two (2) developed parks between Stock Road, Spearwood Avenue and Beeliar Drive and the railway reserve boundary against the industrial locality of Bibra Lake:

Park	Status
Warthwyke Park, Reserve 40163 Gazania Grove	Bushland, dry grass, playground and limited park facilities
Reserve 40263 Gazania Grove	Degraded bushland, used as an access way

Park	Status
Reserve 48568 Yangebup Road	Bushland lot screening Yangebup Rd
Visko Park, Reserve 47278 Bayview Terrace	Developed with irrigated grass, playground, etc and currently considered for bowling greens and clubrooms.
Macrozamia Park, Randazzo Way	Partial good bushland and dry grass
Reserve 48575 Spinnaker Heights	Cleared and slashed dry grass
Lopresti Park, Reserve 47160 Belladonna Drive	Cleared, partial POS lot only.
Reserve 4710 Shallcross Street	Recently cleared, partial POS lot only.
New POS 4,000m ² off Lot 63 Yangebup Road	Recently cleared
Future POS 6,000m ² off Lot 1 Simper Road	Not created

A *Park Location Plan* Attachment 1 shows each of the above parks and describes a hierarchy of development opportunities under best practice planning by neighborhood catchment. This is in reference to a review study undertaken in 2006, titled *City of Cockburn Passive Parks*.

Cash in Lieu of Public Open Space

Development contribution funds levied for this location are for regional roads only and accordingly can not be applied to POS development. However, POS cash in lieu funds collected in the area can be applied to this purpose.

Under the requirements of the West Australian Planning Commission (WAPC), where in certain circumstances 10% of the gross area of a residential subdivision is not set aside free of cost as a reserve for recreation, a cash-in-lieu payment to Council may be made.

Under Section 154 of the *Planning and Development Act* these monies may be used for only expenditure on specific new park development works, including clearing, irrigation, grassing, some park furniture, paths, signage, fencing and car parks. The expenditure must be directly related to the area it is collected from and approved by the Minister.

The area identified as within that portion of Yangebup north of Beeliar Drive has POS cash in lieu monies received totaling \$161,093.36,

which are available for consideration by the WAPC for expenditure over two of the parks:

Development Source	Related to Park	Contribution
Lot 69 Birchley Road	Reserve 48568 Yangebup Road Identified as Park 2 on plan	\$ 2,250.00
Lot 70 and 71 Yangebup Road	Reserve 48568 Yangebup Road Identified as Park 2 on plan	\$ 83,616.36
Lot 29 Tindal Avenue	Reserve 48575 Spinnaker Heights Identified as Park 3 on plan	\$ 75,227.00
TOTAL		\$161,093.36

It is recommended to apply these funds to POS lots by priority:

- Reflecting the cost for development to a minimum level specific to each POS.
- To locations where surrounding house development is at or nearing completion.

Capital Works Program

In the 2008/09 Capital Works program an amount of \$160,000 was allocated for the development of a park in the locality of Yangebup. The City has received a number of requests from residents since early 2004 for Lopresti Park, Belladonna Drive to be landscaped. A number of requests have also been received for the development of Reserve 48575 Spinnaker Heights since 2007.

Yangebup Park Development Program

Officers have undertaken an assessment of the ten parks within the subject area and prepared proposals for the extent of development required at each location based on:

1. Size related to the park's function as a local, neighbourhood or district standard of development and the size of the population it services.
2. Proximity to nearby parks, considering a safe walking distance to recreational facilities within a 400metre distance without having to cross a railway or major road.
3. Physical and social uniqueness, considering such characteristics as remnant vegetation and biodiversity links, slope, views into and from the park, screening of nearby unsightly activities and other specific landscape design criterion.
4. Future park provision and likely type and timing of development of those parks.

The minimum and particular development for each park, including estimates, was based on the recommended type; extent and provision of infrastructure for each park classification (Local, Neighbourhood and District) as set out in the 2006 *City of Cockburn Passive Parks* study. Proposals for four undeveloped parks are appended as attachments.

The following schedule of park development has been prepared based on the basis criteria determined above. The residential development surrounding Lopresti is more advanced creating a greater demand for the park facilities, and no other parkland is in close proximity. By comparison, Spinnaker Heights is still developing and residents have access to Visco Park less than 300m away. The schedule also seeks to maximize use of POS cash in lieu contributions and the current Capital Works budget.

