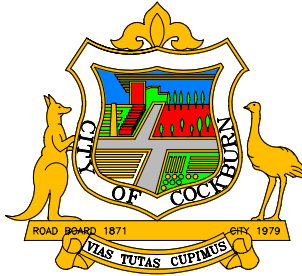


# **CITY OF COCKBURN**



## **ORDINARY COUNCIL**

## **AGENDA PAPER**

**FOR**

**TUESDAY, 17 DECEMBER 2002**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 17 DECEMBER 2002 AT 7:30 PM

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## **CITY OF COCKBURN**

### **AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 17 DECEMBER 2002 AT 7:30 PM**

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**1. DECLARATION OF MEETING**

**2. APPOINTMENT OF PRESIDING MEMBER (If required)**

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

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

**4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)**

**5. APOLOGIES AND LEAVE ABSENCE**

Nil

**6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**7. PUBLIC QUESTION TIME**

**8. CONFIRMATION OF MINUTES**

**8.1 (OCM 17/12/2002) - ORDINARY COUNCIL MEETING - 19/11/2002**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Tuesday, 19 November 2002, be confirmed as a true and accurate record.

**COUNCIL DECISION**

**8.2 (OCM 17/12/2002) - SPECIAL COUNCIL MEETING - 26/11/2002**

**RECOMMENDATION**

That the Minutes of the Special Council Meeting held on Tuesday, 26 November 2002, be confirmed as a true and accurate record.

**COUNCIL DECISION**

**9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE**

Nil

**10. DEPUTATIONS AND PETITIONS**

Nil

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

Nil

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

Nil

### 13. COUNCIL MATTERS

#### 13.1 (OCM 17/12/2002) - PROPOSED BOUNDARY AMENDMENT - CITY OF MELVILLE (1113471) (DMG) (ATTACH)

##### RECOMMENDATION

That Council informs the Local Government Advisory Board and the City of Melville that:

- (1) it does not support the proposal by the City of Melville to relocate the District Boundary between the Cities of Melville and Cockburn to follow the central alignment of the Farrington Road Reserve between North Lake Road and Kwinana Freeway, for reasons indicated in sub-recommendation (2);
- (2) it reiterates its decision of 18 December, 2001, to support the relocation of the District Boundary between the Cities of Melville and Cockburn to follow the northern side of the Farrington Road Reserve between North Lake Road and Kwinana Freeway, due to the City of Cockburn's responsibility to resolve traffic management issues which are the result of vehicle movements entering and egressing the City of Cockburn at the North Lake Road / Farrington Road intersection; and
- (3) it would agree to the boundary being the central alignment of the Farrington Road Reserve from the point where the road becomes a dual carriageway and eastwards to the Kwinana Freeway, with further consideration to be given to adjusting the boundary to the central alignment following a final Council decision on its future requirements for the unmade portion of the Farrington Road Reserve.

##### COUNCIL DECISION

##### Background

In November, 2001, Council resolved to undertake a survey of residents located in the small pocket of North Lake bounded by the northern boundary with the City of Melville and the Farrington Road / North Lake Road intersection, as part of a process to rationalise the northern boundary between Cockburn and Melville Councils.

With the majority of respondents favouring a realignment of the boundary to include that part of the suburb in the City of Melville, Council supported a proposal to amend the boundary to follow the NORTHERN alignment of the Farrington Road Reserve, from North Lake Road through to the Kwinana Freeway, then south to join the current boundary alignment in Leeming.

Council's resolution was forwarded to the City of Melville on 21 December, 2001, informing of its decision and requesting the City of Melville prepare a submission to the Local Government Advisory Board on behalf of both Councils, which was understood to be a task the City of Melville was prepared to undertake.

From that point, there was no formal correspondence between the parties involved, until in October 2002, an employee from the City of Melville telephoned to inform that the Advisory Board had received the submission and had given "in principle" support for its implementation. At that time the Executive Officer of the Board was contacted to ascertain the details of the submission, at which time it was revealed that the submission had been to adjust the boundary along the CENTRAL alignment of the Farrington Road Reserve. The Board was informed that this was contrary to the City of Cockburn's position and requested not to process the Implementation Order on that basis.

Subsequently, correspondence has been received from the Minister for Local Government's Office confirming the process which had taken place and inviting Council to make a further submission to the Board on any "agreed" position reached with the City of Melville.

Consequently, correspondence has been forwarded to both the City of Melville and the Board, stating Council's current formal position on the matter, but indicating that Council would probably have no objections to the central alignment applying from the current dual carriageway eastwards to the connection with Kwinana Freeway, however, that it would be subject to a further Council resolution in any case. In addition, the City of Melville was invited to provide any comment on the proposal for consideration, however, no formal response had been received at the time of finalising the Agenda.

### **Submission**

The Office of the Minister for Local Government has written to Council seeking an *agreed* position with the City of Melville to be submitted to the Advisory Board as a resolution to this matter.

### **Report**

The issue of rationalising the northern boundary between the Cities of Cockburn and Melville has been a point of consideration for over 10 years.



The position reached by the City of Cockburn 1 year ago is considered to be a fair and reasonable outcome to both Cities, given the issues of importance relative to each.

It is considered reasonable for the City of Cockburn to maintain its responsibility for determining the future of the unmade portion of Farrington Road, primarily as any decision will be the end effect of traffic management issues emanating from areas to the south and west of Farrington Road, much of which could be attributed to Cockburn residents.

The alternative outcome, which would transfer the unmade Road Reserve to the City of Melville, would hand control of these traffic management issues, the majority cause of which originates from Cockburn, to a neighbouring Council to deal with – a position which would be very difficult to reconcile given the relative interests of the two Districts.

Accordingly, it is strongly suggested that Council opposes the current submission proposing the central alignment of Farrington Road Reserve as the boundary line, and offer the compromise of using that alignment from the point of Farrington Road where the dual carriageway is currently constructed, eastwards to Kwinana Freeway, with further consideration given to adjusting the alignment from the northern boundary of the unmade portion of Farrington Road in the future, following a full deliberation of Council's likely future traffic management requirements.

In any case, it is recommended that Council seek a deferral of the Board's "agreement in principle" to the submission it has received from the City of Melville which identifies the central alignment along the entire length of Farrington Road to the Kwinana Freeway, as the preferred boundary line.

It is not clear why the City of Melville's proposal is contrary to the position adopted by the City of Cockburn.

It is assumed it is because, where a road is used as the boundary between Local Government Districts, the usual alignment is identified as the central point of the road reserve, to ensure an equal responsibility is shared for the upkeep of the road.

In the case of Farrington Road, the circumstances are significantly different, as the road has not yet been constructed along its entire length, and responsibility for determining whether the unmade section should be constructed, is rightly the responsibility of the local government within which boundary the land is currently located (i.e. City of Cockburn).

### **Strategic Plan/Policy Implications**

Key Result Area “Maintaining Your Community Facilities” refers.

Farrington Road has been classified as a District Distributor Road “A” in Council’s adopted road hierarchy. To effectively perform its intended function in accordance with recognised standards, a carriageway will be required to be constructed in the foreseeable future due to excessive traffic currently using the road.

### **Budget/Financial Implications**

No costs associated with the statutory procedures involving boundary changes are attributed to the City of Cockburn, as it is understood the City of Melville will accept these expenses. In any case, these costs are minor.

No road works are programmed to be undertaken in widening Farrington Road in the current (2002/03) budget.

### **Legal Implications**

The Local Government Advisory Board is currently considering a proposal submitted to it by the City of Melville. The Board is currently considering the proposal in accordance with Part 3 of Schedule 2.1 of the Local Government Act, 1995. At this stage, the Board may recommend to the Minister that the proposal be either accepted or rejected.

If it determines not to recommend pursuant to this Part, the Board is then required to undertake a formal Inquiry into the proposal, however, it is not expected this process will be required, given that the proposal is one of a relatively minor nature, despite the potential consequences of it being accepted.

### **Community Consultation**

Consultation with the residents of the affected area of North Lake has already been undertaken, resulting in a majority support for the boundary amendment.

Any consultation in respect of constructing Farrington Road to dual carriageway standard should be undertaken on a widespread basis, involving both affected residents of the area and road users from Cockburn alike.

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

Nil.

**13.2 (OCM 17/12/2002) - ANNUAL REPORT 2001/2002 (1712) (DMG) (ATTACH)****RECOMMENDATION**

That Council accept the Annual Report for the 2001/2002 Financial year as presented in accordance with Section 5.54(1) of the Local Government Act, 1995.

**COUNCIL DECISION****Background**

Council is required to accept the 2001/2002 Annual Report to enable it to be available for the Annual Electors Meeting, scheduled to be held on Monday 3 February, 2003. The Act requires Council to accept the Report no later than 31 December, 2002. Elected Members were provided with a Draft Report, minus the Financial Report and Auditor's Report, in November for comment prior to finalising the Consolidated Report for acceptance at the December 2002 Meeting.

**Submission**

N/A

**Report**

The Annual Report for the 2001/2002 Financial Year is in conformity with the following requirements of the Act and contains:

- (1) Mayoral Report
- (2) Chief Executive Officer's Report
- (3) 2001/02 Principal Activities Report and assessment against performance.
- (4) Legislative Review Report / Competitive Neutrality Statement.
- (5) Financial Report
- (6) Auditor's Report
- (7) Overview of Principal Activities proposed during the 2002/03 Financial Year.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" and Council Policy AES1 refers.

**Budget/Financial Implications**

The cost of producing 300 copies of the Report (estimated \$7,500) is provided for in Council's Governance Budget.

**Legal Implications**

As provided in report.

**Community Consultation**

N/A

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

Nil.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (OCM 17/12/2002) - RATIONALISATION OF COUNCIL FREEHOLD LOT 24 ROWLEY ROAD, BANJUP (5514461) (KJS) (ATTACH)**

**RECOMMENDATION**

That Council:

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

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

**COUNCIL DECISION**

## Background

Lot 24 is a freehold land parcel in the ownership of the City. The lot is 15 metres wide approximately 265 metres in length off Rowley Road, thence approximately 150 metres in a westerly direction. The shape of the lot indicates that the lot was created as a drain, but inspection reveals that a physical drain has never been created nor is there any requirement for a drain. The area of the lot is 6,545 sq.m.

## Submission

The owners (Boulton and Penman) of Lot 5 sought to purchase all of the land contained in Lot 24 Rowley Road.

## Report

When considering the request to purchase Lot 24 by the owners of Lot 5, it was decided that other adjoining owners should be given the opportunity to purchase sections of the land. Another consideration is the irregular shape of Lot 24 and the desirability of the east-west portion being incorporated into the adjoining lot.

It was therefore felt that to achieve an equitable outcome for all adjoining owners the City should take a lead role in rationalising the reconfiguration of the various land parcels. Initially the owner of Lot 66 was approached with an equal land exchange. He was not interested in this proposal, but has accepted an exchange whereby 2457 square metres of the City's Lot 24 is transferred to his land and in return the City receives 600 square metres of Lot 66. This arrangement achieves the objective of creating regular shaped lots and still leaves sufficient land to create 6 new lots of at least 2 hectares, which is the minimum lot area for this zoning.

The selling price for the 2 hectare lot has been estimated by Jeff Spencer Licensed Valuer to be between \$170,000 and \$185,000. The City will incur development costs plus there is a need to account for risk. These costs amount to approximately \$30,000.

Lot 24 will have to be rezoned from Drainage Reserve to Resource Zone under proposed Town Planning Scheme No. 3, although it is not expected that the owners of Lots 66, 5 and 501 will be held up by this.

On completion of the subdivision and provided that the current market for 2 hectare lots remains, the lot created as a product of most of the original Lot 24 plus the portion acquired from Lot 5, could be sold pursuant to the provisions of the Local Government Act.

Given the demand for such lots the sale by public tender may well achieve the best return to the City. It is estimated that the sale of the lot will not be possible inside 6 months.

In the course of the project the interests of Lot 500 on the corner of Liddelow and Rowley Roads were considered, but it was not possible to include this lot into the proposed re-subdivision.

Due to the number of owners involved and requirement for land exchanges involving all four (4) owners, it is appropriate that the City undertakes the project. It is unlikely that a private organisation would want to purchase Lot 24 then deal with multiple owners to rationalise the land parcels.

The alternative is to sell Lot 24 in its current form. Due to the shape of the land it only has value to the adjoining owners. The adjoining owners have indicated that they would be willing to purchase the land but only for a nominal amount. Their feeling is that the land is of no use to the City.

### Strategic Plan/Policy Implications

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

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

### Budget/Financial Implications

There are sufficient funds in the Land Development Reserve Fund to service the anticipated draw downs.

Action	Expenditure \$	Action Date \$	Income \$	Project Balance \$
Transfer funds from Land Development Reserve Fund			132,000	132,000
Prepare Subdivision Application	500	1/1/03		131,602
On approval engage Surveyor	5,000	1/4/03		126,602
Construct Fencing	6,600	1/5/03		119,992
Construct Battleaxe access	5,000	1/5/03		114,992
Pay Proportional Power and Telstra Costs	4,000	1/5/03		110,992
Transfer 536 sq.m. to Lot 501		1/5/03	3,700	114,744
Purchase 15,856 sq.m. from Lot 5	110,900	1/5/03		3,752
Recover portion of Fencing Costs		1/5/03	1,900	5,722
Sell by Public Tender the 2 ha. Lot		1/6/03	170,000	175,722

Return Initial amount to Land Development Reserve Fund account ( <b>PROFIT</b> )	132,000			43,600
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### Legal Implications

Nil.

