

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 16 NOVEMBER 2004 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 16 NOVEMBER 2004 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

| | | |
|-------------------|---|--------------|
| Mr S Lee | - | Mayor |
| Mr R Graham | - | Deputy Mayor |
| Mr I Whitfield | - | Councillor |
| Mr K Allen | - | Councillor |
| Ms L Goncalves | - | Councillor |
| Mrs S Limbert | - | Councillor |
| Mr M Reeve-Fowkes | - | Councillor |
| Mrs V Oliver | - | Councillor |

IN ATTENDANCE

| | | |
|----------------|---|---|
| Mr S. Cain | - | Chief Executive Officer |
| Mr D. Green | - | Director, Administration & Community Services |
| Mr A. Crothers | - | Director, Finance & Corporate Services |
| Mr S. Hiller | - | Director, Planning & Development |
| Mr B. Greay | - | Director, Engineering & Works |
| Mrs V. Bacich | - | Secretarial Assistant |
| Mr C. Ellis | - | Communications Manager |

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm.

Mayor Lee informed the gallery that Anne Hawkins, a Financial Counsellor with the City of Cockburn, had won an award in the 2004 Western Australian Consumer Protection Awards. Mayor Lee stated that Anne is very committed to providing a high standard of service to Cockburn residents and congratulated her on winning the award.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.



3. DISCLAIMER (Read aloud by Presiding Member)

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

4 (OCM 16/11/2004) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised that he had received a written declaration of conflict of interest from Councillor Allen in relation to Item 14.7 and written declarations of financial interest from Mayor Lee, Deputy Mayor Graham and Councillor Oliver, all in relation to Item 15.2, which will be read at the appropriate time.

5 (OCM 16/11/2004) - APOLOGIES & LEAVE OF ABSENCE

| | |
|----------------|-----------|
| Clr A. Edwards | Apologies |
| Clr A. Tilbury | Apologies |

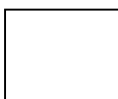
6 (OCM 16/11/2004) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr L. Howlett – Public Question Time – Ordinary Council Meeting 19/10/04 – asked a question regarding the scheduled article for the “Communities in Action” section of the Cockburn Gazette.

The response dated 27 October 2004, advised that the information provided by the Community Association was received on 29 September (a day after the due date) and forwarded directly to the Gazette. The item was subsequently published in the 5 October edition of the Gazette.

The Editor retains the right to determine what is published in his paper and when which is out of the City's control. However, many articles have been and will continue to be published in the “Communities in Action” section of the Gazette which are initiated by community associations. The success of this section relies on the continued participation of community associations and the adherence to the timeframe set by the Gazette.

Mr L. Howlett – Public Question Time – Ordinary Council Meeting 19/10/2004 – requested information on the number of safety audits



conducted on roads within the City in the last 5 years and what action, if any, was taken by the Council as a result of those studies.

A letter dated 25 October, advised that safety audits are carried out for major road projects and those with high crash incidences. Some of the locations that independent safety audits have been carried out for the design staff of Council are Yangebup Rd, Spearwood Ave intersection, North Lake Rd and Bibra Drv intersection, Hammond Rd and Beeliar Drv intersection and Rockingham Rd near Leda St.

Mr L. Howlett – Public Question Time – Ordinary Council Meeting 19/10/2004 – in regards to the Rubbish Bin Levy:

Q. *How does the City of Cockburn Rubbish Bin Levy compare in dollar terms with that of adjoining councils?*

A. The City of Cockburn charges a levy of \$27 per year for 4 years to owners of new houses. This covers the cost of purchasing the 2 new bins that are delivered to the houses when the residents move in. If other councils provide 2 bins to their ratepayers, they will need to purchase them for around \$50 each. It is unknown what method they use to provide these funds.

Q. *What funds are held in reserve accounts for the provision of new and replacement bins?*

A. There is \$900,000 in the reserve fund for replacement of bins.

Mr J. Branco – Public Question Time – Ordinary Council Meeting 19/10/2004 – with regards to Bibra Drive, asked the following questions:

Q. *Do the Planning Officers have drawing plans prepared for the possible duplication of Bibra Drive?*

A. There are no plans/drawings/funding or any proposals in the future to build a second carriageway for Bibra Drive.

Q. *To what specifications has the T-Junction of Bibra Drive and North Lake Road been designed to?*

A. The intersection has been designed in accordance with “Guide to Engineering Practice” published by Austroads. It has been designed and built for 4 through lanes on North Lake Road with associated right and left turning pockets. This will allow traffic signals to be installed if required in the future. North Lake Road is a high traffic volume and high speed road and the treatment will allow for safe entry and exit of motorists using Bibra Drive. The intersection design has been submitted to Main Roads WA and was approved.



Q. *Is it a specification that would allow for the future duplication of Bibra Drive? And if so, when did Council make that decision to instruct the Planning Department to build such a large T-Junction at Bibra Drive and North Lake Road when Bibra Drive is a local road?*

A. No – it has not been designed to accommodate a second carriageway in Bibra Drive.

Q. *Would the Council provide me with the Australian Standards that the Planning Officers would have used in their specifications and design of the T-Junction of Bibra Drive and North Lake Road, along with any draft plans, if they exist, that relate to the possible duplication of Bibra Drive?*

A. The designs are to the standards outlined in answer 2 and are available from Austroads.

Ms Z. Inman – Public Question Time – Ordinary Council Meeting 19/10/2004 – asked about the suitability of the proposed location for the Coogee Beach Surf Life Saving Club.

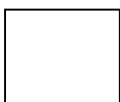
A response dated 26 October 2004 advised that the proposed location of the Surf Life Saving Club was selected as the preferred site after extensive consideration of various sites between the proposed Port Coogee Marina and Woodman Point. During submission period, objections were received from the Dept for Conservation & Land Management and the Dept for Planning & Infrastructure. However, the State Government, through the Western Australian Planning Commission, will decide if the surf club is approved in this location, not the Council. With regards to locating the surf club in the Port Coogee Marina, this site had potential adverse impacts on the foredune and had beach access issues that were considered unacceptable however, Ms Inman's suggestion will be passed on to the Port Coogee developer for information.

7 (OCM 16/11/2004) - PUBLIC QUESTION TIME

The Presiding Member advised that Council received on 4 November 2004, four questions from **Mr Alisdair Wardle** of Coolbellup, relative to Council advertising for submissions on the change to plans for a primary school to be constructed on Len Packham Reserve, Coolbellup.

The questions relate to discussions on this issue at a Coolbellup Community Association Meeting held on 1st November 2004, in which a Councillor in attendance at the meeting stated "that Council had to agree to the plans because they had a gun pointing at their head".

In responding to this statement, he confirmed that the intent of this comment was that the timeframe associated with constructing the school is extremely



tight and there is no room for unnecessary delays in the planning and construction phase of the project in order for its completion and opening of the school in time for the 2006 school year.

Mayor Lee did not believe that the comment was made in response to any threats directed at Council by a third party or parties and that any interpretation to this effect is misconstrued.

The Presiding Member also advised that a letter from **Mr Colin Crook** was received yesterday with a number of questions. As the letter was received too late, Council will respond to Mr Crook's questions in writing.

A letter was also received from **Mr Andrew Sullivan** today with a number of questions. As this letter was also received too late, Council will be responding in writing.

Ron Kimber, Beeliar asked a series of questions in regard to the legal action being taken by CCAC against the City of Cockburn over Port Coogee and what the costs would be to the ratepayers of Cockburn if CCAC win or lose their battle. He also asked if Council would keep detailed records on the legal costs incurred by Council on pursuing this matter.

Mayor Lee replied that Cockburn will be expending monies on obtaining legal advice on any legal action taken against the City and that detailed records would be kept on costs incurred. However, Mayor Lee stated he is unable to state those costs, as it is unknown at this stage.

Colin Crook, Spearwood asked if there were any Councillors who would be willing to over-ride an officer's ruling on the erection of locality signs and asked that signs be erected as soon as possible on Cockburn Road to distinguish the three suburbs, Hamilton Hill, Spearwood & Coogee.

Mayor Lee advised that the Director Engineering & Works would investigate the matter and advise Mr Crook in writing.

Logan Howlett, North Lake welcomed the new CEO, Stephen Cain. He also stated that the legal action in the Supreme Court regarding Port Coogee was part of the democratic process. Mr Howlett believed Council needed a policy for handling correspondence and a policy on protocol, to be put in place for Council and Staff.

Mr Howlett reminded the Mayor that he has still not received an apology from Mayor Lee for an incident which took place at the Foundation Day luncheon in June.



Mr Howlett referred to a question that was asked at a previous Council Meeting in regard to private security patrols and asked if the City had appointed a Contract Manager to manage the contract. He also asked if there had been statistics and performance measures prepared in readiness for the commencement of this contract and if there is a termination clause in the contract.

Mr Howlett asked for an update to be provided to the North Lake Residents Association in regard to a budget request submitted on 24 May 2004 for entrance statements and streetscape in the suburb of North Lake.

Mayor Lee advised that his questions would be taken on notice and responded to in writing.

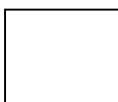
Ken Hynes, Yangebup referred to questions previously asked at the Council Meeting held on 19 October 2004, which included:-

- Q1. When does the Council intend to start and complete the entire extension of the northern section of Spearwood Ave from Barrington Road?
- Q2. When does the Council intend to close the western end of Yangebup Road at the Simper Road railway line?
- Q3. Are there any plans to alter the exits and entry at Beeliar Drive to Birchley Road as they are now, if so, what alterations will there be?
- Q4. Has the Council been in any discussion/talks or meetings with any ministerial departments about the possible closure of the railway crossing in Barrington Street?
- Q5. Has the Council been able to ascertain the volume of traffic that will travel through the Spearwood Ave and Yangebup Rd intersection when the planned closures of Miguel Rd and the western end of Yangebup take place?
- Q6. How many plans has Council had on the section of Miguel Road from the railway line, or the northern section of Yangebup road to Spearwood Avenue?

Mayor Lee advised Mr Hynes that his time was up and that his questions would be taken on notice and answered in writing.

Robyn Scherr, raised a series of questions in relation to the Port Coogee Waterways Management Program:-

- Q1. Has the Council been provided with a consolidated final version of the Port Coogee Waterways Environmental Management Program?



- Q2. Has the Planning Commission's decision requiring that the Waterways Environmental Management Program be developed in concurrence with the Environmental Protection Authority been satisfied yet, that is to say, has the EPA finalised its assessment to ensure the Program satisfies the intent of the Environmental Conditions of the MRS Amendment?
- Q3. Is the Council decision of October 2002 which stated that it is prepared to be the nominated management body for the marina subject to conditions, still Council's current position and has the Council reviewed its position since then?
- Q4. What progress, if any, has been made between the Council, the Port Coogee developer and the Planning Commission in relation to negotiating Council's possible role as the Waterways Manager of the proposed marina?
- Q5. Has the Council dealt with or resolved any of its stated concerns or conditions regarding accepting the role of Waterways Manager, namely:
- (a) The Waterways Environmental Management Program being financially and technically acceptable to Council;
 - (b) The Waterways Environmental Management Program being referred by Council to an independent party for review and advice;
 - (c) The management and implementation of the program being cost neutral to the Council through the utilisation of seed capital and the imposition of a Specified Area Rate applying to land within the area;
 - (d) The implementation of the Waterways Environmental Management Program being capable of being undertaken by a suitably experienced contractor on behalf of the Council.
- Q6. Can the Council confirm that it has not yet made a formal decision to unconditionally accept the role as Waterways Manager and that it must make a formal decision if it is to accept the role?
- Q7. Can the Council indicate if and when it is likely to formally resolve its final position on whether to accept or refuse to accept the responsibilities as the Waterways Manager for the Marina?

Mayor Lee responded to the last question by advising that Council hopes to make a decision at either the December or January meeting when it receives the final WEMP document. He stated that Council would be seeking advice on the documents before making its final decision. Mrs Scherr's other questions would be answered in writing.



Patrick Thompson, Spearwood asked what happens to the recycling waste when the Canning Vale plant is not in operation as he has seen recycling trucks at Henderson.

Mayor Lee advised that when the Canning Vale plant is not operating, the waste is diverted to the Henderson Landfill site.

Mr Thompson then referred to Council's 25th Anniversary celebrations and asked how much money was received from the sponsors.

Mayor Lee responded that it was approximately \$15,000 in total.

Mr Thompson stated that he was 'disturbed' to note that all of the sponsors were developers in the area and was concerned in regard to Council's ability to make an objective decision considering the monies received.

Mayor Lee advised that Council endeavours to always make an objective decision.

Hugh Needham, Coolbellup, referred to a letter which he wrote to Council in December 2002, regarding the retreating shoreline between South Beach to Catherine Point and from Catherine Point to the Power Station. He stated that the beach had retreated approximately 8 metres and has been repaired twice and asked how much the repairs had cost and who has to pay.

Mayor Lee advised that Council's Parks Department is paying for the repairs however, could not advise on the exact amount of the repairs. Director Engineering & Works to advise Mr Needham of the amount.

Mr Needham requested that the response be made public. Mayor Lee advised that the response would be mentioned in a future agenda.

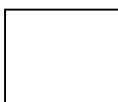
Mr Needham asked if the same would happen at Woodman Point and if ratepayers would pay for the costs.

Mayor Lee advised that Council is aware that 3,000 to 5,000 cubic metres of sand per year will need to be bypassed past the marina, the cost of which, will be met by the residents of the marina.

Mr Needham advised that he had been informed that 100m past the breakwater, was Council's responsibility.

Mayor Lee advised that he was not aware of this and invited Mr Needham to show him where this was written.

Mr Needham also referred to the City of Fremantle's plans for a railway line to be put through the old tip site of the South Beach Development and that in 2002, he had asked if anyone had seen this report and was told that nobody had.



Mayor Lee advised that the question would be responded to in writing.

Andrew Sullivan, Coogee Coastal Action Coalition, referred to questions provided to Council earlier that day and asked that they be tabled in the December Agenda. However, on one of those questions he sought an immediate response and referred to the Port Coogee Local Structure Plan which was considered by Council in March 2004 and asked if the necessary changes had been made to the plan and map prior to them being forwarded to the WA Planning Commission for endorsement, as there is some confusion as to whether the plan dated 6 March 2004 had been updated prior to forwarding.

Director Planning & Development responded that he would need to research the question and will therefore respond in writing.

Mayor Lee advised Mr Sullivan that the questions would be taken on notice and responded to in the December Agenda.

Robyn O'Brien, ratepayer in regard to Item 14.7, asked that Council defer consideration of this issue until April 2005, when a report from the Department of Environment on the extent of the buffer, taking into consideration the public submissions, had been completed. Ms O'Brien gave an extensive report on the history of this issue in support of her request to defer the decision.

Patrick Thompson, Spearwood, regarding Item 14.3 believed there shouldn't be any problem demolishing part or all of a building that had deteriorated to such a degree that it was not viable to repair and asked if Council had any real authority to prevent the demolition.

Mayor Lee advised that Council can refuse to issue a demolition license.

The Director Planning & Development added that Council has a Municipal Heritage Guide in relation to heritage listed properties, but any decision made by Council is subject to appeal in the Appeals Tribunal.

Mr Thompson also referred to the lot being zoned R30 and asked if this was to encourage the owner to retain the original building.

Mayor Lee advised that Council wouldn't encourage it, but would try and negotiate an agreeable outcome.

The Director Planning & Development added that the land had always been zoned R30.



Ivan Donjerkovic, Spearwood in regard to 14.3, stated that the inspector made a 5 minute walk-through of the property before leaving. Mr Donjerkovic has prepared documents on legal advice in consultation with building engineers which report that the stone portion of the house is unsafe, many of the footings have eroded, there is asbestos, white ants and rats present in the building. Mr Donjerkovic also referred to the point of keeping the stone portion of the building and referred to two stone cottages in Woodman Point Estate that were given demolition licenses to make way for development. He referred to correspondence received from Mr Lapham, stating that Council inspectors had inspected the property and reported that the property is fit for human habitation as per the Health Act. Mr Donjerkovic questioned Mr Lapham's accreditation to make this statement.

Mayor Lee advised the question would be taken on notice and responded to in writing.

Murray O'Brien, referring to Item 14.4, believed point pp80 in the Report was in conflict with the issue of reducing odours and moving the buffer back to the lake.

Mayor Lee advised that the issue would be dealt with later in the meeting.

Mr O'Brien asked if this Council was aware of a previous decision made by the Council of the day in 1994, of the odour buffer being at the edge of the lake and asked that Council also make staff aware of the previous decision.

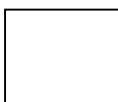
The Director Planning & Development commented that staff were aware of most of Council's positions.

Logan Howlett, North Lake referred to the Community Gazette 'Communities in Action' section in regard to his previous question and stated that the answers were factually incorrect. Mr Howlett advised that the response mentioned that the North Lake Residents Association article was published in the Gazette dated 5 October however, this was not correct.

Mayor Lee stated that he would have the matter investigated and responded to.

Mr Howlett also referred to Item 14.7 and stated that Council, or its administration, had been in contact with the Coogee Landowners however, had not advised them that this item concerning their properties, was on this Agenda.

Mr Howlett then referred to Item 16.2 in regard Variation to Contract for Bridge Construction and noted the project was over budget by \$285,000 and hoped that facts and information would be provided to the community as to why this over-run had occurred.



Mr Howlett referred to Item 17.1 and questioned the urgency or the need for this position, especially as the budget was passed with no mention of the need for a Promotions Officer. Mr Howlett stated that the City of Cockburn has 5 or 10 times the amount of advertising than any other metropolitan Council and therefore, did not need an officer to promote the City.

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 2606) (OCM 16/11/2004) - ORDINARY COUNCIL MEETING - 21/09/2004

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Tuesday, 21 September 2004, be adopted as a true and accurate record.