No	Park	Proposal	Source	Estimate
1	Lopresti Park, Reserve 47160 Belladonna Dr	Cleared, partial POS lot only.	CW 5184	\$135,500.00
2	Reserve 48568 Yangebup Rd	Perimeter landscaping, bushland rehabilitation and signage.	DCA 5	\$15,460.36
3	Reserve Reserve 48575 Spinnaker Hts	Irrigated grass. Exotic tree and garden landscaping, park furniture.	DCA 5	\$145,633.00
4	Macrozamia Park, Randazzo Wy	Rehabilitate bushland and dry grass open areas, landscaping and park furniture in two stages.	CW 5184 09/10 Budget request	\$24,500.00 \$55,467.00
	Reserve 40263 Gazania Gr	Enhance bushland, used as an access way	09/10 Budget request	\$113,830.00
6	Warthwyke Park, Reserve 40163 Gazania Gr	Selected irrigated areas, bushland rehabilitation and upgrade recreational facilities	09/10 Budget request	\$150,000.00
7	New POS 4,000m2 off Lot 63 Yangebup Rd	Recently cleared	DCA 4 and future budget consideration	\$320,000.00
8	Reserve 4710 Shallcross St	Recently cleared, partial POS lot only. Balance to be	DCA 4 and future budget consideration	\$1,100,000.00

No	Park	Proposal	Source	Estimate
		provided through further land development.		
9	Future POS 6,000m2 off Lot 1 Simper Rd	Not created and subject to further land development.	DCA 4 and future budget consideration	\$412,500.00
10	Visko Park, Reserve 47278 Bayview Tce	Developed with irrigated grass, playground, etc and currently considered for bowling green and clubroom development.	Subject to specific proposal relating to bowling club relocation	\$0.00

Strategic Plan/Policy Implications

Lifestyle and Aspiration Achievement

- To conserve the character and historic value of the human and built environment.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

Budget/Financial Implications

Create expenditure account on approval from WAPC. The Schedule identifies priorities and indicative delivery timeframes. The actual delivery will depend on Council funds and the potential for developer contributions.

Legal Implications

N/A

Community Consultation

Consult with residents of Yangebup advising them of the City's recommendations as proposed and seeking comment regarding the development concepts for Lopresti Park, Reserve 48575 Spinnaker Heights, Macrozamia Park and Reserve 48568, Yangebup Road, Yangebup.

Attachment(s)

1. Park location and conceptual development plans.
2. Petition. CTR 08/35827

Advice to Proponent(s)/Submissioners

The Proponents have been advised that this matter is to be considered at the 11 September 2008 Council Meeting

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES**17.1 (OCM 11/9/2008) - SALE OF LAND - LOT 14 AND LOT 22
PROGRESS DRIVE, BIBRA LAKE (1117891) (R AVARD)
(ATTACH)****RECOMMENDATION**

That Council:

- (1) support the Concept Plan Option 2 for the sale of land that forms Lot 14 and Lot 22 Progress Drive, Bibra Lake as attached to the Agenda;
- (2) in accordance with the requirements of the City of Cockburn Town Planning Scheme No. 3 Clause 6.2.6 prepare a Local Structure Plan for the development of Lots 14 and 22 Progress Drive Bibra Lake;
- (3) reconsider the Plan prepared in (2) above following the closure of the submission period;
- (4) allocate the sum of \$70,000 for the preparation of the Local Structure Plan and associated reports and documentation with funds to be drawn from the Land Development Reserve Fund and the Budget be amended accordingly;
- (5) seek the approval of the Western Australian Planning Commission for a land swap for Reserve 26954 for the revegetation areas shown on Concept Plan Option 2 should the Structure Plan for the development of the land proceed as proposed; and
- (6) allocate all funds generated from the sale of land comprising of Lots 14 and 22 Progress Drive Bibra Lake in accordance with the recommendation of the Bibra Lake Management Plan.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council at its meeting of 13 December 2007 resolved as follows:

- (1) *call for Expressions of Interest in accordance with the requirements of Section 3.58 of the Local Government Act, for the possible development of Lot 22 and Lot 14 Progress Drive, Bibra Lake in accordance with the nature of the reserve with the intent to create a regional recreation and leisure precinct;*
- (2) *require the Bibra Lake Management Plan consultants to consider the Expressions of Interest in the context of the Plan; and*
- (3) *on receipt of the Expression of Interest, require a report be prepared which addresses the range of issues related to the development of the area and presented to Council no later than May 2008.*

In accordance with the Council decision Registrations of Interest were called for the purchase or lease of portions or the whole of Lots 14 and 22 Progress Drive, Bibra Lake which closed on 19 February 2008.