### Community Consultation

N/A

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

Nil.

## 14.2 (OCM 17/12/2002) - OFFER OF COMPENSATION - LOT 181 FORMERLY PORTION LOT 57 TINDAL AVENUE, BEELIAR - ACQUISITION FOR THE CONSTRUCTION OF BEELIAR DRIVE (4309121; 450953) (KJS)

### RECOMMENDATION

That Council pay a solatium to the owners of Pt Lot 57 Tindal Avenue, Beeliar, being an amount of \$19,600, conditional on the owners indemnifying the Council against any further claim for compensation for the compulsory acquisition of 3,963 square metres of Lot 57 Tindal Avenue, Beeliar.

### COUNCIL DECISION

### Background

Council at its meeting of 19 February 2002, resolved to offer the owners of Pt Lot 57 Tindal Avenue, Beeliar, the amount of \$218,000 as compensation for the compulsory acquisition of 3963 square metres of Lot 57 taken for the construction of Beeliar Drive.

### Submission

N/A

## Report

This amount was based on Licensed Valuer Jeff Spencer's value of \$216,000 plus a \$2,000 solatium.

Following the meeting the two owners were paid \$109,000 each. The owners collected the cheques on 7<sup>th</sup> March 2002. Each cheque included an approved form pursuant to Sections 217 and 219 of the Land Administration Act 1997.

Section 219 of the Land Administration Act requires that if a claimant wishes to reject an offer of compensation then the claimant must serve on the acquiring authority a notice in an approved form and within 60 days a rejection of the offer. If the claimant does not tender the rejection form within the 60 days then the offer is deemed to have been accepted.

Section 217 requires that the offer of compensation that is made to the claimant clearly states the procedure as set out in Section 219.

This was done and a letter with a copy of the form was sent to Major Corporate who are acting as agents for the owners.

At the conclusion of the 60 days, neither of the claimants nor their agent Major Corporate lodged a rejection of the offer in the approved form. The 60 day period concluded on the 8<sup>th</sup> May 2002.

The process to initiate the claim for compensation commenced on the 18<sup>th</sup> November 2001 when the owners lodged a claim on an approved form with a claim for \$300,000. This claim was based on a valuation by Gerald Major a Licensed Valuer.

In the period up until 8<sup>th</sup> May 2002, Gerald Major of Major Corporate made a telephone call to the City's Lands Officer, Kevin Sim, on the 3<sup>rd</sup> May 2002 to discuss the fact that the two valuations were a long way apart. The fact that the conclusion of the 60 day period was almost up was not mentioned.

A meeting between Gerald Major, Jeff Spencer the City's Licensed Valuer and Kevin Sim was held on the 13<sup>th</sup> June 2002. At this meeting the two valuers discussed aspects of their respective reports. At the conclusion of this meeting, Gerald Major agreed to rework his report to address issues raised.

Gerald Major's reworked report was received on the 23<sup>rd</sup> July 2002. Although aspects of the report had been amended the final amount remained the same.

After this point there was general discussion on how a settlement could be effected. There was no agreement to any form of arbitration



between the valuers. All parties had overlooked the fact that the 60 day period had passed. In retrospect there was no point in discussing methods to arbitrate.

In a letter dated the 10<sup>th</sup> October 2002 it was pointed out to Major Corporate that the 60 day period had concluded.

Major Corporate in a letter dated the 23<sup>rd</sup> October 2002 have requested that Council put aside the deemed acceptance by the claimant of the City's offer of \$218,000 and to re-open the negotiations as though the claimant had lodged within the statutory period on the approved form a rejection of the City's offer of compensation.

If the claimant had complied with the provisions of the Act, Section 220 of the Act allows the parties to determine the compensation by any of the following methods:

- (a) by agreement between the acquiring authority and the claimant;
- (b) by an action for compensation by the claimant against the acquiring authority in accordance with this Part.

If the landowners had lodged their rejection within the 60 day period and the provisions of the Act following a failure to resolve the difference between the two valuations either by agreement or recourse to the courts, the best outcome that the City could have expected would be that the valuation by Jeff Spencer would stand, but that a 10% solatium be added to the assessment. It is considered that this is the fairest outcome when weighing up the opposing factors.

On the one hand if the owners had complied with the requirements of the Act and lodged a rejection, then after a form of conciliation they may have received the \$300,000 assessment determined by their valuer Gerald Major. It should be noted that the \$300,000 included the 10% solatium.

Jeff Spencer's valuation is \$216,000, and a 10% solatium increases the amount to \$237,600. \$218,000 has already been paid, so the balance is \$19,600.

On the other hand it was not up to the City to remind the owners of the 60 day time period to lodge the rejection of Council's offer. The owners engaged Major Corporate a firm of Licensed Valuers to act for them. There is an expectation that Major Corporate should be familiar with the provisions of the Land Administration Act.

If the Council decides to follow the letter of the law and make no further payment, it is possible that the owners could seek legal advice which may in turn result in the City incurring legal costs.

### **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."*

### **Budget/Financial Implications**

There are sufficient funds in Account No.2024 - Beeliar Drive (Spearwood Avenue/Watson Road) Road Construction to make the payment.

### **Legal Implications**

Nil

### **Community Consultation**

N/A

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

Nil.

- 14.3 (OCM 17/12/2002) - PROPOSED SINGLE DWELLING WITH RETAINING WALLS - LOT 30 (NO. 27) CARDAMOM LOOP, COOGEE - OWNER/ APPLICANT: K MATIC (3317441) (MR) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) grants approval to a Single House with Retaining Walls on Lot 30 (27) Cardamom Loop, subject to compliance with 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 retaining wall proposed on the west side being redesigned in accordance with the attached plan with changes marked "in red" so that the wall is stepped (ie "tiered") to a lower level boundary retaining wall not higher than 1.05 metres along any part of the side boundary. A new higher level retaining wall (1.05m high) is required with a setback of 1.0 metre from the side boundary.  
  
As an alternative to the above requirements, the top level of the residence must be reduced to a finished floor level of 27.89 and the western side retaining walls must be reduced to a maximum height of 1.05m.
  4. A 1.8 metre high retaining wall being constructed along the western side boundary in accordance with the Council's Local Laws.
  5. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
  6. The retaining walls being redesigned adjoining Lot 31 (No 25) Cardamom Loop, by reducing the retaining wall to a maximum height of 1.05 metres.
- (2) issue a Form 2 Notice of approval valid for 24 months within such time as the development must be substantially commenced.

**COUNCIL DECISION**

**Background**

ZONING:	MRS:	Urban
	DZS:	Residential R30
LAND USE:	Vacant	
LOT SIZE:	726m <sup>2</sup>	
USE CLASS:	Permitted Use	

## Submission

The applicant seeks approval to construct a single storey residence with an undercroft garage on an elevated block on Cardamom Loop, Coogee.

The applicant seeks a variation to the Residential Design Codes 2002 in respect of the proposed retaining walls on the west side boundary which range in height up to 2.1 metres. The applicant seeks Council approval based on the performance criteria of the Codes. The following justification has been provided by the applicant:-

- “1. Protection of Privacy : As can be clearly seen on the site plan, a privacy screen wall will be built above the retaining wall as to protect both ourselves and our neighbouring properties privacy.
2. Overshadowing: As per the Codes description of overshadowing and the position of the sun at that time, it clearly shows that there will be no impact of overshadowing on our neighbours property.
3. Safety of Child: We are a young family, who currently have an 18 month old daughter. The proposed requirements under the Acceptable Development Criteria states that the retaining wall should be set back. We believe that this would make our back yard very unsafe for our child. When we were looking to buy a block, we looked for a block which would give us a backyard so that our child could play and that I as her mother could leave her to play without having to worry, will she be climbing the ‘setback’ retaining wall, which would take up most of our backyard.”

## Report

The block is described as having a moderate to high slope towards Cardamom Loop with a cross fall from RL 25.68 on the left front corner to RL 29.03 in the left rear corner of Lot 30. The proposed undercroft garage with house above effectively raises the finished floor level to RL 28.94 which is almost the same as the highest part of the block to the rear. As a consequence the house doesn't have a good ratio of “cut to fill” which would otherwise be RL 27.35. The western side retaining wall is proposed to start at the back of the lot at 0m to a maximum height of 2.1m all at one level (RL 29m) and drops to a height of 1m setback 2.5m from the front boundary.

The Residential Design Codes were recently gazetted on 4 October 2002. They automatically apply to all residential land within the district. The new Codes change the City's approach by requiring retaining walls above 0.5 metres in height to be setback from lot boundaries at varying distances depending on the height, length of retaining and where a privacy screen is provided. The Codes state:-

*“In view of the potential impact on adjoining properties, and the desirability for retaining walls to be built on the boundary rather than set back a small distance. Council approval in accordance with the Performance Criteria should be sought where a retaining wall higher than 0.5m retains a level area that is accessible, or potentially accessible, for the use as an outdoor living area.”*

The proposed retaining wall would create a space that is accessible for use as an outdoor living area and therefore can be considered under the performance criteria of the Codes.

The applicant consulted with the owner of the adjoining vacant lot and while there were no objections over a retaining wall against the boundary line an objection was expressed against the height of the proposed retaining wall. The objector provided the following comments which are summarised accordingly:-

- Both of our land have forward slopes the resulting retaining wall and subsequent fence line will be extremely high;
- The retaining wall will cast a very large shadow over my property;
- The retaining wall will be an eyesore and out of character with the streetscape;
- The retaining wall and subsequent fence should be stepped down all along our boundary like it has been done on all the houses to the right of their property which are all two storey houses like their intended house; and
- If the applicant wants the top level of their house to be on one level so their kids do not have steps to hurt themselves then they should accommodate that on their side by redesigning their house plans. As it stands it is I who is being asked to accommodate that.

The onus of proof is on the applicant to justify how the proposed retaining wall will not have an adverse impact on the amenity of the adjoining owner. The concerns of the adjoining neighbour are valid on planning grounds despite that the adjoining lot is vacant. The applicant's reason for the retaining wall and comments on impacts also are partially substantiated. It is recommended on this basis that the impact of the retaining wall be shared equally between the applicant and the adjoining neighbour.

It is recommended the retaining wall on the west side be redesigned so that it is stepped (ie “tiered”) to a lower level boundary retaining wall not higher than 1.05 metres. This height was derived based on a compromise approach. A new top level retaining wall (1.05m max height) could be provided with a setback of 1 metre from the side boundary. This will significantly reduce the highest part of the retaining wall by 1.05m (from 2.1m high to 1.05m). There will only be a limited impact on the useability of the outdoor living area.

The main implication to the applicant is that no major redesign of the house would be necessary to provide a better ratio of "cut to fill". Also:-

- The retaining wall changes will not impact significantly on the useability of the outdoor living area;
- A small portion of land (11m<sup>2</sup>) would be sacrificed to provide a tiered area for retaining which becomes an unusable outdoor space;
- A larger section of the retaining wall proposed would be unaltered (ie 13m of the 24m);
- The tiered section of the retaining wall would stop where the main outdoor living area begins;
- There will be no significant impact on the outlook from proposed Sunken Lounge, which doesn't include any major openings to where most of the retaining wall would be tiered;
- The boundary fence can be recessed to the higher level retaining wall or alternatively a security fence could be installed by the owner in addition to the retaining wall.

The main implication to the adjoining owner's land is that the overall height of the retaining wall is reduced by almost half of the height proposed on the side boundary. Also:-

- The maximum height of the retaining wall and fence would be 2.85m instead of 3.9m and therefore will have a reduced visual impact of the wall and less "enclosed feeling" due to the minimum road frontage of the neighbours lot;
- Retaining wall is stepped in a similar manner to other houses in the street;

### **Strategic Plan/Policy Implications**

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

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

The Planning Policies which apply to this item are:-

APD32 Residential Design Codes

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil

### Community Consultation

The applicant has already contacted the adjoining neighbour and obtained comments. There is no additional consultation required by the Council.

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

Nil.

#### 14.4 (OCM 17/12/2002) - PROPOSED HOME OCCUPATION (BEAUTY THERAPY) - LOT 526; 38 FORILLION AVENUE, BIBRA LAKE - OWNER/APPLICANT: D & K ROBINSON (1118004) (SM) (ATTACH)

#### RECOMMENDATION

That Council:

- (1) grants its approval to the proposed home occupation (Beauty Therapy) at Lot 526, 38 Forillion Avenue, Bibra Lake, subject to the following conditions:-

#### Standard Conditions

1. The development complying with the home occupation provisions and definition set out in the Town Planning Scheme.
2. The approval may be withdrawn by the Council upon receipt of substantiated complaints.

#### Special Conditions

3. The hours of operation of the home occupation is restricted to:  
9.00am to 9.00pm (Monday and Thursday)  
9.00am to 5.00pm (Tuesday and Wednesday)  
9.00am to 6.00pm (Friday)  
Not at all on Saturday, Sunday and Public Holidays
4. A maximum of 10 clients per day, with an interval of at least 10 minutes between clients.
5. The home occupation activity must be undertaken inside the house, as illustrated in red on the approved plans (attached).