COUNCIL DECISION

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

CARRIED 8/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

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

Nil

13. COUNCIL MATTERS

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES



14.1 (MINUTE NO 2607) (OCM 16/11/2004) - CLOSURE OF PEDESTRIAN ACCESSWAY FOXALL PLACE TO ALLAMANDA DRIVE, SOUTH LAKE (450443) (KJS) (ATTACH)

RECOMMENDATION

That Council request the Minister for Planning and Infrastructure to close the pedestrian accessway between Foxall Place and Allamanda Drive, South Lake.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr M Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

The pedestrian accessway (PAW) is approximately 3 metres wide and connects Foxall Place to Allamanda Drive, South Lake. The accessway is constructed and has been used since the area was subdivided in 1985.

Submission

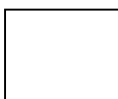
The two owners have formally advised of their willingness to purchase the land by letter.

Report

The adjoining owners have complained about anti-social behaviour, break-ins and the use of the PAW by motor bikes.

A planning report was undertaken by the Planning Department who in summary found that:-

- The closure of the PAW will not affect people's accessibility to the South Lake Primary School, Hop Bush Park with the PAW between Whitlock Crescent and Mason Court remaining open.
- The PAW does not improve accessibility to public transport services.
- The PAW does not improve accessibility to Lakes Shopping Centre.
- The closure of the PAW will not affect the aged people's accessibility to community facilities.
- Alternative access routes to community facilities are available in the event of the PAW being closed, which will not substantially increase pedestrian's walking distance.



The proposal to close the PAW was advertised locally. At the conclusion of the advertising period there was only one objection.

A copy of the officer's report was sent to the Western Australian Planning Commission for comment. The WAPC has raised no objection to the closure, provided that an alternative PAW between Mason Court and Whitlock Crescent "remains safe and convenient for use by local residents".

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

Appropriate consultation has been undertaken.

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

Nil.



14.2 (MINUTE NO 2608) (OCM 16/11/2004) - PHOENIX SHOPPING CENTRE - TWO STAGE EXTENSIONS - LOT 63; NO. 254 ROCKINGHAM ROAD, SPEARWOOD - OWNER: VOLLEY INVESTMENTS PTY LTD - APPLICANT: CAMERON CHISHOLM & NICOL (2206913) (VM) (ATTACH)

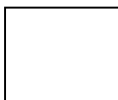
RECOMMENDATION

That Council:

- (1) grant approval to the extensions of the Phoenix Shopping Centre on Lot 63 (No. 254) Rockingham Road, Spearwood subject to the following conditions:

Standard Conditions

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
4. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
5. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
6. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the Council prior to the erection of any signage on the site/building.
7. The extension and/or alterations shall be in the same materials, colour and design as the existing building.
8. Notwithstanding the detailed specifications required to be submitted for a Building Licence approval, a separate



schedule of the colour and texture of the building materials shall be submitted and approved to the satisfaction of the Council prior to applying for a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval.

9. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
10. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
11. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
12. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
13. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the Council.
14. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade 2.5%.
15. The provision of bicycle parking facilities in accordance with the approved plans is to be provided in the locations marked on the attached plans, and are to be installed prior to the development being occupied.
16. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 2.0 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 3 metre truncation, as depicted on the approved plan.
17. A minimum of 15 disabled carbays designed in accordance with Australian Standard 2890.1 - 1993 is to

be provided in a location convenient to, and connected to a continuous accessible path to, the main entrance of the building or facility. Design and signage of the bay(s) and path(s) is to be in accordance with Australian Standard 1428.1 - 1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in conjunction with the Building Licence application.

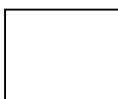
18. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
19. Access onto the site shall be restricted to that shown on the plan approved by the Council.

Conditions to be complied with prior to applying for a Building Licence

20. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer, to the satisfaction of the Council.
21. The applicant engaging a suitably qualified practicing Engineer to certify that the whole of the lot is suitable for the approved development to the satisfaction of the Council prior to applying for a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval.
22. A landscape plan must be submitted to the Council and approved, prior to applying for building licence and shall include the following:
 - (1) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area being in conformity with the City of Cockburn Greening Plan.
 - (2) any lawns to be established
 - (3) any natural landscape areas to be retained;
 - (4) those areas to be reticulated or irrigated; and (5) verge treatments

Conditions to be complied with prior to occupation

23. The landscaping, car parking and drainage (certified by a practicing engineer) must be completed in accordance with an approved detailed landscape plan, prior to the



occupation of the centre extensions.

Special Conditions

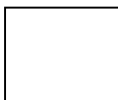
24. The total centre inclusive of the extensions herein approved is to include no more than two (2) supermarkets. For the purpose of this condition a supermarket is defined as a self service retail store or market, with a sales area of 400M2 Net Leasable Area (NLA) or greater, the main function of which is to sell a variety of ordinary fresh and/or packaged food and grocery items.
25. The proposed covered car parking is to be adequately ventilated to ensure that carbon monoxide concentrations within these areas complies with the Health (Carbon Monoxide) Regulations 1975. (Qualified Engineer)
26. The proposal to accommodate a minimum of 1484 car bays on site.
27. Design features such as the illustrated Lifestyle Banners and Lighting are required to be incorporated on the Coles wall and new car parking deck facing Rockingham Road and on the wall facing Lancaster Street that visually breaks up the building bulk.
28. The landscaping buffer along March Street to be retained and improved to the satisfaction of the Council.
29. A rendered screen wall to be constructed along the boundary of Rockingham Road to screen the transformers and carbays as shown on the plans.
30. A screen wall and a landscaping buffer to be included on the boundaries abutting Burgundy Crescent and Orleans Street to the satisfaction of the Council.
31. The northern and southern deck car parking to incorporate sails and potted trees (irrigated) as illustrated in red to the approved plans.
32. The link between Phoenix Park and the Council Civic Site being improved with the creation of a brick paved pedestrian crossing or similar on Coleville Crescent at the applicants cost.
33. The design and construction of the relocated bus stop on Rockingham Road being undertaken in accordance with the specifications approved by SKM on behalf of the

Council and shall include a review of traffic and access into the centre and implications associated with the channelisation proposal for Rockingham Road.

34. Should traffic management in Coleville Crescent become unacceptable, then the proponent must install traffic control devices in accordance with the submitted Traffic Impact Statement.
35. In the event that the approval reduced car parking for the site is deemed to be inadequate the proponent is to mark out parallel parking in Coleville Crescent (at its cost) to the specification and satisfaction of the City.
36. The upper deck bridge pedestrian access to Coleville Crescent being aligned with the pedestrian access point on Council's Civic Site as shown in red on the approved plans.
37. The appearance of the existing building previously used by ANZ on the corner of Rockingham Road and Coleville Crescent to be upgraded externally to an equivalent maintenance standard to the rest of the development and surrounding area.
38. The access to the ramp to the upper deck from Rockingham Road, abutting McDonalds to be modified to ensure convenient and safe vehicle movements are achieved.

Footnotes

1. Under the provisions of the Metropolitan Region Scheme, approval to commence development should be obtained from the Western Australian Planning Commission and therefore your application has been forwarded to the Department for Planning and Infrastructure for determination. Development should not be commenced until approval under the Metropolitan Region Scheme has been given.
2. Until the Council has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any such purpose.
3. Submission of mechanical engineering design drawings and specifications, together with certification by the



design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, should be submitted in conjunction with the Building Licence application. Written approval from the Council's Health Service for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.

4. A licence must be obtained from the Department of Environment, Water and Catchment Protection for the installation of a water bore, prior to the commencement of the development or the use of the land.
 5. The development is to comply with the requirements of the Building Code of Australia.
 6. The centre extensions must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
 7. Premises is to comply with the Health Act 1911 (as amended) and subsidiary legislation where applicable.
 8. Where it is intended that a tenancy will sell food, detailed plans and specifications of premises are to be submitted to the City's Health Services for approval. The plans must comply with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australia New Zealand Food Standards Code. It is noted that individual tenancies are yet to be leased (therefore no plans for the internal fitout of these premises are available at this time), however Building Licence application plans for the tenancies must include information as per the above.
 9. The number of toilet facilities within the centre upon completion of these works must comply with the minimum number as per table F2.3 of the Building Code of Australia.
- (2) instruct Council officers to prepare a separate report on car parking requirements for shopping centres as the basis for an amendment to the City of Cockburn Town Planning Scheme No. 3.

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Cllr S Limbert that Council:

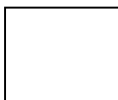
- (1) grant approval to the extensions of the Phoenix Shopping



Centre on Lot 63 (No. 254) Rockingham Road, Spearwood
subject to the following conditions:

Standard Conditions

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
4. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
5. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
6. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the Council prior to the erection of any signage on the site/building.
7. The extension and/or alterations shall be in the same materials, colour and design as the existing building.
8. Notwithstanding the detailed specifications required to be submitted for a Building Licence approval, a separate schedule of the colour and texture of the building materials shall be submitted and approved to the satisfaction of the Council prior to applying for a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval.
9. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
10. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.



11. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
12. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
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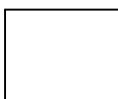
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Conditions to be complied with prior to occupation

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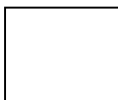
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5. The development is to comply with the requirements of the Building Code of Australia.
6. The centre extensions must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.



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 8. Where it is intended that a tenancy will sell food, detailed plans and specifications of premises are to be submitted to the City's Health Services for approval. The plans must comply with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australia New Zealand Food Standards Code. It is noted that individual tenancies are yet to be leased (therefore no plans for the internal fitout of these premises are available at this time), however Building Licence application plans for the tenancies must include information as per the above.
 9. The number of toilet facilities within the centre upon completion of these works must comply with the minimum number as per table F2.3 of the Building Code of Australia.
- (2) instruct Council officers to prepare a separate report on car parking requirements for shopping centres as the basis for an amendment to the City of Cockburn Town Planning Scheme No. 3.

CARRIED 8/0**Explanation**

The Council should maximise the opportunities of breaking up the visual impact of the large concrete walls facing Rockingham Road and is to include the wall grated by the enclosure of the Coles loading dock in accordance with discussions at the briefing to Elected Members on Tuesday 9 November 2004.

Background

| | | |
|------------|---|-----------------|
| ZONING: | MRS: | Urban |
| | TPS3: | District Centre |
| LAND USE: | Cameron Chisholm & Nicol | |
| APPLICANT: | Volley Investments Pty Ltd | |
| OWNER: | Phoenix Shopping Centre and CentreLink Building | |
| LOT SIZE: | 5.7484ha | |
| USE CLASS: | Shop 'P' Permitted. | |

Various minor extensions have been approved over the past few years to the Phoenix Shopping Centre, most recently being the additions of the new BigW Garden Centre approved on 20 February 2002 and the new roof to pedestrian ramp enclosure on 25 March 2002. A second



car parking deck on Coleville Crescent car park was approved by Council on 18 February 2003, however it was never constructed.

The Phoenix Park Shopping Centre has two main car parking areas, one to the north with 925 bays and one to the south with 252 bays. This application proposes to increase the number of bays within the southern car park.

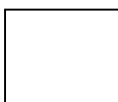
The southern car parking area in percentage terms is more utilised than the northern car parking area, given its proximity to Rockingham Road and easy access. The Shopping Centre car parks are currently accessed from Coleville Crescent, two access points along Rockingham Road and through Burgundy Crescent off Lancaster Street. The two access points onto Rockingham Road are utilised in a different way. The northern access between the Commonwealth Bank and McDonalds is not highly visible or convenient to the public along Rockingham Road, therefore the preference is to utilise the other access point, being the area the subject of this application.

The current car parking layout has been redesigned recently as a result of Council approving a Garden Centre extension to the Centre on 20 February 2002.

The current Carparking provision for the centre has a shortfall of 20 car parking bays. Town Planning Scheme No. 3 requires 1197 bays and 1177 are provided.

The application was referred to the Ordinary Council Meeting held on 17 August 2004. The Council at its meeting resolved as follows:

- “(1) receive the report;*
- (2) defer consideration of the application until the Council has had the opportunity to consider detailed proposals by the applicant/owner for the treatment of the:-*
 - 1. Existing facade of the Coles store fronting Rockingham Road, together with the possibility of erecting a screen wall to the loading dock associated with some main street shopping.*
 - 2. Existing and proposed facades fronting Burgundy Crescent and March Streets.*
- (3) advise the applicant/owner to arrange to meet with the Director Planning and Development to discuss the Council’s requirements in order that proposals can be prepared to improve the visual amenity of the facades described in (2) above for the Council’s consideration prior to reconsidering the application; and*



- 4) *under Clause 10.9.2 of the Scheme, request the applicant to agree to an extension of time to determine the application to avoid a deemed refusal.”*

As a result of Council’s decision, the landowner and the applicant met the Director of Planning and Development on 31 October 2004 and provided a letter dated 30 August 2004 (attached to the Agenda), together with elevations of the proposal in response to item (3) of Council’s resolution.

The applicant at the meeting also served a Notice of Class 2 Appeal dated 30 August 2004 to the Town Planning Appeal Tribunal against the Deemed Refusal.

Following the site meeting the applicant has provided a photo montage of the proposed façade to Rockingham Road, including Lifestyle Banners, a screen wall and landscaping. The applicant also provided a photo montage of the proposed façade fronting Burgundy Crescent and March Streets.

Submission

The applicant seeks approval to:-

- (1) extend the retail floor area of the centre by 7775m² on the northern part of the centre.
- (2) construct a car park deck on the southern car park abutting Coleville Crescent.
- (3) extend the car parking deck on the northern car park up to Lancaster Street and demolish the CentreLink building.

The applicant in a letter dated 29 April 2004, together with the application, explained the development stages as follows.

“Stage 1: Regrading car park and construction of a car park deck at the south-west corner of Phoenix Shopping Centre bounded by Rockingham Road and Coleville Crescent. The deck will increase the carbay numbers from 250 to 392 (142 car bays) in the SouthWest Carpark. The car park minimum requirements of 6.25 car bays per 100m² (existing complies with this requirement) will be exceeded for Stage 1.

The car park deck will be accessed by a one way up ramp within the car park and by a two way ramp off Coleville Crescent. Pedestrian access is by lift, pedestrian ramp and stairs located at the perimeters of the deck. The car park deck is almost completely obscured by existing planting on Coleville Crescent and partially obscured by the existing freestanding tenancy located on Rockingham Road. It is proposed



Stage 1 will be fully completed and operational prior to commencement of Stage 2/3.

Stage 2/3: Demolition of the existing freestanding building (Centrelink) and a substantial proportion of the Northern Deck bounded by Lancaster Street and Rockingham Road and construction of a new additional retail totalling 7775m² GLA and a new car park deck fronting onto Lancaster Street.

The total number of car bays provided for the total development (completion of Stage 2/3) is based on 5 car bays per 100m². This ratio is the same as Regional Shopping Centres like Lakeside Joondalup Shopping Centre and Armadale Shopping Centre. Currently Stirling City Council is considering a 4 carbays per 100m² for Lakeside Joondalup Shopping Centre. We believe given the location, and the precedent of other similar Region Centres, 5 carbays per 100m² is realistic.”

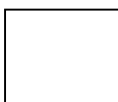
Report

The proposed additions and car parking deck are permitted uses in the District Centre Zone of Town Planning Scheme No. 3. Accordingly there is no statutory requirement for the proposal to be advertised for public comment.

The proposal is located within a Clause 32 area Notice of Delegation 28/11/1998 under the Metropolitan Region Scheme. As the proposal consists of additions to the Shopping Centre plan area the application was referred to the Western Australian Planning Commission on 14 May 2004. No decision at this time has been made by the WAPC. A separate decision is required by Council pursuant to Town Planning Scheme No. 3. Accordingly both the approval from the Commission and Council are required to undertake the proposed development.

The Phoenix Shopping Centre under the City of Cockburn Local Commercial Strategy adopted by Council at its Ordinary meeting on 19 November 2002, allowed for the proposed expansion of Phoenix Shopping Centre to 28,000m². The current centre has 18,700m², therefore with the addition of 7775m² as proposed, to 26447m², the floorspace expansion complies with the Commercial Strategy. The Commercial Strategy also prescribed that any such addition should include non-food floorspace only. Under no circumstances should an additional supermarket be developed at Phoenix Park, as this could undermine the potential viability of several neighbourhood/local centres.

It was also noted that steps should be taken to improve the appearance and functionality of the Phoenix Park complex. The impetus for redevelopment should also be utilised by the Council to secure a better looking centre from the perspective of the public



domain. The Local Commercial Strategy is still to be endorsed by the WAPC.

The proposed additions will improve the functionality and range of goods that can be purchased at Phoenix Park, however, the applicant has sought Council's discretion to reduce the Scheme's car parking requirements. It was on this basis that the scheme requirements for car parking for large shopping centres was examined.

Car Parking Assessment

A phone survey of surrounding Councils identified the City's car parking requirement of 1:16 NLA or 6.25 bays per 100m² of floor area of TPS3 was excessive. Some Councils are reducing their car parking requirements for large shopping centres in order to promote more usage of public transport. (Refer attached Table of Local Government Shopping Centre Car Parking Requirements).

Phoenix Park is a large centre with a diversity of speciality shops with a range of peak periods and broad customer base with a large number of on site bays. Coupled with commercial and civic surrounding land uses (Council car park) it was considered appropriate to accept a car parking ratio of 5.5 bays for 100m² of floor area provided (ie 1:18 NLA), which is more consistent with the average spread of shopping centre car parking requirements of the metropolitan centres surveyed.