There was a delay in submitting a report to Council on this matter due to the need to have the development proposals for Lot 14 and Lot 22 considered in the context of the Bibra Lake Management Plan which has been prepared concurrently. The proposed development is in accordance with the management plan. The relevant section from the Draft Bibra Lake Management Plan is attached.

Submission

As a result of the Registration of Interest (ROI 01/2008) for the purchase or lease of all or portions of Lot 14 and Lot 22 Progress Drive, Bibra Lake the following submissions were received:

- Belgravia Leisure Pty Ltd
- Oceanic Babies Pty Ltd
- Adventure World (WA) Pty Ltd.
- Cockburn Ice Arena Pty Ltd
- Nicvira Pty Ltd

Report

The ROI advised that the land was reserved for parks and recreation purposes under the Metropolitan Region Scheme and the City of Cockburn's Town Planning Scheme No. 3. It is in the Beeliar Regional Park with several heritage listed trees on the site.

Respondents were required to demonstrate compliance with the following criteria:

- The recreational/leisure facility offered is in demand in the district.
- The facility proposed complements other recreation activities in the precinct.
- Financial resources to carry out the project.
- Be prepared to address conservation and environmental constraints of the site.

Importantly short-listed submissions were only interested in buying the land other than Adventure World whose strong preference was to buy but would consider a lease of the land.

The submissions were assessed against the criteria with the submissions short-listed to include Adventure World, Oceanic Water Babies Pty Ltd and Cockburn Ice Arena Pty Ltd. Belgravia Leisure Pty Ltd was not included, and while they have extensive experience in managing conventional recreation facilities they did not submit a proposal for a specific facility. Nicvira are the owners of the adjoining Lot 21 Progress Drive and sought to purchase a portion of the land to expand the paintball operation currently operating on Lot 21 Progress Drive. Paintball was not considered a high value use for this land.

As Lot 21 owned by Nicvira Pty Ltd includes areas with high conservation values the City approached Nicvira's Principal to ascertain if he had any interest in swapping his land for another portion of Lot 14 to allow his land to be set aside as a conservation area, and a rational concept plan to be developed for the larger area. The owner was not interested in a land swap and hence the matter has not been pursued.

Independent consultants Plan E were commissioned to develop concept plan options to accommodate the short listed submissions on the two lots. The options have also been developed with the clear intent to conserve the Tappers Lake Wetland, create a natural vegetation linkage between South Lake and Bibra Lake and to conserve the heritage listed fig trees and monument on the site. The options prepared are attached to the Agenda. In brief they are described as follows:

Option 1

- This option provides areas for Adventure World, Cockburn Ice Arena and Oceanic Water Babies.
- Provides some vegetation linkage to the south of the lots to Bibra Lake and South Lake.
- Provides some arboreal link between Tapper Lake and Bibra Lake.
- Does not meet the submitted option for Adventure World for the whole of the site.
- Does not meet Cockburn Ice Arenas submitted location on the present Lot 22.
- Assists in addressing the parking issues experienced during summer due to Adventure World's activities.

Environmental Services Section's View:

- Further fragments Beeliar Regional Park and allows little scope to retain a substantial bushland linkage between Bibra Lake and South Lake.
- The location of the proposed Adventure World car park and Water Babies will result in the loss of a substantial portion of the remaining stand of mature flooded gums that are located in the multiple use wetland. Many of these gums are quiet old, have numerous hollows and provide an ideal connection between South Lake, Tappers Lake and Bibra Lake. They will also provide an ideal focus and support base for future rehabilitation work.
- Does not allow for the minimum 50 metre buffer between Tappers Lake, a resource enhancement wetland, and the proposed Adventure World car park.
- Does not comply with the Water and Rivers (now DEC) position statement pertaining to the management objectives of resource enhancement and multiple use category wetlands.
- The proposed Adventure World car park may result in the root disturbance of the heritage fig trees putting these trees at risk.
- Cockburn Ice Arena Water Storage is within vegetated linkage.
- Does not align with the objectives of the following Council policies:
 - Wetland Conservation - Policy SPD5
 - Bushland Conservation - Policy SPD1
 - Sustainability Policy - SC37

Option 2

- This option provides a reduced area for Adventure World, and meets the needs of the Cockburn Ice Arena and Oceanic Water Babies.
- Provides some vegetation linkage to the south of the lots to Bibra Lake and South Lake and conserves the established trees near Tappers Lake.
- Provides arboreal link between Tapper Lake and Bibra Lake.

