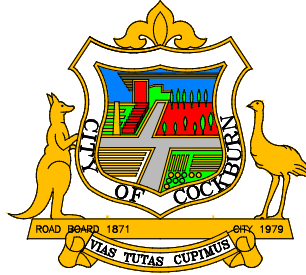


CITY OF COCKBURN



ORDINARY COUNCIL

MINUTES

FOR

THURSDAY, 11 AUGUST 2016

These Minutes are subject to Confirmation

Presiding Member's Signature

Date: 8 Sep 2016

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 AUGUST 2016 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 11 AUGUST 2016 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr K Allen	-	Councillor
Mrs L Sweetman	-	Councillor
Dr C Terblanche	-	Councillor
Mr S Portelli	-	Councillor
Ms L Smith	-	Councillor
Mr S Pratt	-	Councillor
Mr B Houwen	-	Councillor
Mr P Eva	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr S. Downing	-	Director, Finance & Corporate Services
Mr C. Sullivan	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mrs G Bowman	-	A/ Director, Governance & Community Services
Ms A Santich	-	Media & Communications Officer
Mr J Ngoroyemoto	-	Governance & Risk Co-ordinator
Ms M Waarea	-	Personal Assistant to Chief Executive Officer

1. DECLARATION OF MEETING

The presiding Member formally declared open the meeting, the time being 7.00pm and in doing so welcomed everyone attending.

The Presiding Member acknowledged the Nyungar People who are the traditional custodians of the land we are meeting on and paid respect to the Elders of the Nyungar Nation, both past and present and extended that respect to Indigenous Australians who are with us tonight.

Before moving to the agenda proper the Presiding Member made the following statement:



I welcome Ms Gail Bowman, Acting Director Governance & Community Services to tonight's meeting.

Councillor Kevin Allen

Councillor Allen was a recipient of the Western Australian Local Government Association Long and Loyal Service Award. The award was presented at the WALGA Annual Convention on Wednesday, 3 August 2016. Our congratulations are extended to Councillor Allen.

Japanese Foreign Minister's Commendation Certificate

On Friday, 5 August 2016 the City received the Japanese Foreign Minister's Commendation Certificate (Group Award) in recognition of its ongoing commitment to commemorating Hiroshima Day, and for the promotion of mutual understanding between Japan and Australia.

This year was the 31st Tree Planting Ceremony Commemorating Hiroshima Day.

The Acting Consul-General, Mr Toshio Ida and other representatives of the Japanese Consulate in Perth were present along with school principals, teachers, parents and students from schools across the district to join in the tree planting ceremony. The Hon. Josh Wilson MP, Federal Member for Fremantle, Dr Brad Pettitt, Mayor, City of Fremantle, Cr Terblanche, the City's Executive and other staff were also present together with my wife Patricia and myself.

Special thanks go to Sandra Edgar for the organisation of the Commemorate Service and the City's Parks & Garden staff for the preparation of the tree planting location on Dixon Reserve.

Cockburn Sea, Search & Rescue – New Vessel Christening, Naming & Launch

On Saturday, 30 July my wife Patricia popped the cork on a bottle of champagne and officially christened and named the Cockburn Sea, Search & Rescue's newest vessel, the 'Assure'.

The Assure is a \$500,000 water craft built by Bibra Lake's Shockwave Powercats and joins with Avail IV to expand the volunteer group's search and rescue capability.

The Assure was funded by government grants and other sponsorships and was welcomed by the 22 strong group of volunteers who provide the sea, search & rescue service from Woodman Point – the busiest 'call out' location on the Western Australian coastline.

On the same occasion, member and former Commander of the Cockburn Sea, Search & Rescue Group, Mike Graham was awarded the Department of



Fire & Emergency Services Volunteer Marine Rescue Service Long Service Award from DFES Commissioner Wayne Gregson APM.

Our congratulations are extended to Mike Graham and his wife Beatrice, known to one and all as 'Beat' for this very worthy recognition.

Thank you.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A

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

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

4 (OCM 11/8/2016) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

Clr Eva	-	Declaration of Proximity Interest (Item 14.1)
Mayor Howlett	-	Declaration of Impartiality Interest (Item 14.7)

5 (OCM 11/8/2016) - APOLOGIES AND LEAVE OF ABSENCE

Deputy Mayor Carol Reeve-Fowkes	-	Apology
Director Governance & Community, Don Green	-	Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil



7 (OCM 11/8/2016) - PUBLIC QUESTION TIME

ITEMS IN WRITING, NOT ON THE AGENDA

Michael Blesic, Beeliar

RE: Scheme Amendment No. 110 and Structure Plan for Lot 2 Fanstone Avenue.

Q1. The parcel of land is subject to the Cement Works (Cockburn Cement Limited) Agreement Act 1971, and a Caveat has been placed upon the parcel of land by Cockburn Cement, my question is on which authority has the Cockburn City Council got to overrule or amend state legislation? If the Act is to be overruled or amended would the Act not have to be tabled at a sitting of Parliament and any amendments need to be signed off by the Premier of WA?

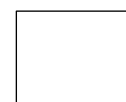
A1. *The proposal which is currently being advertised does not seek to overrule or amend any state legislation.*

The proposal is consistent with the Metropolitan Region Scheme, which designates this portion of land as 'Urban' (i.e. the same designation as the housing adjacent). It should also be noted the City of Cockburn will not be the determining authority for the proposal. The Scheme Amendment would need to be approved by the Minister for Planning. Similarly the structure plan requires the approval of the Western Australian Planning Commission.

Q2. The parcel of land has a contaminated sites memorial placed upon it, the current environmental report recommends for further testing to be undertaken to determine what contaminants other the kiln ash are present, when will this testing be undertaken and what testing is required to be undertaken to determine the contaminants, and am I able to be present when this occurs?

A2. *Contamination is an important issue for any development, particularly as development may introduce generally more sensitive land uses than currently exist and there may be historical land uses which have caused contamination. Any contaminated site is required to be addressed in accordance with the Contaminated Sites Act 2003 (CS Act) (and relevant regulations and guidelines) and would include a staged approach to investigation and management.*

A Preliminary Site Investigation (PSI) of the land has been undertaken and is included as an appendix to the local structure plan. It is noted that results of the investigation has lead the applicant to conclude the potential for a significant level of contamination is not high. The PSI recommends that a Contaminated Sites Auditor be appointed and a Detailed Site Investigation (DSI) be undertaken.



It should be noted that the City of Cockburn does not administer the CS Act, as it is a State level role, which is undertaken by the Department of Environmental Regulation (DER).

In terms of the procedure of that, it is up to the applicant to then follow through with the detailed site investigation. In most circumstances, because it is private land, it is up to the landowner as to whether or not any other persons would be permitted on to the site. In most cases, it's not usual for an independent person to enter the site as it may impact on the investigations undertaken.

Murray MacDougall, Beeliar

RE: Scheme Amendment No. 110 and Structure Plan for Lot 2 Fanstone Avenue.

Q1. What plans do the Council have to alleviate the traffic volumes around Systema Park, taking in regard local children safely using this park?

A1. *The proposed local structure plan includes a traffic impact assessment of the proposal. Table 5 of that assessment details the anticipated future traffic flows on the existing road network. Systema Park is located on McLaren Avenue which is described as being capable of accommodating a maximum traffic volume of 3,000 vehicle per day (vpd).*

The proposed increase in traffic to McLaren Avenue would be 565vpd, bringing the total volume (existing and proposed) to 1,565vpd. This is well within the maximum traffic volume for this road.

Q2. The parcel of land has numerous Tuart Trees which are known to have Endangered Black Cockatoos foraging in them, why are these trees not being retained and why can the plans not be changed to accommodate the trees?

A2. *The proposed local structure plan contains an appendix which details the flora and fauna on the subject land and includes a Black Cockatoo Survey. This section of the report notes that there are trees which would be potential habitat for both Carnaby's Black Cockatoo and Forest Red-Tailed Black Cockatoo. As discussed in section 2.1.2 of the structure plan document, the proponent proposes to retain where possible as many of these Tuart trees.*

It is noted in the report that the that Tuart trees are not known to be a species used for Black Cockatoo foraging, but it acknowledges that they may provide a potential habitat. As part of the survey, these trees



were assessed. The key findings of the study were that there were:

- 57 Tuart trees with a diameter (at breast height) of more than 500mm;
- No trees observed with hollows;
- Very few species known to be a food source
- Three Carnaby's Cockatoos recorded flying over the site.

It is acknowledged that often in developments such as this there are many competing priorities and it is simply not possible to save all the existing trees on the subject property.

Q3. At what stage did the land become un-contaminated and viable to build houses upon?

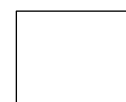
A3. *Contamination is an important issue for any development, particularly as development may introduce generally more sensitive land uses than currently exist and there may be historical land uses which have caused contamination. Any contaminated site needs to be addressed in accordance with the Contaminated Sites Act 2003 (CS Act) (and relevant regulations and guidelines) and would include a staged approach to investigation and management.*

A Preliminary Site Investigation has occurred and included as an appendix to the local structure plan. It is noted that investigation has lead the applicant to conclude the potential for a significant level of contamination is not high, but can't be ruled out at this early stage. The appointment of a Contaminated Sites Auditor and then a Detailed Site Investigation has been recommended by the investigation.

The City of Cockburn do not administer the CS Act, it is a State level role undertaken by the Department of Environmental Regulation (DER).

Q4. The allocation of public open space is on highly disturbed ground, however the non-disturbed areas are to be cleared and houses built upon them, why is the current conservation area being cleared?

A4. *There are many matters which drive the location of public open space. In this instance, there are two areas of public open space, both provide for the retention of a number of existing Tuart trees. These trees are annotated on the structure plan map.*



ITEMS NOT IN WRITING, ON THE AGENDA

Maria Craven, Yangebup

Item 14.6 – Proposed Re- Naming Of Public Open Space Reserve 47410 (Reserve For Public Use & Recreation) - Lot 4881 (20) Ravello Vista, Yangebup

Q1. Would it be ok to have a plaque or a sculpture or a park bench that represents the Luculano family that brought land there in 1956, with an inscription saying that the Luculano family has contributed to the Cockburn Community?

A1. *It is within Council Policy for Council to look at accepting donations of furniture and public art for areas of Open Space. The City's Manager of Parks Services can be contacted to look at what arrangements can be made for something like that to occur.*

ITEMS NOT IN WRITING, ON THE AGENDA

Ray Woodcock, Spearwood

Re: Item 8.1 – Confirmation of Minutes, Ordinary Council Meeting held 14 July 2016 (Section 7 - Public Question Time).

Q1. I would like to put forward a motion for amendment to my last question from the last Ordinary Council Meeting in July. I would like to remove the word "several" and replace with the word "seven", so it reads "seven kilometres".