The following table details the car parking assessment:

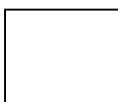
| Carparking Requirements | | | | | |
|--------------------------------|-----------|------------|-----------------|-----------------------------|-----------------------------|
| Development | Land Use | Floor Area | Carparking Rate | Required Number of Carparks | Proposed Number of Carparks |
| Existing | Retail | 18672.2 | 1:16 NLA | 1167 | |
| | McDonalds | 291.5 | 1:15 NLA | 19.4 | |
| | ANZ | 210 | 1:20 NLA | 10.5 | |
| | Total | | | 1197 | 1173 |
| TPS3 car parking requirements | Retail | 26447.2 | 1:16 NLA | 1653 | |
| | McDonalds | 291.5 | 1:15 NLA | 19.4 | |
| | ANZ Bank | 210 | 1:20 NLA | 10.5 | |
| | Total | | | 1683 | 1458 |
| Recommended rate car parking | Retail | 26447.2 | 1:18 NLA | 1454 | |
| | McDonalds | 291.5 | 1:15 NLA | 19.4 | |
| | ANZ Bank | 210 | 1:20 NLA | 10.5 | |
| | Total | | | 1484 | 1458 |

With the requirement of 1 bay : 18 retail NLA bays the applicant is required to increase the proposed number of bays from 1365 to 1484 bays to comply with 1 bay : 5.5. retail NLA. In order to satisfy the recommended car parking rate above, the applicant has proposed an additional car park deck in a corner of Lancaster Street and March Street, developing a portion of the site into 3 car parking decks.

Support of the centre expansion on what is a centre that is squeezed onto a small site is conditional on the improvement of the functionality, convenience and view of the public domain (ie visual amenity). The aspects of the centre that will be upgraded can be included as conditions of approval as follows:

- a) Improve the visual appearance to Rockingham Road. The Coles “blank wall” and new car park façade should incorporate design features such as columns, murals, moulds/frames to reduce the wall bulk impact to Rockingham Road.
- b) With the removal of the bus stop the landscaped area will be increased and will incorporate new brick paving and some pieces of art/furniture to create a focal point of meeting when coming to the centre in line with the City of Cockburn Refurbishment Project for Rockingham Road.
- c) To screen the visual appearance of the services on the top deck from the car parking area and to break the concrete car park appearance, sails and large pot plants will be provided on the decks. The sails are not required to cover the total car parking area given that 80% of the 1458 bays proposed are under cover, thus protecting patrons from the weather.
- d) The links between Phoenix Park and the Council Civic Site should be improved with the creation of brick paved pedestrian crossing, thus reducing the traffic speeds along Coleville Crescent.
- e) The area from the proposed deck abutting the adjoining properties will incorporate a 1.8 metre high screen wall and a landscaping strip (as shown on the plans) to ensure the amenity of the surrounding residential area on boundaries and Orleans Street is protected.
- f) The façade of the centre fronting Lancaster Street will also incorporate design features and opportunity for an alfresco café at the entrance.
- g) The landscaping strip along March Street will also be retained as a condition of approval to ensure the amenity of residents on March Street is protected.

Given the above benefits to be provided in terms of the expanded range of retail and improved aesthetics, and the proximity of extra carbays from Council area (not utilised during peak hours) the car parking assessment of 1 : 5.5 NLA can be supported subject to conditions.



If Council accepts a concession on the car parking requirements of Town Planning Scheme No. 3 for the expansion of Phoenix Park, it is recommended that a separate report be prepared to the next Ordinary meeting reviewing car parking requirements, to ensure car parking requirements for Shopping Centres are in line with metropolitan practice.

The proposal generally complies with the standard requirements of the Scheme with the exception of shade trees for car parking which can be addressed as conditions of approval. This will ensure that the top of the decked car parking area provides shade to cars and visually softens the deck with greenery.

As a result of discussions with the City the applicant has modified the proposal to improve the visual presentation of the deck to Rockingham Road. However, further treatment details of the deck will be required to be provided at building licence stage.

As a result of likely increased traffic along Coleville Crescent and Rockingham Road, the applicant was requested by the City to provide a traffic impact study. The traffic study dated 28 January 2003 is a revision of the initial study which was reviewed by Council Planning and Engineering Services. Modifications to the plans were required to ensure compliance with Australian Road Standards AS2890 – Parking Facilities.

As part of the conclusion of the Traffic Impact Statement (23 January 2003) the consultant recommended traffic control measures along Coleville Crescent to reduce traffic speeds and control parking signs on the road parking during peak periods on Coleville Crescent. These could be imposed as conditions of approval. The Traffic Impact Statement did not make recommendations in respect to any other adjoining roads.

The primary issue that requires further attention from the Traffic Study relates to the volume of traffic that will now use Coleville Crescent between the Shopping Centre and Spearwood Avenue.

The increase in traffic on Coleville Crescent south of the Centre will be noticeable but will be within the capacity of the road. Traffic control measures involving the construction of a Watts profile speed hump at the southern end of Coleville Crescent and just north of Goffe Street could be installed. The requirements for the parking should be finalised after the proposed alterations have been completed and the traffic pattern established.

The applicant's consultant engineer has also recommended some design changes to Coleville Crescent such as control parking signs for peak period, and the construction of two speed humps at the southern



end of Coleville Crescent and just north of Goffe Street to reduce traffic speeds. These requirements could be imposed as special conditions.

Council at its meeting held on 17 August 2004 provided the following explanation to its resolution:-

“Because the Council intends to spend significant sums of money revitalising and rehabilitating Rockingham Road to improve the amenity and streetscape of the locality, it is important that the existing and proposed façades of the Phoenix Shopping Centre be treated in such a way that they do not detract from the visual appearance of the adjoining areas. The shopping centre owners should work with the City to address this matter. The application should be deferred until this has been achieved to the Council’s satisfaction.”

Further to the meeting with the Director Planning and Development it appears that the applicant has addressed Council’s concerns and the application can be supported.

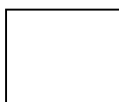
The applicant on 13 August 2004 prior to the Council Meeting requested an extension of time above the 60 day time period to deal with the application.

The applicant also advised that the Notice of Appeal submitted to the Town Planning Appeal Tribunal will be withdrawn if the application is dealt with. The current Notices of Appeal Hearing has been deferred to 19 November 2004 until a determination is made by Council.

The proposed photo montage is acceptable to the Director Planning and Development, however, the Mayor requested 2 additional Lifestyle Banners be incorporated on the façade to Rockingham Road, with additional low lying landscaping along the pylon sign area to ensure the hard bitumen area is removed and is visual aesthetic improved with greenery and colour, in line with the Rockingham Road Refurbishment Project being prepared by the City of Cockburn. The landscaping to be low lying to ensure adequate sightlines are achieved. These will be imposed as amendments in red to the approved plans.

The proposal also complies with Council Policy APD36 Shopping Centres and Service Stations.

Given the above it is recommended that the proposal be approved subject to conditions.



Strategic Plan/Policy Implications

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

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

The planning policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes
 APD36 Shopping Centres and Service Stations

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3. A Notice of Class 2 Appeal (Appeal No. 214 of 2004) has been lodged with the Town Planning Appeal Tribunal and the Hearing has been deferred to 19 November 2004 in order to obtain a Council decision.

Community Consultation

Under Council's Scheme there is no requirement to advertise this development proposal.

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

Nil.

14.3 **(MINUTE NO 2609) (OCM 16/11/2004) - DEMOLITION OF A HERITAGE LISTED DWELLING - PT LOT 10; 13 RIGBY AVENUE, SPEARWOOD (3315093) (6001680) (MR) (ATTACH)**

RECOMMENDATION

That Council:

- (1) approve the proposed demolition of part of the heritage listed dwelling on Pt Lot 10 (No 13) Rigby Avenue, Spearwood, subject to the following condition(s):-

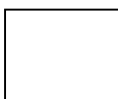


1. The two front rooms of the limestone cottage and verandah being retained and incorporated into the design of one of the dwellings should the lot be redeveloped for residential units.
 2. The owner entering into a heritage agreement (at the applicant's cost) to ensure the on-going conservation protection of the place.
 3. Urgent conservation works being carried out to the two front rooms and verandah in accordance with a schedule of works prepared by a heritage architect. (ie weather proofing, roof replacement, guttering, drainage etc.);
- (2) confirm the redevelopment of the lot at Residential Design Codes density R-30;
- (3) issue a Planning Approval for the demolition of only part of the existing dwelling (rear portion as shown as amendments in red) subject to the following conditions:-
1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
 2. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
 3. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
 4. The applicant is to apply for a Demolition Licence and approval issued prior to any demolition works on site.
- Footnote
1. The development is to comply with the requirements of the Building Code of Australia.

COUNCIL DECISION

MOVED Cllr V Oliver SECONDED Cllr K Allen that Council:-

- (1) approve the proposed demolition of the heritage listed dwelling on Pt Lot 10 (No 13) Rigby Avenue, Spearwood, subject to the cottage being photographed for archival purposes and a plaque



being erected to acknowledge the existence of the building to the satisfaction of the Director Planning and Development;

- (2) confirm the redevelopment of the lot at Residential Design Codes density R30;
- (3) issue a planning approval for the demolition of the existing dwelling subject to the following conditions:-
 1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
 2. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
 3. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
 4. The applicant is to apply for a Demolition Licence and approval issued prior to any demolition works on site.

Footnote

1. The development is to comply with the requirements of the Building Code of Australia.

MOTION LOST 2/6

MOVED Clr S Limbert SECONDED Clr I WHITFIELD that Council:

- (1) approve the proposed demolition of part of the heritage listed dwelling on Pt Lot 10 (No 13) Rigby Avenue, Spearwood, subject to the following condition(s):-
 1. The two front rooms of the limestone cottage and verandah being retained and incorporated into the design of one of the dwellings should the lot be redeveloped for residential units.
 2. The owner entering into a heritage agreement (at the applicant's cost) to ensure the on-going conservation protection of the place.
 3. Urgent conservation works being carried out to the two front rooms and verandah in accordance with a schedule

of works prepared by a heritage architect. (ie weather proofing, roof replacement, guttering, drainage etc.).

4. A photo/plaque be erected on-site following the redevelopment of the lot.
- (2) confirm the redevelopment of the lot at Residential Design Codes density R-30;
- (3) issue a Planning Approval for the demolition of only part of the existing dwelling (rear portion as shown as amendments in red) subject to the following conditions:-
1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
 2. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
 3. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
 4. The applicant is to apply for a Demolition Licence and approval issued prior to any demolition works on site.

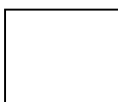
Footnote

1. The development is to comply with the requirements of the Building Code of Australia.

CARRIED 7/1

Explanation

The retention and conservation of the front two rooms and verandah, which are the most significant parts of the building is important. The cottage is a typical workers house for the period, being built in the 1900's. This limestone and corrugated iron building was owned by the Straughair family, with Mr Bill Straughair being a returned serviceman from WW1. Mr Straughair worked as a carrier around the district, taking fruit and vegetables to market. The house is reported as having architectural significance. The building is important because there are few stone cottages built in the area.



Background

| | | |
|------------|-------------------------------|-----------------|
| ZONING: | MRS: | Urban |
| | TPS3 | Residential R30 |
| LAND USE: | Existing House | |
| APPLICANT: | D & M Donjerkovic | |
| OWNER: | As above | |
| LOT SIZE: | 1401m ² | |
| USE CLASS: | Use Not Listed ("Demolition") | |

Council at its Ordinary Meeting on 16 July 2002 refused planning approval to demolish the existing heritage listed building for the following reason.

"The proposed demolition would result in the destruction of a building that is considered by the Council to have cultural heritage significance as outlined in the City of Cockburn Municipal Heritage Inventory and supported by a heritage assessment report prepared by KTA Partnership Architects."

Submission

The applicant seeks approval from Council to demolish the dwelling and has employed Phillips Fox Lawyers and Ronald Bodycoat – Architect in support of the proposal.

Phillips Fox have argued that the local heritage listing is not determinative and doesn't preclude the demolition but instead makes heritage values factor of relevance in the assessment of orderly and proper planning.

Mr Bodycoat a heritage architect assessed the building and determined that:-

"The place no longer shows aesthetic significance and retains only some social history relevance in the context of a former house associated with a market gardening family in the Spearwood locality..."

..The cultural heritage significance of the place is now low as an outcome of the change in context following subdivision of the former market garden, and the alerted poor condition of the surviving house.

...My assessment of the conclusions of the Municipal Inventory directive and the Summary of the Heritage Assessment is that the level of significance is low (Category C) and that redevelopment or demolition is allowed (expected or likely), and that a photographic record (Archival Record) should be prepared prior to such action."



Report

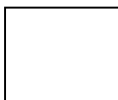
The City's Municipal Heritage Inventory lists Straughair's House (place No 56). The front two rooms are constructed from limestone in early 1900's or earlier and altered in the 1920's. The inventory management category is:-

“Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme: more detailed Heritage Assessment to be undertaken before approval given for any major redevelopment or demolition: photographically record the place prior to any major redevelopment or demolition.”

The listing on the Municipal Heritage Inventory is recognition of the place as being of cultural heritage significance. The inventory management category is of relevance in considering this application, which proposes to demolish the place. A heritage listing is a relevant planning consideration in determining this application but it is not the only consideration to be made under the circumstances. The Council is also required to consider the merits of the application, which would facilitate the redevelopment of the site into residential units. Clearly the optimum development of the property has planning relevance and this needs to be balanced against the cultural heritage significance of the place.

The City's Heritage Architect was previously engaged to undertake a detailed heritage assessment of the place to determine if the demolition of the building is appropriate or not from a cultural heritage perspective. The dwelling was assessed in accordance with the criteria for assessing cultural heritage significance adopted by the Heritage Council in November 1996. The exterior and interior of the building was assessed and it was concluded that the dwelling is significant and warrants part retention. The place has cultural heritage significance for the following reasons:-

- Aesthetic Value – stone cottage front 2 rooms;
- Historic Value – typical minimal workers house for the period;
- Social Value – culturally associated with members of the community;
- Rarity Value – few stone cottages were built in this area;
- Representative – workers housing;
- Condition – reasonable to poor. In need of maintenance and in some cases rebuilding – ie lean to area at rear which is not significant. There is evidence of minimal maintenance work being carried out.
- Integrity – the front portion of the house is good; and
- Authenticity – the basic house plan is good.



The Council's Heritage Architect has advised as follows:-

"It is recommended that every endeavour be taken to retain the front two rooms of this cottage, which are limestone with corrugated iron roof and timber floors." (It should be noted that this application is for the demolition of the whole building).

"The Council should be encouraged to fit the development within the remainder and preferably retain the scale of the housing in the street."

It is recommended that a photo/plaque be erected on-site after new development has taken place, Council should encourage the developer to retain the scale of the housing in the street."

The detailed heritage assessment is included as an attachment to this report.

There are good examples in the Perth Metropolitan area where heritage listed cottages have been retained and restored as a condition imposed by the Western Australian Planning Commission on the subdivision of land into 2 lots or 3 lots using a battleaxe lot configuration. The retention and conservation of the existing house is a realistic option and costs could be offset by the future residential development of the balance portion of the land.

It is recommended that the Council approve the proposed demolition subject to the retention and conservation of the front two rooms and verandah, which are the most significant parts of the building. This demolition proposal does not include a replacement building or proposal in its place other than preparing the land for future development. As an incentive to the conservation of the building, it is recommended that Council support the development of additional units on the property based on the R30 Code.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

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



Legal Implications

Town Planning Scheme No 3
Heritage Act of Western Australia (Section 45 – compiling and maintaining municipal inventory)

Community Consultation

N/A

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

Nil.

14.4 **(MINUTE NO 2610) (OCM 16/11/2004) - NETWORK CITY SUBMISSION (9165) (SMH)**

RECOMMENDATION

That Council:

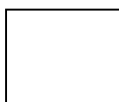
- (1) receive the report;
- (2) adopt the report as the basis of a submission on Network City;
- (3) lodge a submission with Network City Administration, WA Planning Commission, 469 Wellington Street, Perth WA 6000.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Mayor S Lee that Council:

- (1) receive the report;
- (2) adopt the report as the basis of a submission on Network City with the exception of pp27 which should be substituted with the following:-
 - pp27 The role of local government is not currently central to the planning process and this needs to be addressed so that there is a greater balance in the roles and responsibilities of each level of government. Local government is important in achieving the goals of Network City;
- (3) lodge a submission with Network City Administration, WA Planning Commission, 469 Wellington Street, Perth WA 6000.

CARRIED 8/0



Explanation

Although the officer's comment on pp27 of Network City may reflect the current situation, it is important that the imbalance be addressed so that there is greater equity in the roles and responsibilities between the State and Local governments in the planning process.

Background

The State Government has requested comments on the recently released (September 2004) "*Network City*" – *Community Planning Strategy for Perth and Peel*.

The strategy was developed through the *Dialogue with the city* forum. The strategy has taken the principles set down by the forum and by a city wide survey. The strategy has been endorsed in principle by the State Government and the WA Planning Commission and is seeking public comment.

Submission

Network City – Community Planning Strategy for Perth and Peel.

This 122 page document is open for public comment, which closes at 5:00 pm on Tuesday 7 December 2004.

Report

Network City is a large comprehensive and complicated strategy that contains a number of issues and approaches relating to the development of the Perth/Peel region over the next 2 decades.

Given that most of the issues and approaches are philosophically based, it is difficult to provide a professional view, and therefore for the purpose of preparing a possible response from the Council of the City of Cockburn, comments have been confined to those aspects that relate to the City specifically or local government generally.

The following comments are provided:-

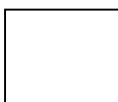
- pp6 - The concept of an whole of government approach to strategic metropolitan planning is supported together with establishing partnerships with local government to identify goals and for setting targets. However, such arrangements should be voluntary, not compulsory and be based on equality of responsibility and mutual benefits.
- pp7 The term "social and cultural" capital is not understood. Therefore the form and purpose of



“locally based cultural planning strategies and plans” needs further explanation.