- Does not meet the submitted option for Adventure World for the whole of the site.
- Does not meet Cockburn Ice Arenas submitted location on the present Lot 22.
- Assists in addressing the parking issues experienced during summer due to Adventure World's activities.

Environmental Services Section's View:

- Further fragments Beeliiar Regional Park and allows little scope to retain a substantial bushland linkage between Bibra Lake and South Lake.
- The location of the proposed Adventure World car park and Water Babies will result in the loss of a substantial portion of the remaining stand of mature flooded gums that are located in the multiple use wetland. Many of these gums are quiet old, have numerous hollows and provide an ideal connection between South Lake, Tappers Lake and Bibra Lake. They will also provide an ideal focus and support base for future rehabilitation work.
- Does not allow for the minimum 50 metre buffer between Tappers Lake, a resource enhancement wetland, and the proposed Adventure World car park.
- Does not comply with the Water and Rivers (now DEC) position statement pertaining to the management objectives of resource enhancement and multiple use category wetlands.
- The proposed Adventure World car park may result in the root disturbance of the heritage fig trees putting these trees at risk.
- Cockburn Ice Arena Water Storage is within vegetated linkage.
- Does not align with the objectives of the following Council policies:
 - Wetland Conservation - Policy SPD5
 - Bushland Conservation - Policy SPD1
 - Sustainability Policy - SC37

Option 3

- Does not accommodate Adventure World on the site.
- Minimises the land for sale.
- Retains habitat value of flooded gums. These gums will provide an ideal focus for future rehabilitation work.

Environmental Services Section's View:

- Allows greater connectivity/bushland linkage between South Lake and Bibra Lake.
- Locates Ice Arena on area of degraded land.
- Cockburn Ice Arena Water Storage is within vegetated linkage.
- Would retain stand of mature flooded gums that are located in the multiple use wetland but only if Water Babies was re-located.

- Would comply with the Water and Rivers (now DEC) position statement pertaining to the management objectives of resource enhancement and multiple use category wetlands if Water Babies was relocated.
- Would provide adequate buffer between the development and Tappers Lake if Water Babies were located.
- Minimizes impact on heritage fig trees.
- Provides numerous location options to construct fauna underpasses when North Lake Road is upgraded.
- Most closely follows the objectives of the following Council policies:
 - Wetland Conservation Policy - SPD5
 - Bushland Conservation Policy - SPD1
 - Sustainability Policy - SC37

Option 3 has support by Environmental Services provided that it protects the flooded gums on the site.

Option 4

- Provides an area for sale and meets the needs of Oceanic Water Babies and Cockburn Ice Arena.
- Does not address the submission from Adventure World.

Environmental Services Section's View:

- Provides good connectivity/bushland linkage between South Lake and Bibra Lake.
- The location will result in the loss of a substantial portion of the remaining stand of mature flooded gums that are located in the multiple use wetland. Many of these gums are quiet old, have numerous hollows and provide an ideal connection between South Lake, Tappers Lake and Bibra Lake. They will also provide an ideal focus and support base for future rehabilitation work.
- Will result in the loss of any remaining natural vegetation and impact on the multiple use wetland.
- Does not comply with the Water and Rivers (now DEC) position statement pertaining to the management objectives of resource enhancement and multiple use category wetlands.

Option 5

- Does not meet the needs of Oceanic Water Babies nor Cockburn Ice Arena.
- Provides an area of land for sale, notionally for Adventure World.

Environmental Services Section's View:

- Provides good connectivity/bushland linkage between South Lake and Bibra Lake.