#### Footnote

1. All the requirements outlined in the Code of Practice for

Skin Penetration Procedures are to be met by the proprietor, including:-

- All aspects relating to disinfection and sanitising
- All aspects relating to cleanliness
- All aspects relating to hygiene and hygienic practices.

(2) issue a Form 2 Notice of Approval.

**COUNCIL DECISION**

**Background**

ZONING:	MRS:	Urban
	DZS:	Residential R15
LAND USE:	House	
LOT SIZE:	660m <sup>2</sup>	
AREA:	N/A	
USE CLASS:	AA – “Discretionary Use” Home Occupation	

The City received application for a beauty therapy home business on 29 October 2002. There is no prior history to the application as 38 Forillion Avenue is a recently created residential lot.

**Submission**

The applicant seeks approval to commence a beauty therapy business at 38 Forillion Avenue, Bibra Lake providing facials, waxing, tinting, manicures, massage and pedicures. The proposed hours of operation of the business are:

- 9.00am to 9.00pm (Monday and Thursday)
- 9.00am to 5.00pm (Tuesday and Wednesday)
- 9.00am to 6.00pm (Friday)
- Not at all on Saturday, Sunday and Public Holidays

The applicant proposes to consult with only one client at a time, with a maximum of 10 clients per day.

**Report**

Home Occupation is listed as an ‘AA’ use in District Zoning Scheme No.2, which means that land in that zone shall not be used for the



purpose indicated unless the Council has in its discretion granted Planning Consent.

The application was referred to 4 neighbouring properties for comment for a period of 14 days. The City received 3 responses, 2 in support of the application and one of objection. The one objector stated they had moved to the area due to the anticipated amenity offered by the location, reinforced by the fact that there were "Investment Protection Covenants" controlling property use. The submission asserts that the Covenant requires that the Lot must not be used for purposes other than a residential dwelling and that businesses should be restricted to assigned shopping precincts.

The Restrictive Covenant does not fetter the ability of Council to approve the application, as the City is not party to the terms of that Covenant. The Covenant is a private arrangement between landowners within the St Paul's Estate. Despite this the Council is required to determine the application on orderly and proper planning. Compliance with Restrictive Covenant is a matter for the owner to resolve.

The proposal complies with the requirements of a Home Occupation as defined in District Zoning Scheme No. 2. No light, noise, vibration or vapour will be emitted by the business, adequate on-site parking has been provided for clients and the additional traffic generated by the business will be minimal.

The room where the proposed occupation is to be carried out (see attached plan for location) has been purpose built with a vinyl floor and neat, clean equipment installed throughout. The proprietor was well versed in the cleaning and disinfection requirements of the Environmental Health Service – Public Health "Code of Practice for Skin Penetration Procedures" as well as the use of "single use" disposable appliances and waxes etc. The premises comply with the City's Health Services requirements for a Home Occupation – 'Beauty Therapy'.

Accordingly, it is recommended that Council approve the Home Occupation (Beauty Therapy) subject to the conditions contained in the recommendation.

### **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."*

The Planning Policies which apply to this item are:-

APD17          Standard Development Conditions and Footnotes

**Budget/Financial Implications**

N/A

**Legal Implications**

Nil

**Community Consultation**

The proposal was referred to 4 neighbouring landowners for comment for a period of 14 days.

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

Nil.

- 14.5 (OCM 17/12/2002) - PROPOSED APARTMENTS (EIGHT) - LOT 11 ROCKINGHAM ROAD, HAMILTON HILL - OWNER: KEE VEE PROPERTIES PTY LTD - APPLICANT: THOMPSON ONG & ASSOCIATES (2213583) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant approval to Eight Apartments on Lot 11 Rockingham Road, Hamilton Hill, subject to compliance with 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 (communal area deleted).
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of Council.
5. Landscaping and tree planting to be undertaken in accordance with the approved plan.
6. The landscaping, in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
7. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
8. Earthworks over the site and batters must be stabilised to prevent sand blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand is blown from the site.
9. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Unless otherwise specified in this approval. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied.
10. At least 3 bays situated in a convenient location near the front entrance must be marked and maintained for visitor parking at all times.

Conditions to be complied with prior to applying for a building licence

11. 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.
12. A landscape plan must be submitted to the Council and approved for the car park situated at the rear of the supermarket and tavern. For the purpose of this condition a landscape plan shall be drawn to a scale of 1:100 and shall show the following:
  - (1) the location and type of existing and proposed trees and shrubs
  - (2) any lawns to be established
  - (3) any natural landscape areas to be retained; and
  - (4) those areas to be reticulated or irrigated.

Conditions to be complied with prior to occupation

13. The landscaping, car parking and drainage must be completed in accordance with an approved detailed landscape plan, prior to the occupation of any building.

Special Conditions

14. The applicant is to prepare an easement in gross in favour of the public, at the full cost of the owner, to provide for shared vehicular access and parking between Lot 11 and Lot 301 Rockingham Road, Hamilton Hill, together with drainage where applicable and the easement must be registered on the title before the development is occupied.
15. All units except for the ground floor units must include the installation of a clothes drier with the laundry. No clothing can be dried on the open balconies at any time.
16. The bin store area being relocated to the front yard area along Rockingham Road.

Footnotes

1. Under the provisions of the Metropolitan Region Scheme, approval to commence development must be obtained from the Western Australian Planning Commission and therefore your application has been forwarded to the Department for Planning and Infrastructure for its determination under delegated authority of the

Commission. Development must 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. The development is to comply with the requirements of the Building Code of Australia.
4. The development being connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
5. Covered parking bays shall be a minimum of 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway.

## COUNCIL DECISION

### Background

ZONING:	MRS:	Urban
	DZS:	Commercial
APPLICANT:	Thompson Ong & Associates	
OWNER:	Kee Vee Properties Pty Ltd	
LAND USE:	Vacant	
LOT SIZE:	560m <sup>2</sup>	
USE CLASS:	AA Discretionary Use	

### Submission

The applicant seeks approval from the Council to construct a 3 storey apartment complex incorporating the following components:-

- 8 apartments;
- 4 of the apartments are situated on the first floor with the second floor level comprising of another 4 apartments with a loft area incorporated into the roof space;

- Undercroft ground level carpark for 8 tenant bays;

Vehicle access is via a rear laneway, while pedestrian access is via Rockingham Road.

## **Report**

The proposal does not have an applicable residential density coding that applies to the site. The density is at the discretion of the Council to approve having regard to the merits of the proposal and orderly and proper planning. The proposal translates to a Residential Density Coding of R142 based on 70sqm per unit over 560sqm lot area. While this seems excessive a similar residential density Code was accepted by the Council in the approval of an apartment complex on the adjoining property.

The subject land is zoned "Commercial" under Town Planning Scheme - District Zoning Scheme No. 2 ("DZS2") where multiple dwellings are a discretionary use. The Council can either approve the proposal (with or without conditions) or refuse the proposal.

### Height and Scale of the proposal

The height and scale of the proposed development is in conformity with the 3 level townhouses to the rear and the two storey Newmarket Hotel.

### Plot Ratio and Density

The plot ratio of the development is 1.1:1. Plot ratio is the gross total of the areas of all floors to the area of land within the site boundaries excluding non-habitable areas (ie-parking area, lobbies, lifts etc.).

### Streetscape

The Rockingham Road elevation incorporates the use of balconies, and brick banding, window awnings and a pitched roof, which effectively break up the building bulk.

### Newmarket Hotel

The proposal is on the adjoining lot to the Newmarket Hotel, which is a two-storey building at the junction of Cockburn Road and Rockingham Road. The Newmarket Hotel is a significant building that has been included on the Council's Municipal Inventory of Heritage Places. The scale of the revised proposal would not detract from the landmark proportions of the Newmarket Hotel. The general heritage principle achieved in this instance is that the proposal is of an appropriate height and scale that does not detract from the cultural heritage significance of the Newmarket Hotel.

### Surrounding land use

The surrounding land use comprises a complex of 3 storey townhouses, an adjoining vacant lot and offices on Rockingham Road,

nearby Bottleshop/Newmarket Hotel and light industrial premises on Boyd Crescent. The amenity of the area is strongly influenced by the mix of land use and the amenity associated ocean views.

#### Building Setbacks, Landscaping

The Scheme requires a minimum front setback of 11.5 metres from the front boundary to Rockingham Road as opposed to the 2.5m front setback provided. This reduced setback, if approved, would require the Council to exercise discretion to vary Scheme requirements. There is no opportunity to create an “animated urban facade” at ground level since the design incorporates car parking at the ground level with a blank façade to Rockingham Road. The design does however allow for street surveillance from the extensive use of balconies overlooking the pedestrian level on Rockingham Road.

#### Vehicle Access

Vehicle access is proposed via a shared laneway that links with Rockingham Road to the rear townhouses and the Newmarket Hotel development. The parking configuration allows vehicles to leave the development in forward gear onto the shared laneway.

#### Car Parking

The car parking assessment of the proposal has been complicated by the owner wanting to use off-site car parking to off-set the parking requirements of Town Planning Scheme No 2. This involved a comprehensive assessment summarised below in consultation with the applicant. Despite initial reservations it was found that there is sufficient car parking to satisfy the requirements of the Scheme.

The applicant has provided 8 gated car-parking bays at ground level for the 8 apartments. The Residential Design Codes require car parking at the rate of 0.35 spaces per dwelling unit plus 0.015 spaces per square metre of plot ratio floor area to a maximum requirement of 3 car spaces per dwelling unit. A total of 16 bays are required as opposed to 8 bays provided on-site. At least 2 bays must be permanently set-aside for visitor parking.

Each of the 9 units will have at least 1 car bay each, which satisfies the minimum requirements of the Codes. The shortfall of 8 bays requires the exercise of discretion by the Council in any approval of the proposal.

The applicant has provided a detailed car parking schedule based on utilising car parking on the adjoining lot owned by the same owner (Kee-Vee Nominees Pty Ltd). The schedule was adjusted to account for some minor administrative errors. The bottle shop was not included since parking assessment since this occurs within the driveway. The entry forecourt into the sports bar was also removed to reduce the parking requirements. The tavern site only includes 51 bays not 54 but

this was adjusted to include 3 extra bays by the removal of landscaping.

Room/Area	Area sqm	Parking Ratio	Bays Required
Sports Bar	100	1 bay/2 sqm	50
Lounge/Dining	120	1 bay/2 sqm	24
Entry Forecourt to Lounge/Dining	46	1 bay/2 sqm	23
<b>Sub Total</b>	<b>266 sqm</b>		<b>97 Bays</b>

Building	Bays Provided	Bays Required
Tavern	54	97
Lot 11 (8 Apartments – proposed)	8	15.64
Heritage Building (separate use for 7 apartments)	7	12.17
<b>Sub Total</b>	<b>69</b>	<b>125</b>
Bays of No 14 Rockingham Road (parking easement)	51	
<b>Total</b>	<b>120</b>	

The table total shows a clear shortfall of only 5 bays. This is 18 bays less than the 23 bay parking concession granted by the Council at its OCM on 19 May 1998 and OCM 20 March 2001. The parking concession only applies to the reuse and restoration of the former Newmarket Hotel. The proposed apartments on Lot 11 could use 7 of the Tavern bays, which are surplus without using the parking concession that apply to the Hotel. Only one extra bay to reach the 16 required by the apartments would conflict with the hours of operation of the Tavern but this is only a minor conflict in actual number of bays.

The overall development has sufficient car parking provision to satisfy the requirements of the City's District Zoning Scheme No 2.

#### WA Planning Commission

The Commission's approval is required pursuant to the Metropolitan Region Scheme as the subject land is within a Clause 32 area the subject of further detailed planning for North Coogee.

#### Town Planning Scheme No 3 (proposed)

The subject land is within a proposed "Mixed Business Zone" under Town Planning Scheme No 3 ("TPS3"). The purpose of the zone is to provide for a range of commercial activities including showrooms where multiple dwelling development would become a use that requires the exercise of discretion by granting a planning approval.

#### Conclusion

The proposal is justified on planning grounds and is recommended for approval.



### 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

N/A

### Legal Implications

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

### Community Consultation

Community consultation is at the discretion of Council. Consultation is not mandatory.

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

Nil.

#### 14.6 (OCM 17/12/2002) - DUST NUISANCE: SERVICE OF NOTICES, PROSECUTION OF KEE VEE PROPERTIES PTY LTD - LOT 6 (12) BOYD CRESCENT, HAMILTON HILL - OWNER: KEE VEE PROPERTIES PTY LTD (2212277) (MS)

#### RECOMMENDATION

That Council authorise the Principal Environmental Health Officer to carry out all necessary administration to effectively:

- (1) serve a notice on the property owner to clean up and make good any damage resulting from the release of dust from the site;
- (2) in the event that the owner default the notice, carry out the works detailed within that notice, and recover the costs from the land owner; and
- (3) instigate a prosecution against Kee-Vee Properties Pty Ltd for allowing the emission of dust from their development site as provided for by the *City of Cockburn (Local Government Act) Local Laws 2000*.

## COUNCIL DECISION

### Background

The City's Health Service has received a number of customer service complaints from the surrounding area, concerning the emission of dust from the development occurring on the property known as Lot 6, Number 12 Boyd Crescent, Hamilton Hill. The first of these was received on the 8<sup>th</sup> October 2002. Three faxes and a number of telephone conversations between representatives of the owners, the site engineer and various members of the Health Service have occurred, without any progress towards resolving this issue.