A1. *The Minutes will be corrected as requested.*

ITEMS NOT IN WRITING, NOT ON THE AGENDA

Ray Woodcock, Spearwood

Re: Proposed Medical Centre, Mell Road, Spearwood

Q1. Is there a proposal at Cockburn City Council for a Medical Centre to be established in Mell Road, Spearwood? Has Council considered the increase in traffic as a result of the Medical Centre? Is Mell Road considered suitable for such an increase in traffic, taking into consideration it is a very narrow road. No matter which way traffic may be travelling, the traffic is hidden, especially on the entrance and exit that will be at the medical centre. This is allowing on the plan for 46 cars.



A1. *Question will be taken on notice and responded to in writing. If this is a proposal that has been advertised, it will need to be seen in order to prepare a response.*

Michael Separovich, Spearwood

Re: Ongoing issue on Cottage Parade, Spearwood

Q1. This was reported in a local paper recently. There is a bunch of residents and as part of a planning application the developers have had to put up a fence around a drainage sump. What actually constitutes a fence? If you needed to block a drainage sump in the event there was a flood, what specifically does the fence need to be made of and could a hedge be considered a fence?

A1. *This issue relates to a drainage sump as pointed out. The issue concerned is that the actual embankment or slope at the drainage sump aren't steep enough in terms and it may prove to be a hazard in terms of people being unable to get out of that particular area there. Any fencing is required to comply with the swimming pool regulations. A hedge would not be an acceptable fence.*

The shrubs and vegetation that have been planted there are growing very well and it will not be too long before the fence will be almost invisible in terms of people's views out across to that location.

Q2. Why is the fence necessary to be there? If it is there to protect a flood which may come every hundred years, there are several drainage sumps around the market garden area which have steeper slopes.

A2. *Essentially it relates to the slopes of the embankment. Most of the actual nutrient retention basins have fairly shallow slopes which would mean that it is easier for anybody necessary to actually walk out of. Because of the size and location of this particular sump, the actual slopes themselves fall outside of what the Australian standard permits and that is why we have had to look at putting in some sort of security fencing around it to enable that. The other point to note is that it is not a hundred year event, it is a one in one hundred year event. That does not necessarily mean that it only occurs every hundred years.*



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 5854) (OCM 11/8/2016) - ORDINARY COUNCIL MEETING - 14 JUL 2016

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on Thursday, 14 July, 2016, as a true and accurate record.

COUNCIL DECISION

MOVED Clr P Eva SECONDED Clr B Houwen that confirms the Minutes of the Ordinary Council Meeting held Thursday 14 July, 2016, as a true and accurate record.

CARRIED 9/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 11/8/2016) - DEPUTATIONS AND PETITIONS

Deputations

- Brad Pymont, Proponent re: Item 14.6 – Proposed Re- Naming Of Public Open Space Reserve 47410 (Reserve For Public Use & Recreation) - Lot 4881 (20) Ravello Vista, Yangebup
- Carmelo Amalfi and Terry Patterson re: Item 13.1 – Minutes of the Grants and Donations Committee Meeting – 21 Jul 2016
- Mark Rodgers, Confederate Social Club Member re: Item 14.4 - Change Of Use From Factory To Club Premises - Location: 4/13 Port Kembla Drive, Bibra Lake

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

Nil

12



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

Nil

13 (OCM 11/8/2016) - COUNCIL MATTERS

AT THIS POINT, THE TIME BEING 8:01PM, THE FOLLOWING ITEMS WERE DEALT WITH "ENBLOC".

13.2	14.2	14.8	15.1	16.1	17.1	23.1
	14.3	14.9				
	14.5					

13.1 (MINUTE NO 5855) (OCM 11/8/2016) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING - 21 JULY 2016 (162/003) (R AVARD) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Grants and Donations Committee Meeting held on 21 July 2016 and adopt the recommendations contained therein.

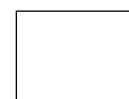
COUNCIL DECISION

MOVED Clr B Houwen SECONDED Clr S Pratt that the recommendation be adopted, subject to the withdrawal of sub-recommendation (1) of Item 9.4 (Minute Number 99) "Grants and Donations Committee Recommended Allocations 2016/17", which is to be considered separately.

CARRIED 9/0

Background

The Council of the City of Cockburn established the Grants and Donations Committee to recommend on the level and nature of grants and donations provided to external organisations and individuals. The



Committee is also empowered to recommend to Council on donations and sponsorships to specific groups and individuals.

Submission

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

Report

Council approved a budget for Grants and Donations for 2016/17 of \$1,300,000 to be distributed as grants, donations, sponsorships and subsidies. The Grants and Donations Committee is empowered to recommend to Council how these funds should be distributed.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide residents with a range of high quality, accessible programs and services

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development

Budget/Financial Implications

Council approved a Budget for Grants and Donations for 2016/17 of \$1,300,000.

Following is a summary of the grants, donations and sponsorship allocations proposed by the Committee.

Committed/Contractual Donations	\$500,000
Specific Grant Programs	\$500,000
Donations	\$180,000
Sponsorship	\$120,000
Total	\$1,300,000
Total Funds Available	\$1,300,000
Less Total of Proposed Allocations	\$1,300,000
Balance	\$0

These allocated funds are available to be drawn upon in response to grants, donations and sponsorship applications from organisations and individuals.



The next round of grants, donations and sponsorship funding will open in mid-August and close on 30 September 2016.

Legal Implications

N/A

Community Consultation

Council's grants are advertised widely in the local community through the City's website, local media, Cockburn Soundings, and Council networks. It is recommended that advertising start immediately following the Council decision to ensure a wider representation of applications.

Risk Management Implications

The Council allocates a significant amount of money to support individuals and groups through a range of funding arrangements. There are clear guidelines and criteria established to ensure that Council's intent for the allocation funds are met. To ensure the integrity of the process there is an acquittal process for individuals and groups to ensure funds are used for the purpose they have been allocated.

The reputation of the City of Cockburn could be seriously compromised should funds allocated to individuals or groups who did not meet the criteria and guidelines and or did not use the funds for the purposes they were provided. Adherence to these requirements is essential.

Attachment(s)

Minutes of the Grants and Donations Committee Meeting on 21 July 2016.

Advice to Proponent(s)/Submissioners

The Submissioners have been advised that this matter is to be considered at the 11 August 2016 Council Meeting.

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

Nil.



13.1(MINUTE NO 5856) (OCM 11/8/2016) - GRANTS AND DONATIONS COMMITTEE ITEM 9.4 SUB-RECOMMENDATION (1) GRANTS AND DONATIONS RECOMMENDED ALLOCATIONS 2015/16

RECOMMENDATION

MOVED Clr B Houwen that Council adopt the grants, donations, and sponsorship recommended allocations for 2016/17 as attached to the agenda, subject to the exclusion of Sponsorship Application request of \$7,000 to Amalfi Publishing for the First Horse Re-Enactment Race, CY O'Connor Beach.

MOTION LAPSED FOR WANT OF A SECONDER

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr P Eva Council adopts the grants, donations and sponsorship recommended allocations for 2016/17 as attached to the agenda, subject to the exclusion of:

1. Sponsorship application request of \$7,000 to Amalfi Publishing for the First Horse Re-Enactment Race, CY O'Connor Beach, which is to be deferred for two weeks and brought back to a Special Council Meeting for decision.

CARRIED 6/3

Reason for Decision

The re-enactment horse race is proposed to occur on the 2 October 2016 on a portion of the CY O'Connor Beach on which the wreck of the Wyola is located. The wreck has been identified as a safety risk and there is insufficient time to acquire the necessary approvals and to move the wreck from the beach before the race.

Of equal importance is that there has been no events application and plan provided to address significant issues of traffic management, insurance, safety, health, risk management, and amenities provision. Given the short time frame until the proposed event it is important all of these factors are discussed before making a final decision.



13.2 (MINUTE NO 5857) (OCM 11/8/2016) - MINUTES OF THE AUDIT & STRATEGIC FINANCE COMMITTEE MEETING - 21 JULY 2016 (026/007) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Audit and Strategic Finance Committee Meeting held on 21 July 2016, and adopt the recommendations contained therein.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

A meeting of the Audit and Strategic Finance Committee was conducted on 21 July 2016.

Submission

N/A

Report

The Audit and Strategic Finance Committee received and considered the following items:

1. Risk Management Information Report
2. Internal Audit Plan Review
3. Interim External Audit
4. Annual Debts Write-Off

Strategic Plan/Policy Implications

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes
- Ensure sound long term financial management and deliver value for money



Budget/Financial Implications

As contained in the Minutes.

Legal Implications

As contained in the Minutes.

Community Consultation

N/A

Risk Management Implications

The Audit and Strategic Finance Committee is a formally appointed Committee of Council and is responsible to that body. The Audit and Strategic Finance Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Audit and Strategic Finance Committee does not have any management functions and is therefore independent of management.

Therefore, if any Committee recommendations of the Audit and Strategic Finance Committee are not adopted or deferred by Council, officers will be unable to proceed to action the recommendations contained within the Minutes.

Attachment(s)

Minutes of the Audit & Strategic Finance Committee Meeting - 21 July 2016.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

AT THIS POINT IN THE MEETING, THE TIME BEING 8.09PM COUNCILLOR PHILIP EVA LEFT THE MEETING.



DECLARATION OF INTEREST

The Presiding Member advised he had received a Declaration of Interest as follows:

CLR PHILIP EVA

Declared a Financial (Proximity) Interest in Item 14.1 of the Ordinary Council Meeting, "Proposed change of use from shop to small bar - Location: No. 2 (Strata lots 134 & 135) Signal Terrace (Cnr Midgegooroo Avenue)", pursuant to Section 5.60B (3) of the Local Government Act 1995.

The nature of his interest is that he is an owner of a property within the same building.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 **(MINUTE NO 5858)** (OCM 11/8/2016) - PROPOSED CHANGE OF USE FROM SHOP TO SMALL BAR - LOCATION: NO. 2 (STRATA LOTS 134 & 135) SIGNAL TERRACE (CNR MIDGEGOOROO AVENUE), COCKBURN CENTRAL - OWNER: JENTO AKANG - APPLICANT: ALTUS PLANNING & APPEALS. (DA16/0284 / 052/002) (D BOTHWELL) (ATTACH)

RECOMMENDATION

That Council

- (1) grant Planning Approval for the change of use from 'Shop' to 'Small Bar' for No.2 (Strata Lots 134 & 135) Signal Terrace Cockburn Central, in accordance with the attached plans and subject to the following conditions and advice notes:

Conditions

1. All outdoor lighting must be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "*Control of the Obtrusive Effects of Outdoor Lighting*".
2. A further Acoustic Report shall be submitted to and approved by the City, prior to the lodgement of a Building Permit for the internal fit out, and implemented thereafter, to the satisfaction of the City.
3. With regard to Condition 2 above, the acoustic report shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the exhaust canopy, flue

and extraction system and location of plant and other sources of equipment noise will not exceed the assigned noise levels set out in the Environmental Protection (Noise) Regulations 1997 (as amended).