- pp7 Local government would have difficulty preparing integrated local planning and economic development strategies, because of its limited influence in promoting and implementing economic decisions. Therefore it is not clear what effective role local government can have, when its responsibilities in planning are limited to processing development applications. In addition any economic strategy would need to have regard for social and environmental objectives adopted by the local government.
- pp8 Local government already has powers or obligations to protect and conserve places and sites of European and aboriginal significance. These are community based processes, and therefore it is not clear what is meant by *“empowerment”* or *“engaging the community”* in developing local actions to achieve such outcomes.
- pp13 The Network City Framework (Figure 1.3) in relation to the City of Cockburn does not appear to include:
 - The planned Port Coogee Marina project.
 - The planned Outer Harbour project.

Russell Road, Rowley Road and Anketell Road, should all be shown as *“Transport corridors for cars, trucks and express buses”* as they are direct road links between the Kwinana Freeway and the major industrial activity centres of the Australian Marine Complex, Hope Valley-Wattleup Redevelopment Area and the planned outer harbour.
- pp16 DPI Action 1-1(e) will involve significant legislative change to enable local government to become involved in the *“provision”* of primary and secondary activity centres and activity corridors. The statement is not clear and needs rewording, ie *“in the provision of place-based capacity to manage and development and implementation of”*.
- pp27 The claim that local government’s role in the planning process is *“central”* is an over statement, given that the only decision making role local government has in planning is limited to determining development applications, unless the WAPC has not delegated its powers under the MRS. Local government only makes recommendations in respect to scheme amendments and subdivisions, the same as any



other agency. Moreover, local government is the subject of State Acts, Regulations and Policies. Never-the-less the need for an “*whole-of-government*” approach to planning is supported, in the interests of co-ordination, co-operation and better planning outcomes.

- pp32 The application of population targets to MRS Amendments (Figure 2.1) is difficult to interpret in respect to the role of local government in that local government usually relies on the DPI, ABS and the Metropolitan Land Development Strategy as the basis to understanding what the future district population is projected to be.

For metropolitan local governments, the MRS is the development strategy. The residential densities to be applied are subject to State approval. R-Code densities are maximums not minimums and therefore population outcomes are dependent upon the development industries response to the prevailing market.

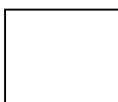
A great deal more thought needs to be given to the way in which local governments and their local communities can be meaningfully involved in the proposed housing, population and economic development process.

- pp33 DPI/WAPC/Local Government Action 2-10(b), it is not certain how local schemes “*will be revised in a timely manner to give effect to the Network City*”, given the current legal constraints, ie cannot review a scheme before 5 years, and it can take as long to have a new scheme approved. The availability of adequate resources to revise town planning schemes may not be the limiting factor.
- pp34 Action 2-10(d), to review the WAPC Committee System and the role and function of the District Planning Committee is supported.
- pp34 DPI Action 2-10(b), has potential difficulties in that the State Strategic Plan may not be aligned with respective local government Corporate Strategic Plans and financial plans to achieve the long term outcomes promoted in Network City.
- pp38 WAPC Action 3-1(c), is not clear as to what is meant by “*cultural and social planning*” in the local government context and how this will relate to local



governments legal and corporate obligations financed by annual budgets and financial plans. The prioritisation of the delivery of local government services and facilities is commonly based on community surveys and on the availability of resources, capacity and capability of the organisation. This may not reflect the priorities of Network City.

- pp41 The provision of local improvement grants is supported, together with technical assistance programs.
- pp42 The BCA has recently been amended to provide for environmental considerations. However, it must be pointed out that the BCA is implemented and administered under the Local Government Act.
- pp46 DCA Action 3-14(a), requires elaboration as it is not clear what “*locally based cultural planning strategies and plans*” involve and why such initiatives are to be limited to areas undergoing revitalisation.
- pp55 The existing town planning scheme to regulate land use and development by zoning is outdated, cumbersome and is not responsive to change. A more flexible approach to land use and development needs to be explored, based on a “*structure planning*” approach that would facilitate a more responsive and flexible system than zoning. There is no point in examining “*zoning overlays*” or other techniques, all this does is add to the quagmire of the current system.
- pp55 DPI/DOIR Action 4-14(b), is fraught with problems as employment potential is not recognised as a valid planning reason for approving or refusing a planning application. It is not clear how this approach could apply to subdivision. In addition, it would be expected that applications with “*employment*” consequences would be confined to employment and activity centres.
- pp57 To revise the planning system to support and promote a strategic approach by local government is supported. However, it needs to be acknowledged that the statutory role and responsibilities of local government limit its ability to think and act strategically.
- pp59 WAPC Action 5-2(a), needs to recognise that local



government has limited expertise in the areas of heritage, water quality, energy efficiency, biodiversity, drainage, air quality and waste management/resource consumption. Local government relies on the advice of others, expert in these areas.

- pp59 Local Government Action 5-2(c), to prepare environmental action plans to promote environmental and heritage conservation is supported, subject to such actions being done in partnership with the other responsible agencies.
- pp59 DoE/WAPC Action 5-2(d), could be assisted by the application of Dialogue with the City program funds, to engage the local community in the preparation of environmental action plans. Such exercises could require significant resources to promote and conduct community participation and to rationalise and prioritise the outcomes into implementable plans.
- pp60 DoE/WAPC Action 5-3(a)(f), provides for rate relief. This approach has limited benefits to the landowner and the local government. This is because the local government rate is relatively insignificant compared to other taxes and charges levied by the State.
- pp61 HCWA Action 5-5(a)(b), to review permitted densities affecting heritage places has merit, however, it should also be reviewed as a method of achieving other outcomes relating to parking, open space, urban art and conservation.
- pp62 LandCorp/Local Government Action 5-6(b), to undertake landscaping projects in industrial areas is fully supported. However, it is not sure why the projects should be limited to “*native*” vegetation, but instead should refer to “*low maintenance*” vegetation. There is no reason why exotic plants cannot provide the same performance outcome as native plants in some environments. Exotic species can be more attractive, practical and disease tolerant.
- pp72 MRWA/Local Government Action 6-3(c), is an ongoing action of local government, however, road safety and efficiency are not mutually inclusive, and in many instances road efficiency is forsaken for safety. The two actions therefore should be separated.
- pp73 DPI Action 6-4(c), the Council fully supports the accelerated planning and implementation of the new

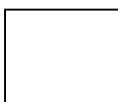


inter-modal terminals at Hope Valley/Wattleup.

- pp74 Network City Framework (Figure 6.1) needs to include the planned outer harbour and Russell Road, Rowley Road and Anketell Road as primary roads for “cars, trucks and public transport” to serve the port, the Australian Marine Complex and the Hope Valley-Wattleup Redevelopment Area west of the Kwinana Freeway.

In addition, consideration should be given to the importance of “Cockburn Central” as an activity centre that will bring people together in terms of commercial, employment and transit services.
- pp80 Service Agencies Action 7-1(a), to develop strategies to protect essential public infrastructure from encroachment by incompatible land uses is fully supported, given the encroachment issues associated with the Woodman Point Waste Water Treatment Plant buffer, the Watsons Abattoir buffer, the Beenyup Water Treatment Plant buffer and the noise affected land surrounding Jandakot Airport within the City of Cockburn. It is essential that a strong regional planning stand be taken to minimise the impacts and landowner expectations.
- pp83 WAPC-ICC Action 7-2(a), to investigate opportunities for joint funding is supported subject to measurable benefits being derived by local government from its participation and not simply a means of shifting the cost burden.
- pp84 WAPC/Sustainability Round Table Action 7-3(a), supports in principle the investigation of the potential benefits of a Building Sustainability Index, such as BASIX. However, it must be approached with caution to ensure real benefits are gained, because the NSW version of BASIX has some application and outcome limitations.

In conclusion the Network City is a very comprehensive and complex document that attempts to integrate economic, social and planning objectives into a single strategic plan utilising zoning, subdivision and development techniques and processes for both short and long term outcomes. Because Network City is philosophically based, it is likely to be difficult to apply by local governments, never-the-less it may lead to a more co-ordinated and co-operative approach to the planning and development of the Perth and Peel Region, which would be beneficial.



Subject to Council acceptance, this document be used as the basis of the Council response to the proposed Network City Plan.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
 - *"To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way."*

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

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

4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
 - *"To determine by best practice, the most appropriate range of recreation areas to be provided within the district to meet the needs of all age groups within the community."*



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

Budget/Financial Implications

N/A

Legal Implications

Nil.

Community Consultation

The Network City document is currently open for public comment. The public participation process is the responsibility of WAPC.

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

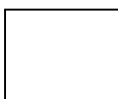
Nil.

- 14.5 (MINUTE NO 2611) (OCM 16/11/2004) - CHANGE OF USE - RETAIL, REPAIR AND COPY SHOP - LOT 2; 2/14-16 COCKBURN ROAD, HAMILTON HILL - OWNER: D GALVIN & T STEVENS - APPLICANT: T B STEVENS (2212334) (MD) (ATTACH)**

RECOMMENDATION

That Council:

- (1) in accordance with Section 3.2.5(b) of Town Planning Scheme No. 3 determines that a Retail Repair and Copy Shop is a use which may be consistent with the objectives and purpose of the Local Centre Zone.
- (2) approves an application for a change of use to a Retail Repair and Copy Shop on Lot 2 (No. 2/14-16) Cockburn Road, Hamilton Hill subject to the following conditions:-



STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan;
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
4. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
5. The development must display the street number and where there is no street number allocated to the property, the lot number shall be displayed instead.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
3. Bin storage facilities to be provided to the satisfaction of the Council's Health Services. Such facilities are to be enclosed, graded to a central drain.
4. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
5. Until the Council has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any such purpose.



COUNCIL DECISION

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

CARRIED 8/0

Background

| | | |
|------------|--------------------|--------------|
| ZONING: | MRS: | Urban |
| | TPS3: | Local Centre |
| LAND USE: | Vacant | |
| LOT SIZE: | 1380m ² | |
| UNIT AREA: | 105m ² | |
| USE CLASS: | Use Not Listed | |

Submission

The application proposes a retail repair and copy shop that includes the following uses:-

- Copy shop – this will be a print shop similar to ‘Worldwide Printing’ providing colour printing and photocopying services to local residents and businesses. The majority of printing will be carried out off site. There will only be two photocopiers contained within the unit.
- Fremantle Ocean Canvas – This will be a retail shop selling bags and other canvas products. It is also intended to have a small sewing area to the rear of the shop to carry out repairs for retail customers.

Refer plan contained with the Agenda Attachments.

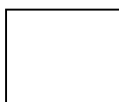
Report

The proposed retail repair and copy shop is considered a use not listed under the City’s Town Planning Scheme No. 3.

The objectives of the Local Centre zone are as follows:

“To provide for convenience retailing, local offices, health, welfare and community facilities which serve the local community, consistent with the local –serving role of the centre”.

It is considered that the proposed retail repair and copy shop is a use that is consistent with the objectives of the Local Centre zone in that it



provides convenient photocopying services, sewing repairs and a bag and canvas supplies to the local community.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Any decision to refuse or approve (with conditions) is appealable where Council could incur costs in defending an appeal.

Legal Implications

Town Planning Scheme No. 3.

Community Consultation

- Application was advertised to adjoining landowners in accordance with Clause 9.4.3 of the City's Town Planning Scheme No. 3.
- Two letters of no objection were received.

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

Nil.

14.6 (MINUTE NO 2612) (OCM 16/11/2004) - TENDER NO. RFT28/2004 - TENDER FOR ENVIRONMENTAL CONSULTANCY SERVICES (RFT28/2004) (JM)

RECOMMENDATION

That Council:

- (1) accept Tender No. RFT 28/2004 for the provision of environmental consultancy services for the City of Cockburn, to form a panel from the following firms for a period of 1 year commencing 1 December 2004 with an option of extending the



consultancy for two additional 12 month periods:

1. Aquaterra.
2. Bowman Bishaw Gorman.
3. GHD.
4. Ecologia.

(2) advise the tenderers of the Council's decision.

COUNCIL DECISION

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

CARRIED 8/0

Background

Following the resignation of Council Senior Environmental Officer in June 2004 the Council twice advertised unsuccessfully for a replacement staff member. It is apparent that there is currently a shortage in suitably qualified and experienced applicants in the market at present.

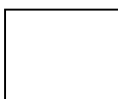
As such it was decided that it would be appropriate to review the responsibilities of existing environmental services staff and complement the team with the services of a panel of environmental consultants.

The City will call on the consultants' services when required to undertake environmental assessments of major projects and respond to new environmental legislation and guidelines. The environmental consultancy services will be used in specialised areas such as the review of environmental impact assessment documentation, policy development, assessment of environmental impacts of rezoning, planning strategies, developments and strategic planning developments.

Accordingly tenders were called for the provision of environmental services for a period of one year with the potential to extend the contract for an additional two years. Tenders for the provision of environmental consultancy services for the City of Cockburn were advertised in *The West Australian* and closed on 5 October 2004.

Submission

Nine (9) tenders were received in response to the advertised tender request. These were:



1. Kabay.
2. Belton-Taylforth.
3. Naragebup Rockingham Regional Environment Centre.
4. 360 Environmental.
5. MPL.
6. Ecologia.
7. GHD.
8. Aquaterra.
9. Bowman Bishaw Gorman.

Report

All of the nine tenders were considered to be compliant tenders. The criteria used in the evaluation process were:

| Assessment Criteria | Weighting Percentage |
|--|----------------------|
| Tendered fees | 40% |
| Demonstrated experience in supplying similar services. | 30% |
| Skills and experience of key personnel to be used by the tenderer to provide the services. | 30% |

The purpose of the tender was to select a panel of firms that were suitable to provide environmental consultancy services for the City of Cockburn. The Scope of Services as set out in the Tender Brief were:

1. Legislative Acts, Policies, Procedures, Guidelines and Licences.
 - a. Interpretation.
 - b. Policy / Guideline development and review.
 - c. Compliance advice.
2. Town Planning and Development Issues
 - a. Environmental assessment of development proposals and applications.
 - b. Provision of input on structure and subdivision plans.
 - c. Reviews of existing development operations.
 - d. Reviews of environmental impact statements.
 - e. Preparation of environmental protection and management strategies.
3. Review of Technical reports
 - a. Contamination Reports.
 - b. Coastal Assessments.
 - c. Odour Buffer reports.

Assessment of the tenders was carried out by:

- | | |
|------------|------------------------------------|
| J. Meggitt | Acting Manager, Planning Services. |
| P. Strano | Environmental Officer. |
| C. Beaton | Environmental Officer. |



A schedule of rates rather than a lump sum fee was used in addressing the cost criteria for this tender. Scores were assessed as follows:

| Scores: | | | |
|--|------------------------------------|--------------------------------|-------------|
| Tenderers /Respondents Name | Non-cost criteria assessment score | Cost criteria assessment score | Total Score |
| Naragebup Rockingham Regional Environment Centre | 15% | 40% | 55% |
| Kabay | 25% | 35% | 60% |
| Belton-Taylforth | 20% | 40% | 60% |
| 360 Environmental | 25% | 35% | 60% |
| MPL | 30% | 40% | 70% |
| Ecologia | 35% | 40% | 75% |
| GHD | 50% | 30% | 80% |
| Aquaterra | 40% | 40% | 80% |
| Bowman Bishaw Gorman | 50% | 35% | 85% |

After evaluating the tenders from these firms, it is believed that Bowman Bishop Gorman, Aquaterra, GHD and Ecologia would be suitable firms to form a panel of environmental consultants for Council environmental services.

These firms have relevant experience in addressing the impacts of a wide range of development proposals within sensitive urban environments, have particular experience within the Cockburn area and demonstrated that they were experienced in addressing the legislative and policy assessment framework for major projects.

Strategic Plan/Policy Implications

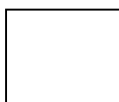
The Tendering Procedures Policy of the City of Cockburn was followed in the course of the preparation of this tender..

Budget/Financial Implications

Funds are contained in Council's annual budget for environmental services.

Legal Implications

The firms appointed would be available to provide environmental consultancy advice to Council.



Community Consultation

N/A

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

Nil.

DECLARATION OF INTEREST

Clr Allen declared a Conflict of Interest in item 14.7, the nature being that he is an Office Bearer of the Coogee Beach Progress Association who made a submission on this issue on behalf of the residents.

AT THIS STAGE, THE TIME BEING 8.03 PM, CLR ALLEN LEFT THE MEETING.

14.7 (MINUTE NO 2613) (OCM 16/11/2004) - MATTER FOR INVESTIGATION - WOODMAN POINT WWTP ODOUR BUFFER (03019) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Report;
- (2) require the preparation of a Scheme Amendment Report for the December 2004 Council meeting, outlining an alternative Rural Living Zoning under Town Planning Scheme No 3 for land or portions thereof within the odour buffer of the Woodman Point Waste Water Treatment Plant and if the Odour Buffer is modified by the EPA as part of its appraisal of the WWTP Odour Review Study Outcomes prior to the final adoption of the Amendment by the Council, then the Scheme Amendment Report and Map be modified to reflect the re-alignment.