Representatives of the owners, Kee-Vee Properties Pty Ltd and their site engineer, have given verbal undertakings to prevent the emission of dust. Following this stabilisation works have been carried out using hydro-mulch.

As a result of continued service requests and an assessment of the dust at the property boundary, an infringement notice under local law 5.10 of the *City of Cockburn (Local Government Act) Local Laws 2000* was served on the owners on the 13<sup>th</sup> November 2002, for failing to abate sand drift or dust nuisance. To date, this infringement has not been paid.

### Submission

N/A

### Report

The *City of Cockburn (Local Government Act) Local Laws 2000*, provides avenues for the abatement of sand drift or dust from any works involving the clearing of land. Local law 5.11 empowers Council to issue a notice requiring the owner or occupier to clean up and make good any damage resulting from that release or escape within a certain time frame. Should the owner or occupier default the notice, Council are able to undertake the works and recover the costs from them under local law 5.13. A prosecution can be undertaken under Part XII, Division 4. Penalties of up to \$5,000 apply, with the potential of applying a daily penalty as this offence is of a continuing nature.

The local laws empower an authorised person to serve Infringement Notices in relation to dust. They do not empower authorised persons to

serve Notices detailing the specific works required or to remedy the damage caused by the emission of dust. This power lies with the Council. Due to the lack of cooperation from the owner, the service of further infringement notices is unlikely to effectively resolve this issue.

As detailed in the Council's "Guidelines for the Preparation of a Dust Management Plan for Development Sites within the City of Cockburn" stabilisation of cleared areas can be achieved through the following means:

- Wind fencing
- Water use
- Hydromulch
- Chemical stabilisation
- Chipped vegetation

Although, the site has been hydro-mulched following protracted negotiations, it is recommended that the Council pursue legal action against the owners for the offences committed.

### **Strategic Plan/Policy Implications**

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
  - *"To identify current community needs, aspirations, expectations and priorities of the services"*

### **Budget/Financial Implications**

Legal expenses are available in A/c. No.GL 200-8080. Should any clean up be required, A/c. No.OP 9851-6200 is available.

### **Legal Implications**

The officers will liaise with the City's Lawyers for the service of notices and for the recovery of any expenses incurred with the cleanup.

### **Community Consultation**

N/A

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

Nil.

**14.7 (OCM 17/12/2002) - PROPOSED SUBDIVISION (2 LOTS PROPOSED) - LOT 6 HENDERSON ROAD, MUNSTER - OWNER: BETTABAR PTY LTD - APPLICANT: GAETANE VAN DER BEKEN (120300) (CP) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) not support the subdivision application in its recommendation to the Western Australian Planning Commission for the following reasons:
  1. The site is affected by the Kwinana (EPP) Air Quality Buffer, whereby the proposal, if approved, could set a precedent for further subdivision of a similar kind, which collectively would jeopardise present planning objectives.
  2. The land is zoned 'Rural' in the Metropolitan Region Scheme and in the Local Government's Town Planning Scheme. The purpose and intent of this zoning is to preserve the area's current rural use and intensity of development. Subdivision in the manner proposed would create the potential for additional building development and the introduction of increased non-rural activity in conflict with the zoning objectives;
  3. The proposed subdivision has not been justified on planning grounds;
  4. The proposed subdivision does not comply with the City of

Cockburn Rural Subdivision Policy; and  
 (2) advise the applicant of the above decision.

## COUNCIL DECISION

### Background

ZONING:	MRS:	Rural
	DZS:	Rural
LAND USE:	Vacant rural property	
LOT SIZE:	Lot 1 = 9877m <sup>2</sup> , Lot 2 = 9877m <sup>2</sup>	
AREA:	1.9754 ha	
USE CLASS:	N/A	

It is proposed to subdivide the 1.97ha property into two lots, each of 9877m<sup>2</sup>. The purpose of the subdivision is to create two rural-residential lots, each capable of accommodating a single dwelling.

The land is located in the Rural zone of the district, spanning the buffer area around Cockburn Cement that forms part of the Kwinana (EPP) Air Quality Buffer. Council Policy APD7 is therefore relevant, which is discussed further below.

In addition, the Thomson Lake Midge Buffer affects the land to the extent that the property is located in the area 500 to 800 metres from the lake edge. Council Policy APD6 is also relevant and is discussed further below.

The applicant has requested this proposal be considered by the Council on its merits as opposed to Council officers recommending to the Western Australian Planning Commission under delegated authority.

### Submission

The following points have been submitted in support of the application:

- The subdivision is for 'personal' as opposed to 'commercial' reasons, being the division of family land amongst family members;

- The small size of the existing title currently limits the productivity of the land;
- Remnant vegetation removal would be limited to that required for the construction of two dwellings, associated services and access;
- The majority of the existing title is outside the Air Quality Buffer area;
- The applicant is agreeable to a Section 12A Memorial to be registered on the new titles in response to the midge buffer policy APD6;
- The property is serviced with electricity and has access to bore water;
- A high standard effluent disposal system is proposed;
- An undesirable precedent will not be established as a number of other lots of similar size currently exist in the vicinity.

## Report

The fundamental issue in relation to this proposal is the proximity of the site to the Kwinana (EPP) Air Quality Buffer, as identified in the Fremantle-Rockingham Industrial Area Regional Strategy (FRIARS). Although the majority of the site may be located outside the buffer, Council's Local Planning Strategy (September 1999) encourages the retention of a rural zone land bank to act as a 'greenbelt' between urban areas and the Kwinana Industrial Strip. In this respect, approval of the application would intensify residential development in the area and be inconsistent with this objective.

In addition, Council Policy APD7 "Rural Subdivision" and associated map identifies this site to be in an area within which the policy states "The Council will not support further subdivision of land within this zone". This policy is reflective of the above Local Planning Strategy objective.

The other lots referred to in the application as being of similar size to the proposed lots appear to pre-date the FRIARS report and Council Policy. It is considered here that approval of the current application could create an undesirable precedent that could collectively jeopardise present planning objectives.

Council Policy APD6 "Residential Rezoning and Subdivision Adjoining Midge Infested Lakes" specifies that Council will impose a Section 12A Memorial on the titles of land between 500 and 800 metres distance from the wetland edge. This would be to warn prospective purchasers of the potential for midge nuisance. The applicant has indicated agreement to this action in the event of approval being recommended.

The other matters submitted in justification are either irrelevant or of lesser significance compared to the matters discussed above.

There is also a general presumption according to the Western Australian Planning Commission Policy against subdivision of rural land, unless it is specifically provided for in a town planning scheme, an endorsed local planning strategy or an endorsed local rural strategy. The abovementioned Policies are the principal "planning tools" that the Council could apply in this instance.

It was also noticed that the creation of lots less than 1 hectare are proposed without connection to reticulated water, which is not considered to be desirable.

### **Strategic Plan/Policy Implications**

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

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

The Planning Policies which apply to this item are:-

APD6	Residential Rezoning and Subdivision	Adjoining Midge Infested Lakes
APD7	Rural Subdivision Policy	
APD16A	Standard Subdivision Conditions	and Reasons for Refusal

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil.

### **Community Consultation**

N/A

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

Nil.

**14.8 (OCM 17/12/2002) - POLICY FOR THE KEEPING OF HORSES AND OTHER ANIMALS IN THE RESOURCE ZONE (9001) (CP) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Policy APD42 - "The Keeping of Horses and Other Animals in the Resource Zone" without modification as attached to the Agenda;
- (2) adopt the Delegated Authority APD65 - "The Keeping of Horses and Other Animals in the Resource Zone" as attached to the Agenda; and
- (3) dismiss the objection based on the report comments and inform the submitter accordingly.

**COUNCIL DECISION**

**Background**

At its ordinary meeting of 20 August 2002, the Council resolved to advertise the following policy for public comment:

- "1. Conditional approval may be granted by the Council where development applications for the proposed keeping of horses and other animals have been considered by the WRC to comply with the Draft Environmental Guidelines for Horse Activities (October 2001) or other relevant guidelines and advice to that effect is received.*
- 2. Where planning applications for the keeping of horses or other animals have been considered by the WRC to not comply with the Draft Environmental Guidelines for Horse Activities (October 2001) or other relevant guidelines and advice to that effect is*



*received by the Council, then the applications concerned may be refused.*

3. *In accordance with PSPD9, in the event an application for the use of land is refused, based on the advice of WRC, reference to that authority in the decision means it may be called upon to assist defending any appeals that may result from the Council decision.”*

The policy was advertised in the Cockburn Herald on 5<sup>th</sup> and 12<sup>th</sup> October 2002 while the submission period closed on 28<sup>th</sup> October. One submission was received on the policy that is discussed further below.

### **Submission**

The submission objected to the policy on the following grounds:

- That many people in the Resource zone were not aware of the proposed Policy.
- Landowners with horses prior to the proposed policy should not be subjected to the requirements of the policy;
- The City of Cockburn should retain the right to negotiate conditions for the keeping of horses with the landowners based upon the guidelines or any concerns expressed by the Water and Rivers Commission (WRC), even when WRC recommends refusal of an application.
- Concern expressed about the use of the guidelines (*“Environmental Management Guidelines for Horse facilities and Activities”, Water and Rivers Commission, September 2002*) in that they are not intended to be applied retrospectively or to be used as a rigid regulatory instrument.
- People purchased in the area on the understanding that a horse (or horses) were permitted. Will people be compensated if suddenly prevented from keeping horses?
- The Council had allegedly previously advised people that the keeping of horses was permitted.

### **Report**

The submission appears to focus on the issue of existing horse keeping activities prior to the proposed policy being advertised. Council had at its Ordinary Meeting of 20<sup>th</sup> August adopted a Position Statement to address retrospective applications for the keeping of horses (refer August 2002 OCM Minutes). The proposed policy the subject of this report is intended to address future applications only and has no relevance to retrospective applications.

The proposed policy was advertised in accordance with Clause 11.1.1 of the City of Cockburn Town Planning Scheme No.2. as described above.

In terms of the possibility of the Council negotiating conditions with landowners, it is not considered appropriate for the Council to become involved in this capacity due to the expertise of the officers of the WRC and the legal responsibility the WRC has for maintaining groundwater quality.

The Water and Rivers Commission, Department of Environmental Protection, Health Department of Western Australia and the Western Australian Horse Council prepared the "guidelines". The WRC is responsible for the application of the guidelines when assessing development applications due to their involvement, expertise and understanding of the technical issues relating to matters of water quality. It is the Council's role to decide applications based on WRC's advice, having regard to matters of natural justice such as existing planning approvals and non-conforming use rights. The actual application of the guidelines is not a matter of Council's concern, but has implications of State planning significance.

It is alleged that Council had previously advised that the keeping of horses was permitted in what is now the Resource Zone. In actual fact, Town Planning Schemes Nos 1 and 2 have provided for horse and other animal keeping in various ways in the past, but all of which required the obtaining of development approval. This has been the case since 1974.

It is recommended that the Council proceed to adopt the draft policy without modification.

### **Strategic Plan/Policy Implications**

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

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

**Budget/Financial Implications**

N/A

**Legal Implications**

Minimise Council liability by requiring assistance with appeals from the Water and Rivers Commission.

**Community Consultation**

Policy advertised for public comment.

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

Nil.

**14.9 (OCM 17/12/2002) - BREACH OF PLANNING APPROVAL CONDITIONS - JAA 132, 133, 134, 135 JANDAKOT ROAD, SOLOMON ROAD, JANDAKOT - OWNER: CSR READYMIX (5513146; 5513296; 5513086; 5513424) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) determine that the planning approval granted by the Council at its Ordinary Meeting on 7 June 1996 has expired for an Extractive Industry on JAA 132, 133, 134, 135 Jandakot Road, Solomon Road, Jandakot, based on Condition 11 of the approval, subject to (2) and (3) below;
- (2) notify CSR Readymix of the Council's decision and allow an opportunity within 14 days of the date of the Council decision, to explain why the approval for the extractive industry should not be deemed to have expired due to a breach of Condition 2 of approval to commence development which states:-
 

*“Dust control and preservation of water quality to be in accordance with the commitments made in the Excavation Management Plan dated 26/10/95.”*
- (3) authorise the Director of Planning and Development is to proceed with issuing an expiry of approval notice in accordance with the Council decision, should the owner not respond within the 14 day period as provided for in recommendation (2), however, should a written response be received from the owner in accordance with recommendation (2) above within the period specified, then the matter is to be referred to the Council for its consideration.

**COUNCIL DECISION****Background**

ZONING:	MRS:	Rural - Water Protection
	DZS:	Resource
LAND USE:	Extractive Industry	
LOT SIZE:	Various	
USE CLASS:	N/A	

CSR Readymix have operated a sand mining operation on several lots in Jandakot for 20 years and has continued to be a regular supplier of sand to the building industry and the export trade from which the Jandakot operation has been a major component of this trade.

The current sand extraction approval, issued on 7 June 1996, is valid for a period of 5 years and a further 5 years subject to compliance with approval conditions.

The sand excavated from the site includes a full range of export white silica sand, concrete sand and fill suited to many industrial needs.

**Submission**

The City has received continuous complaints from aggrieved owners in relation to the inability of CSR Readymix to control sand drift from their excavation activities. Local residents living opposite the sand mining area have complained to the City for several weeks and there has been no improvement in the situation. Strong breezes easily lift sand from the extensive open cut areas and deposit sand onto adjoining houses which have caused considerable grief to residents having to close up their houses and clean their air conditioners.