- The location will result in the loss of a substantial portion of the remaining stand of mature flooded gums that are located in the multiple use wetland. Many of these gums are quiet old, have numerous hollows and provide an ideal connection between South Lake, Tappers Lake and Bibra Lake. They will also provide an ideal focus and support base for future rehabilitation work.
- Will result in the loss of any remaining natural vegetation and impact on the multiple use wetland.
- Minimizes buffer to Tapper Lake which is an important resource enhancement wetland.
- Does not comply with the Water and Rivers (now DEC) position statement pertaining to the management objectives of resource enhancement and multiple use category wetlands.
- Does not align with the objectives of the following policies:
 - Wetland Conservation Policy - SPD5
 - Bushland Conservation Policy - SPD1
 - Sustainability Policy - SC37

Option 6 (not shown in a plan form)

- Revegetation of the whole site will create strong vegetation link between South Lake and Bibra Lake.
- No land sales possible.
- Does not meet the requirements of any of the applicants.
- There will be a significant cost to revegetate all of Lots 14 and 22.

Environmental Services Section's View:

- Provides best connectivity/bushland linkage between South Lake and Bibra Lake.
- No impact on Tappers Lake, a resource enhancement wetland
- No impact on mature flooded gums and multiple use wetland
- Provides numerous location options to construct fauna underpasses when North Lake Road is upgraded
- Complies with objectives of the following Council policies:
 - Wetland Conservation Policy - SPD5
 - Bushland Conservation Policy - SPD1
 - Sustainability Policy - SC37
- Most likely to be supported by Beeliar Regional Park Community Advisory Committee.

Option 6 is supported by Environmental Services Section as it protects all of the existing wetland and vegetation areas and provides for degenerated areas to be revegetated.

Conclusion

Should Council support the approach of seeking a Local Structure Plan for the site a requirement is for public advertising seeking comment.

This process also requires the relevant government agencies to respond within an established timeframe which will greatly expedite the approval process.

In summary to progress the sale or lease of any portions of the site the following process is recommended.

- Council is to determine which concept plan option it supports;
- Instigate a Local Structure Plan process for the site;
- Council consider the submissions on the proposed Structure Plan;
- Council seek independent valuations for the land;
- Council advertise the sale of the land in accordance with Section 3.58 of the Local Government Act 1995.

Attention of Council is drawn to the status of the car park used by Adventure World (Reserve 26954) which has access at no cost beyond the cleaning and maintenance of the area. There are no known legal arrangements between the City and Adventure World for the use of the car park area. Whilst it could be argued that the public using Bibra Lake and the adjoining landowners have some usage of the car park it is argued that the primary user of this area particularly during the summer months is Adventure World.

There will be great benefit to the community for any areas proposed to be conserved on Lot 14 and Lot 22 to be set aside as a reserve rather than held in freehold. This end could be achieved by the City negotiating with the Department of Planning and Infrastructure to swap the car park (Reserve 26954) for land held by the City in freehold and proposed to be set aside for conservation purposes. This would have the additional benefit of allowing the City to then negotiate with Adventure World for a market value lease for the car park area they currently use. Funds so raised could then be expended in accordance with the Bibra Lake Reserve Management Plan.

There is strong environmental justification for those areas that are not sold to be revegetated. The approximate cost of a revegetation program that runs over several years to ensure a quality result is \$200,000 per hectare over the life of the program. Accordingly, the cost to revegetate for the options is as follows:

<u>Option</u>	<u>Approx. hectares for Revegetation</u>	<u>Total cost</u>
1	3	\$600,000
2	3.3	\$660,000
3	4	\$800,000
4	5	\$1,000,000
5	4	\$800,000
6	7	\$1,400,000

Balancing the environmental, economic and social benefits, it is recommended that Council adopt Option 2.

Strategic Plan/Policy Implications

Governance Excellence

- To develop and maintain a financially sustainable City.

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

An allocation of \$70,000 for the preparation of an environmental management plan, land survey and legal costs associated with the preparation of documentation is required to meet the requirements for a Local Structure Plan.

It is proposed that any funds generated from the sale of the land be utilised in accordance with the recommendation of the Bibra Lake Management Plan.

Legal Implications

Local Government Act section 3.58 applies. The Western Australian Croatian Association (W.A.C.A.) also have a lease over Lot 22 which has yet to be relinquished although the club is now in breach of the lease as they have sold Lot 21 to another party and not constructed clubrooms on the site. The City is seeking to formally terminate the lease with the W.A.C.A..