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Clr L Goncalves that Council:

- (1) receive the Report;
- (2) defer consideration to initiate a scheme amendment for the land affected by the Woodman Point Waste Water Treatment Plant odour buffer, until such time as:-



1. the letter from the Mayor to the Director General of Water Corporation, Dr Jim Gill, dated 9 November 2004 has been responded to and said response has been considered by Council.
 2. extensive consultation has been undertaken seeking public comment on the future use of the land affected by the Woodman Point Waste Water Treatment Plant odour buffer;
- (3) following consideration of the response from Dr Gill, and subject to there being no conflict with the Water Corporation's position, commence the public consultation referred to in (2) 2. above by:-
1. conducting a telephone survey by a suitably qualified consultant of residents and ratepayers living in the district, to ascertain their opinion about the future of the land affected by the odour buffer, including but not limited to residential, rural living and recreational (golf course) uses;
 2. including a survey in an issue of the Cockburn Soundings, with the survey questionnaire being the same as that used in the telephone survey;
 3. undertaking a letter drop of property owners living in the vicinity, namely between Cockburn Road and Stock Road and between Mayor Road and Russell Road, with the questionnaire being the same as that used in the telephone survey;
- (4) reconsider the matter at a subsequent meeting of Council, following the closing of public comment period.

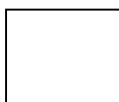
CARRIED 7/0

Explanation

The Council should not be progressing this matter further until it has fully established as many facts as possible with regard to the restrictions, if any, on the land and the desires of the landowners and stakeholders.

Background

According to the Water Corporation the Waste Water Treatment plant was established in 1966 on the Woodman Point Site. A large primary treatment plant was constructed in 1984 on-site. In 1992 the Corporation reduced the nominal 1 kilometre buffer to the existing



750m buffer. The more advanced secondary treatment plant became operational in 2002. The upgraded plant is designed to handle 160 mg/l per day and long term planning could see this expanded to 320 mg/l per day. A major odour study was undertaken following the plant upgrade. The results of the modelling indicate that the existing buffer should be retained because of the more stringent odour criteria.

The Odour Buffer Report is the subject of an official Ministerial direction under Section 16 of the EP Act by the Minister for Environment for the EPA to identify the nature and extent of the buffer. The affected landowners have expressed strong concerns over their land being included within an odour buffer and believe the Corporation should undertake further works to reduce the odour buffer to the east edge of Lake Coogee. The Corporation accept that the recent upgrade of the plant significantly reduced odour emissions, it was accepted that more work has to be done to reduce odour impacts. An Odour Reduction Program has been initiated to progress works to ensure that existing urban residential areas are not adversely impacted on by odours from the plant.

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

The Woodman Point WWTP has the capacity to be expanded to provide for future metropolitan growth and this expansion needs to be protected to maintain the operational integrity of this regional facility in the wider public interest. In 1992 the WWTP plant served 400,000 people which has significantly increased commensurate with the population occurring in the southern metropolitan area. The Water Corporation (WC) spent \$160 Million upgrading the WWTP (relocation of the Mayor Road pump station within boundary of WWTP). This facility is of State importance and must be protected using a range of economic and planning mechanisms.

In 1997 Amendment No 939/33 was approved by the Minister which rezoned land within the buffer in the Metropolitan Region Scheme ("MRS") from Rural to Urban Deferred. The amendment also rezoned land not constrained by buffers from Rural to Urban. Prior to the gazettal of the MRS Amendment in 1995 the Minister for the Environment WA issued a statement that the proposal may be implemented subject to conditions which are summarised below:-



- The construction of residential dwellings on any lot requiring the subdivision of land is not permitted.
- Short stay accommodation (eg hotels and motels) are not permitted.
- Developments which compel the public to remain on the lot(s) for long periods of time (eg primary schools and hospitals) are not permitted.

In 1997 the State Industrial Buffer Policy was gazetted. The Policy was prepared by the Western Australian Planning Commission as a Statement of Planning Policy under the TP&D Act. The purpose of the Policy is to provide a consistent approach in the State for the protection and long-term security of industrial zones and other utilities and special uses. The policy also has regard to the safety and amenity of surrounding land uses and landowners. The Council is obligated under section 7 of the Act to have regard to any approved statement of planning policy prepared under section 5AA which affects its district when amending or reviewing its district Scheme. While the focus of the Policy relates to new industries, the Policy has relevance in so far as the objectives and principles. For example:-

“(2) To protect industry, infrastructure and special uses from the encroachment of incompatible land uses.

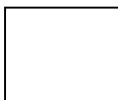
(3) To provide for the safety and amenity of land uses surrounding industry, infrastructure and special uses.

(4) To recognise the interests of existing landowners within buffer areas who may be affected by residual emissions and risks, as well as the interests, needs and economic benefits of existing industry and infrastructure which may be affected by encroaching incompatible land uses.”

The Principles of the Policy of relevance are:-

“(1) Industries, infrastructure and Special Uses requiring off-site buffer areas are an important component of economic growth in Western Australia and are essential for the maintenance of our quality of life. These facilities and associated buffer areas must be planned for.

(2) Off-site buffer areas shall be defined for new industry, infrastructure and special uses where necessary to comply with accepted environmental criteria. Off-site buffer areas shall also be defined for established industry and infrastructure to comply with accepted environmental criteria where there are existing land use conflicts or where there is the potential for land use conflicts to occur.



(3) Once an off-site buffer is defined, the boundary should not be varied unless justified in a scientifically based study (e.g. the impacts of industry/infrastructure should be maintained within the buffer and it should not be encroached upon by sensitive uses.)

(4) It is essential that once an off-site buffer area is defined, it must be recognised in a town planning scheme.

(5) Where a buffer area is included as part of a town planning scheme, all issues relating to restrictions on land use and development, and the effect on landowners and existing industry, shall be addressed by the scheme.”

Industry and Infrastructure would normally comply with adopted environmental and planning criteria through a combination of –

- Appropriate management practices which don't unreasonably inhibit infrastructure usage; and
- Off-site buffer areas.

The policy describes that the size of the buffer area is dependant on the management practices used. The buffer is normally based on weighing up the economic viability of incorporating management practices versus the availability and cost of securing a buffer area. In practice BEMP will be a matter of negotiation between the Water Corporation in this instance, the Department of Environmental Protection, other adjacent landowners, infrastructure operators and planning authorities (Western Australian Planning Commission and local governments).

Section 5 of the Buffer Policy discusses the application of Planning mechanisms to prevent incompatible land uses being developed within the buffer area. Buffer areas should be incorporated into town planning schemes through appropriate land use designations, zoning and development controls. In a rural zone a scheme text could specifically deal with further subdivision or residential development within the buffer area. The Policy also explains that it doesn't affect the legal position in Western Australia where compensation is generally not liable for zoning (and development control) restrictions through town planning schemes.

The land is currently in the Development Zone in the City's Town Planning Scheme No 3. The Development Area 5 and Development Contribution Area 6 also apply due to the Development Zone. The objective of the Development Zone in TPS3 is as follows:-

“To provide for future residential, industrial or commercial development in accordance with a comprehensive Structure Plan prepared under the Scheme.”



At the time of preparing TPS3 it was believed that the odour buffer in future may be changed so the Development Zone was chosen to maintain future planning options for the land affected by the odour buffer around the WWTP. It is now apparent that the odour buffer following the recent review is unlikely to change. The Development Zone now gives a "false indication" that residential development could occur. Furthermore Development Area 5 includes statutory scheme requirements that Council must comply with that preclude residential development occurring within the buffer to the Woodman Point WWTP as follows:-

"2. To provide for residential development except within the buffers to the Woodman Point WWTP, Munster Pump Station and Cockburn Cement."

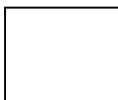
3. The Local Government will not recommend subdivision approval or approve land use and development for residential purposes contrary to Western Australian Planning Commission and Environmental Protection Authority Policy on land within the Cockburn Cement Buffer zone."

On 30 July 2004 the Water Corporation advised concerned landowners represented at a meeting that it was not going to proceed with a preliminary proposal to establish a golf course over land affected by the WWTP Buffer east of Lake Coogee. This proposal previously drew public criticism from the recently formed Lake Coogee Precinct Landowners Group as reported by the media.

Through statements made in the media some residents have indicated that they do not want to sell, however they do want to continue on their rural properties. There is also a perception that landowners were occupying their property first. This however is not correct since many of the landowners have occupied their land after the initial WWTP was established. Media reports have also indicated that landowners within the WWTP buffer have been enjoying the benefits of rural living for some time and again wish this to continue.

The City has also made available significant information contained in its records under the Freedom of Information Act to the Lake Coogee Precinct Landowners Group. City Officers have openly provided information together with other assistance to this Group.

It should also be noted that Council has a Midge Policy, which discourages development around wetlands where there is a known midge problem. This includes Lake Coogee. The policy suggests there should be no residential development or subdivision within 500m of a lake with a known midge problem, and that development within 500m and 800 metres of such a lake should contain a memorial-advising owners of the potential midge problem. The policy is one adopted by the Council and can, where appropriate, be modified to suit



a particular application, where it can be demonstrated that there is no midge problem or potential midge problem, or the proponent has demonstrated that they can minimise or eliminate any potential midge problem.

Furthermore Lake Coogee is an environmentally significant lake reserve in the Metropolitan Region Scheme (“MRS”) for Parks and Recreation. Lake Coogee is an “A Class Reserve” vested in the City of Cockburn, and is a registered Environmental Protection Policy (“EPP”) Wetland. The lake is 63ha in area and its key conservation value is the presence of saltwater paperbarks with the predominance of salt marsh reeds, according to the DoE. Lake Coogee is a Conservation Category Wetland where its management priority is to preserve the wetland attributes and functions through reservation in national parks, crown reserves, state owned land and protection under environmental protection policies. The current approach to residential development is to apply a zone of influence around the lake of 200m in width whereby any development within this area should demonstrate a net reduction in impacts on the Lake as part of a negotiated outcome process between land owners and the City, DPI and DoE. Impacts of development must be offset with environmental benefits that could be in the form of revegetation around the lake, nutrient retentive stormwater management and agreed minimum setbacks to wetland dependant vegetation and flood areas.

Submission

Clr Limbert raised a matter to be noted for investigation without debate in Item 22 of the Ordinary Meeting of Council on 20 July 2004 by requesting that Council investigate the proposed buffer around the Waste Water Treatment Plant at Lake Coogee and ascertain the impact on local residents.

Report

The subject land is zoned Development Zone (DA5) (DCA6) in Town Planning Scheme No 3. The land is also included within the existing 750m odour buffer area around the Water Corporation Woodman Point Waste Water Treatment Plant. The buffer area extends into Development Area 5 – Munster as depicted on the Scheme Maps.

The buffer areas also extend into land, which is zoned, Special Use 9 – Marine Technology Park, Special Use 11 – Cockburn Cement, Special Use 2 – Henderson Ship Building Precinct, General Industry, Light Industry, Local Centre, Parks and Woodman Point Recreation and Reserves for Public Purpose – Special Use (Water Authority of WA). Most of the zones and reserves in TPS3 are such that they do not conflict with the WWTP buffer area. The exception to this is the land and portions that are in the Development Zone where development



expectations of landowners has arisen in conflict with the nominated buffer areas.

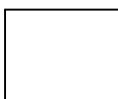
There is no adverse impact on the current rural use of land within the WWTP buffer area. The impact upon land arises when considering future development options for the land that are incompatible with the odour buffer.

Various landowners in Munster are seeking the Water Corporation to reduce the odour buffer to enable the lifting of the Urban Deferred Zoning in the MRS to facilitate residential development of their land. The Development Zone however is no longer an option that can be supported on planning grounds due to the potential for odours to adversely impact on the amenity of future residents. The Development Zone should be realigned to coincide with the boundary of the Urban Zone in the MRS.

There are 26 privately owned lots within the Odour Buffer to the WWTP. The 1966 the primary treatment WWTP was established well before any current landowners purchased their properties. From 1974 to 2002 the land was in the Rural Zone under both Town Planning Scheme No 1 (gazetted in 1974) and District Zoning Scheme No 2 (gazetted in 1992). The Rural Zoning was only recently changed with the gazettal of Town Planning Scheme No 3 in 2002. In 1997 the land was zoned Urban Deferred in the MRS. Some landowners have campaigned strongly against the imposition of the odour buffer despite that it was in existence before they purchased their land. Development is not an "as of right" of any landowner, as development constraints and opportunities must be identified and addressed prior to considering land use options that are in the interests of orderly and proper planning.

Through the assessment of the buffer impact it has been demonstrated that the current zoning is inappropriate and should be reviewed by Council for the following reasons:-

1. The existing Development Zone suggests a development right that is inconsistent with the Urban Deferred Zoning in the MRS. Council has a legal obligation to ensure under Section 35 of the MRS Act that the Council's Scheme is consistent with the MRS. Land zoned Urban Deferred in the MRS commonly has a Rural Zone or other compatible zone which only changes when the Urban Deferred Zoning is lifted.
2. There is also an obligation under Council's TPS3 to ensure that no residential development occurs within the WWTP odour buffer.
3. The Zoning should be reviewed in the context of the statement issued by the Minister for the Environment WA that the MRS



amendment proposal in 1997 may be implemented subject to conditions, which are summarised below.

- The construction of residential dwellings on any lot requiring the subdivision of land is not permitted.
- Short stay accommodation (eg hotels and motels) are not permitted.
- Developments which compel the public to remain on the lot(s) for long periods of time (eg primary schools and hospitals) are not permitted.

The following options outline suitable zonings for land within air quality buffer area of Development Area 5 only. These are:-

- Option One Rural Land – This option provides for the maintenance of existing Rural Land uses and meets the desired planning outcomes by resolving land use conflicts. This option will not impact on the amenity of the rural area or current land uses. Large areas east of the Hope Valley Wattleup Redevelopment Area are already in the Rural Zone, which is one of two remaining rural zones in the district. The objective of the Rural Zone in TPS3 is *“to provide a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.”*
- Option Two Rural Living Zone – This option resolves the land use conflicts in the area and provides for the retention of existing residential uses on rural lifestyle lots that have historically been used for market gardening and other rural uses. The objective of the Rural Living Zone in TPS3 is *“to provide for residential use in a rural environment.”*
- Option Three Special Use 9 – This option also resolves the land use conflicts in Development Area 5 but would not apply to Development Area 4 and Development Area 3 and therefore has limited application. The Special Use Zone could provide for the extension of the Marine Technology Park to the south of DA5. The extension of the SU9 Zone would require consultation with LandCorp but given the fragmented location of the land it may not be suitable to include in the current development area. An alternative to this would be light or high technology industrial uses, such as technology parks and business parks.
- Option Four – Maintain the Status Quo – This option doesn't adequately clarify the owner expectations for the land.

In all four options above within Development Area 3 and Development Area 4 can be excluded because the land affected by the EPP Buffer should be changed to Local Reserve – Parks and Recreation and



Lakes and Drainage for consistency with the adopted Structure Plans for these areas. There are no land use conflicts associated with these reserves occurring within the EPP Buffer area.

Having due regard to the above options it is important that future land uses and development co-exist without any uses experiencing a negative impact. The preferred option from those listed above is Option Two, which seeks to mitigate future land use conflicts by rezoning the land from a Development Zone to a Rural Living Zone. This is the same zoning approach that has been applied to land on the east side of Stock Road within the EPP Buffer (Cockburn Cement). No inappropriate development expectations have been raised by landowners in this area because the zoning clearly identifies the purpose and intent of the land. This zoning supports rural lifestyle uses, which can co-exist within buffer areas.

This Rural Living zoning approach also gives certainty for the land.

If Council agrees to initiate a Scheme amendment it would then be referred to the EPA for advice on the level of assessment under the EP Act. The EPA would also place the amendment into context within the recent odour buffer study outcomes. If the scheme amendment is not formally assessed the Council could proceed and seek public comment on the proposal prior to considering the final adoption of the amendment.

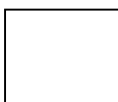
There is no immediate impact on the current use of land for rural living purposes. Existing land uses are consistent with the previous rural zoning that applied under District Zoning Scheme No 3.

Subdivision and development is not a right of every landowner. In the case of the WWTP buffer land it is not zoned Urban in the MRS due to the existence of the 750m buffer which following a review has recommended of the same. The Council is not responsible for administering the MRS nor is it responsible for determining the alignment of the odour buffer. It is the responsibility of the DoE to make recommendations to the Minister for the Environment on the ultimate alignment of the WWTP buffer in consultation with the WAPC. It is an obligation of the Water Corporation to operate its plant in accordance with its licence, which is enforced by the DoE.

Strategic Plan/Policy Implications

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

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



Budget/Financial Implications

Costs incurred relate to the administration, advertising of the scheme amendment documents and reporting to the Council.

Legal Implications

City of Cockburn Town Planning Scheme No 3.
Town Planning & Development Act 1928 (as amended)
Metropolitan Region Scheme
Planning Regulations

Community Consultation

The proposed Scheme Amendment would be subject to community consultation requirements as set out in the Planning Regulations.

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

Nil

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

14.8 (MINUTE NO 2614) (OCM 16/11/2004) - SALE OF PORTION OF LOT 101 BEELIAR DRIVE, BEELIAR TO COBURG NOMINEES PTY LTD (4414000) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) accept the offer to purchase portion of Lot 101 Beeliar Drive area 1583 square metres for a consideration of \$95,000 from Coburg Nominees Pty Ltd subject to:
 1. The sale price being at least market value as determined by a Licensed Valuer; and
 2. The provisions of Section 3.58 of the Local Government Act 1995 being complied with.

COUNCIL DECISION

MOVED Cllr M Reeve-Fowkes SECONDED Cllr I Whitfield that Council defer consideration of the sale of portion of Lot 101 Beeliar Drive to Coburg Nominees Pty Ltd, until the valuation advice has been received.

CARRIED 8/0

Explanation

McGees, the property consultants, are completing a valuation for the land and it would be preferable to defer consideration of this matter until the valuation report has been fully considered.

Background

Lot 101 is a freehold lot purchased to facilitate the construction of Beeliar Drive. The land in excess of the requirements for the road reserve is available for sale.