The situation to for residents directly affected has become unbearable and they seek the Council's swift action to finally sort out this matter.

**Report**

The sand excavation has recently been an on-going concern to local residents and the Council regarding compliance with conditions of approval.

On 22 October 2002 the Principal Planner organised a meeting between CSR representatives, concerned residents and himself in order to identify and resolve the dust issues.

The dust nuisance continued, which resulted in a follow-up telephone call to CSR requesting them to attend to this problem. But to date there has been no response to the matters discussed. The dust nuisance continues and is a source of complaint.

The management plan provided to the City titled "Excavation Management Plan Lots 2, 132, 133 and 135 Banjup by CSR Readymix dated 26 October 1995", sets out in clause 5.3 dust management measures. It explains that dust generation is greatest during land clearing and reinstatement. The control measure was to restrict land clearing and reinstatement to the wetter months wherever possible, however, it was acknowledged that sometimes clearing would be required in the drier months. Wind conditions would be assessed and if favourable movement of soil and surface material would only be carried out when wind conditions are favourable. A vegetation buffer was indicated to be sufficient to stop all wind blown sand. Furthermore a water tanker truck was to be maintained permanently on-site and used as required to suppress dust. It is not clear to what extent CSR Readymix have complied with these requirements but it is clear that the vegetation buffer is not sufficient to stop all wind blown sand and therefore a breach of conditions has occurred in relation to dust/sand suppression.

The extent of cleared land on Lot 133 Solomon Road (cnr Jandakot Road, Dollier Road) was determined using 2002 Aerial photographs from DOLA. Lot 133 is 62 hectares in area of which approximately 19 hectares of land has been cleared and not rehabilitated. About 14 hectares of the lot has been rehabilitated, with 10 hectares being worked or just worked and the balance left as remnant vegetation (19ha). The area of remnant vegetation has actually reduced significantly since the aerial photographs were taken. It is considered that the impact of sand drift from working areas is probably minimal in the context of the overall exposed surface area, which is left as unstabilised sand. This would no doubt also impact adversely on the area of rehabilitation carried out in previous years and has impacted on neighbours living within 100 metres of the excavation. Interim cleared areas should also contain sand stabilisation, which does not seem to be occurring. A wider buffer zone in retrospect should have been applied to protect the amenity of residents. It is apparent that CSR Readymix is extracting sand without having due regard to managing dust impacts in accordance with the approved excavation management plan. The extent of rehabilitation carried out in the past year must also be addressed in an annual report to Council. This has yet to be received.

It is recommended that the Council determine that the planning consent has expired for the excavation issued on 7 June 1996, because of a breach of a condition of approval. This means the Council has the ability to not agree to a further 5 year extension to the approval issued on 7 June 1996 . Prior to this occurring, it is necessary from a natural justice point of view, to allow CSR Readymix the opportunity to give reasons within 14 days of the date of the Council decision, why the approval for the excavation should not be deemed to have expired. If a response is received from the owner within this period, then the matter should be referred back to the Council for its consideration. If no reply is received within 14 days, the Director Planning and Development could issue an expiry of approval notice.

This will send a strong message back to the owner, that it is not prepared to tolerate the continued breach of the Council's Scheme.

### **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 identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil, unless this decision is challenged.

### **Community Consultation**

N/A

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

Nil.

**14.10 (OCM 17/12/2002) - STRATEGIC POLICY - SAND DRIFT FROM SUBDIVISION AND DEVELOPMENT SITES - ALL LOCALITIES (9002) (MR) (ATTACH)****RECOMMENDATION**

That Council:

- (1) adopt Strategic Policy SPD7 "Sand Drift from Subdivision and Development Sites" as attached to the Agenda as the basis for receiving public comment;
- (2) advertise the draft policy in accordance with the requirements of Part 11 of the City's District Zoning Scheme No 2, by placing an advertisement in the local newspapers circulating in the district and proceed to advertise for a period of not less than 21 days from the date of the specified notice;
- (3) notify developers of large projects currently underway within the district of the proposed policy and that they be invited to lodge submissions; and
- (4) following receipt of any public submissions together with the assessment undertaken by the Planning and Development Division, re-consider the draft Policy.

**COUNCIL DECISION****Background**

In the past 5 years all significant subdivisions have had dust management plans in place and most developers have co-operated in implementing these dust control measures. However, during the summer months the City has continued to receive a significant number of complaints from affected residents who live close to where subdivisional works occur, which have dust management plans in place. Sand drift is particularly evident during strong windy days, especially with 20-30 knot easterlies in the morning or 20-30 knot south

westerlies in the afternoon. Consequently, even the best dust management plan is ineffective in these conditions.

The Council's requirements for dust management are outlined in the City's "*Guidelines for the Preparation of Dust Management Plans for Development Sites within the City of Cockburn*". These guidelines explain the problems experienced with airborne dust emissions from development sites. The City requires the preparation of dust management plans for construction works associated with development sites and subdivisional works. These dust management plans are required to be submitted and approved prior to the commencement of works.

The City's dust management guidelines have assisted developers in preparing dust management plans to the City's satisfaction. These guidelines are largely based on the DEP document titled "*Land Development Sites and Impacts on Air Quality – A Guideline for the Prevention of Dust and Smoke Pollution from Land Development Sites in Western Australia*" (25 July 1996). The DEP guidelines outlines that during the summer of 1994-95, more complaints regarding dust impacts from land development sites were received by the DEP than for any previous summer. This prompted the preparation of the DEP guidelines, which deal with issues such as the:-

- timing of development, development staging,
- treatment of vegetation on site,
- stabilisation of cleared areas,
- hydromulch and chemical stabilisation;
- contractual arrangements; and
- procedure for the assessment and management of dust lift off (Site Classification Assessment Chart).

It is the developer's responsibility to schedule works on land development at the time in the year and in a way that reduces the potential impacts of dust to a practical minimum. The time of the year when these activities is carried out is critical since the least number of complaints occur during winter months.

The DEP Guidelines state:-

"Dust generated by bulk earthworks being done during the summer months, particularly with housing in close proximity, can adversely impact upon people who live near development sites. These effects may be reduced if developments can be staged in a sequence whereby bulk earthworks are carried out in the winter months and the completed earthworks "front" is kept to about 100 metres in advance of newly created lots."

The factors that affect airborne dust lift off from land development sites (other than the particle composition, density and size) are:-



- Wind velocity;
- Amount of land area disturbed and exposed (includes adequacy of artificial covers such as hydromulching);
- Soil dryness/compaction;
- Wind direction oscillation;

The DEP Guidelines also explain that the use of water-carts remains the most effective and visual response mechanism available to developers, but their efficiency in areas where bulk earthworks has been carried out can be limited.

The DEP's approach to dust management is to retain the overall responsibility for pollution prevention, there is still provision for local government, where they have accepted the capacity and the desire to accept delegation of limited powers to assist in the enforcement (issuing pollution abatement notices) pursuant to the *Environmental Protection Act 1986*. This could assist local government in enforcing air quality management programmes. This delegation may take place where a request is made to the DEP by the relevant local government.

### **Submission**

N/A

### **Report**

It has been necessary to review the Council's approach to applying the above guidelines for the preparation of dust management plans in response to significant changes in subdivisional practices involving bulk earthworks on large subdivisions where economies of scale allow this to occur. Since a large proportion of dust complaints are as a direct result of subdivisional works occurring during summer months it is proposed to place a ban on bulk earthworks occurring on Class 4 development sites as defined using the DEP Guidelines. (Refer to the Site Classification Assessment Chart). This would apply to large subdivisional works on estates such as Panorama Gardens – Beelihar where extensive clearing of vegetation and bulk earthworks has resulted in an untenable situation for local residents relative to sand drift in recent months.

The proposed Policy is for both subdivisional works and development within the district. The policy approach is based on measures taken by the City of Rockingham, which despite the ban on bulk earthworks on Class 4 sites from 1 October to 31 March, has continued to be one of the fastest growing local governments in the State.

The Policy contains numerous dust management conditions to be applied as conditions of subdivision and development, where there is the potential for off site impacts to occur to adjacent residents.

There are also public advertising requirements under the City's District Zoning Scheme No 2, before the Council can adopt the Policy.

In all other respects there are no other changes to the Council's approach to dust management. The attached Policy is self-explanatory and should be read in conjunction with this report.

### **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 identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil

### **Community Consultation**

This Policy is subject to community consultation in accordance with Scheme requirements.

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

Nil.

**15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES**

**15.1 (OCM 17/12/2002) - LIST OF CREDITORS PAID (5605) (KL)  
(ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for November 2002, as attached to the Agenda.

**COUNCIL DECISION**

**Background**

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

**Submission**

N/A

**Report**

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.

### 15.2 (OCM 17/12/2002) - BUDGET REVIEW - PERIOD ENDING 31 OCTOBER 2002 (5402) (ATC) (ATTACH)

<b>RECOMMENDATION</b>			
That Council amend the Municipal Budget for 2002/03 as follows:			
<b>A/c No.</b>	<b>Description</b>	<b>Current Budget</b>	<b>Proposed Budget</b>
695303	Beeliar Drive (Near Lakeridge)	27,000	0
695304	Beeliar Drive/Lakeridge Drive	77,411	0
695305	Beeliar Dr/Poletti Rd	15,000	0
695404	Hamilton Rd (South of Recreation Rd)	2,932	8,500
695405	Gwilliam Drive	19,225	12,906
695603	Phoenix Rd/Doolette St - Intersection Upgrade	27,207	18,530
695650	Bloodwood Park - Relocate Drain	38,199	22,584
680300	Ferdinand St	9,037	342
680314	Pilgrim Wy	25,367	4,470
680402	Coolbellup Ave	29,237	18,766
680615	Southwell Cres - Phoenix Rd to Rodd Pl	8,600	5,345
680700	Paris Place - Romero Rd to Montague Way	8,500	5,960
680701	Mamillius St - Waverley Rd to Archardimus Rd	9,200	6,130
680702	Theseus Way - Archidamus Rd to Waverley Rd	16,600	11,578
680703	Mopsa Way - Archidamus to Archidamus	17,700	31,200
650271	Street Lighting	614,000	600,000
NEW	Alabaster Dr (Banigan Ave - Jubilee Ave)	0	12,500
NEW	Forrest Rd (Bus stop to Forillian Ave)	0	17,000
NEW	Spearwood Ave (Beeliar Dr - Mainsail Tce)	0	37,485
NEW	Barrington St - Rockingham Rd to Ionesco St (north side)	0	57,919
NEW	Beeliar Drive - Wentworth Ave to Hammond Rd	0	60,000
200710	Furniture & Equipment	5,000	10,000
200460	Noise Control Management	5,500	3,000
580642	Naval Base Toilets - Access for the Disabled	6,298	250
580820	Catherine Point - Ablution Facility	14,685	10,100
580793	Joe Cooper Recreation Centre - Extend Security System	2,500	0
580703	Administration Centre - Replace Courtyard Floodlights	4,000	0
580637	Demolish Redmond Rd & Coolbellup Clinics	10,000	0
580638	Memorial Hall- Install Ramp for the Disabled at Side Entry	4,000	0
580621	CVES - Upgrade Electrical & Carpets	9,000	15,000
580612	Cockburn Tennis Club - Refurbish Car Park/ Kerbing	9,018	7,550
580645	Atwell Changerooms - Safety Rail	10,000	8,700
580641	Jandakot Hall - Storeroom & Kitchen	4,784	3,500

580811	Wellard St House - Connect Security System	2,800	985
NEW	Watsons Oval Changerooms- Connect to Sewer	0	15,000
NEW	Wellard St Operations Centre - Truck Washdown Facility	0	16,000
NEW	Section 3.25 Notices - Land Cleanup	0	10,000
105031	General Untied Grant	-1,060,000	-1,087,800
105030	General Untied Road Grant	-761,000	-774,200
730106	Non-Compliant Building Assessment Fee	-1,500	-3,000
730103	Plan Copies/Building Statistics	-9,000	-10,900
730460	Inspection & Other Expenses	1,000	1,250
730330	Minor Furniture & Equipment	500	1,500
730280	Printing & Stationery	4,500	6,000
730370	Scanning Expenses	30,072	33,572
531030	Volunteer Resource Centre/staff	0	-30,000
NEW	Council Contribution to Volunteer Resource Centre	0	-15,000
NEW	Grant Atwell Outside School Hours Care	0	-13,256
531463	Volunteer Resource Centre/Staff	0	45,000
555710	Skate Parks Mobile	90,074	107,740
555310	Reimburse Management Agreement	1,500	6,000
315577	EBA Donation	46,714	20,000
315546	Donation to Volunteer Home Support	7,000	10,000
580821	Shade Shelter Atwell	6,000	22,902
625800	Banner Poles Rockingham Road	35,000	0
NEW	Donation to Volunteer Resource Centre	0	8,000
110427	Professional Associates Function	7,000	5,000
110429	Receptions/Refreshments Other	53,000	55,000
605280	Printing & stationery	32,000	38,500
NEW	Consumables, Stationary & Postage	0	1,000
575503	Civic Centre Grounds - Paving	60,000	77,424
575603	Civic Centre Replace Irrigation	63,265	45,841
573319	Emergency Irrigation Maintenance	0	40,000
125190	From Computer Reserve Fund	-605433	-647758
125720	Computer Equipment	355,306	368,631
125380	WinINSTALL Software Deployment Tools	259,620	264,120
125380	Adobe Acrobat Writer	264,120	265,120
125721	New LGS Implementation	363,602	392,602
873380	Computer Software/Annual Maintenance	33,923	41,975
873466	Aerial Photography for IntraMaps	15,000	18,500
485191	Rubbish Development Reserve	-3,410,664	-1,060,664
485816	Construction of New Cell	2,500,000	150,000

**TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**

**COUNCIL DECISION**

**Background**

Council reviews its Budget twice each year for the periods ending October and February.