Community Consultation

Registrations of interest were advertised in the 'West Australian' newspaper on 2 February 2008, closing on 19 February 2008.

The local structure planning process requires a statutory consultation process.

Attachment(s)

1. Concept Plan - Options 1 to 5.
2. Multiple Use Wetlands Plan.
3. Adventure World Parking – Reserve 26954.
4. Extract from Draft Bibra Lake Management 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 10 July 2008 Council Meeting.

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

Nil.

17.2 (OCM 11/9/2008) - COUNCIL OWNED PROPERTY - 83 HAMILTON ROAD, SPEARWOOD - LEASE (2202282) (R AVARD) (ATTACH)

RECOMMENDATION

That Council enter into a lease agreement with South Metropolitan Personnel (SMP) for the use of 83 Hamilton Road, Spearwood, subject to the following conditions:

- (1) a rental cost of one peppercorn plus all outgoing costs from commencement of the lease;
- (2) an initial lease period of 3 years, with the option to extend the lease for two years; and
- (3) other terms and conditions of the lease to be to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION

Background

Council at its meeting of 14 July 2005 resolved to enter into a rental agreement with the South Metropolitan Personnel for the use of the Manning Park house.

The City has had a long standing relationship with South Metropolitan Personnel which includes the lease of the aforementioned property and the 6 Disability Supported Work Teams that carry out various tasks for the City.

Submission

SMP has contacted the City seeking to lease the house the City owns at 83 Hamilton Road, Spearwood. The building was leased by the Burdiya Aboriginal Corporation who vacated the premises to take up the lease of the Southwell Community Centre.

Report

SMP is a not-for-profit incorporated association that assists young people with disabilities and their families. SMP has provided the following information in relation to the proposed use of the house at 83 Hamilton Road:

- *Provide a larger venue for client training:*
Presently SMP provides a range of Independent Living skill programmes to 87 clients. Skills training is severely restricted at the current Manning House venue due to the number of clients we support. Although the house has proven invaluable for some skills training it only accommodates a limited amount of clients and staff. Space is further restricted as there is a live in Caretaker, which leaves only a small kitchen, lounge room and outdoor area available. The opportunity for SMP to utilize the above residence will have beneficial impact on the above mentioned programmes.
- *Host/ facilitate Community Networks Meetings:*
SMP would be able to offer a venue for other interested agencies/departments to meet to discuss any joint case management issues or projects. We would also promote the building as a Community meeting place to host/facilitate community networks meetings. The Alternative To Employment Manager regularly attends community meetings with the Local Area Coordinators and other service providers. Venues are usually organised by taking turns. The opportunity to utilize this house to promote professional agencies like ourselves and the Disability Service Commission will have positive outcomes for Services providers and the clients we support.
- *Supervised access/mediation visits:*
We may be able to meet with families in a neutral setting. On occasion clients and family have had breakdowns in communication and may be able to meet in a setting such as this to promote effective communication & possible conflict resolution.
- *Future options / possibilities:*

Emergency Respite place for clients. Over the last 3 months a needs analysis was conducted by the ATE Manager to establish a need for respite. The analysis was conducted by formal and informal meetings with Local Area Coordinators, Case Managers from the Mental Health Department Alma Street, family and advocates. At present we are not registered to provide this support, but would allow us the opportunity to look at this in the future if the need arises with our clients. Here is a recent case study outlined below that highlights this need.

- *We were faced with a young male with a dual disability who was made homeless in an emergency. All local recourses were exhausted due to his circumstances. We had staff to support him however no place for him to go where he would be safe. All allied health professionals were in agreement that an emergency respite centre supported by SMP would definitely supply a need for many clients in similar situations.*
- *Client Duty of Care/safety:
On occasions clients have developed behaviours that have made it necessary for them to be removed from other clients. On such occasion SMP has had to take a client to SMP main office. This may have occurred because the parents are working and cannot come to pick up their son/daughter. A facility such as a house would enable SMP to continue providing activities independently for a client while ensuring that other clients are not at risk.*

SMP has agreed to be responsible for the maintenance and upkeep of the property and to pay all outgoings and understand that they will be responsible for all costs associated with bringing the building up to a standard requirement to meet the purposes of the building by SMP. In addition as part of their Alternatives to Employment Programmes, SMP intend to create a *scented/sensory garden* with input of clients and staff. As SMP is a not-for-profit organisation and the house would be used for the programmes outlined for the betterment for people with disabilities SMP has requested that the Council consider a *peppercorn* rent which will enable SMP to maintain the level of service to their clients.