Council at its meeting held on 20 April 2004 resolved to:

- (1) allocate \$30,000 to cover the costs of consultants required to provide information for the preparation of a Business Plan for the development and sale of multi lots on portion of Lot 101 Beeliar Drive, Beeliar.
- (2) with funds to be drawn from Account GL 116-6218 – Business Plans.

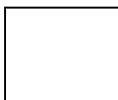
Report

The area of land within Lot 101 required for the Beeliar Drive road reserve has been identified . Excess land north and south of the road land has been identified and divided into sub lots that can be developed as multi unit sites or in case of the land the subject of this item only suitable for inclusion into the adjoining Lot 77 Birchley Road.

The offer by Coburg is consistent with recent sales of undeveloped land in the vicinity. The Local Government Act requires that if Council land is to be sold by private treaty as is proposed then the purchase price needs to be advertised with details of recent valuation by a Licensed Valuer.

An application has been made to Western Australian Planning Commission to subdivide Lot 101 to create the Beeliar Drive road reserve, one lot north of Beeliar Drive, one lot on the south of Beeliar Drive and on the corner of Beeliar Drive and Birchley Drive the land will be shown as an internal road and part residential lots. All costs associated with the creation of the internal road and part lots will be borne by Coburg Nominees.

Engineering consultants have been instructed to prepare costs estimates for the development of the other lots the subject of the subdivision application. Once these costs have been determined the business plan as identified in the May 2004 Council meeting will be finalised.



Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
 - *"To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way."*
 - *"To maintain a professional and well trained workforce that is responsive to the community's needs."*
 - *"To manage a fleet of plant and vehicles that contribute to the efficient operation of Council's services."*

Budget/Financial Implications

Funds have been allocated for the project in the current budget.

Legal Implications

3.58 of the Local Government Act.

Community Consultation

Advertising will be undertaken in the local paper pursuant to the requirements of the Local Government Act.

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

Nil.

14.9 (MINUTE NO 2615) (OCM 16/11/2004) - PROPOSED SCHEME AMENDMENT NO. 17 - INTRODUCTION OF DEVELOPMENT CONTRIBUTION AREA NO. 7, AUBIN GROVE - TOWN PLANNING SCHEME NO. 3 - DEVELOPMENT AREA NO. 11 (93010) (JLU) (ATTACH)

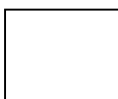
RECOMMENDATION

That Council:

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



| | |
|--|--|
| <p>(2) finally adopt the following amendment, the documents be signed, sealed and forward to the Western Australian Planning Commission:-</p> <p>TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME – DISTRICT ZONING SCHEME NO. 3</p> <p>AMENDMENT NO. 17</p> <p>Resolved that Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 amend the above Town Planning Scheme by:</p> <p>1. Including the following in Schedule 12 – Development Contribution Plan of the Scheme:</p> | |
| Ref No: | DCA 7 |
| Area: | Aubin Grove |
| Provisions: | <p>All landowners within DCA 7 with the exception of Part of Lot 199 Gaebler Road identified as Bush Forever Site No. 492 and the Water Corporation bore sites shall make a proportional contribution to the cost of regional drainage infrastructure in accordance with the Russell Road Arterial Drainage Scheme.</p> <p>In relation to Lot 448 Lyon Road, Aubin Grove which has been identified for a primary school, if this site is not developed for a primary school in the future a proportional contribution to the cost of regional drainage infrastructure will be required.</p> <p>There may be such other land owners as agreed to, in Development Contribution Area No. 3 (DCA 3) located between Barfield Road and the Kwinana Freeway that shall also make proportional contributions towards the regional drainage infrastructure.</p> <p>The proportional contribution is to be determined in accordance with the provisions of clause 6.3 and contained on the Development Contribution Plan.</p> <p>Contributions shall be made towards the following items:</p> |



| | |
|---|--|
| | <ul style="list-style-type: none"> • Costs associated with the provision of regional drainage infrastructure including the cost of the Freeway Swale area and connection to Lake Kopulup; • Costs associated with boring under the Kwinana Freeway to provide the pipe channel to the Freeway swale outlet; • Costs associated with the relocation of servicing infrastructure resulting from the implementation of this scheme, where appropriate; • Costs associated with the landscaping of the linear swale; • Costs to administer cost sharing arrangements including preliminary engineering design and costings, valuations, annual reviews and audits and administration costs. |
| Participants and Contributions: | In accordance with the Cost Contribution Schedule adopted by the local government for DCA 7. |
| <p style="text-align: center;">2. Amending the Scheme Map to include Development Contribution Area No. 7 accordingly.</p> <p style="text-align: right;">Dated this day of 2004.</p> <p style="text-align: right;">Chief Executive Officer</p> <p>(3) advise those who made submissions of Council's decision accordingly.</p> | |

COUNCIL DECISION

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

CARRIED 8/0

Background

At its meeting on the 15 June 2004 Council resolved to initiate Town Planning Scheme Amendment No. 17 to introduce 'Development Contribution Area No. 7' which will require contributions by all developers towards the proposed integrated regional drainage infrastructure. The Amendment has been advertised and is referred to Council for final consideration.



Submission

N/A

Report

The amendment was forward to the Environmental Protection Authority (EPA) in July 2004. The amendment was not assessed by the EPA and no environmental advice was provided.

All relevant Government agencies and 41 affected, surrounding properties and relevant planning consultants were notified in writing of the Amendment and invited to make comments. Seven submissions were received during the advertising period and one outside the advertising period. There were no objections, however, a number of questions and issues were raised.

The main issue raised in the submissions and the Officer's response is provided below:

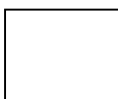
1. Calculation of contribution rate – Clause 6.3.4(c) specifies that when calculating the total area of the owners land required to pay the contribution against that;
- roads designated under the Metropolitan Region Scheme as primary regional roads and other regional roads;
 - existing public open space;
 - government primary and secondary schools; and
 - such other land as is set out in the Development Contribution Plan,
- is to be excluded from the calculation.

Given the above and the land described in Schedule 12 (Part of Lot 199 Gaebler Road identified as Bush Forever Site No. 492, the Water Corporation bore sites and Lot 448 Lyon Road identified as a primary school) the following table provides a breakdown of the land subject to the calculation:

| Description | Land Area |
|---|------------|
| Total area of land shown as DCA No. 7 | 148.7466ha |
| Total are of land to be excluded from DCA No. 7 as described in Schedule 12 | 4.56ha |
| Total area of land development contribution applicable to | 144.1866ha |

The above calculation does not include the land on the western side of the Kwinana Freeway between Barfield and Gaebler Roads. Until confirmation at the subdivision stage that these properties have not been included in the calculations.

Council's Engineering Services in conjunction with the project engineers for the development of The Sanctuary (Lot 199 Gaebler



Road) have provided the following estimated costs of the regional drainage infrastructure:

Estimate of works to be carried out on Lot 199 Gaebler Road

| | | Qty | Unit | Rate | Amount |
|-----------|--|-----|------|------------|--------------------|
| 1. | Earthworks, supply and lay 375mm pipe | 365 | M | \$40.62 | \$29,170.56 |
| 2. | Concrete manholes 1092 dia. | 4 | Ea | \$1,482.74 | \$5,930.96 |
| 3. | Subsoil drainage | 335 | M | \$36.49 | \$12,246.04 |
| 4. | Supply and install insitu headwalls | 1 | Ea | \$1,500.00 | \$1,500.00 |
| 5. | Survey costs | 1 | Item | \$2,000.00 | \$2,000.00 |
| 6. | Design/supervision/engineering costs at 7.5% | 1 | Item | \$3,813.57 | \$3,813.57 |
| Sub total | | | | | \$54,661.13 |

Estimate of works to be carried out to connect to drainage system on the western side of the Kwinana Freeway

| | | Qty | Unit | Rate | Amount |
|-----------|--|-----------|----------------|------------|---------------------|
| 1. | Earthworks, supply and lay 375mm pipe | 447 | M | \$87.00 | \$38,889.00 |
| 2. | Earthworks, supply and lay 525mm pipe | 484 | M | \$130.00 | \$62,920.00 |
| 3. | Bore under the Kwinana Freeway | 100 | M | \$650.00 | \$65,000.00 |
| 4. | Concrete manholes 1092 dia. | 10 | Ea | \$1,482.74 | \$14,827.40 |
| 5. | Subsoil drainage | 447 | M | \$70.00 | \$31,290.00 |
| 6. | Supply and install insitu headwalls | 4 | Ea | \$1,500.00 | \$6,000.00 |
| 7. | Earthworks – cut to spoil | 2390 0 | M ³ | \$6.00 | \$143,400.00 |
| 8. | Survey costs | 1 | Item | \$5,000.00 | \$5,000.00 |
| 9. | Design/supervision/engineering costs at 7.5% | 1 | Item | \$3,813.57 | \$28,661.54 |
| 10. | Landscaping of linear swale (including annual maintenance) | 1 | Item | | \$231,953.00 |
| 11. | 10% contingency | 1 | Item | | \$55,659.39 |
| 12. | Securing easement for swale | 1 | Item | | \$85,000.00 |
| Sub total | | | | | \$768,600.33 |

Estimate of administration costs

| | | Amount |
|----------------------------|---|---------------------|
| 1. | Initial costs of Engineering Report by David Wills and Associates | \$30,000.00 |
| 2. | Landscape masterplan and cost estimates | \$10,000.00 |
| 3. | Annual landscape cost estimate review (5 years @ \$1,000/yr) | \$5,000.00 |
| 4. | Infrastructure cost estimates (5 years @ \$1,500/yr) | \$7,500.00 |
| 5. | Annual audit cost (5 years @ \$700/yr) | \$3,500.00 |
| 6. | Council administration (5 years @ \$3000/yr) | \$15,000.00 |
| Sub total | | \$71,000.00 |
| TOTAL ENGINEERING COSTS | | \$768,600.33 |
| TOTAL ADMINISTRATION COSTS | | \$71,000.00 |
| TOTAL | | \$839,600.33 |

These estimates show that the per hectare rate from DCA No. 7 will be \$5,823.01. The above figures are indicative only and will be reviewed at the time of receiving more detailed designs for each section of the infrastructure.

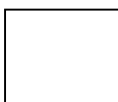
2. Details of infrastructure requirements – Detailed engineering design details for the infrastructure will be produced and available for all affected landowners once they have been produced by Stocklands as part of the subdivision process for the development of Lot 199 Gaebler Road. All landowners within the DCA will have the opportunity to provide comment on the cost schedule proposed for the area and these will be reviewed annually in accordance with Clause 6.3.4 (d).
3. Contribution area – One of the submissions argued that Lot 204 Gibbs Road should be included in the DCA.

The submission goes onto further suggest that Pt Lots 3 and 4 Lyon Road should not be included in the DCA as they are outside the 'Declared Water Corporation Drainage Boundary'. The David Will's Report confirms that the catchment boundary for the Russell Road Buffer Lake and the area contributing to the Arterial Drainage System is assumed to be the Water Corporation Declared Drainage System. Pt Lots 1 to 4 Lyon Road are outside this area and therefore the DCA should be modified to delete these properties. The Report goes on to further suggest that this land can be developed using either on site soakage or discharge into the Water Corporation's Peel Main Drain.

Since advertising the amendment Peet and Co, developers of Lots 203 and 11 Barfield Road, have approached Council seeking approval to dispose stormwater drainage into the 'Freeway Swale Channel' on the western side of the Kwinana Freeway. It is possible for the properties between Barfield Road and the Kwinana Freeway to disposed of drainage into the swale, however, as the swale forms part of the regional drainage system network proportional contributions to this network will be required. Development of land in this area can either be drained into the swale or on site drainage systems will be required. Council officers have written to all those land owners between Barfield Road and the Kwinana Freeway seeking their comments of the inclusion of this area into the amendment. At the time of writing this report no responses had been received from these owners, however a clause has been inserted into the amendment to include these properties if required.

Conclusion

The introduction of 'Development Contribution Area No. 7' to Schedule 12 of Town Planning Scheme No. 3 will ensure that a coordinated



approach is taken to the regional drainage in the Southern Suburbs Area with all developers contributing to the provision of the drainage infrastructure. No objections were raised during the advertising of the amendment and the comments received have been addressed through minor modifications. It is therefore recommended that Council finally adopts Scheme Amendment No. 17.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

There will be costs involved in the administration of the Development Contribution Plan however these costs are no different to the costs that are already incurred by Council for the other Development Contribution Plans within the City. These administration costs are to be recouped through the Contribution Plan.

Stocklands will be pre-funding the majority of the works for the regional drainage infrastructure.

Legal Implications

Nil.

Community Consultation

The Amendment was advertised in accordance with the Town Planning and Development Act 1928 (as amended).

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

Nil.

14.10 (MINUTE NO 2616) (OCM 16/11/2004) - NEGLECTED BUILDING - LOT 14; 31 KNOCK PLACE, JANDAKOT - OWNER: WEST COAST SKIN AND HIDE CO PTY LTD (5513325) (JW)

RECOMMENDATION

That Council initiate a prosecution for a breach of Section 670 of the Local Government (Miscellaneous Provisions) Act 1960, against the owner of Lot 14, 31 Knock Place, Jandakot, should the owner not comply with the City's Section 408 (1) Notice, previously issued on 14th of January 2004, or be subject to an appeal by the owner.



COUNCIL DECISION

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

CARRIED 8/0

Background

- A Section 408 (1) Notice was issued under delegation on the 14 January 2004. The notice required that an unoccupied derelict steel clad and framed animal skin factory be taken down.
- A number of site inspections have been made over the period since the notice was issued. The landowner has initiated removal of the derelict building, however progress has been very slow.
- The owner has been contacted on a number of occasions and has provided advice as to when the building will be removed. All work completion dates offered by the owner have passed and a substantial amount of the building still has not been removed.

Submission

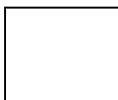
N/A

Report

A reasonable time period has been given to the owner to complete the works, however, progress has been minimal and intermittent.

A copy of the 408 Notice previously issued will now be sent to the building owner. The copy of the Notice gives the owner an appeal right to the Minister for Housing and Works who may uphold, dismiss or vary the City's Notice.

Subject to any appeal (if lodged) outcome the City should initiate action under Section 670 of the Local Government (Miscellaneous Provisions) Act 1960, to compel the building owner to comply with the requisitions of the City's 408 Notice, requiring removal of the neglected building. It is an offence for the building owner not to comply. The penalties upon conviction for an offence, by a corporate landowner are up to \$2,000 and up to \$5,000 for each day during which an offence continues. It is envisaged that such a penalty would result in the landowner carrying out the remainder of the work promptly, to avoid such penalties. This approach would also lessen the chance of the City having to enforce the removal of the building by carrying out the works.



Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

Budget/Financial Implications

The City may incur legal costs to pursue this matter.

Legal Implications

Local Government (Miscellaneous Provisions) Act 1960, Section 670.

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

Nil.

14.11 (MINUTE NO 2617) (OCM 16/11/2004) - MOBILE TELEPHONE BASE STATION - 2 TICHBORNE STREET, JANDAKOT - OWNER C SANTORO - APPLICANT: TELSTRA MOBILE NETWORK SERVICES WA (5513225) (MR) (5513225)

RECOMMENDATION

That Council:

- (1) grant its approval to the proposed Mobile Telephone Base Station on Lot 67 (No 37) Hammond Road, Jandakot subject to the following conditions:-
 1. The development may only be carried out in accordance with the terms of the application as approved herein and any approved plan.
 2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
 3. The premises shall be kept in a neat and tidy conditions at all times by the owner/occupier to the satisfaction of the Council.

4. The telecommunication facility being constructed to facilitate co-location with other telecommunication carriers.
5. The telecommunication pole being constructed using a slimline pole and finished in galvanised grey with the equipment room finished in colourbond Merino in accordance with the application.
6. The telecommunication facility must comply with the Australian Radiation Protection And Nuclear Safety Agency (“ARPANSA”) established Radiation Protection Standard that specifies limits for continuous exposure of the general public to RF transmissions at frequencies used by the mobile phone base stations and the Australian Communication Authority (“ACA”) mandated exposure limit for continuous exposure of the general public to Radio Frequency EME from mobile phone base stations.

Footnote:

The development must comply with the BCA. A building licence is required prior to commencement of development.

- (2) review its “Telecommunications Policy – High Impact Facilities” APD13, to seek a reduction in the separation distance between a telecommunications tower and prescribed facilities from 500m to 100m.

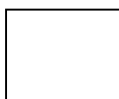
COUNCIL DECISION

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

CARRIED 8/0

Background

| | | |
|------------|--|----------|
| ZONING: | MRS: | Industry |
| | TPS3: | Industry |
| LAND USE: | Existing Industry | |
| LOT SIZE: | 607sqm | |
| AREA: | 35m slimline mono pole and equipment shelter | |
| USE CLASS: | Use Not Listed – Mobile Phone Base Station | |



Mobile Base Stations and EMR

Information supplied by the Australian Communications Authority and ARPNSA is provided below:-

What is radiofrequency electromagnetic radiation (EMR)? – *Radiofrequency EMR is the transfer of energy by radio waves. Mobile phone stations broadcast towers and radar facilities all emit radiofrequency EMR. EMR also occurs in nature and is part of everyday life. Natural sources like the sun, the earth and the ionosphere all emit low levels of EMR.*

Are there set limits on exposure to EMR in Australia? – *Yes. The Australian Communications Authority (ACA) sets limits for exposure from mobile phone base stations to protect public health. All mobile base stations must comply with the ACA limits.*

What is the ACA's public exposure limit? – *It is 200 microwatts per square centimetre. This is at least 50 times below a level of exposure to EMR which is known to have adverse health effects on the human body and is consistent with World Health Organisation guidelines.*

So what are the exposure levels around mobile base stations? – *They are less than 0.1 per cent of the ACA limit. And, in most locations, they are less than television or radio signals measured in the same place.*

Has anybody measured EMR from mobile base stations? – *Yes. As part of a national survey the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) measured EMR at 14 locations near mobile phone base stations. ARPANSA found that emissions from mobile base stations at these localities were comparable to television and FM radio transmitters measured at the same time, and are lower than those from AM radio transmitters.*

Are mobile base stations a health risk? – *Evidence gathered by ARPANSA suggests that exposure levels in public areas are so far below the exposure limit set by the ACA emissions from mobile phone base stations have no implications for health.*

Submission

Telstra is proposing to construct a new base station and phone tower. The new facility is intended to improve the mobile telephone coverage in the Yangebup – Beelihar area and have determined that the subject site would enhance service to residences in these two suburbs. The “in building” quality of coverage to dwellings would be improved in an area which is currently experiencing poor signals or no signal at all.