4. Written confirmation from the builder that all recommendations made in the Acoustic Report prepared by Lloyd George Acoustics (Ref 16063613-01; dated 28 June 2016) and the further Acoustic Report required under condition 2 have been incorporated into the proposed development, shall be submitted to and approved by the City prior to the lodgement of a Building Permit for the internal fit out.
5. The builder is to provide written confirmation that the requirements of the Acoustic Report referred to in condition 2 have been incorporated into the completed development with the Form BA7 Completion Form, prior to occupation of the development.
6. Prior to the lodgement of a Building Permit for the internal fit out, a Noise Management Plan shall be prepared to the City's satisfaction demonstrating that noise emissions will comply with the requirements of the Environmental Protection (Noise) Regulations 1997 (as amended). All noise attenuation measures, identified by the plan or as additionally required by the City, are to be implemented prior to the occupancy of the development (or as otherwise required by the City) and the requirements of the Noise Management Plan are to be observed at all times.
7. No wash-down of plant, vehicles or equipment is permitted on the premises. Industrial, commercial or wash-down wastes must not enter stormwater disposal systems or otherwise be discharged to the environment.
8. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located from public view and/or screened from view from adjacent streets and/or the public domain.
9. No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours shall occur between the hours 7.00pm and 7.00am, Monday to Saturday, and shall not occur at all on Sundays or Public Holidays.
10. Prior to the issue of a Building Permit for the internal fit out, a



Management Plan for the small bar is to be submitted to the City and reviewed in detail to ensure the content of the document is comprehensive and complete for the purpose of addressing all aspects of the Small Bar use capable of being managed to the satisfaction of the City.

11. A separate development application for any signage shall be submitted to and approved by the City. The representative signage shown in attachment 2 of the submitted plans does not form part of this approval.
12. The Small Bar is limited to a total maximum capacity of 120 persons at any time.
13. The hours of operation are limited to between 6:00am and midnight.

Footnotes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to commencement of any works associated with the development, a building permit is required.
2. With regard to Condition 2 above, the acoustic report shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the exhaust canopy, flue and extraction system and location of plant and other sources of equipment noise will not exceed the assigned noise levels set out in the Environmental Protection (Noise) Regulations 1997 (as amended).
3. With regard to regard to condition 6 above, the Noise Management Plan shall be prepared by a suitably recognised acoustic consultant and demonstrate that the development will comply with the requirements of the Environmental Protection (Noise) Regulations 1997 (as amended) and the City of Cockburn Noise Attenuation Policy (LPP 1.12). The Noise Management Plan is to include:
 - i. Predictions of anticipated noise emissions associated with activities, plant or equipment (such as bin areas, air-conditioners, refrigeration or similar).
 - ii. Control measures to be undertaken (including monitoring procedures); and

iii. A complaint response procedure.

4. All food businesses must comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the Food Act 2008 the applicant must obtain prior approval for the construction or amendment of the food business premises. An Application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, coolrooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).

The plans are to include details of:

- i. the structural finishes of all floors, walls and ceilings;
- ii. the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc); and
- iii. all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.

These plans are to be separate to those submitted to obtain a Building Permit.

5. All food handling operations shall comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the Food Act 2008 the applicant shall complete and return the enclosed Food Business Notification/Registration Form to the City of Cockburn's Health Services. Operation of this food business may be subject to the requirement to pay an Annual Assessment Fee under the Act.
6. This development has been defined as a public building and shall comply with the relevant provisions of the *Health Act 1911* (as amended), and the *Health (Public Buildings) Regulations 1992*. A Building Permit Application must be submitted for approval, prior to works commencing.
7. With regards to condition 11 above, further details of the representative signage, particularly the proposed main signage location facing Midgegooroo Avenue shown on the submitted plans is to be submitted to the City demonstrating



that the objectives of the Cockburn Central Design Guidelines have been satisfied.

8. Planning approval does not negate the need for the owner and/or applicant to seek all other required approvals for the site. You may also require approval under the Strata Titles Act 1985, approval from any relevant Strata company or other Strata Lot owners.

- (2) notify the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr L Smith that the recommendation be adopted.

CARRIED 8/0

Background

The subject site is bound by Signal Terrace to the north, Midgegooroo Avenue to the west, Stockton Bend to the south and Sleeper Lane to the east and is located within the Cockburn Central Town Centre. The subject site is adjacent to the existing multiple dwelling developments to the east and south and vacant land to the north which is expected to be developed for a mix of residential and commercial purposes. Directly to the west of the site on the opposite side of Midgegooroo Avenue is Lot 9001 Beeliar Drive Cockburn Central, which is part of the Cockburn Central West (CCW) local development area. Lot 9001 contains the Cockburn ARC development which is currently under construction and which will be a recreational hub for residents and visitors to Cockburn as well as providing a home and training base for the Fremantle Football Club. Lot 9001 also contains the proposed public open space area.

The Cockburn Central Town Centre (CCTC) is a Transit Oriented Development (TOD) located adjacent to the Cockburn Central Rail Station. The intent of the Town Centre is to provide a mix of residential, commercial and recreational uses within a dense, pedestrian based environment.



At its meeting held on 11 March 2013, the Metro South-West Joint Development Assessment Panel (JDAP) approved a mixed use development consisting of 4 commercial tenancies and 102 multiple dwellings over 6 levels with associated car parking which was constructed by Frasers Property (formerly Australand) and is the building that the subject tenancy is located within. The building is known as 'Kingston'.

The Small Bar is proposed to occupy unit 134 which is 97m² in area and unit 135 which is 102m² in area, both of which were approved as shops as part of the above mentioned JDAP approval. The subject units are located in the north-west corner of the site on the corner of Signal Terrace and Midgegooroo Avenue.

The proposal is being referred to Council for determination as objections were received during advertising therefore removing staff delegation.

Submission

N/A

Report

Proposal

This proposal is for a Change of Use for Tenancies 134 & 135 from 'Shop' to 'Small Bar', specifically comprising:

- Combining Units 134 (97m²) and 135 (102m²) to operate as a sports bar establishment serving food and alcohol.
- Maximum capacity for the Small Bar of 120 persons including internal and external (alfresco) seating areas for 116 persons.
- Two (2) full time employees and five (5) casual/part-time staff employed.
- Hours of operation are seven (7) days a week, 6:00am to midnight, Monday to Sunday serving breakfast, lunch and dinner.

The applicant has stated that: *"the venue will operate as a sports bar with a focus on sporting entertainment and the provision of quality food in a casual dining atmosphere"*.

Neighbour Consultation

The application has been the subject of public consultation and was advertised, with 237 letters sent to adjoining and nearby landowners and accompanying details listed on the City's website.



A total of 35 submissions were received comprising 21 objections and 14 that were supportive of the proposal.

The objections raised the following issues:

- Concern over increased anti-social behaviour and crime/safety;
- Concern over noise generated from the use;
- Concern over car parking and traffic related matters;
- Use not compatible with residential area;
- Concern about odour from the restaurant &
- Concern there is already too many similar uses in the area.

Support for the proposal is based on but not limited to the following:

- Like the idea of a Small Bar atmosphere in area we live;
- Support diversity of land use the proposal will bring;
- A great addition to the Cockburn Central community &
- Important to have to support current and future entertainment needs of the community.

Consultation with other Agencies or Consultants

The application has not been the subject of any external referrals as none were necessary.

Planning Framework

Zoning and Use

The land is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Regional Centre' under Council's Town Planning Scheme No.3 (TPS 3), and is located within Development Area 23. The objective of the 'Regional Centre' zone under TP S 3 is as follows:

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

The proposed Small Bar use is consistent with the objective of the 'Regional Centre' zone.

On 12 October 2006, the City adopted a Local Structure Plan (LSP) for the location which identifies Town Centre Precincts and provides overarching principles for each precinct. Under the LSP, the subject land is referred to as the 'Park Precinct'.



The land use permissibility found in the LSP does not contain a use class for 'Small Bar' and as such is identified as an 'Unlisted Use'. It is to be noted, however, that the use of a 'Small Bar' is an 'A' use under the TPS 3 zoning of 'Regional Centre', meaning that approval of the use would be at the discretion of the City after the application is advertised pursuant to clause 9.4 of TPS3.

It is noted that proposed Small Bar with a maximum capacity of 120 persons is consistent with the definition of a Small Bar contained in the City's TPS3 which stipulates that the number of persons who may be on the licensed premises limited to a maximum of 120 persons.

Local Planning Policy 3.6 'Licenced Premises (Liquor)'

The City's Local Planning Policy LPP 3.6 'Licensed Premises (Liquor)' provides guidance in the decision making processes by Council in relation to the location of all liquor licensed premises within the City. It should be noted that the application satisfies the objectives and requirements of this policy. The applicant has submitted a Public Interest Assessment Report as part of the Liquor License Application which they have submitted to the Department of Liquor, Racing and Gaming and is currently being advertised. The City has reviewed a copy of this and is generally satisfied with the report.

Land Use Compatibility

Several concerns were raised during consultation about the incompatibility of the proposed use with the nearby residential uses and that commercial land uses such as a small bar should be separated from the residential multiple dwellings.

One of key principles of the Cockburn Central Town Centre as outlined in the approved Detailed Area Plan (DAP) which incorporates Design Guidelines for the buildings is:

'to deliver a town centre which is a vibrant place to live, work and visit with high quality public spaces' and 'to offer commercial activity, recreation, employment and housing choice with excellent accessibility to the surrounding community for this rapidly growing community.'

To achieve this, the DAP specifically includes requirements for buildings which provide a mix of commercial and residential uses such as the building the subject of this proposal. It should be noted that residential units in the Town Centre generally include a notification on title advising prospective purchasers about potential noise impacts that may arise from a vibrant town centre. Notwithstanding this, it is considered that the scale of a small bar (limited to 120 persons) can operate in harmony with other uses such as residential if managed appropriately.



A number of the comments received relate to the management of the use, not the use itself. If Council are inclined to support the proposal, a condition can be imposed for the lodgement of a Management Plan for the Small Bar to be approved by the City. Any Management Plan would need to be comprehensive and address noise management procedures, patron behaviour, operating procedures, waste management and deliveries.

A small number of concerns were raised in relation to the proposed Small Bar being located within close proximity to other similar uses within the area. It is acknowledged that the Gate Bar & Bistro located within the Gateways Shopping Centre precinct is approximately 500m from the subject site and contains a Sports Bar and Garden Bar. However, the small bar will provide a different offering to the Gate as it is much smaller area (total area of 199m²) and will be limited to a maximum capacity of 120 persons. Although the Small Bar is also themed as a Sports Bar, the 3D modelling of the internal fit out depicts an intimate setting similar to that of a Wine Bar.