Strategic Plan/Policy Implications

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 identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

Included in the City of Cockburn Access and Inclusion Plan 2007-2012 is a strategy:

To support people with disabilities in the community to develop and participate in community groups.

Budget/Financial Implications

A condition of the lease will be that the Lessee will be responsible for maintenance and outgoings. The building is in fair condition but has not been used for residential purposes for many years.

Legal Implications

The house is on land owned by the City of Cockburn and set aside for recreational purposes. The balance of the lot includes Lucius Park, an established active reserve. It is proposed that, should Council wish to proceed, the leased area will be as defined in the attached plan.

Regulation 30(2)(b)(i) of the Local Government (Functions and General) Regulations 1996 allows an exception from the provisions of Sec. 3.58 of the Local Government Act for the disposal of land when the disposal (including a lease) is to a body whether incorporated or not

“(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.”

SMP clearly meets this criteria and hence it is within the power of Council to enter a lease arrangement without going out to tender or calling for expressions of interest.

Community Consultation

Not deemed necessary due to the location of the leased premises and the nature of the benevolent activities on the site.

Attachment(s)

Location Plan

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at 11 September 2008 meeting of Council.

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

Nil.

17.3 (OCM 11/9/2008) - COCKBURN YOUTH CENTRE - FEES AND CHARGES - 2008/09 FINANCIAL YEAR (8648) (M ASHE)

RECOMMENDATION

That Council adopt the proposed fees and charges for the Cockburn Youth Centre for the 2008/2009 financial year.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The City of Cockburn Youth Centre is a unique purpose-built new venue. Fees and charges have been calculated based on fees and charges for similar facilities at other venues within the City and throughout the metropolitan area whilst keeping in mind the need to be competitive in the market place.

Submission

N/A

Report

Research into fees and charges was conducted across eight local governments offering similar facilities for hire. The proposed pricing structure for the Youth Centre caters for a wide variety of groups and offers flexible options. The proposed pricing structure for the Centre is as follows:

	Proposed Casual Hire Fee/hr*	GST \$	Fee incl. GST \$	Proposed Regular Hire Fee/hr*	GST \$	Fee incl. GST \$	Bond \$
Main Hall (8 am – 4 pm)	35.00	3.50	38.50	30.00	3.00	33.00	1,000
Main Hall (4 pm – 9 pm)	45.00	2.50	47.50	38.18	3.82	42.07	1,000
Activity/Creche (8 am – 4 pm)	20.00	2.00	22.00	17.27	1.73	19.00	500
Activity/Creche (4 pm – 9 pm)	27.27	2.73	30.00	23.64	2.36	26.00	500
Computer/Training Room **	20.00	2.00	22.00	17.27	1.73	19.00	500
Computer/Training Room ** (4 pm – 9 pm)	27.27	2.73	30.00	23.64	2.36	26.00	500
Minor Equipment Hire per item	2.73	0.27	3.00	2.73	0.27	3.00	-
Kitchen all hours	15.45	1.55	17.00	15.45	1.55	17.00	50
Music Room **	20.00	2.00	22.00	20.00	2.00	22.00	100
	Proposed Fee per Day			Proposed Fee per Week			
Foyer/Exhibition Space	200.00	2.00	220.00	50.00	5.00	55.00	50

* Community Organisation Fee less 20% in accordance with Council policy.

** Specialised equipment hire additional.

An additional charge will be made for staff attendance after hours based on recovery plus 20%.

Strategic Plan/Policy Implications

Governance Excellence

- To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.
- To develop and maintain a financially sustainable City.

Budget/Financial Implications

The budget adopted by Council for the Youth Centre hire anticipated an annual income from hire of \$20,000 in 2008/09. This figure is achievable with the fee schedule proposed.

Legal Implications

All fees and charges are required to be adopted by Council as a requirement of the Local Government Act 1995, Sec. 6.16(3).

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

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

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

23. CONFIDENTIAL BUSINESS

24 OCM 11/9/2008 - 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

25. CLOSURE OF MEETING