**Submission**

N/A

**Report**

A report on the review of the Municipal Budget for the period 1 July 2002 to 31 October 2002 is attached to the Agenda.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

A number of amendments to the Budget are recommended.

**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.

**15.3 (OCM 17/12/2002) - REPORT ON FINANCIAL STATEMENTS (5505) (NM) (ATTACH)**

**RECOMMENDATION**

That Council receive the Report on the Financial Statements for the first triennial period ending 31 October 2002.

**COUNCIL DECISION**

## **Background**

Section 6.4 of the Local Government Act 1995 requires the City to prepare financial reports as are prescribed. Regulation 34 (1) (b) of the Local Government (Financial Management) Regulations 1996, prescribes that a local government is to prepare either quarterly or triennial financial reports. Council has elected to receive triennial financial reports, which are due for periods ending 31 October, 28 February and 30 June.

Further, Regulation 34 (1a) allows Councils to resolve not to receive a report for periods ending 30 June. Council has previously resolved not to receive this report as it is deemed unnecessary due to the preparation and presentation of annual financial statements.

## **Submission**

N/A

## **Report**

Attached to the Agenda are the following financial reports for the period ending 31 October 2002.

### Operating Statement

The Operating Statement details income and expenditure by program and compares it to the adopted budget on a pro-rata basis. As at the 31 October, income and expenditure to date should approximate 33% of budget (ie. 4 out of 12 months), except where it is raised or incurred in a seasonal pattern eg. rates, dog registrations etc.

Overall, Council's expenditure is on target (at 33.8%) with any variation of a permanent nature being addressed in the budget review subject of Item 15.2 of this Agenda.

Council's income is well ahead of the pro-rata budget (at 73.6%), which is traditionally the case due to the raising of rates income at the start of the year.

### Municipal Summary

The Municipal Summary reports detail for both operating and capital income and expenditure and reconciles these back to a cash position.

Also included in this statement is a 'Projected Budget' column that incorporates the changes proposed in the budget review. This addresses the requirement of Regulation 35 (1) (e) of the Local Government (Financial Management) Regulations, to provide financial

projections that factor in the effects of any permanent significant variations.

The capital works budget is generally on target with only one major variation identified, being the delay in construction of the new Cell at the Henderson Tip Site which is now anticipated to occur in late 2003. All other significant variations to the pro-rata budget are due to the timing and programming of the works.

#### Statement of Reserve Funds

This statement reports the current balance for all reserve funds and provides details of interest earnings and of transfers in and out of each reserve.

#### Restricted Trust Analysis

This statement summarises bonds and deposits held by Council as at the reporting date. These funds are deemed restricted in accordance with Accounting Standard AAS27.

#### Investments Report

Council's Investments Policy (Corporate Policy - CFCS1) requires a report to be submitted to Council with details of the investment portfolio including performance figures and the extent of exposure to categories restricted by the Policy.

#### **Strategic Plan/Policy Implications**

N/A

#### **Budget/Financial Implications**

The October Budget Review addresses all significant variations of a permanent nature identified as at the 31 October, 2002.

#### **Legal Implications**

Nil.

#### **Community Consultation**

N/A

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

Nil.



## 16. ENGINEERING AND WORKS DIVISION ISSUES

### 16.1 (OCM 17/12/2002) - INTERSECTION OF NICHOLSON ROAD AND WARTON ROAD, BANJUP (450373) (SL) (ATTACH)

#### RECOMMENDATION

That Council advise the City of Armadale:

- (1) of Council's financial commitment towards the construction of a roundabout at the intersection of Nicholson Road and Warton Road; and
- (2) a contribution of \$35,0000 will be included in the 2003/04 Budget for the Blackspot Project.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

#### COUNCIL DECISION

#### Background

The City of Armadale has requested a financial commitment from its neighbouring Councils - Cockburn, Gosnells and Canning, towards the Blackspot project – the installation of a roundabout at the intersection of Nicholson Road and Warton Road.

#### Submission

A letter from the City of Armadale and a plan showing the proposed roundabout is attached.

#### Report

The intersection of Nicholson Road and Warton Road is currently listed Number 2 on the top list of intersections within the City of Armadale, which have high frequency of road crashes. It is No. 195 in the State Frequency Ranking. However, the cost of crashes at this intersection has been high, estimated \$6.1 million so far. As such, it ranks No. 6 among State intersections within Western Australia.

The City of Armadale considers that a roundabout treatment can reduce road crashes at this intersection; it will also improve the amenity of the area and help to form a gateway into all of the Councils involved.

The City of Armadale has successfully obtained a grant of \$497,000 for the roundabout treatment. However, a third of this grant (i.e. \$166,000) consists of contribution from the successful Local Government, in this case the City of Armadale.

As the intersection forms a boundary between the City of Cockburn, Armadale, Canning and Gosnells, the City of Armadale proposes that the cost of the one third contribution be split in proportions as follows:

- The City of Armadale contributes 50% i.e. \$85,000;
- The Cities of Cockburn and Gosnells contribute 22% i.e. \$35,000; and
- The City of Canning contributes the remaining \$11,000

As the funding is for the current financial year, the City of Armadale will fund the total Local Government contribution. This is based on the assumption that the neighbouring Councils of Armadale would have no provision in the current budget to cover these costs.

Nevertheless, the City of Armadale cannot undertake the construction of this roundabout in the current financial year without the financial commitment from its neighbouring Councils.

### **Strategic Plan/Policy Implications**

One of the objectives of the Corporate Strategic Plan is to maintain roads, which are the responsibility of the Council, in accordance with the required standards and are convenient and safe for use by vehicles, cyclists and pedestrians.

### **Budget/Financial Implications**

If the recommendation is adopted, then the funds to reimburse the City of Armadale will be set aside in the next Budget.

### **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 (OCM 17/12/2002) - SUCCESS COMMUNITY FACILITIES (8136A)  
(RA) (ATTACH)****RECOMMENDATION**

That Council:

- (1) require an architect to be appointed to carry out the necessary design, documentation and supervision of works for the proposed Success Community facilities of between 2,200 m<sup>2</sup> and 2,400 m<sup>2</sup>; and
- (2) approve the design prior to the final decision on the construction of the Success Community Facilities.

**COUNCIL DECISION****Background**

Council at its meeting of the 19<sup>th</sup> of November 2002 resolved to defer this matter to the December 2002 meeting of Council to enable Elected Members time to further consider the information previously provided.

Accordingly, this report contains some additional information relating to the consequences of further delaying the proposed timetable for the project.

The development of the facilities envisaged for Success will be a major undertaking for the City both in respect to the initial construction and ongoing operational costs. Early estimates are that there will be an additional \$400,000 of annual operating expenses. The current lease on the Success library expires in August 2005. A clear direction given by Council on what it would like to see included in the facility will serve to provide a clear message to the community of its intentions and avoid unrealistic expectations being developed and not realised. It will also allow for the orderly transition of the current Success library to a new location within the complex.

At its meeting of the 21<sup>st</sup> of May 2002 Council resolved to establish a Working Party to investigate the requirements for and timing of the community facilities to be located in Success. The Working Party comprises of Mayor Lee, Deputy Mayor Graham, Cllrs Oliver and

Whitfield and three Officers appointed by the Chief Executive Officer, being Director, Community Services, Manager, Community Services and Manager, Libraries.

The Working Party has had several meetings and visited a number of facilities similar to the one envisaged for Success. The following is the outcome of the Working Party deliberations on the matter.

### **Submission**

N/A

### **Report**

The timetable for the development of the proposed facilities for Success to provide for an opening in October 2005 coincides with the expiration of the lease the City has with the Gateway Shopping Centre for the Success Library. The current timetable allows for a public comment and design development phase. Should the Council delay its decision on this project into next year the time available for design development and public comment would by necessity be reduced as the other phases of the project already have tight time lines.

Should Council resolve to defer a decision on the project any further, and wish to retain its library presence within the Gateways Shopping Centre, it is suggested that an approach be made to Centre Management to extend the tenancy arrangements currently in place.

While it is hoped the Centre would continue to view the library facility as an attractive service for the Centre's patrons, there is no guarantee this will occur, in which case, Council could be faced with the possibility of not having a library presence in the precinct, or paying a significantly higher premium for retaining its presence at its current location, beyond the current lease expiry date of August, 2005. An alternative would be for a transportable building to be erected on the community purposes site to serve as a library. This option would be relatively expensive if the intent was to build a purpose built library on the site or in the area soon after October 2005.

The Library and Information Service of Western Australia (LISWA) as the providers of the library stock has given conditional approval for the use of the relatively small library space in Success as an interim arrangement. In its written approval for the Success Library LISWA has sought a firm commitment from Council for a larger library to meet the needs of the catchment population.

The Working Party gave consideration to a draft paper prepared by administration on the factors that need to be considered on what facilities and the size of the facilities that could be included in the Success Community Centre. It should be noted that this Report is

predominantly formed as the result of the deliberations and findings of the Working Party and has not been subject to specific independent scrutiny.

Proposed Location:

There is an area of 1.8 hectares vested in Council for community purposes on the corner of Wentworth Parade and Beeliar Drive. This area is close to the Gateway Shopping Centre and has all the public transport benefits of Success.

An important consideration is the nature and form of these facilities. The Working Party agreed to the following statement for inclusion in the Architects brief:

*"This is a significant site within a new regional centre. The building will be the major civic facility within the precinct and will assist in establishing the form and standard of commercial and public buildings within the regional centre. The building will be of a contemporary design with architectural longevity and will allow for future building expansion."*

There was general acknowledgment that this was a significant site and one on which the Council will have a significant presence with a major 'Civic' (i.e. City) Facility. A number of members felt that the building design should be modern and innovative whereas others felt it should be of a more traditional design. As there were different views on how descriptive architectural terms translated into the built form it was agreed that the appointed Architect would prepare a range of building design alternatives for consideration prior to a final decision being made.

Whilst acknowledging that the Success facility will be a significant civic building it will serve a dual function, both as the venue for formal civic events (e.g. presentations, promotional functions, Council functions) and also be required to provide a range of day to day services for residents. The design of the building will need to reflect and allow for these two functions.

The decision on which Council services and facilities ought to be located at Success needs to reflect the demographic profile of the eastern portion of the City and which services can be more appropriately located on other sites in the area. For example it may be desirable for the creation of a sense of community to have a youth resource centre and library in each neighbourhood centre but it would be cost prohibitive. These facilities are more appropriately located in a regional or district centre such as Success.

Proposed Facilities.

The services and facilities listed below have been developed in the context of the above considerations. The proposed facilities provide a

great opportunity to develop synergy in service provision to maximise usage and to reduce construction and operating costs of services and facilities. The proposed facilities ought to be designed to maximise the opportunities for multi-use areas and service delivery through multi-skilled staffing.

### Library

The catchment population for the library is estimated to be 37,300 by 2006 and drawn from the locations of Atwell, Banjup, Beeliar, Bibra Lake, Jandakot, Leeming, South Lake, Success, Wattleup and Yangebup.

In the view of the Manager Libraries, this catchment population suggests a library of around 1700 square metres based upon 44 square metres per thousand which is in line with contemporary practice and the recent standards published by the State Library of Queensland. (Western Australian Standard of 33 square metres per 1000 of population has not been revised since 1980 and hence does not take account of any contemporary developments, especially in the area of information technology).

It was acknowledged by the Working Party that the design of the building must allow for possible future extension to the library for the anticipated increase in the catchment population to 53,600 by 2016.

It was evident from the tour of similar facilities in other metropolitan Councils that there seemed to be little correlation between the size of the library provided and the catchment population. It ought to be noted that estimates of catchment populations for these libraries are at times ill defined with library catchments overlapping. Riverton Library for example has supposedly a catchment population of 30,000 but has the Willetton library only 3 kilometres away.

It can be fairly stated that none of the libraries visited had a catchment population greater than that of the proposed Success Library. The library floor space ( $m^2$ ) to 1000 catchment population for the libraries visited are as follows: Mirrabooka Library 47; Osborne Park 34.5; Riverton Library 83. None of these libraries needed to give consideration to any significant population increases.

There was a considerable amount of discussion held on the size of the library and the area required for staff. The area required by staff includes the work room, offices, staff room/kitchen and staff toilets. There was however general agreement that the staff area would be approximately 20% of the total area with the final figure being determined by the amount of shared space for the staff room, kitchen, toilets and the like.

Half of the Working Party members believe the total library ought to be  $1000m^2$ , the other half saw a need for the library to be  $1200m^2$ . A

library of 1200m<sup>2</sup> for an initial catchment population of approximately 35,000 equates to 34 square metres per 1000 catchment population which is a relatively modest level of provision.