There are currently limited lifestyle/entertainment/social type uses in the Town Centre to service the large number of existing residential dwellings in the area. With the expected continued growth of the Town Centre (a further 1000 dwellings mooted) and over 1000 dwellings expected in the Cockburn Central West project, it is important to provide social and entertainment style uses for the current and future needs of the community.

Anti-social Behavior

It is acknowledged that there is a stigma that venues serving alcohol can encourage binge drinking and cause anti-social behaviour in and around the area, especially larger pubs, hotels and taverns. Small bars which are emerging in many areas across Perth often do not experience the same level of issues due to the smaller scale and restricted number of patrons.

Importantly it should be noted that the model for the proposed small bars the subject of this proposal relies on food as a primary generator of trade and this is reflected in the plans provided with seating/dining areas for 116 of the 120 person capacity. The applicant has stated that the small bar is proposed to be a family friendly establishment with a focus on food which will provide breakfast, lunch and dinner and this is reflected in the opening hours which commence at 6:00am. The provision of meals throughout the day is considered to further increase the amenity enjoyed by Town Centre residents, workers and visitors.



Some submissions expressed concern that the proposed use will increase the crime rate and jeopardise safety in the area. The proposed development will assist in activating the area and staff and patrons will provide important surveillance to the immediate locality deterring antisocial behaviour. The applicant has stated that security cameras will be installed and during major sporting events and games, security staff will be employed.

Car Parking

When the mixed-use development that the subject tenancy is located within was approved in 2013, the four (4) commercial tenancies were assessed as 'Shop' with one (1) bay provided per tenancy which was considered reasonable given the site is located within a TOD. The proposed Small Bar therefore has access to 2 on-site car parking bays in the secure basement which would be available to staff only.

Although it could be argued that the change of use from Shop to Small Bar is an intensification of use, especially in peak periods where football games and major sporting events are on, it is considered that the proposed use will not cause an adverse impact on the immediate locality in terms of car parking and traffic. The Small Bar is within a walkable catchment for current and future residents of the Town Centre with a number of locals being able to walk to the Small Bar.

Given the site's location within a TOD, proximity to the Cockburn Central train station and numerous bus routes leading to the site from Beeliar Drive, North Lake Road and Kwinana it is envisaged that many patrons will be utilising the strong public transport links available to the locality. Alternatively, given the nature of the use being a licenced venue serving alcohol, there will also be a number of patrons who would be expected to travel by Taxi or Uber.

For patrons who choose to drive to the venue, on-street car parking (with two hour time limits) adjacent to the site on Signal Terrace, Stockton Bend and Midgegooroo Avenue and around the Town Centre is expected to provide adequate parking. It should be noted that there are 20 on-site visitor car bays approved for the 102 Multiple Dwellings (not the commercial tenancies) which are expected to be sufficient in accommodating the demand for visitor car parking bays for the residential component of the development. This would leave the availability of embayment/on-street car parking for general visitors to the Town Centre including the Small Bar, particularly on the eastern and western sides of the Midgegooroo Road reserve.

As is the case for all other licenced venues across Perth, when patrons plan to consume alcohol they would be expected to plan ahead and



use public transport, taxi or Uber services and not rely solely on private vehicles.

Noise Management

An Acoustic Report/Environmental Noise Assessment (attachment 2) undertaken by a recognised acoustic consultant was submitted with the application. The report assesses the potential noise impacts from the proposed use to the nearby residences against the *Environmental Protection (Noise) Regulations 1997* and includes assessments against a range of potential noise sources including:

- Internal noise in the bar area to the apartment above via ceiling/floor construction;
- External noise emissions from the bar and alfresco dining/serving area; and
- Noise from new kitchen exhaust fan.

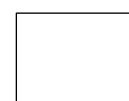
The assessment in the report also examines the impact of potential noise on the bedroom of apartment 141 and the living/dining room of apartment 142 which sits above the subject tenancy. Due to the proximity of these apartments to major transport corridors, the west facing windows were required to have 6.38mm laminated glazing which if closed would comply with the Noise Regulations in a worst case scenario in terms of noise.

A number of recommendations come out of the report for the worstcase noise emissions from the proposed small bar to comply with the provisions of the Noise Regulations, with the following noise mitigation measures required:

- Integrate a suspended ceiling plasterboard ceiling across the entire bar area of the following construction:
 - 13mm flush plasterboard on light steel suspended grid system;
 - Minimum 300mm cavity to be provided; and
 - Cavity to be filled with insulation minimum 75mm thick and of minimum density 11kg/m³.
- At night time, the west openable glazing is to be kept shut and the outdoor terrace vacated; and
- During the daytime, the west openable glazing is to be kept shut but the outdoor terrace can be used.

Overall, the report concluded that the apartments situated above the proposed Small Bar would not be adversely affected by noise.

Should the proposal be supported by Council, a series of conditions can be applied to ensure that noise is mitigated. One of those conditions would require a Noise Management Plan to be submitted



which includes control measures to be undertaken (including monitoring procedures). An example of a procedural recommendation to come out of the Acoustic Report to be incorporated into the required Noise Management Plan would be to notify residents within the strata of upcoming major sporting events it plans to show. The notification could be through an events board or other means of communication to the satisfaction of the City. The Acoustic Report recommended that details of the particular event and contact details of the person in charge should form part of the event's notice.

In addition to the above, a condition could be imposed requiring a further acoustic report to be submitted to the City for assessment prior to the issue of a Building Permit for the internal fit out. The further acoustic report would address elements which will evolve at the detailed working drawings stage. In this further acoustic report, it would also have to be demonstrated that the exhaust canopy, flue and extraction system and location of plant and other sources of equipment noise would not exceed the assigned noise levels set out in the *Environmental Protection (Noise) Regulations 1997 (as amended)*.

Furthermore, a condition requiring written confirmation from the builder is to be provided confirming that all recommendations made in the Acoustic Report have been incorporated into the completed development. This ensures that all of the recommendations of the Acoustic Report are implemented.

Signage

The applicant is proposing two (2) signs as part of the subject application as depicted in the submitted plans (attached). The applicant has stated that the signage proposed satisfies the objectives relating to signage in the Cockburn Central Town Centre Design Guidelines. It is noted that the proposed under awning sign on Signal Terrace is consistent with the objectives of the Design Guidelines with sufficient detail provided in the submitted plans for the under awning sign to be supported by the City.

However, there is insufficient detail provided to undertake a full assessment of the main signage location facing Midgegooroo Avenue against the relevant objectives of the Town Centre Design Guidelines. It is acknowledged that this is an important frontage for signage as it has exposure to Midgegooroo Avenue and the Cockburn ARC beyond to the west. More detail of the proposed signage on this western frontage will be required for the City's Officers to assess the proposed sign against the Design Guidelines.

As such, it is to be noted that the proposed signage as shown on the submitted plans do not form part of the subject application if Council



resolves to support the application. Should Council approve the proposal, a condition and advice note can be imposed to reflect this.

Building alterations & fit out

As part of the subject application, the applicant is proposing an internal fit out and modifications to the respective units to facilitate the small bar including:

- A bar in the centre of the two units;
- A kitchen at the rear of Unit 134;
- Male, female and wheelchair accessible toilets will be repositioned to the southern corner of Unit 134;
- Feature wall and television screen to be installed at the rear of Unit 135; and
- Additional television screens will be installed throughout the units.

There are also a number of ablutions proposed to satisfy the *Building Code of Australia* and *Health (Public Buildings) Regulations 1992*. The additions include two (2) closet pans, two (2) urinals and two (2) wash basins for male toilets, two (2) closet pans and two (2) wash basins for the female toilets and a unisex wheelchair assessable toilet.

The submitted plans show examples of the materials to be used for the fit out which includes timber cladding, exposed brick, wire mesh and polished concrete floors. The 3D modelling of the internal fit out shows a space which has high end finishes, extensive seating areas and casual atmosphere which appears similar to a wine bar type setting.

Conclusion

The proposed use is compatible with the Regional Centre zoning of the land and consistent with the principles and objectives set out in the Cockburn Central Town Centre Design Guidelines which seek to create a vibrant place to live, work and visit. The Small Bar could become a point of social contact in an important location at the western edge of the Town Centre in close proximity to the Cockburn ARC development in Cockburn Central West and along a key pedestrian link between the Town Centre and CCW. The Small Bar, if approved, would enhance the existing lifestyle/entertainment/social land uses in the Town Centre and foster a stronger sense of community and local identity.

The restriction of patrons to 120 and restricted hours of operation will limit the scale of the venue and reduce potential noise and amenity conflicts between the small bar and Town Centre residents. In addition, installation of appropriate acoustic materials and robust management plans are expected to ensure that the proposal does not detract from the amenity of residents and the area.



It is therefore recommended that the application be approved subject to conditions.

Strategic Plan/Policy Implications

City Growth

- Ensure growing high density living is balanced with the provision of open space and social spaces

Community, Lifestyle & Security

- Provide safe places and activities for residents and visitors to relax and socialise
- Create and maintain recreational, social and sports facilities and regional open space
- Foster a greater sense of community identity by developing Cockburn Central as our regional centre whilst ensuring that there are sufficient local facilities across our community

Budget/Financial Implications

N/A

Legal Implications

N/A

Risk Management Implications

Should the applicant lodge a review of the decision with the State Administration Tribunal, there may be costs involved in defending the decision, particularly if legal Counsel is engaged.

Attachment(s)

1. Development Application Plans
2. Acoustic Report

Advice to Proponent(s)/Submissioners

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



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

Nil.

COUNCILLOR EVA RETURNED TO THE MEETING THE TIME BEING 8.10PM.

MAYOR HOWLETT ADVISED COUNCILLOR EVA OF COUNCIL'S DECISION IN HIS ABSENCE.

14.2 (MINUTE NO 5859) (OCM 11/8/2016) - TOWN PLANNING SCHEME NO. 3 – INITIATION OF AMENDMENT 117 REZONING OF LOT 1 GHOSTGUM AVE, BANJUP - OWNER: DEPARTMENT OF HOUSING - APPLICANT: ROWE GROUP (109/053) (C CATHERWOOD) (ATTACH)

RECOMMENDATION

That Council

- (1) in pursuance of Section 75 of the Planning and Development Act 2005 amend the City of Cockburn Town Planning Scheme No. 3 ("Scheme") by:
1. Including a portion of Lot 1 Ghostgum Avenue and a portion of Ghostgum Avenue, Banjup, as shown on the 'Proposed Zoning Plan' within the 'Development' Zone;
 2. Including a portion of Lot 1 Ghostgum Avenue and a portion of Ghostgum Avenue, Banjup, as shown on the 'Proposed Zoning Plan, within the boundaries of 'Development Area No. 37';
 3. Removing a portion of Ghostgum Avenue from Local Reserve – Local Road; and
 4. Amending the Scheme map accordingly.
- (2) note the amendment referred to in resolution (1) above is a 'standard amendment' as it satisfies the following criteria of Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015:

an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;



an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;

an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;

any other amendment that is not a complex or basic amendment.