Telstra have selected the site in the Jandakot Industrial Area as this provides the best level of separation from residences and other sensitive land uses.



Telstra are proposing to install a 35m slimline mono pole at the site with 3 antennas at the 37.2m level and 3 antennas at the 34m level together with an associated equipment room at the base of the structure.

The application basically complies with Council's Policy in relation to site zoning and visual impact requirements however 500m separation from existing residences cannot be achieved in this area.

The site has been selected having regard to the WAPC Statement of Planning Policy No 5.2 where it is advised as follows:-

- The slimline mono pole will be finished in a galvanised grey with the equipment room finished in colourbond Merino.
- The pole and equipment room will be isolated by fencing.

Telstra have also indicated that they have a responsible approach to Electro Magnetic Energy (EME) Emissions which is demonstrated through compliance with relevant radio frequency standards and comprehensive policies and procedures to protect the health and safety of the community and employees.

In Australia, the EME safety standard is set by ARPANSA and regulated by the Australian Communications Authority (ACA) – independent regulator of the nation's telecommunications industry. Based on careful analysis of scientific literature and offers protection against identified health effects of EME with a large in built safety margin. Compliance with EME standards is part of Telstra's responsible approach to EME and mobile phone technology.

Report

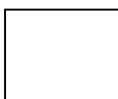
Planning approval is required from Council before the development of the telecommunication infrastructure can be commenced. The Council's Town Planning Scheme No 3 provides the basis for planning controls within the district.

The application is for a use not listed in the City's Town Planning Scheme No 3 and subject to the advertising requirements of clause 9.4 the proposal requires special approval from Council.

The application was advertised for 21 days by notification of all landowners within 500 metres of the subject land. At the close of the advertising period 10 submissions were received. Of these submissions 6 objected and 4 raised no objection to the proposal.

The main concerns raised in submissions were as follows:-

- It is within 500m of my house which is absolutely not acceptable;



- We have a lot of children living and playing in the area. They are going to face strong radiation which is a potential cancer causer;
- Property values will be greatly affected by the proposal.
- Enough phone towers located in South Lake/Jandakot Area and no more are necessary.
- No proof that these towers do not pose a health risk. Have young children and are not prepared to take the risk.
- Expect reduced Council rates if approved.
- The tower should be more than 400m from dwellings.

The primary concern of submissions received in objection relates to the perceived health implications of EME received at dwellings within 500m of the proposed telecommunications facility. All telecommunication carriers are required to comply with the Australian Communications Authority's *Radiocommunications (Electromagnetic Radiation – Human Exposure Standard (2003))*. This incorporates substantial safety margins to address concerns for potentially sensitive groups in the community such as children, pregnant women, the infirm and aged.

According to State Planning Policy (SPP 5.2) research undertaken by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) has reported that environment radiofrequency levels near base stations for the digital mobile phone network are extremely low. The ARPANSA study reported that the highest daily average level was well below one per cent of the Australian Communications Authority's public exposure limits and concluded that *"given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research.*

The applicant has also demonstrated through estimates of the EME levels at ground level emitted from the Mobile Base Station antennas at Lot 67 Hammond Road. Maximum EME levels estimated are at distances from 5m, 50m, 100m, 200m, 300m, 400m and 500m from the base station. The results show that the maximum EME level is at 167m from the antennas (south east of the site) being 0.39% of the ACA mandated exposure limits (ie. less than 0.5% of the maximum EME level). The EME levels actually reduce from 167m to 500m from the proposed antennas. By comparison the EME level at 500m is 0.052% of the ACA mandated exposure level which is significantly less than and comparable to exposure levels predicted at 100m from the facility (0.035%).

The proposed telecommunication facility complies with Council's *Telecommunications Policy – High Impact Facilities APD13* with the exception of the selected site being within 500 metres of the nearest residential zoned land. The facility would be located in industrial zoned land. Most of the surrounding land is zoned Industry, Light Industry, Mixed Business, Parks and Recreation – Yangebup Lake and a smaller



balance area comprising of residential and future residential land to the north. Given the EME predicted levels discussed above, the Council Policy should be reviewed to delete reference to the 500m setback to the nearest residential zone, because EME levels at 100m from a facility are similar to readings at 500m and in both instances are well within acceptable levels of exposure. It would be problematic to defend an appeal if the application was rejected by Council on the grounds that it failed to comply with the 500m exclusion area.

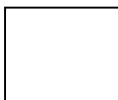
The closest residential zoned property is 390 metres away on Thomas Street, South Lake. There are approximately 30 residential properties in South Lake within 500 metres of the location where the facility is proposed to be installed. The 500m buffer area set out in Council's Telecommunication Policy – High Impact Facilities APD13 is not based on any scientific evidence and was included by Council at its Ordinary Meeting in September 2002 as an amendment to the Policy. It is recommended that Council approve the proposed telecommunication facility for the following reasons:-

- Current medical research into the health effects of telecommunication towers shows that it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects. The health implications of mobile phone towers was not a valid consideration of Council's former policy;
- Telstra must comply with strict safety margins regarding Electromagnetic Energy emissions to address concerns for potentially sensitive groups in the community such as children, pregnant women, the infirm and aged. These requirements are not administered by the Council and is not within its control;
- The visual impact of the proposed facility is reduced by its unobtrusive location for installation within the Jandakot Industrial Area and its slimline mono-pole design;
- The nearest residential area is 390 metres away in South Lake;
- The proposal would improve mobile telephone coverage to homes located west of Yangebup Lake and south of Beeliar Drive where there is cell "drop outs" and no coverage is obtained.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City



- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
4. Facilitating the needs of Your Community
- *"To facilitate and provide an optimum range of community services."*

The Planning Policies which apply to this item are:-

APD13 Telecommunications Policy - High Impact Facilities
 APD40 Response To Appeals

Budget/Financial Implications

Nil

Legal Implications

Town Planning Scheme No 3

Community Consultation

Community consultation was undertaken in accordance with Town Planning Scheme No 3.

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

Nil.

14.12 (MINUTE NO 2618) (OCM 16/11/2004) - RESEARCH INTO TRANSIT ORIENTATED DEVELOPMENT AT COCKBURN CENTRAL (9608) (JM)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) advise the Planning and Transport Research Centre that it is not prepared to provide funding for the project, but is prepared to provide assistance in kind through the utilisation of planning personnel and information through the provision of GIS and other data.



COUNCIL DECISION

MOVED C/r S Limbert SECONDED C/r V Oliver that Council:

- (1) receive the report;
- (2) advise the Planning and Transport Research Centre that it is not prepared to provide funding for the project, but is prepared to provide assistance in kind through the utilisation of planning personnel and information through the provision of GIS and other data; and
- (3) upon completion of the Research Report on Transit Orientated Development by the Planning and Transport Research Centre (PATREC), that the report be provided to Council for its information.

CARRIED 8/0

Explanation

The results of the report will be important to Council for future planning for Cockburn Central and other transit facilities within the City of Cockburn.

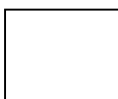
Background

The four public universities in Perth are undertaking a research project that will examine the actual and potential effects of Transit Orientated Development (TOD) in the vicinity of a number of new railway stations which are to be developed as part of the construction of the Perth to Rockingham rail line. Cockburn Central is included as one of the stations in the program.

Funding and in kind support is being sought from individual local government bodies of up to \$10,000 per annum over five years in support of the program.

Report

The Planning Transport and Research Centre (PATREC) is a collaborative between Curtin University, Edith Cowan university, Murdoch University and the University of Western Australia. The proposed program is long term research strategy is to assist State and local governments, the private sector and the broader community develop a fuller understanding of the range of urban development strategies available to respond to rapid growth, emerging new transport directions and potential housing and employment options in the vicinity of major transit nodes.



It is stated that:

“Very little research has been conducted on the actual and potential effects of TOD in an Australian context. The only research available to Australian practitioners and policy makers was conducted in US and European cities.”

The TOD research will be carried out over a five-year period comparing the TOD in at least four case study locations (Rockingham, Wellard Village, Cockburn Central, South Street and Stirling). Three rounds of household interview and land-use surveys will be conducted (before station opening, post station opening and two years following). The purpose of the research will be to gain a better understanding of the impacts of the greater accessibility afforded by the new south-west metro railway on travel behaviour, economic development and opportunities.

The submission from PATREC indicates that if the City was to participate in the research program it would have access to the research results at key points throughout the study, and will have the opportunity to contribute to survey methodology and design.

It has been requested that if the City wishes to be part of the project the City would need to confirm its interest by October and put forward further documentation by early to mid November. We are advised that:

“We envisage cash contributions to the cost of the research from individual local government bodies would not exceed \$10,000 per annum over the five year program. Payments of cash contributions would not be required until the 2005/06 financial year. “

The project will provide valuable research information on development trends around TOD's and insights on broader changes occurring around other major transport nodes in the Perth metropolitan area. It will also provide a better understanding of the processes at work and the critical factors affecting development around major transit nodes in Perth. This data will be of assistance when reviewing the planning strategies that have been prepared for Cockburn Central and will help refine over time the appropriate mix and density of development.

It is apparent that the results of the research will be of most assistance at a metropolitan level providing guidance on development around future major TOD nodes. In addition the planning of future TOD's will be a State rather than a local government responsibility and therefore the Council role is limited. Because Cockburn Central is already committed and will be planned and developed within the next 5 years and forms part of the study, the program will be of limited benefit to the City, but despite this, the City should be prepared to provide in kind support.



Strategic Plan/Policy Implications

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

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

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

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

Budget/Financial Implications

It is not anticipated that specific financial input will be required for the City's input in this project.

Legal Implications

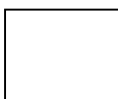
Nil.

Community Consultation

N/A

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

Nil.



14.13 (MINUTE NO 2619) (OCM 16/11/2004) - GENERAL INDUSTRY - CRUSHING CONCRETE STOCK PILE - LOT 50; 54 WELLARD STREET, BIBRA LAKE - OWNER/APPLICANT: CITY OF COCKBURN (4300017) (JW)

RECOMMENDATION

That Council:

- (1) grant approval to a General Industry – Crushing Concrete Stock Pile on Lot 50 (No. 54) Wellard Street, Bibra Lake subject to the following conditions:

STANDARD CONDITIONS

1. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of development.
2. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
3. All stormwater being contained and disposed of on-site to the satisfaction of Council.

SPECIAL CONDITIONS

4. The operation hours of the proposed concrete crushing are restricted to 8:00am to 4:00pm on Saturday and Sunday only.
5. The concrete crushing operation will not be permitted between 1st October to 31st March annually.
6. Dust created from the concrete crushing operation must be contained within the property boundary at all times and it is requested that:
 - (i) A supply of water be available to assist in controlling dust created from the concrete crushing operation.
 - (ii) The resulting pile of crushed concrete is to be stabilised; and
 - (iii) Should adverse weather conditions be experienced so that dust cannot be contained within the property boundary, the operator must cease all works immediately.
7. The development is to comply with the *Environmental Protection Act 1986* which contain penalties where noise

limits exceed the prescribed by the *Environmental Protection (Noise) Regulations 1997*. As a premise located in the industrial area, the assigned levels for all hours of operation are L_{A10} of 65dB_(A), L_{A1} of 80dB_(A) and L_{AMAX} of 90dB_(A) as determined in accordance with the Environmental Protection (Noise) Regulations 1997.

8. Suitable wind fencing be provided along the eastern property boundary to protect the adjoining property from sand/dust carried by prevailing winds.
9. Appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.

(2) advise those persons who made a submission of Council's decision.

COUNCIL DECISION
 MOVED Cllr I Whitfield SECONDED Cllr M Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

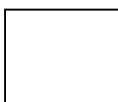
Background

| | | |
|------------|--|------------|
| ZONING: | MRS: | Industrial |
| | TPS3: | Industry |
| LAND USE: | COC Depot | |
| LOT SIZE: | 3. 8532ha | |
| AREA: | 3.85ha | |
| USE CLASS: | General (Licensed) – 'D' Discretionary Use | |

Submission

The application is for the City to crush and recycle the stockpile of old broken concrete footpath and crossovers that is currently stored at the City of Cockburn Operations Centre (Depot) at 54 Wellard Street, Bibra Lake.

This would provide for a contractor to come in and recycle the stockpile into a re-useable base material (roadbase type material). This process has been used by the City of Belmont recently in a similar situation for the same purpose.



A copy of the site plan and summary of the proposal are with the attachments.

Report

The proposed concrete crushing operation is considered both environmentally and economically beneficial to Council as it proposes to recycle the concrete stockpile into a re-useable base material.

Community Consultation

In accordance with Clause 9.4 of the Scheme, the application was advertised to Department of Environmental Protection (DoE) and 14 nearby owners that were likely to be affected by the proposal. At the conclusion of the advertising period, 5 letters of objection were received.

The main issues raised in the submissions are outlined below:

- Generation/increase of dust;
- Generation/increase of noise;
- Sand/dust mitigation.

In order to gauge the potential impact of the development prior to the determination of the application by Council, the concrete crushing has been undertaken on Saturday 9th and Sunday 10th October 2004 from 8.00am to 4.00pm as a trial. The persons who submitted objections to the proposal were advised of this by letters and asked to make further comments regarding any aspects of the works that were carried out. No objections or further comments were received. The trial undertaken demonstrates that the proposed concrete crushing would not result in dust and noise problems and present significant adverse impact on the adjoining properties.

Furthermore, those concerns raised from the submissions can also be addressed by way of conditions of approval.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*



5. Maintaining Your Community Facilities

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

The Planning Policies which apply to this item are:-

| | |
|-------|---|
| APD17 | Standard Development Conditions and Footnotes |
| APD33 | Town Planning Scheme No. 3 Provisions |
| SPD7 | Prevention of Sand Drift from Subdivision and Development Sites |

Budget/Financial Implications

N/A at this stage.

Legal Implications

Nil.

Community Consultation

The application was referred to DoE and surrounding landowners for comment from 29/06/2004 to 13/07/2004. 5 letters of objection were received.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 2620) (OCM 16/11/2004) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

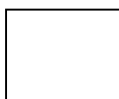
RECOMMENDATION

That Council receive the List of Creditors paid for October 2004, as attached to the Agenda.

COUNCIL DECISION

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

CARRIED 8/0



Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

DECLARATION OF INTEREST

Mayor Lee, Deputy Mayor Graham and Clr Oliver declared a financial interest in item 15.2, the nature being that they are claimants mentioned in the item.

AT THIS STAGE, THE TIME BEING 8.10 PM, MAYOR LEE, DEPUTY MAYOR GRAHAM AND CLR OLIVER LEFT THE MEETING.

MOVED Clr S Limbert SECONDED Clr L Goncalves, that Clr Allen be elected Presiding Member for this item.

CARRIED 5/0



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15.2 (MINUTE NO 2621) (OCM 16/11/2004) - DAMAGE TO ELECTED MEMBERS' MOTOR VEHICLES - REIMBURSEMENT OF REPAIR COSTS (1705) (ATC)

RECOMMENDATION

That Council:

reimburse the cost of repairing damage to Elected Members' motor vehicles that occurred while attending the Agenda Briefing Forum held on 12 October 2004 as follows:

- | | | | |
|----|------------------------|---|----------|
| a. | Mayor S. Lee | - | \$200.00 |
| b. | Deputy Mayor R. Graham | - | \$227.15 |
| c. | Clr V. Oliver | - | \$230.00 |

as per evidence of expenditure provided.

COUNCIL DECISION

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

CARRIED 5/0

Background

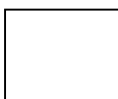
On 12 October 2004, Elected Members attended the monthly Agenda Briefing Forum. While Members were at the Forum, four vehicles situated in the Council car park set aside for Elected Members vehicles were damaged by unknown persons.

Submission

Claims have been received from three Elected Members for reimbursement of costs incurred to repair damage to their vehicles. The other, Clr I. Whitfield, does not intend to make a claim on Council as the damage was covered by his vehicle insurance.

Report

Section 5.98 of the Local Government Act 1995 provides for the reimbursement of expenses to Elected Members in accordance with



regulations. Section 32 (1) (c) of the Local Government (Administration) Regulations of 1996 provides for reimbursement of:-

an expense incurred by a Council Member in performing a function in his or her capacity as a Council Member.

Attendance of the monthly Agenda Briefing Forum clearly falls within this definition and it is considered appropriate for Members to be reimbursed for the cost of repairing damage to their motor vehicles, which occurred while attending the forum.

Evidence of expenditure will need to be produced before reimbursement is made.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Funds are available in Account GL 110 - 6304, Sundry Minor Expenses.

Legal Implications

Section 5.98 of the Local Government Act 1995 and Section 32 (1) (c) of the Local Government (Administration) Regulations 1996 refer.

Community Consultation

N/A

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

Nil.