#### Youth Resource Centre

The demographic profile for the eastern region exhibits a significant youth population. The confluence of various forms of public transport at Success makes it an ideal location for a centralised youth service. Council currently operates a number of youth services from a base in Yangebup with funds provided by the State Government. This is far from an ideal location. A move to Success to a customised youth resource centre incorporated into the complex of Council services is an ideal option.

There was general agreement that the size of the youth resource centre should be in the vicinity of 50m<sup>2</sup>.

The current Youth Service Facility at Yangebup will then become available for usage by the general community.

#### Council Information Centre

Given the size of the population on the eastern area of the municipality and the need for Council to have a strong presence it is proposed that a Council Information Centre be established. From this office general Council information can be provided to residents, payment of accounts can be made and material deposited for Council's central Spearwood administration. The office could also include a community information service for residents of the area. There are several examples, such as the City of Bayswater that established a satellite office in the Galleria Shopping Centre, which has demonstrated the value of such arrangements. Other examples of an integrated facility of this nature are provided at Osborne Park and Mirrabooka Community Centres in the City of Stirling.

It is proposed that 50m<sup>2</sup> be allocated for this area.

#### Lecturette

Council has historically provided large community halls to serve new residential areas. In established areas of the City there are a number of these halls that are under utilised. There is little point in providing a large flat floor hall for Success when there are existing halls, including the Civic Centre that are under utilised. There are however no lecture or banked seating spaces within the City that are suitable for public meetings, conferences and the like. For example, Community Policing recently held a conference in the Council reception/dining area. A lecturette would be far better suited to such a conference. Such a venue would also be appropriate for public meetings, small live performances and hire to government departments, private firms or community organisations for conferences and training events. There are no comparable facilities in the Metropolitan area to be able to

ascertain usage patterns or estimate potential utilisation rates of such space. It is proposed that a suitably sized Lecturette capable of seating 140 people will require a floor area of 220m<sup>2</sup>.

#### Meeting Rooms

Several small meeting rooms ought to be available for use by the general public and Council to hold meetings for matters of interest and concern to residents of the eastern portion of the City. Such rooms would also be used by Council staff for meetings. Up to four rooms will require an area of 100m<sup>2</sup>.

#### Office Space

Besides the offices required by the library staff based at the centre there would be some value in having several offices available for use by JP's, and Government Instrumentalities such as the Public Trustees and Legal Aid. Three offices are proposed with a total area of 48m<sup>2</sup>.

#### Foyer/Display Gallery

There has been some community pressure to provide an Arts/Cultural Centre in the City. A practical and realistic option is to have a gallery display area incorporated into the entry area of the building, which with careful design would serve dual purposes. A wet and dry arts studio space could also be provided as there are none within the City and this would go a significant way to addressing the strategies identified in the 1996 Cockburn Cultural/Arts Centre Study for a number of smaller local arts/cultural facilities within the City. A number of members of the Working Party wished to have the wet and dry arts area not included in the facility, therefore, it has been deleted from the design brief.

The Working Party felt the foyer/display gallery area should be designed to allow formal civic functions such as citizenships, fund raising functions and district promotions. Accordingly, an area of 220m<sup>2</sup> is proposed.

#### Crèche

There is a community expectation that facilities will be available specifically for children. Whilst it is not expected that the crèche will be open at all times it could be designed to allow for use by the children of library patrons and operate on an occasional basis when there is known demand. This item has been deleted from the design brief, as it was not supported by the majority of the Working Party.

#### Children's Services

The externally funded Children's Services programs are being consolidated at the Children's Activities Centre in Winterfold Road Coolbellup. The centre will accommodate the Family Day Care and After School Care Services. Due to the inadequacy of the current facilities a transportable building is proposed to be placed on a portion of the Pine View Preschool site as temporary accommodation.



The incorporation of office accommodation within the Success facilities will address the short-term accommodation problems for the externally funded children's services program and allow for the inevitable growth in the services as the population increases. The Family Day Care direct services will continue to be provided from carers' homes and the After School Care Services will continue to operate from their current locations. It is proposed that 225m<sup>2</sup> be allocated to this portion of the Centre.

It is considered important that there be scope within the children's services area to have some capacity to accommodate children in an appropriate environment when parents are attending an activity within the facility. This will not be a supervised Crèche but will serve a short-term purpose for patrons wishing to use other services within the complex.

#### Support Services

The Department for Community Development (DCD) in consultation with the City has identified the need to provide services such as social workers, financial counsellors and parent support services to this region of the City. Funds of approximately \$500,000 have been provided for in the Department's forward estimates to construct facilities in this location. The incorporation of these services within the Success Complex would create opportunities for economies of scale and a synergy among service. While 96m<sup>2</sup> has been allocated to this area, it will only be included in the final design on the basis of funding being committed by DCD.

#### Ancillary Facilities

In keeping with the concept of the facilities being flexible and multipurpose there are a number of elements that need to be provided which can be accessed by the general public and staff based at the centre. There needs to be a rational provision of toilets, storage space and kitchens. A specific set of toilets and a staff lunchroom for all staff at the centre needs to be provided. A total of 145m<sup>2</sup> has been allocated to provide for these areas.

#### Training Room

An area of 50m<sup>2</sup> is proposed to be integrated into the building design to be used as a purpose built training facility. The room(s) will be equipped with special cabling and equipment to provide for training to be undertaken by Council personnel, as well as being available for hire to community groups and other public/private sector organisations.

#### Generally agreed Facilities and sizes:

<b><u>Facility</u></b>	<b><u>Size</u></b>	
	<u>Option 1</u>	<u>Option 2</u>
Youth Resource Centre	50m <sup>2</sup>	50m <sup>2</sup>
Satellite Council Offices	50m <sup>2</sup>	50m <sup>2</sup>
Meeting Rooms (total area)	100m <sup>2</sup>	100m <sup>2</sup>

<b>Facility</b>	<b>Size</b>	
	<u>Option 1</u>	<u>Option 2</u>
Lecturette (to seat 140)	220m <sup>2</sup>	220m <sup>2</sup>
Offices (3) (for Podiatry, Public Trustees, JP and the like)	48m <sup>2</sup>	48m <sup>2</sup>
Training Room	50m <sup>2</sup>	50m <sup>2</sup>
Gallery / Foyer (designed to allow for the presentation of art works and formal functions)	220m <sup>2</sup>	220m <sup>2</sup>
Children's Services	225m <sup>2</sup>	225m <sup>2</sup>
Support Services	96m <sup>2</sup>	96m <sup>2</sup>
Kitchen area (similar to Council reception area kitchen)	30m <sup>2</sup>	30m <sup>2</sup>
Staff Room (shared with all staff)	40m <sup>2</sup>	40m <sup>2</sup>
Storage space (final locations and sizes to be developed)	75m <sup>2</sup>	75m <sup>2</sup>
Library	1000m <sup>2</sup>	1200m <sup>2</sup>
<b>Total Area</b>	<b>2204m<sup>2</sup></b>	<b>2404m<sup>2</sup></b>

Facilities deleted from original draft proposal of 30 May 2002.

Wet and dry Arts area	50m <sup>2</sup>
Crèche	50m <sup>2</sup>

There was some discussion on the need for a coffee shop although it was resolved that this would probably not be viable due to the nature and size of the facility and there being other coffee shops in the shopping centre.

It is difficult to determine the actual final size of the facility, as the extent to which areas such as toilets, foyers and reception areas are shared is unknown until the Architect's design is complete. With this in mind it is proposed that the Architectural brief be for a building of between 2,200 m<sup>2</sup> and 2,400 m<sup>2</sup>.

It should be noted that the range of facilities envisaged would meet the eligibility criteria for funds to be provided by the Department for Community Development and the Lotteries Commission.

### Indicative Costs

	<b>Option 1 (2,200 m<sup>2</sup>) \$</b>	<b>Option 2 (2,400 m<sup>2</sup>) \$</b>
• Costs @ \$1,400/m <sup>2</sup>	3,080,000	3,360,000
• Car Parking – 150 cars	150,000	150,000
• Landscaping	50,000	50,000
• Fit Out		
– Library	400,000	400,000
– Offices	250,000	250,000
	<b>3,930,000</b>	<b>4,210,000</b>

	<b>Option 1 (2,200 m<sup>2</sup>) \$</b>	<b>Option 2 (2,400 m<sup>2</sup>) \$</b>
• Escalation 4% p.a. for 3 years	490,715	525,400
	4,420,715	4,735,000
• Fees 8%	353,657	380,000
• Escalated Total Building Cost	4,774,372	5,114,000

**Note:** Included in the above costs is \$500,000 from the Department of Community Development/Lotteries Commission.

#### Timetable of Important Milestones (Revised):

- December 2002 - Council commitment to the Success Community facilities to be constructed and fitted out and operational by August 2005, and inclusion in the Principal Activities Plan over the anticipated four-year funding program.
- January 2003 - Development of project brief for architect.
- March 2003 - appointment of project architect.
- March 2003 to May 2003 - concept and schematic design developed, including a public comment period.
- June 2003 - Final concept design adopted by Council.
- June 2003 to December 2003 - Detailed design, documentation, specifications completed.
- January 2004 to March 2004 - Building tender period.
- April 2004 - Council acceptance of tender (see 'Selection Criteria')
- May 2004 to January 2005 - Construction period.
- February 2005 - July 2005 - building fit out ready for occupation.

#### **Strategic Plan/Policy Implications**

Included in Council's Strategic Plan is the Vision to "...achieve a high level of convenience, amenity and a sense of community." There has been an acknowledgment that the development of a sense of community can be facilitated with the location of services and facilities at the local or neighbourhood level. Balanced against this is the need to "Deliver services and to manage resources in a way that is cost competitive and without compromising quality."

#### **Budget/Financial Implications**

Total estimated costs of between \$4,774,372 and \$5,114,000 for construction, including \$500,000 contribution from Department of Community Development/Lotteries Commission. Ongoing operational costs estimated at \$400,000 p.a.

### **Legal Implications**

Appointment of architect will be effected through Delegated Authority LGA ES3 "Calling of Tenders or Expressions of Interest".

### **Community Consultation**

Proposed for March – May, 2003, following development of Concept Plan.

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

All facilities proposed for the site have been identified as high need community / public requirements. No duplication of facilities already operating in the catchment area is proposed to be included within the Complex.

## **17.2 (OCM 17/12/2002) - TOY LIBRARY SPEARWOOD (8218) (JZ)**

### **RECOMMENDATION**

That Council enter a lease agreement with the Yangebup Toy Library for the use of the old Spearwood Child Health Clinic for a period of 5 years with the following terms and conditions:

- (1) a peppercorn rental;
- (2) Lessee responsible for all maintenance and outgoings associated with the property;
- (3) Lessor(Council) to ensure the premises are in an acceptable state of repair at the beginning of the lease term; and
- (4) all other terms and conditions normally applicable to these types of leasing arrangements.

### **COUNCIL DECISION**

### **Background**

The old Spearwood Child Health Clinic is not being used for the purposes that it was designed. The Spearwood Library has been using some of the space for storage.

## **Submission**

A letter has been received from the Yangebup Toy Library requesting permission to establish the toy library in the old Spearwood Health clinic.

## **Report**

The Yangebup Toy Library is one of only two Toy Libraries in the City of Cockburn available for members of the General Public, the other being located in Atwell. The Toy Library loans toys on a two weekly rotational basis to families who are members of the Toy Library. The Toy Library caters to the 0 – 6 year old age group and this age group represents over 10% of the population of the City of Cockburn.

The Toy Library would like to be able to expand its operations to service more families within the district, but it is currently unable to do so because of the limited amount of space and facilities available to the Toy Library in the Yangebup Family Centre.

Should the Toy Library move to the old Child Health Clinic, it would be closer to the majority of families who currently use the Toy Library. With the old Child Health Clinic being adjacent to the Jess Thomas Child Health Centre many young families would be able to take advantage of the facilities offered by the Toy Library, due to Jess Thomas acting as a feeder to the Toy Library. As the old Child Health Clinic is also next to the Phoenix Shopping Centre and close to the Spearwood Public Library, both these centres would also act as feeders for the Toy Library.

Moving the Toy Library to Spearwood, the Yangebup Family Centre would gain desperately needed storage space by utilising the area currently occupied by the Toy Library. A proposal was put forward to the Toy Library members at their Annual General Meeting on 20th November 2002, to apply to the City of Cockburn for use of the Spearwood Child Health Clinic Building and the proposal was voted on and passed unanimously. The Yangebup Toy Library currently pays rent to the Yangebup Family Centre for the use of its facilities, so it would be willing to negotiate a rental agreement with the City of Cockburn.

The Committee of the Yangebup Toy Library has had the chance to inspect the Child Health Clinic Building and feels that the facility would be adequate for current and future needs.

## **Strategic Plan/Policy Implications**

To facilitate and provide an optimum range of community services.

### **Budget/Financial Implications**

The proposed lease arrangement would include the requirement for the Toy library to pay all outgoings and general maintenance.

### **Legal Implications**

A lease arrangement would formalise the areas of responsibility for the various parties.

### **Community Consultation**

This is an initiative of the Yangebup Toy Library, which has general community representation.

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

Nil.

## **17.3 (OCM 17/12/2002) - COCKBURN SPORTS HALL OF FAME (8153) (RA)**

### **RECOMMENDATION**

That Council appoint two(2) Elected Members, namely \_\_\_\_\_, and \_\_\_\_\_, and a nominee of the Cockburn Recreation Advisory Committee to establish the Cockburn Sporting Walk of Fame, utilising information provided in the report as suggested guidelines.