- (3) upon preparation of amending documents in support of resolution (1) above, determine that the amendment is consistent with Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the amendment be referred to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, be advertised for a period of 42 days in accordance with the Regulations.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

The subject land is approximately 20ha in size and has frontages on Armadale Road and Ghostgum Avenue (formerly part of Fraser Road), Banjup. (refer to Attachment 1 location plan).

The subject site is currently vacant and has been extensively cleared and excavated as part of a previous quarrying operation. The subject site abuts the existing Banjup urban locality to the west, rural landholdings to the east, a 'Parks and Recreation' reservation to the north and Armadale Road (a 'Primary Regional Road') to the south.

The site was the subject of a Metropolitan Region Scheme (MRS) Amendment (1289/57) to rezone the land from 'Rural Water Protection Zone' to 'Urban Zone' and 'Primary Regional Roads Reservation'. This



MRS amendment was advertised for public submissions from 6 October to 11 December 2015 and was subsequently reviewed and the WA Planning Commission recommended that the Minister for Planning grant approval.

The Minister for Planning, after considering the amendment, approved the amendment and it came into effect on publication in the Government Gazette on 20 May 2016.

Submission

Rowe Group, on behalf of the landowner the Department of Housing, has submitted a request for Town Planning Scheme No. 3 ("TPS3") to be amended to reflect the recent Metropolitan Region Scheme Amendment which zoned this lot 'Urban'.

The proposed amendment to the TPS3 is to:

- Include a portion of Lot 1 Ghostgum Avenue and a portion of Ghostgum Avenue, Banjup within the 'Development' Zone;
- Include a portion of Lot 1 Ghostgum Avenue and a portion of Ghostgum Avenue, Banjup within the boundaries of 'Development Area No. 37';
- Remove a portion of Ghostgum Avenue from Local Reserve – Local Road; and
- Amend the Scheme map accordingly.

The reason only 'a portion of' the lot is proposed to be rezoned is in deference to the Primary Regional Road reservation (for Armadale Road widening) which exists along the southern portion of the lot.

Report

The purpose of this scheme amendment is to assist in the proper and orderly planning of the site through the implementation of a 'Development' zone across the entire site, to reflect the change to the MRS and also extend the current 'Development Area 37' which covers the adjacent 'Calleya' development.

The 'Development' zone will replace the existing 'Resource' zone and establishes the need for a structure plan. Bringing the land into the existing 'Development Area 37' that identifies residential development, community and educational facilities, pedestrian connections and land uses will provide guidance for future land use designations.



Strategic Plan/Policy Implications

City Growth

- Ensure planning facilitates a desirable living environment and meets growth targets

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development

Budget/Financial Implications

The applicant has paid an application fee calculated in accordance with Schedule 3 of the *Planning and Development Regulations 2009*.

Legal Implications

Planning and Development Act 2005

Section 124(2)(b) of the Planning and Development Act 2005 requires the City to resolve to prepare an amendment to its scheme to render it consistent with the Metropolitan Region Scheme (“MRS”) within 90 days of changes to that scheme taking effect. In this case, this was 20 May 2016, so 90 days since would be 18 August 2016.

This proposed amendment would bring the City’s Town Planning Scheme into line with the MRS.

Community Consultation

As per Part 5 of the Planning and Development (Local Planning Schemes) Regulations, there several amendment types: basic, standard and complex. These are defined in Part 5, Division 1, Regulation 34.

A standard amendment (such as this) requires 42 days consultation. A basic amendment requires no consultation and a complex amendment is 60 days consultation in recognition that such proposals which have a greater impact on the community are given a longer period of consideration.

Risk Management Implications

Should the amendment as proposed not be initiated there is a certain probability, the City’s Town Planning No. 3 will not be consistent with the Metropolitan Region Scheme after 18 August 2016 until such time as it is initiated.



The risk if this occurs would be the Minister for Planning may direct the local government to amend its scheme. This would be a compliance matter for the local government.

Attachment(s)

Locality Plan

Advice to Proponent(s)/Submissioners

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

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

Nil

14.3 **(MINUTE NO 5860) (OCM 11/8/2016) - COCKBURN CENTRAL PUBLIC ART PLAN AND ASSOCIATED PERCENT FOR ART LOCAL PLANNING POLICY - SEEKING SUPPORT TO ADVERTISE (182/001) (R PLEASANT) (ATTACH)**

RECOMMENDATION

That Council adopt the draft Local Planning Policy 'Cockburn Central Percent for Art' and associated Cockburn Central Public Art Plan for the purposes of advertising in accordance with Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 21 days.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

Public art can promote civic, community, and cultural identity, improve visual amenity and space legibility, increase local distinctiveness and improve the interpretation of cultural, environmental and built heritage. Public art is known to promote community reflection, inspiration, celebration and wellbeing. Additionally, it has a measurable effect on



local economies by attracting visitors and contributing to property value appreciation.

A key mechanism for increasing public art is the introduction of a percent for art local planning policy, which requires the provision of artworks by developers of eligible proposals, as defined by the policy. Percent for art local planning policies provide an opportunity to enhance development, increase artistic elements currently incorporated into the built environment, improve visual amenity, and contribute to local identity.

The City of Cockburn Local Planning Policy LPP 5.13 'Percent for Art Local Planning Policy' (LPP 5.13) was first adopted 11 December 2014, and applies across the City.

LPP 5.13 introduced the requirement for developers to provide a contribution for artworks for certain types of major developments, as follows:

1. *All development proposals for commercial (excluding industrial uses), civic, institutional, educational projects or public works of a value greater than \$1 million (one million dollars) are to set aside a minimum of one per cent (1%) of the total project cost (up to a maximum value of \$250,000) for the development of artworks on the subject land which reflect the place, locality and/or community.*
2. *All development proposals for multiple dwellings of a value greater than \$2 million (two million dollars) are to set aside a minimum of one per cent (1%) of the total project cost (up to a maximum value of \$250,000) for the development of artworks on the subject land which reflect the place, locality and/or community.*

Clause 1(4) of the Local Planning Policy states:

Where a development proposal is located within an area that is subject to a location-based Public Art Master Plan (or equivalent) and an associated percent for art local planning policy for that area the requirements of that specific policy shall prevail.

The City currently has one adopted location specific percent for art policy and associated Public Art Plan – that being for Cockburn Coast. Now the City has identified the need to prepare a Public Art Plan to coordinate public art within Cockburn Central. Essentially the Public Art Plan seeks to coordinate Public Art across the emerging mixed-use precincts.



Memorial Walk Trail

At the 12 May 2011 Ordinary Council Meeting, Council resolved to provide in principle support the establishment of a memorial walk trail at Cockburn Central West. The concept identified was to recognise those who have served Australia in past and current theatres of war.

Development Contribution Plan 13 – Community Infrastructure (DCP13) was established in August 2013 inclusive of the “Cockburn Central Heritage Park” item. This item while relating to a 10ha park included the collection of funds for the ‘Memorial Walk’. Since this time, the Heritage Park project scope has changed considerably given the subsequent development of Cockburn Central West structure plan which has included an environmental assessment and POS analysis of the adjacent town centre development. As a result, with specific regard to the Memorial Walk, DCP13 now states – within the development area there is still the opportunity to provide this item (but at a reduced scope) still in line with the intent of the proposal in the form of a ‘Memorial walk’ trail which could reflect heritage values such as Australia’s participation in various theatres of war.

DCP13 states the proposal will be funded from both municipal sources and DCA contributions. The DCA funding is estimated to be \$124,600. It is noted \$121,619 in funds have been collected to date for the Memorial Walk. The coordination of the Memorial walk Trail is further discussed below.

Submission

N/A

Report

The purpose of this report is for Council to consider adopting the Cockburn Central Public Art Plan (Public Art Plan) and associated draft Local Planning Policy ‘Cockburn Central Percent for Art’ (the Policy) for the purposes of advertising.

The City’s Local Planning Policy LPP5.13 ‘Percent for Art’ (LPP) makes provision for professionally produced artworks on private land as part of eligible developments within the City of Cockburn. In order to coordinate public art across Cockburn Central and to expand options available for developers and their artists within Cockburn Central West and the Cockburn Central Town Centre, the City has prepared the Public Art Plan and associated Policy.



The Policy and Public Art Plan seek to:

1. Physically enhance public places, the public realm and buildings;
2. Provide greater meaning and context to the precincts, places and buildings in Cockburn Central by providing linkages to the history, character and culture of the locality;
3. Contribute to a 'sense of place' for Cockburn Central, by creating difference and identity for particular locations;
4. Create local or regional landmarks;
5. Encourage the increased use and enjoyment of public places;
6. Contribute to the 'visitor experience' of the regional centre;

The Public Art Plan

The draft Public Art Plan –

- Sets out relevant contextual information to inform artworks in Cockburn Central;
- Identifies themes and narratives for artists to explore, and;
- Highlights elements (landmarks, gateway points for example) to inform public art locations.

The draft Public Art Plan can be used by:

- Developers and their artists in Cockburn to inform artwork designs and locations;
- The City to coordinate the design and location of artworks as funding and various opportunities become available, and;
- To guide future developments, for example future local structure plans including the next stage of development for Gateways Shopping City should use this Public Art Plan to inform a public art project.

The draft Public Art Plan identifies 2 overarching opportunities for developers and their artists to explore:

Opportunity 1: Regional Connections

This concept relates to commissioning artists to create artworks that relate to Cockburn Central's regional narratives associated with *Natural*, *Historic* and *Transport connections*. These narratives are promoted within the alignment shown in **Figure 1**. These stories will promote Cockburn Central's:

- Close proximity and connections to naturally significant areas including the Beeliar Wetlands,
- Local history including indigenous heritage, and;



- Regional transport connections, noting the presence of the Cockburn Central Train Station and the Town Centres urban character, including street naming referencing transport elements.

Site specific opportunities

The draft Public Art Plan recognises the need and desire for the Memorial Walk Trail. Two known site specific opportunities are identified within the draft Public Art Plan including -

1. Midgegooroo Avenue and Yandi Park for obvious locations for public art relating to indigenous history given the presence of the wetland and the street reference to Midgegooroo.
2. Remembrance Avenue being a suitable location for public artwork for the Memorial walk Trail to honour our Veterans, including indigenous veterans involved in war time efforts.

In addition to designating a route for the memorial walk, the draft Public Art Plan provides benchmark images to inform artwork procurement and design by the City.