AT THIS STAGE, THE TIME BEING 8.13 PM, MAYOR LEE, DEPUTY MAYOR GRAHAM AND CLR OLIVER RETURNED TO THE MEETING. MAYOR LEE RESUMED THE POSITION OF PRESIDING MEMBER.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 2622) (OCM 16/11/2004) - ADVERTISING ON STREET LITTER BINS - NATSALES (4902) (BKG) (ATTACH)

RECOMMENDATION

That Council extend the agreement with Natsales Australia for a further 2 years until 30th November 2006 for the provision of street litter bins

and enclosures that Natsales uses for advertising and in accordance with Policy PSEW2 "Advertising on Litter Bins".

COUNCIL DECISION

MOVED Cllr M Reeve-Fowkes SECONDED Cllr I Whitfield that Council:

- 1) extend the agreement with Natsales Australia for a further six(6) months with the item to be brought back to Council for review before this time;
- 2) investigate alternatives such as those at the City of Canning and other Councils in the metropolitan area and also investigate the cost of the City of Cockburn managing the project in-house; and
- 3) ensure that all contracts of this nature are brought before Council at least three(3) months before they expire in order that alternatives can be investigated.

CARRIED 8/0

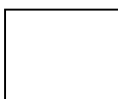
Explanation

The officer's report states that 'there have been some maintenance problems with the surrounds and staff need to contact the company to get them to repair locks on the doors, remove graffiti or replace burnt or stolen bins. There has sometimes been delays in carrying out these repairs. Also, some have been installed without authority in locations that do not necessarily require one, but will be effective for advertising.' Council needs to ensure that it retains control of the locations where these bins are being installed and that maintenance and repair is carried out in a timely fashion. Council should not commit to a longer term agreement until it is satisfied that all conditions within PSEW2 are being fully complied with. Council needs to be able to look at alternatives and assess the options before a contract of this nature expires.

Background

At the Council meeting held in October 1999 it was resolved that Council:

- "(1) proceed with calling of quotations for the replacement of selected street and park litter bins throughout the City of Cockburn, there being no significant objection raised during the past 6 month trial period; and*



- (2) *adopt the attached policy E6.4 "Advertising Litter Bins" setting out guidelines for approval for the supply and installation of Advertising Litter Bins."*

Subsequently an agreement was signed in November 1999 with Natsales to provide street litter bins and enclosures at no cost to Council in return for advertising rights on the bins.

During this time approximately 47 bins have been located at locations around the City, mostly at bus stops on main roads.

The contract is for the supply and maintenance of the advertising bins for a 5 year period with the option at Council's discretion to extend the service for up to a further 5 years.

Submission

A letter has been received from Natsales Australia requesting that the agreement to supply and maintain street litter bins at no cost in return for advertising rights on the bins be extended for a further 5 years.

Report

Natsales have supplied and maintained the street litter bins over the past 5 years at various locations. They are usually at bus stops on main roads.

There has been some maintenance problems with the surrounds and staff need to contact the company to get them to repair locks on the doors, remove graffiti or replace burnt or stolen bins. There has sometimes been delays in carrying out these repairs. Also some have been installed without authority in locations that do not necessarily require one, but will be effective for advertising.

The advantages of the agreement are seen as:

- New bins and surrounds are supplied and maintained by Natsales at no cost to Council other than reporting the damage.
- Bin surrounds provide local businesses with 2 panels for advertising. These can be used to discourage the use of unsightly dangerous tyre/verge advertising.

The disadvantages are:-

- Many see advertising bins as adding to "visual pollution" of the streetscape.
- The vandalism and damage does detract from their appearance. More expensive and up-market bin enclosures could be purchased.



Because of the cost savings it is recommended that the agreement be extended for a further 2 years with the option to extend again if the time outlined in the agreement to repair the bins and enclosure is met.

Strategic Plan/Policy Implications

One of the objectives of the Strategic Plan is to deliver services in a cost effective way.

Policy PSEW2 “Advertising on Litter Bins” is attached to the Agenda.

Budget/Financial Implications

There is no additional cost to Council if the agreement is extended. If the agreement was not extended there will be a cost to Council in supplying attractive looking street litter bins. The cost of supplying say 40 bins could be \$12,500 and the cost of maintenance would be in the order of \$5,000 per year.

Legal Implications

Nil.

Community Consultation

There has been no consultation with the public on this subject.

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

Nil.

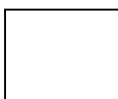
16.2 (MINUTE NO 2623) (OCM 16/11/2004) - VARIATIONS TO CONTRACT FOR TENDER NO. 07/2003 - SPEARWOOD AVENUE BRIDGE CONSTRUCTION AND ASSOCIATED ROADWORKS (450007) (JR)

RECOMMENDATION

That Council:

(1) endorse the variations to the Contract for Tender No. 07/2003 – Spearwood Avenue Bridge Constructions and Associated Roadworks, consisting of:

| | |
|-----------------------------------|--------------|
| • Bill of quantities adjustments | \$ 13,925.93 |
| • Backfill to redundant well | \$ 3,916.00 |
| • Signage/linemarking adjustments | \$ 45.79 |
| • Road lighting added | \$ 79,560.00 |
| • Bridgeworks adjustments | \$ 6,859.10 |
| • Roadworks adjustments | \$ 43,092.44 |



- Extension of time (10 weeks) due to delays in utility service relocations \$ 95,689.66
 - Disruptions to continuity of roadworks due to utility service relocations \$ 41,498.60
- \$284,587.52

(2) authorise the following payments in relation to Tender No. 07/2003:

- Water Corporation \$17,494.45 + GST
 - Bruechle Gilchrist & Evans \$ 7,986.00 (including on-cost) + GST
- \$25,480.45 + GST

(3) draw funds totalling \$25,480.45 from the Regional Road Reserve for the payments and adjust the Budget accordingly.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

At the Ordinary Meeting of Council held on 20 May 2003, it was resolved to accept the submission from Bocol Constructions for Tender No. 07/2003 – Bridge Construction and Associated Roadworks – Spearwood Avenue (Yangebup Road to Barrington Street) for the sum of \$3,100,280.75 including GST, less negotiated adjustments based on unit rates for the corrected Bill of Quantities.

Submission

There were extensions of time to the contract totalling 10 weeks and numerous disruptions to the continuity of roadworks due to protracted delays by Western Power to relocate services and install new power infrastructure to accommodate the new road. As a result, justified claims totalling \$137,188.26 (plus GST) have had to be paid to the contractor. The nett result of this major variation, together with adjustments for provisional sums, daywork sums and other variations, is that the contract sum was exceeded by \$140,652.28 (plus GST), the final contract sum being \$3,254,998.27 (including GST). This amount was within the budget for this project.



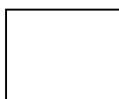
Final invoices have just been received from Water Corporation (\$17,495.45) and the consultant (\$7,260). There are no funds remaining on the project to make these payments.

Report

The consultant firm Bruechle, Gilchrist & Evans, was the Superintendent for the contract. During construction a number of variations were agreed to, and negotiated under the terms of the contract. These variations totalling a nett cost of \$284,587.52 (+ GST) were:

| Item No. | Description | Claims Approved |
|----------|---|-----------------|
| V01 | Bill of Quantities Item 501.02 – 11,283m ² “hydrated crushed rock roadbase” used in lieu of “bitumen stabilised limestone” (Bill of Quantities) | (16,000.00) |
| V02 | Cement stabilised sand backfill to redundant well at Barrington Street (Backfill Old Well) | 3,916.00 |
| V03 | Removal of Bocol signage and linemarking. Now installed by MRWA contractor (pre-payment) (Signage Adjustment) | 45.79 |
| V04 | Additional Earthworks Agreed Volume 1887m ³ @ \$29.24 (Bill of Quantities) | 55,175.88 |
| V05 | Road Lighting Added | 79,560.00 |
| V06 | Drainage channel increase in size. Recasting of incorrectly detailed precast panel units. (Bridgeworks Adjustments) | 6,657.00 |
| V07 | Increase in ducts under footpath of bridge. 200 diameter + 21m, 150 diameter + 63m. (Bridgeworks Adjustments) | 4,202.10 |
| V08 | Agreed variation for acceptance of misaligned parapets of bridge. (Bridgeworks Adjustments) | (4,000) |
| V09 | Anti-graffiti reduction, additional abutment excavation, additional waterproofing, additional footpath, new gates at Barrington, pavement spotting/sleeves, fencing (Roadworks Adjustments) | 16,684.52 |
| V010 | Measurement of roadworks and loss of profit, waterproofing, additions, re-measurement of reinforcement, temporary limestone road. (Bill of Quantities) | (25,249.95) |
| V011 | Modify guardrail posts, new electrical mains supply, sump fencing, temp. fencing, retaining wall, extra cabling, stabilize embankment, reinstate batter. (Roadworks Adjustments) | 26,407.92 |
| V012.01 | Granted extension of time to contract period of 10 weeks due to existing service relocations. | 95,689.66 |
| V012.02 | Disruption to continuity of roadworks construction due to service relocations. | 41,498.60 |
| | Total Approved | \$248,587.52 |

Evidence of delays and unforeseen issues with service utilities, particularly Western Power, are contained in a number of Site Meeting minutes between 22 August 2003 and 6 February 2004. This resulted in the roadworks sub-contractor leaving the project and re-mobilising on at least two occasions.



Subsequent to the completion of the project, and following telephonic assurances by Water Corporation that all accounts were finalised for their service relocations, a final account for \$19,243.85 (including GST) has just been received. Apparently, there was a few months delays for all their field dockets to have been received by their accounts department. In addition, the final account (\$7,986.00 including GST) from Council's supervising consultant has been received. As the account has been closed on the current Budget, the necessary funds could be transferred from the Regional Road Reserve.

Strategic Plan/Policy Implications

Council's Vision Statement – Managing the City in a competitive, open and accountable manner – has a commitment – To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

Budget/Financial Implications

There are no specifically available funds on the current Budget to meet the belated accounts totalling \$25,480,45 (including on-cost) plus GST. As the project was partly funded by a Regional Road Grant, these funds can be drawn from Council's Regional Road Reserve.

Legal Implications

Nil.

Community Consultation

N/A

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 2624) (OCM 16/11/2004) - REPORT ON POSITION OF PROMOTIONS OFFICER (1019) (CHE) (ATTACH)

RECOMMENDATION

That Council:-

- (1) employ a promotions officer on a contract basis for a 6 month period;
- (2) request for inclusion in the report sought by Council at its



meeting of the 21 September 2004 on a Cockburn Sound Festival proposals for an organisational structure that best meets the customer service, promotion and media liaison requirements of the City; and

- (3) transfer the sum of \$20,000 from account CW 1026 Electronic Signs to account GL 115 – 6000 Salaries (Customer Services) and the budget be amended accordingly.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr L Goncalves SECONDED Cllr S Limbert that Council:

- (1) employ a promotions officer on a contract basis for the period 1 December 2004 to 30 June 2005;
- (2) request for inclusion in the report sought by Council at its meeting of the 21 September 2004 on a Cockburn Sound Festival, proposals for an organisational structure that best meets the customer service, promotion and media liaison requirements of the City; and
- (3) transfer the sum of \$25,000 from account CW 1026 'Electronic Signs' to account GL 115 – 6000 'Salaries (Customer Services)' and the budget be amended accordingly.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

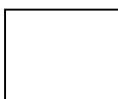
Explanation

The promotions officer will need to be publicising events occurring in the near future. As such, it is important to give them as much time as possible to become familiar in their role so they can start this important task.

Background

At the Ordinary Council Meeting held on 19 October 2004, under "Matters to be Noted for Investigation Without Debate" Mayor Lee requested that a report be provided to the November Council Meeting, that

"...overviews the allocation of resources in the customer services, media liaison and promotions area of Council activity, with specific emphasis on the position of Promotions Officer, to ensure that sufficient resources are available for the effective promotion of Council



activities and to ensure the maximum number of residents of the City gain the maximum benefits from these events and activities, they need to be actively and comprehensively promoted in a positive and professional manner by a person who may be solely allocated to that task.”

Submission

N/A

Report

Currently, Council’s advertising, customer service, promotions, and public relations activities are undertaken by the Communications Manager and Customer Service Coordinator as follows:

Communications Manager

- Oversees and manages the operation of the customer services unit.
- Coordinate promotions for major activities (eg Spring Fair, Coogee Beach Party, 25th Anniversary Adventure World community day)
- Write, edit, and distribute all media releases
- Media liaison
- Write, edit, and coordinate production and distribution of Cockburn Soundings
- Production of the Annual Report
- Write, edit, and distribute e-newsletter “Pass It On”
- Photographer
- Tourism promotion (eg write text for Cockburn entry in “Your Guide to Perth & Fremantle” coordinate production and distribution of Access and Facilities maps)
- Deals with many customer complaints and process issues.
- Implementation of performance measures for customer satisfaction for organisational service units.

Customer Service Coordinator

- Book advertising space with local newspapers
- Coordinates copy and design of advertising with relevant staff and divisional secretaries.
- Production of the Customer Handbook, and Community Directory.
- Coordinates customer services staff and relieves at front counter and switch as required.
- Controls the internal telephone system.
- Coordinates internal staff communication.

The present arrangement within the Customer Services Department results in there not being an identified staff member for whom



promotion of Council's activities such as the "Summer of Fun" is their priority. For these events the promotion is undertaken by the Communications Manager, Customer Services Coordinator and the officer organizing the event itself. This does not allow for a consistent promotion of these events throughout the year.

The current Communications Manager has resigned and will leave his position on the 3rd December 2004. The Customer Services Coordinator has only recently been appointed and is in the process of understanding the roles and responsibilities of the position. As a result of these two factors and the many events planned the promotions, customer service and media relations area of Council activity will be under a great deal of pressure over the very busy summer period.

Given these circumstances and to ensure the City's 'public face' is maintained at a high standard it is proposed that a promotions person be contracted for the period 1 January to the 30 June 2005 and the communications manager's position be filled immediately on a contractual basis for several months.

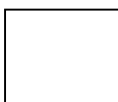
Council, at its meeting of 19 October 2004 resolved that a report be prepared on the options for a major festival event related to Cockburn Sound. Should Council decide to proceed with a significant event such as the Mandurah Crab Festival or the like there will be a significant demand on Council resources particularly in relation to the organisation of the event and its publicity and promotion. It is proposed that in the report on the Cockburn Sound event will be a strategy to rationalise the organisation and publicity and promotions of Council events. The contracting of the Promotions Officer and the Communications Manager positions will allow for flexibility in developing an organisational arrangement and appropriate roles and responsibilities for the respective position.

There have been a significant number of community events in 2004/05 in addition to the number held in previous years. Should Council decide to maintain or increase the number of events for which it requires promotion in subsequent budgets there will be a clear need for a dedicated officer for this purpose. If this is Council's intent the following distribution of responsibilities with the Customer Services section is proposed.

The addition of a Promotion Officer for the short term at least will allow for the distribution of duties as follows:

Communications Manager

- Strategic planning for Council's communications (eg draft an intergraded communications plan for each year which coordinates promotions, advertising, PR, and customer service activities for the year's events)



- Media liaison- write media release, respond to media enquiries and assist Council with media relations.
- Supervise Customer Service Coordinator and Promotions Officer
- Produce Annual Report
- Coordination of performance measures of customer satisfaction for service units across the organisation.

Customer Service Coordinator

- Council advertising, book space, write and design ads
- Production of the Customer Handbook, and Community Directory
- Book advertising space with local newspapers
- Coordinates copy and design of advertising with relevant staff and divisional secretaries.
- Production of the Customer Handbook, and Community Directory.
- Coordinates customer services staff and relieves at front counter and switch as required.
- Controls the internal telephone system.
- Coordinates internal staff communication.

Publicity and Promotions Officer

- Coordinate promotion of 25th Anniversary “Summer of Fun” events
- Write all articles for Cockburn Soundings (possibility to increase number of issues per year)
- Sell advertising in Cockburn Soundings
- Develop strategies to promote tourism to the district (i.e. maps, tourism guides, work with tourism centres in Fremantle and Rockingham)
- Photographer
- Write and update text for website
- Write and distribute e-newsletter, “Pass It On” (possibility to increase number of issues per year)

A proposed position description for a Promotions Officer is attached.

An alternative is for Council to place funds on the budget for the balance of 2004/05 to contract an individual or firm to carry out the promotion of events for the balance of the year. This option would allow for promotion of activities planned for 2004/05 and future funding for the position being determined when the extent of activities are known for the 2005/06 budget.

Strategic Plan/Policy Implications

“Facilitating a Range of services responsive to the community needs,” and “Managing the City in a competitive, open and accountable manner,” refers.



Budget/Financial Implications

Employing a Promotions Officer, level 5, would require an increase in the Customer Services budget of \$53,040 p.a. inclusive of entitlements. Also \$2,500 would be needed for a computer for the Promotions Officer's workstation. Should Council seek to employ a promotions officer for the balance of 2004/05 the sum of \$26,520 would be required on the assumption that a person would be employed as of the 1st of January 2005.

The recommended transfer of funds will provide for the employment of a promotions officer until such time as a more detailed report is provided to Council on the organisation of the Customer Services Section.

Legal Implications

N/A

Community Consultation

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

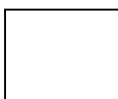
Nil

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

Nil

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

Nil



22 (OCM 16/11/2004) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Mayor Lee requested a report be provided to a future Council Meeting, detailing the current status of the Sump Beautification Programme. The report is to identify:-

- a) sumps in the district that require beautification;
- b) the likely works that can be carried out on these sites;
- c) the costs of these works;
- d) the potential sources of funds to carry out these works; and
- e) any other matters that the officer may consider pertinent to this issue.

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 2625) (OCM 16/11/2004) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr L Goncalves that the recommendation be adopted.

CARRIED 8/0



25 (OCM 16/11/2004) - CLOSURE OF MEETING

THE MEETING CLOSED AT 8.21 PM.

CONFIRMATION OF MINUTES

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

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