### **COUNCIL DECISION**

### **Background**

At the Council meeting of March 2002 a report was requested into the establishment of a Cockburn Sporting Hall of Fame. The report is to establish the parameters for inclusion in the Hall of Fame and to address its location, whether it be static or mobile, and to include information on whether any other Councils have something similar.

## Submission

N/A

## Report

There are a number of Sporting Halls of Fame conducted by many organisations in Perth, and are normally established by a specific sporting club to honour their own players, for example, the South Fremantle Football Club. The Western Australian Government has also instigated a Hall of Champions for the State being located at Challenge Stadium which has a relatively few inductees. The closest and most relevant to the City of Cockburn would be that located in the City of Fremantle. To date, checks through several other local governments have identified no other similar activities.

Prior to establishing the Sporting Walk of Fame, the most important aspect is to determine from the start where it is going to be placed and what form it will take. A Walk of Fame can be built into infrastructure of a wall or footpath giving it a feel of permanency. This can be done with plaques into the pavement or onto wall, columns etc. There appears to be no Council buildings that would be appropriate to accommodate a Hall of fame. The Council Chamber Foyer would be too small and only accessible to the public on a relatively limited number of occasions. The South Lake Leisure Centre has insufficient space. All buildings on active reserves are too small, have limited general public access and have usually a strong association with a particular sport. An option is plaques set into a pedestrian area. The path along the entry colonnade to the Council administration building in Spearwood is 76 metres and appears to be a suitable option. Alternatively plaques could be placed into the columns along the colonnade.

The Sporting Walk of Fame could have the primary aim of promoting sport in the City of Cockburn by acknowledging high achievers in various sporting fields. For it to have a high level of prestige there needs to be a high level of achievement set within the criteria for nominated and inducted sports persons. The high standard will also result in less people being included and hence less space required accommodating the inductees.

It is suggested that nominees for the City of Cockburn Sports Walk of Fame meet at least one of the following selection criteria:

- Consistent high standard of senior sports performance at a State, National, International level.
- Consistent representation in a team at a National and or International Level.
- Lifelong outstanding commitment and achievement to a sport.

To be eligible for the City of Cockburn Sporting Walk of Fame a person should have lived within the City of Cockburn for a significant portion of their lives or have very strong family and/or sporting connections to the City.

It is likely that there will be a number of sports people in the City who meet the criteria established. For example the City of Fremantle inducted 20 people in the first round 18 in the second and 9 in the last round who met criteria not dissimilar to that proposed by the City. To ensure that this is a truly prestige induction into the Cockburn Sports Walk of Fame it is suggested that there be up to 10 people selected from the nominations inducted in the first year and up to 6 inductees each 3 years.

It is proposed that a nomination Group for the Cockburn Sports Walk of Fame be established comprising of two Elected Members, and a representative nominated by the Cockburn Recreation Advisory Committee. This Group could select the inductees. By this means the actual final names for induction could be kept confidential until the night of the presentation.

### **Strategic Plan/Policy Implications**

“Facilitating the Needs of Your Community” refers.

### **Budget/Financial Implications**

The estimated cost of a brass plaque is \$550 each inclusive of installation. Should there be a small function/ceremony this would cost approximately \$10 per person. The induction of 4 persons to the Walk of Fame would then cost approximately \$3,500 on each occasion. Council funding would need to be allocated for this purpose prior to the initial induction.

### **Legal Implications**

Nil.

### **Community Consultation**

N/A

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

Nil.



## 17.4 (OCM 17/12/2002) - PRIMARY SCHOOL LEN PACKHAM RESERVE (RA) (8138)

### RECOMMENDATION

That Council advise the Education Department that it would support the proposal for a new primary school for Coolbellup to be constructed on a portion of Reserve 30190 (Len Packham Reserve) to replace the existing three Primary Schools subject to the following conditions:

- (1) final site plans and the results of the community consultation to be initiated by the Department of Land Administration (D.O.L.A.) be presented to Council for its consideration;
- (2) the location of the school and its ovals allows for the shared use of ovals and the establishment of club/change rooms for use by the general community and to accommodate current users of the reserve and clubrooms;
- (3) land of equivalent monetary and recreational value to the area of reserve land relinquished for the new school being replaced within the Coolbellup area;
- (4) the Education Department undertaking all necessary Town Planning Scheme Amendments and Land Administration procedures at its cost; and
- (5) planning and Development of the former school sites be organised in line with requirements of the Western Australian Planning Commissions Liveable Neighbourhoods community design code.

### COUNCIL DECISION

### Background

The Coolbellup urban renewal project being carried out by Mirvac Fini in partnership with Homeswest and with the support of the City of Cockburn is well advanced. It is evident that the commercial/retail and community facilities area of Coolbellup are also in need of upgrading. Discussions have been held, initiated by Homeswest and the Fini Group, with the owners of the shopping centre, Western Australian Planning Commission and the businesses in the precinct in attempt to

gain some agreement on the rationalisation and upgrading of the area. However, the multiple ownership of the properties makes the rationalisation and upgrading of the commercial/retail area problematic.

The Council has a key role in the upgrading of Coolbellup community facilities and has placed on its Principal Activity Plan the sum of \$750,000 for 2004/05 for this purpose.

It has been acknowledged for many years that two of the three primary schools in Coolbellup have very low numbers and that the numbers of students are unlikely to increase substantially. The North Lake and Coolbellup Primary Schools are also very dated and somewhat rundown and reflect the built standards of the 1960s and 70s. Koorilla Primary School, while having a modest number of students is also a somewhat dated school, which would require substantial expenditure to meet the standards of a modern school and to accommodate additional students.

The Len Packham Reserve clubrooms are in a very poor state and in need of replacing and the Reserve itself is under utilised. Council has previously agreed to expand the library to allow for the removal of the temporary library workroom that is on the site.

### **Submission**

The Education Department has sought Council's view on the use of a portion of the Len Packham Reserve for the development of a new primary school.

A letter received from the Education Department states:

*The Department now seeks to investigate the Local Area Education Planning Consultation Committee recommendation that the new school be built on part of the Len Packham Reserve. The Department would also like to discuss the opportunity of developing shared facilities with the City of Cockburn as a part of the process of building the new school.*

### **Report**

The Education Department in consultation with the school and general community in Coolbellup have been working through the process of seeking to rationalise the number of schools in the suburb. The Education Department and the City have discussed the possibility of incorporating a new school onto a portion of the Len Packham Reserve site and providing the scope to share ovals and other community infrastructure. This option has been canvassed in the consultations with the school and general communities and it is understood to have in- principle support. There has been some concern expressed that the

new primary school should it proceed, not be near the high voltage power lines or near the hotel. The Education Department seek to have Council's formal position on the matter prior to its recommendation going forward to the Minister for Education.

From the Education Department's perspective there appears to be a number of advantages in having a new school constructed on a portion of the Len Packham reserve site.

- The construction of a new school would allow the existing schools to continue operation while the new school was being constructed resulting in a minimum of disruption.
- The Education Department would be in a position to sell the existing school sites and generate funds to build the new school.
- A new school would be 'neutral' with no disputes or discussion on which school should be retained.
- New technology could be more easily included in the new building and it could be a state of the art school and hence attractive to potential students and their parents.
- A shared oval with the City would reduce the ongoing operating expenses of the school and assist in integrating the school and general communities through shared use of facilities.
- A school on the Len Packham Reserve would be centrally located within Coolbellup.

As the Len Packham Reserve is set aside for public open space purposes, should the Education Department wish to establish the school on this site arrangements would need to be put in place for the forfeited public open space to be substituted with an alternative area within the locality. The new school would likely require a total site area of 3.5 hectares. There are several options available. One is a triangle of land that includes native vegetation on the northeast corner of the intersection of Stock Road and Forrest Road. The second alternative is the area of land immediately north of Gwilliam Drive between North Lake Road and Progress Drive in Bibra Lake.

The redevelopment of the existing primary school sites is likely to be for housing and require that 10% of the developmental area be set aside for community purposes. This would result in an actual increase in the amount of reserve land in Coolbellup, as primary schools are exempt from the calculation of 10% reserve land. It is proposed that any development plans for land previously occupied by the primary schools be considered through the normal planning processes at the time of a development application.

There are a number of advantages to the City of Cockburn in a school being placed on a portion of the Len Packham Reserve site. Centennial Hall was constructed in the 1970's and whilst there has been a steady résumé of maintenance the building is dated and areas such as the kitchen do not meet Health Department standards for new buildings.

The Coolbellup Community Centre is reasonably functional but does have a transportable building placed at the rear of the building to meet service needs. The Coolbellup Library also has a transportable building, which serves as the library workroom. At the time of the decision by Council to purchase the transportable building to serve as the workroom it was understood that when the upgrading of the facilities in Coolbellup took place the transportable building would be replaced with an appropriate permanent area for the library.

There are a number of services that operate from several buildings in the community precinct in Coolbellup. The result of this arrangement is that there is a great deal of duplication such as two separate reception areas, two telephone systems, two photocopiers etc.

The Len Packham reserve clubrooms are in very poor condition and in need of replacement, demolition or substantial upgrade. There are several clubs currently using the Len Packham Reserve clubrooms and ovals. It would be appropriate to ensure that any additions and alterations to the building and ovals would allow the existing clubs to be accommodated.

Should the Education Department decide to proceed with the development of a Primary school on a portion of Len Packham Reserve it would provide Council with an excellent opportunity to rationalise the community infrastructure in Coolbellup and integrate it with the school to create a new and revitalised community precinct.

### **Strategic Plan/Policy Implications**

Planning the development of the City to achieve high levels of convenience, amenity and a sense of community.

Facilitating a range of services responsive to community needs.

Maintaining and providing roads, parks and community building to acceptable standards.

### **Budget/Financial Implications**

Funds planned for expenditure in the location (\$750,000 in 2004/05) may not be required to the full extent anticipated or could be maximised to potentially extend or create new community facilities in the area.

### **Legal Implications**

There will be a number of statutory requirements to be met in progressing the construction of a school site on a recreational reserve and for the development of the old school sites for residential

purposes. There are no identified legal issues outside of these statutory requirements.

### **Community Consultation**

The Education Department has had extensive community consultation on the rationalisation of the Primary schools and proposed the option for a new primary school to be located on the Len Packham Reserve in this consultation. It will be a requirement of DOLA for there to be community consultation on the proposal to use a portion of the reserve for a primary school site.

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

Rationalisation of under utilised schools throughout the State is a commitment supported by the current State Government.

## **17.5 (OCM 17/12/2002) - BEELIAR SECURITY PATROLS (8957) (RA)**

### **RECOMMENDATION**

That Council approve an increase in the contracted hourly rate with Secureforce for security patrols in the designated area of Beeliar for the period 1 December 2002 to the 30 June 2003.

### **COUNCIL DECISION**

### **Background**

Council at its meeting of the 21<sup>st</sup> of May 2002 resolved to continue the contract with Secureforce for security patrols operating in Beeliar (Panorama Gardens) until the 30 June 2003. The funding for these patrols is provided from a special levy on property owners in the area.

Secureforce has carried out Patrols at an hourly rate of \$22.50 (ex GST) on a roster of 140 per four weeks (35 hours average per week). The roster times are varied in accordance with information provided by the police and the community on criminal and anti social activity.

## **Submission**

The contractor, Secureforce, has advised that due to changes in the State Government Industrial Laws in relation to Workplace Agreements, the company had no choice but to increase the hourly rate of the service from \$22.50 (ex GST) to \$28.27 (ex GST), or withdraw from the contract.

## **Report**

The contract that the City has with Secureforce does not allow for any negotiation on the price or for Secureforce to withdraw from the contract. Council could try to force Secureforce to continue with the contract by taking legal action. This option would be costly and probably result in the service not being in place for a period whilst the matter was being arbitrated or a new contractor appointed.

Secureforce's initial contract price was very competitive and if Council was to go to tender or seek quotations again for this contract it is unlikely given the universal nature of the industrial law changes that the prices received would be any less than the revised price offered by Secureforce.

The owners of properties in the area have paid a levy for the provision of the services and may well be aggrieved if there was any discontinuation of the service for a period.

On balance it is proposed that Council agree to the revised contract price offered by Secureforce of \$28.27(inc GST).

## **Strategic Plan/Policy Implications**

Facilitating a range of services responsive to the community needs.

## **Budget/Financial Implications**

There are sufficient funds in the Beeliar Security Patrols account to cover the additional expense due to the rate increase. The current budget includes surplus funds carried forward from the previous year. As this is a special levy for patrols funds raised by the levy can only be used for this purpose in the area that was levied.

## **Legal Implications**

The proposal to increase the rate paid for the security patrols avoids the need to take legal action against Secureforce for a breach in the contract.

### **Community Consultation**

This matter has previously been surveyed seeking information on the community's views and whether they supported the extension of the patrols or not.

### **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 DECISION OF MEETING BY COUNCILLORS OR OFFICERS**

Nil

#### **22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Nil

#### **23. CONFIDENTIAL BUSINESS**

Nil

#### **24. 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:-

- (a) integrated and co-ordinated, so far as practicable, with any provided

- by the Commonwealth, the State or any public body;
- (b) 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
  - (c) managed efficiently and effectively.

**COUNCIL DECISION**

**25. CLOSURE OF MEETING**

Nil