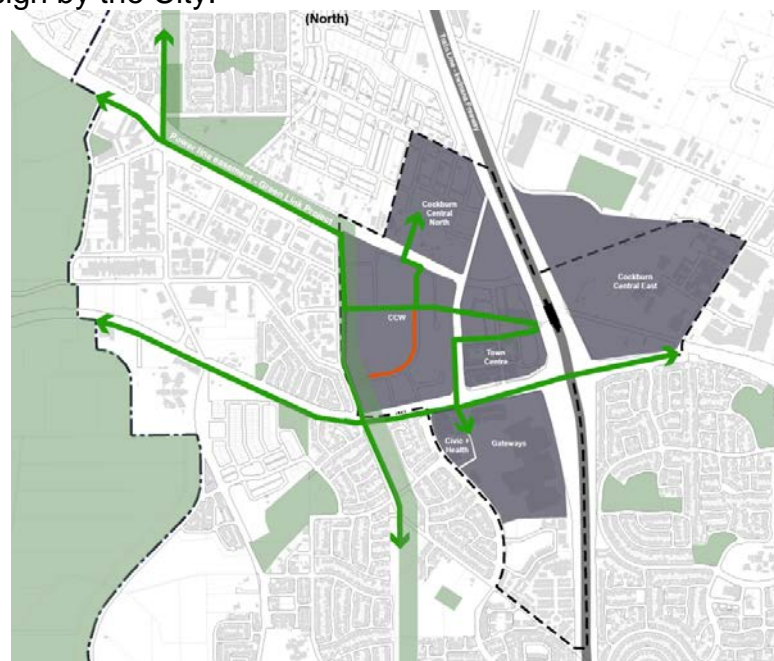


Figure 1: Regional connections theme alignment (green) and site specific artwork for Remembrance Avenue (orange).

Opportunity 2: Community

This theme relates to a series of artworks that promote concepts relating to the local community and future desires for the Activity Centre, including:



- the Neighbourhood,
- Diversity,
- Innovation, and
- Recreation.

A key outcome sought is to promote local identity, culture, and a sense of place for residents, workers and visitors relevant for vibrant urban centre – not a suburban centre.



Figure 2: Community theme (Blue).

The Policy

The draft Policy is provided at **Attachment 2**.

The Policy adopts the same structure as the Cockburn coast Percent for Art Policy in that the key differences between LPP 5.13 and the proposed Cockburn Central Percent for Art Policy are:

- Proposed inclusion of a cash-in-lieu contribution option.
- Allowance for artworks to be located on public land where consistent with the Cockburn Central Public Art Plan.

The draft Policy applies to developments in Cockburn Central West and those remaining lots to be developed in the Town Centre precinct.



Eligible Proposals

It is proposed that the types of eligible proposals for the Cockburn Central percent for art contribution remain the same as the current applicable City-wide LPP 5.13, as follows:

1. *All development proposals for commercial (excluding industrial uses), civic, institutional, educational projects or public works of a value greater than \$1 million (one million dollars) are to set aside a minimum of one per cent (1%) of the total project cost (up to a maximum value of \$250,000) for the development of artwork which reflects the themes set out in the Cockburn Coast Place Making Strategy.*
2. *All development proposals for multiple dwellings of a value greater than \$2 million (two million dollars) are to set aside a minimum of one per cent (1%) of the total project cost (up to a maximum value of \$250,000) for the development of artwork which reflects the themes set out in the Cockburn Coast Place Making Strategy.*

The built form of these types of major developments over \$1,000,000 has a significant impact upon the amenity of the surrounding public realm. Thus it is considered appropriate to request a Percent for Art contribution from major developments. The amount, or at least value of the art is generally proportionate to the scale of the development, and the cost of the art is proportionately minor in the context of the overall development.

However for multiple dwellings it is recommended that developments over \$2,000,000 be required to contribute, as developments of \$1,000,000 would only be around eight dwelling units, and not of a scale to warrant inclusion of artworks.

Eligible Artworks

Consistent with LPP 5.13, suitable artworks pursuant to the Policy may include:

- building features and enhancements such as bicycle racks, gates, benches, fountains, or shade structures which are unique and produced by a professional artist;
- landscape art enhancements such as walkways or art features within a garden;
- murals, tiles, mosaics or bas-relief covering walls, floors and walkways. Murals may be painted or constructed with a variety of materials;



- sculpture which can be freestanding or wall-supported in durable materials suitable for the site;
- fibreworks, neon or glass art works, photographs, prints.

The following art projects are not considered suitable:

- business logos;
- directional elements such as supergraphics, signage or colour coding;
- "art objects" which are mass produced such as fountains, statuary or playground equipment;
- "off-the-shelf" art and/or reproductions; and
- landscaping or architectural elements which would normally be associated with the project.

Consistent with LPP5.13 the Policy will require the artwork to be designed and produced by a professional artist, as defined by the Policy. To provide further clarification, it is also proposed that the Policy specifically state that artwork or architectural features designed by an architect, building designer or town planner are not considered suitable. This is because percent for art policies are specifically seeking the creative input and contribution of professional artists to complement the work undertaken by architects, town planners and other professionals.

Ownership and Maintenance of Artworks

Ownership of Public Art commissioned under this Policy will depend upon the location of the Public Art as follows:

- (a) Where situated on private property, the artwork is owned and maintained by the Owner.
- (b) Where situated on public property, the artwork is owned and maintained by the City, regardless of who coordinated the project.

Implementation process

The draft Public Art Plan adopts the same implementation process as the Cockburn Coast Public Art Strategy, as follows –

- Step 1 - Condition imposed on development approval
- Step 2 – Engage and artists prior to buildings licence
- Step 3 – Formal project approval
- Step 4 – Fabrication and installation.



Further details are provided on page 20 of the draft Public Art Plan (**Attachment 1**).

Strategic Plan/Policy Implications

City Growth

- Ensure growing high density living is balanced with the provision of open space and social spaces

Community, Lifestyle & Security

- Foster a greater sense of community identity by developing Cockburn Central as our regional centre whilst ensuring that there are sufficient local facilities across our community

Economic, Social & Environmental Responsibility

- Continue to recognise and celebrate the significance of cultural, social and built heritage including local indigenous and multicultural groups

Budget/Financial Implications

Public Art in Cockburn Central will be funded by private developers, and municipal funds as they become available. DCP 13 will fund \$124,600 towards the Memorial Walk Trail with any further funding required to be provided through municipal funds.

Legal Implications

N/A

Community Consultation

It is proposed the draft Local Planning Policy 'Cockburn Central Percent for Art' and associated Cockburn Central Public Art Plan be advertised in accordance with Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 21 days.

Risk Management Implications

Should a draft Local Planning Policy 'Cockburn Central Percent for Art' and associated Cockburn Central Public Art Plan not be prepared a lost opportunity will exist to coordinate public art in Cockburn Central.

Attachment(s)

1. Draft Cockburn Central Public Art Plan
2. Draft Local Planning Policy 'Cockburn Central Percent for Art'



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

(MINUTE NO 5861) (OCM 11/8/2016) - MEETING TO GO BEHIND CLOSED DOORS

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr P Eva , pursuant to section 5.23(2)(a) of the Local Government Act 1995, Council proceeds behind closed doors to consider Item 14.4.

MOTION LOST 2/7

- 14.4 **(MINUTE NO 5862) (OCM 11/8/2016) - CHANGE OF USE FROM FACTORY TO CLUB PREMISES - LOCATION: 4/13 PORT KEMBLA DRIVE, BIBRA LAKE- OWNER: HAYLEY LOUISE BOND, KRISTOPHER GRAHAM BOND, PETA NICOLE RYAN & SULTENE PTY LTD – APPLICANT: TERRY JOSEPH NAPOLI (052/002 / DA16/0422) (G ALLIEX) (ATTACH)**

RECOMMENDATION

That Council approve the application for a Change of Use from Factory to Club Premises, at 4/13 Port Kembla Drive Bibra Lake, subject to the following conditions and footnotes:

Conditions

1. The Club Premises is only permitted to operate during the following times:
 - a) Tuesday between the hours of 7.00pm to 12.00am and Friday between 6.30pm to 12.00am, to conduct club meetings;
 - b) Saturday between the hours of 7.00pm to 12.00am once every two months (maximum 6 per calendar year), to conduct private functions;
 - c) Monday to Friday (excluding Public Holidays) between the hours of 8.00am to 7.00pm, for informal use by club members only and for not more than two



- days per calendar week; and
- d) On a Saturday, Sunday or Public Holiday between the hours of 8.00am to 7.00pm for informal use by the club members only.
2. No more than twenty five (25) persons are permitted on the premises at any one time.
 3. The premises are not approved as a licensed premise. The bar, indicated on the floor plan is not to be used for the sale of alcoholic liquor or supplies to the public unless a change of use for that purpose is approved by the City and Liquor Control Act requirements are complied with.
 4. The premises are not to be hired or permitted to be used by a third party, without the prior approval of the City.
 5. No external signage advertising the 'Club Premises' or the operator of the 'Club Premises' is permitted.

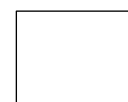
Footnotes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. The primary use of the development hereby approved is 'Club Premises', defined in the City of Cockburn Town Planning Scheme No. 3 as *'premises used by a legally constituted club or association or other body of persons united by a common interest'*.

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr P Eva that Council refuse the application for a change of use from Factory to Club Premises, at 4/13 Port Kembla Drive Bibra Lake, for the following reasons:

1. The change of use will create an unacceptable impact on the amenity of the mixed business locality, through exacerbating to unacceptable levels safety and security concerns in the locality. On this basis it fails to satisfy the requirements under clause 5.9.4a of the City of Cockburn Town Planning Scheme No. 3.



2. The change of use represents a form of development that does not demonstrate convenience and functionality in specific respect to aspects of safety and amenity. On this basis it fails to satisfy the requirements under clause 4.8.2 of City of Cockburn Town Planning Scheme No. 3.

CARRIED 6/3

Reason for Decision

The application proposes a clubhouse for the Rebels motorcycle club, a known outlaw motorcycle club. The Rebel's State President (Mr Nickolas Martin) and a Member (Mr Peter Antunovich) of that outlaw motorcycle club are on the record in the State Administrative Tribunal acknowledging that "their 'lifestyle' involves a risk of being shot in a driveby shooting." (*ANTUNOVICH and CITY OF STIRLING [2011] WASAT 90 (JUDGE D R PARRY, 20 June 2011) [2]*).

The Council acknowledges that as a planning authority, it is not a custodian of morals, and cannot make a lawful planning decision based on whether an application is morally right or wrong. However, as extensively dealt with in the case of *Snashall v Sydney City Council (1981) 46 LGRA 88 at [96]*, moral issues do not mean that, under the guise of tolerance, a planning authority should turn its back on considerations of urban amenity and aesthetics. Where issues manifest themselves as physical impacts on amenity, they are relevant planning factors.

In considering this application, the position of the State President and his fellow member is that their lifestyle involves risk of being attacked in a drive-by shooting or similar incident. The amenity of the mixed business locality, to which the application is proposed, is considered to be one where there is and should be no current nor expected future prospect of being faced with or encountering drive-by shootings or similar incidents. In other words, ordinary members of the community don't expect they will be exposed to risks to their personal safety when they going into these areas. It is the responsibility of Council to ensure that any such risk is minimised.

Activities of the Rebels motorcycle club, including club meetings will bring together a number of members at the one time. By admission of the State President and other member of that club, being part of an outlaw motorcycle club carries with it the risk of being shot. On this basis the activities of the Rebels poses an unacceptable impact on safety and security, which are defining elements of the amenity of the



area. The use is therefore incompatible with the requirements of City of Cockburn Town Planning Scheme No. 3.

From a local community perspective, Councillors will also recall the recent incident in Hammond Park (30 May 2016), whereby a drive-by shooting occurred. Police have advised that this is likely to be bikie gang related.

Our residents have the right to live in a safe community; from a planning perspective congregating a large number of outlaw motorcycle club members in one location is considered to be unacceptable from safety, security and amenity grounds.

Background

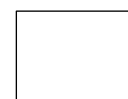
The subject site at 4/13 Port Kembla Drive Bibra Lake is one of six units on the lot and has an internal floor area of 302m². A brief history of the previous use of the unit relevant to this proposal is detailed below:

1. A retrospective planning application was made for a Change of Use from 'Factory' to 'Club Premises (Rebels Motorcycle Club)' at 4/13 Port Kembla Drive early 2013 which was refused by Council at its meeting held on 11 July 2013;
2. The applicant lodged a review of the decision with the State Administrative Tribunal (SAT);
3. Under Section 31 of the *State Administrative Tribunal Act 2004*, Council was invited to reconsider its previous decision on the subject as a result of the mediation process;
4. Council approved the Change of Use to a 'Club Premises (Rebels Motorcycle Club)' at its meeting held on 12 June 2014 however it was approved temporarily for two (2) years subject to conditions restricting the number of patrons and opening hours; and
5. The temporary planning approval expired on 17 June 2016.

The applicant now seeks to gain a permanent approval for the use of the unit as a 'Club Premises', with changes to maximum occupancy of the unit and operating hours than was previously approved. The application is being referred to Council for determination due to the previous temporary approval being determined by Council.

Submission

N/A



Report

Proposal

The proposal seeks to permanently change of use of the subject site to 'Club Premises' based on the following detail:

- a) Operating hours from 7:00pm to 12:00am on Tuesdays.
- b) A maximum of seventy (70) club members to be accommodated during the stipulated operating hours (above).
- c) Twenty five (25) club members to be accommodated during typical business hours (8am-5pm) between Monday to Friday.

In accordance with the previous application and temporarily approved use, the proposal is for use by the Rebels Motorcycle Club for formal club meetings outside business hours, informal use by club members on a daily basis and private functions.

Community Consultation

The current proposal was advertised to all other tenants within the site, adjoining land owners to the north and south of the subject lot and landowners directly across the road from the subject lot. In total, 25 advertising letters were sent out and during the submission period (21 days) a total of 2 submissions were received both of which were non-objections.

Planning Framework

Town Planning Scheme No.3

The site is zoned 'Mixed Business' in Council's Town Planning Scheme No. 3 (TPS 3), the objective of which is to

'provide for a wide range of light and service industrial, wholesaling, showrooms, trade and professional services, which, by reason of their scale, character, operation or land requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within the Centre or industry zones.'

A 'Club Premises' is classified as a Discretionary ('D') use within the 'Mixed Business' zone, meaning a use that is use is not permitted unless the local government has exercised its discretion by granting planning approval

The land use 'Club Premises' is defined in TPS 3 as:

'premises used by a legally constituted club or association or other body of persons united by a common interest.'



It was previously accepted by Council that the proposal constitutes a 'Club Premises' and it is therefore capable of approval in the Mixed Business zone.

Car Parking

The subject site requires a total of 38 on-site car parking bays for the land uses operating from the 6 units as per the following table:

Unit	Use	GLA	Parking ratio/required
1	Showroom	140m ²	1:50m ² = 3 bays + 1 delivery bay
2	Motor Vehicle Sales	300m ²	1:5 vehicles + 1:1 employee 20 vehicles approved + 1 employee = 5 bays
3	Factory	305m ²	1:50m ² = 7 bays
4	Club Premises	302m ²	1:50m ² = 6 bays + 1 delivery bay at 1:500m ²
5	Dance Studio	200m ²	1:4 people accommodated = 4 bays
6	Showroom	610m ²	1:50m ² = 13 bays + 1 delivery bay
TOTAL			38 bays + 3 delivery bays

A 'Club Premises' under the City's TPS 3 has a parking requirement of 1 parking bay per 50m² of Gross Leasable Area (GLA). The previous 'Factory' use was also calculated at a ratio of 1 parking bay per 50m² GLA therefore no extra parking bays are required. The subject lot generates a total of 38 car parking bays and 3 delivery bays and given the existing number of parking bays onsite is 42, the proposed change of use is deemed to be compliant with the parking standards of TPS 3.

Maximum Persons Accommodated & Operating Hours

The previous temporary planning approval for the site (DA13/0264) was subject to two conditions relating to operating hours and the maximum number of people to occupy the unit at any given time. These conditions are listed below:

1. Condition 1 limited the maximum number of people to occupy the unit to a maximum 25 people; and
2. Condition 10 limited the operation hours to the following:
 - Tuesday between the hours of 7.00pm to 9.00pm and Friday between 6.30pm to 12.00am, to conduct club meetings;
 - Saturday between the hours of 7.00pm to 12.00am once every two months (maximum 6 per calendar year), to conduct private functions;



- Monday to Friday (excluding Public Holidays) between the hours of 8.00am to 7.00pm for informal use by club members only and for not more than two days per calendar week; and
- On a Saturday, Sunday or Public Holiday between the hours of 8.00am to 7.00pm for informal use by the club members only.

The purpose of the previous temporary two year conditional planning approval was for the City to observe the amenity impacts of the Club Premises on adjoining tenants and surrounding landowners. The City has generally been satisfied with the use of the unit as a 'Club Premises', based on how it has operated over the past two years.

The applicant is now seeking to increase the maximum number of people occupying the unit, after 5:00pm on weekdays and on Saturdays and Sundays, to a maximum of 70 people at any given time. The applicant is also seeking to occupy the unit on Tuesday evenings until 12:00am rather than the previously approved 9:00pm for club meetings.

The use of the subject unit as a 'Club Premises' over the past two years during the temporary approval period restricted to a maximum number of persons to 25 and restricted operating hours has not detracted from the amenity of the area or resulted in complaints to the City by any nearby tenants or landowners. With the exception of the Dance Studio, all other approved uses in the complex operate primarily during normal business hours. The applicant has advised that the attendance of the maximum number of 25 people typically occurs during the formal club meetings which is twice a week and outside normal business hours and on the occasional private function once every two months on Saturday nights.

The City did not receive any objections to the proposed increase in the maximum number of people to occupy the unit after 5:00pm on weekdays and on Saturdays and Sundays to 70 persons. However, there is concern that an increase in the number of members in the premises at any one time which would increase the scale of the operation and may negatively impact the amenity of the area, conflict with other land uses in the area and could be more likely to result in anti-social behaviour in and around the site. It is the small scale nature of the use which has been limited to 25 persons that has meant that the use has operated in the area without impact. Should Council support this proposal, a condition could be imposed restricting the number of persons to 25 as per the previous temporary approval.

The amended operating hours on Tuesday evenings as proposed are not considered problematic as the premises will be required to comply with the *Environmental Protection (Noise) Regulations 1997*.



Bar Facilities

Although the issue of the 'bar' was raised in the previous application and discussed in the Council report, the plans submitted still show a bar in the unit. It was previously clarified by the applicant that the 'bar' will not be used for the purposes of a licensed premises (i.e. there is no intention to sell and supply liquor to club members or guests for consumption on or off the premises). Given the information provided, the 'bar' facility does not impact the assessment of this development application and no Public Interest Assessment Report (PIAR) is required. Should Council support this proposal, a condition could be imposed ensuring that the premises are not licensed premises.

Public Building Approvals

Under the *Health (Public Buildings) Regulations 1992* it should be noted that the unit can accommodate a maximum of 100 persons at any one time. However, any restriction on the number of persons under planning legislation (through a planning approval) would have to be adhered to by the proponent as it is a requirement to comply with all relevant legislation.

Conclusion

During the temporary approval period based on restricted hours of operation and numbers of persons on site, the proponent has demonstrated to the City that they can utilise the unit for 'Club Premises' without negatively impacting the amenity of tenants within the complex and surrounding land owners. However, the proposed increase from 25 to 70 persons has the potential to increase the scale of the use and is not supported due to the potential amenity impacts that could arise. The minor increase in hours of operation is supported and is not expected to cause issue. It is therefore recommended that Council approve the use of the unit as a 'Club Premises' in perpetuity, subject to conditions contained in the recommendation.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Create and maintain recreational, social and sports facilities and regional open space

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development



Budget/Financial Implications

Costs involved in defending any review of the decision in the State Administrative Tribunal which would be met through municipal funds.

Legal Implications

N/A

Community Consultation

The proposal was advertised to nearby and surrounding landowners, see 'Consultation' section of the report above.

Risk Management Implications

Should the applicant lodge a review of the decision with the State Administrative Tribunal, there may be costs involved in defending the decision, particularly if legal Counsel is engaged. Should Council approve the proposal, there is a risk as the Rebels Motorcycle Club have previously been linked to illegal activities, which could pose a risk to the area including adjoining tenants and land owners.

Attachment(s)

1. Site Plan; and
2. Floor Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 August 2016 Council Meeting.

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

Nil.



**14.5 (MINUTE NO 5863) (OCM 11/8/2016) - REVISED
REVITALISATION STRATEGY STAGING PLAN (110/093) (R
PLEASANT) (ATTACH)**

RECOMMENDATION

That Council supports an amendment to the revitalisation strategy staging plan as follows:

- Yangebup (2018/19).
- Southern portion of Spearwood and Munster (2020/21).
- Review the need for further revitalisation strategies, inclusive of the older area of Coogee (2022).

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

Council resolved at the 14 November 2013 Ordinary Council Meeting to support a revitalisation strategy staging plan as follows:

- Stage 1 – North Lake and Bibra Lake (2014/2015).
- Stage 2 – South Lake (2015/2016).
- Stage 3 – Yangebup (2016/2017).
- Stage 4 – Southern portion of Spearwood and Munster (2018/2019).

The City completed the fourth revitalisation strategy in May 2016, the Lakes Revitalisation Strategy. This follows the Phoenix Revitalisation Strategy undertaken in 2009, the Hamilton Hill Revitalisation Strategy in 2012 and the Coolbellup Revitalisation Strategy in 2014.

The Lakes Revitalisation Strategy covered the areas of South Lake, the eastern portion of Bibra Lake and a portion of North Lake. The area covered by the revitalisation strategy encompassed the areas of both stage 1 and 2 listed above.

The combining of stages 1 and 2 in addition to the revitalisation program being placed on hold during local government reform has



resulted in the need to review timeframes and advise Council of the amendment to the program.

It is recommended that Council endorse the amendment to the staging plan as proposed by this report.

Submission

N/A

Report

The preparation of revitalisation strategies is predominantly driven through

- 1) The need to promote further housing choice options as suburbs and communities throughout the locality grow, change, and age.
- 2) To guide investment in the public realm to help support growing residential populations of which may result as part of uplifting of residential densities.

The need to identify greater densities to reduce urban sprawl is an ongoing aspiration for the State Government with the latest strategic plan for the Perth metropolitan and Peel regions being *Perth and Peel @ 3.5M*. In line with this long term aspiration, the City has been actively addressing the challenge of infill development through providing innovative planning responses via the revitalisation strategies.

A key action within the City of Cockburn Strategic Community Plan 2016–2026 relates to - *Continue revitalisation of older urban areas to cater for population growth and take account of social changes such as changing household types*. As a direct result of this vision, the Corporate Business Plan has identified the need to - *Finalise the Yangebup Revitalisation Strategy and ensure clear transition to the operational Business Units of the City to achieve implementation 18/19*.

Revitalisation strategies present an opportunity to address a variety of suburb specific opportunities including:

- The upgrading of infrastructure and public open space.
- Guidelines and initiatives for the enhancement of local centres and activity centres.
- Streetscape and transport infrastructure improvements.
- Strategies to protect and enhance important local characteristics.



- Provide a coordinated approach in managing change relating to aging building stocks in older suburbs.

Proposed amendment to staging

Only an amendment to timeframes is proposed. No amendment to suburbs included with the exception of a review of new areas in 2022 including the area of Coogee to first be developed. Attachment 1 details the areas set out below -

- Yangebup (2018/19).
- Southern portion of Spearwood and Munster (2020/21).
- Review the need for further revitalisation strategies, inclusive of the older area of Coogee (2022).

A key influence on the order of the stages relates to the current quality and age of housing stock, centres and infrastructure.

Given the coming 12 months needing to manage the key actions associated with the Lakes Strategy, and to continue implementation of the City's pre-existing Revitalisation Strategies, it is recommended that Council endorse the minor timing change as recommended by this report.

Strategic Plan/Policy Implications

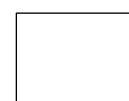
City Growth

- Ensure planning facilitates a desirable living environment and meets growth targets.
- Continue revitalisation of older urban areas to cater for population growth and take account of social changes such as changing household types.
- Ensure a variation in housing density and housing type is available to residents.

Community Strategic Plan and Corporate Business Plan

The City of Cockburn Strategic Community Plan 2016–2026 identifies the need to - *Continue revitalisation of older urban areas to cater for population growth and take account of social changes such as changing household types.*

The Corporate Business Plan identifies - *Finalise the Yangebup Revitalisation Strategy and ensure clear transition to the operational Business Units of the City to achieve implementation 18/19.*



Budget/Financial Implications

The project will be undertaken internally by Council staff with any minor costs associated with the project being funded from the town planning studies budget.

Legal Implications

N/A

Community Consultation

N/A

Risk Management Implications

Should a revitalisation strategy staging plan not be adopted then a lost opportunity will exist to coordinate housing needs across the City.

Attachment(s)

Revitalisation Strategy Staging Plan Map

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

- 14.6 **(MINUTE NO 5864)** (OCM 11/8/2016) - PROPOSED RE- NAMING OF PUBLIC OPEN SPACE RESERVE 47410 (RESERVE FOR PUBLIC USE & RECREATION) - LOT 4881 (20) RAVELLO VISTA, YANGEBUP - OWNER: STATE OF WA (MGT ORDER : CITY OF COCKBURN) (147/001 / 6000808) (A TROSIC / A KHAN) (ATTACH)

RECOMMENDATION

That Council advise the applicant that, according to the policy requirements of the Geographic Naming Committee, it is unable to support the renaming request for Ravello Park to become Dropulich Park.



COUNCIL DECISION

MOVED Cllr S Pratt SECONDED Cllr B Houwen that Council defer consideration of the naming request for Ravello Park to be renamed to Dropulich Park to allow for further community input on the issue.

CARRIED 9/0

Reason for Decision

Deferring a determination at this stage would allow the opportunity for further feedback from the wider community on the proposed renaming of Ravello Park.

Background

The City has recently received a request to rename Ravello Reserve to become Dropulich Park. Ravello Reserve is specifically Reserve 47410, and is located at No. 20 (Lot 4881) Ravello Vista, Yangebup.

Following the Policy set out by the City and Geographical Naming Committee (GNC), the name 'Ravello' was chosen for the reserve due to this being the name of the adjoining road. This name was formally approved by the GNC on 20 June 2013.

The name Ravello is from the historic town of Ravello, on the Amalfi Coast which is a well-known tourist destination. It generally reflects the southern European which is a common naming theme in Cockburn. It is proposed to rename the park as Dropulich Park. The park in question is shown following:



Submission

The City received a request for the renaming of the public open space reserve from Ravello Reserve to Dropulich Park from Mate and Senka Dropulich, owners of 28 Shallcross Street, Yangebup . The owners are also subdividing land, which will make up the majority of the park once completed.

Report

The name Dropulich Park, has been proposed by the applicant to recognise the contribution of the Dropulich family to the broader Cockburn community. The name Dropulich reflects the surrounding Southern European Theme which is evident through much of Spearwood, Munster and western parts of Yangebup. The background letter submitted by the applicant is provided at Attachment 1.

In accordance with Council policy and delegation, the request was considered according to Policy PSPD20 (Naming of Parks and Reserves) and the Geographic Names Committee Principles, Guidelines and Procedures document. In accordance with Council Policy and GNC procedure, further community consultation was undertaken via newspaper advertisement in the 21 June 2016 edition of the Cockburn Gazette, the City's website and letters also sent to surrounding and nearby landowners. An important consideration that is taken in respect of any renaming request, noting that park names are meant to be enduring, is the community sentiment to such a proposal. The community consultation results are described following.

Community Consultation

The proposed renaming of Ravello Reserve was advertised for public comment from 21 June to 12 July 2016. All of the submissions that were received are set out in the Schedule of Submissions (Attachment 2). A total of nine submissions were received.

Of the submissions received, seven submissions preferred the name 'Ravello' citing it easier to pronounce, also that it was a logical name choice after the adjoining road and that the community had become accustomed to the reserve being Ravello Reserve.

One submission was from a landowner who had previously requested the name Ravello Reserve be renamed after her family. The City had rejected that request as it was deemed unsuitable by GNC policy.



Officer Comment

It is important to consider the State Government Policy Guidance given in respect of renaming of reserves. This assists the City in considering what a fair and reasonable response to this request needs to take in to account. The relevant sections of the GNC Policy are extracted following:

5.4 Naming amendments

Official local park or recreational reserve names are expected to be enduring. Landgate discourages any changes to official names without good reason, however such proposals will be considered on an individual basis, and the merits of each case will be carefully evaluated.

Reasons that may be considered in support of a name change are:

- changes made to bring official usage into agreement with well-established local usage
- proposals to eliminate naming issues such as derogatory names, duplication or those previously approved on the basis of incorrect information
- proposals previously made at the request of persons or organisations (public or private) for commemorative or other reasons important to the proposer.

Where a change to the name of a local park or recreational reserve is proposed, clear justification outlining sufficient reasons for consideration is required. As names are meant to be enduring, the current name has already been in use within the public domain. The proposed new name selected shall conform to all the necessary naming policies and standards.

It is clearly evident that renaming of parks is discouraged. This reflects the logic that park names are meant to be enduring, and that renaming requests start to undermine the significance once a park is named. In the case of this request, it is also proposed to be a Personal (family) name. The GNC guidelines provide the following additional advice in this respect:

1.4.2 Use of personal names

Requests to approve names that commemorate, or that may be construed to commemorate, living persons will not be considered. Community attitudes and opinions may change over time and as a result any requirement to rename may lead to confusion and be costly to process.



The approval of a name to commemorate an individual will only be considered if:

- such application is in the public interest
- there is evidence of broad community support for the proposal
- the person has been deceased for at least two (2) years
- the applicant requesting the new name is not an immediate relative, written permission of the family should be obtained
- the person being honoured by the naming has had either some direct and long-term association, twenty (20) or more years, with the feature
- has made a significant contribution to the area in which it is located
- the proposal commemorating an individual with an outstanding national or international reputation has had a direct association with the area in which it is to be located.

The following will not be considered as appropriate grounds for a commemorative naming request:

- current or recent ownership of the land
- precedence of existing names
- recent or ongoing public service within all levels of government
- no direct association with the area.

The personal name of Dropulich does not fulfill the above requirements. Officers have had a number of discussions with the applicant, and understand how significant this issue is for the family. In order to reflect this significance, this report seeks Council to make a final decision, taking in to account the policy guidance and also the results of public consultation that did not support the renaming. It is recommended that Council advise the applicant that it cannot support the renaming request.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide safe places and activities for residents and visitors to relax and socialise.
- Create and maintain recreational, social and sports facilities and regional open space.

Budget/Financial Implications

N/A

Legal Implications

N/A



Community Consultation

Public consultation was undertaken as per Council policy and the GNC guidelines. The proposal was advertised from 21 June to 12 July 2016. This included letters to landowners in the area.

Risk Management Implications

The key risk for Council is in making a decision which appears contrary to the policy guidance provided by the GNC, and in light of the community consultation outcomes that did not support the renaming request.

Attachment(s)

1. Background letter
2. Schedule of submission

Advice to Proponent(s)/ Submissioners

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

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

Nil.

AT THIS POINT IN THE MEETING, THE TIME BEING 8.31PM
MAYOR LOGAN HOWLETT LEFT THE MEETING.

COUNCILLOR KEVIN ALLEN ASSUMED THE ROLE OF THE
PRESIDING MEMBER AND READ THE FOLLOWING DECLARATION
OF INTEREST FROM MAYOR HOWLETT.



DECLARATION OF INTEREST

The Presiding Member advised he had received a Declaration of Interest as follows:

MAYOR LOGAN HOWLETT

Declared an Impartiality Interest in Item 14.7, "Proposed Local Structure Plan Recommendation to the Western Australian Planning Commission", pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of his interest is that a personal friend has made a submission on the matter.

14.7 **(MINUTE NO 5865)** (OCM 11/8/2016) - PROPOSED LOCAL STRUCTURE PLAN RECOMMENDATION TO THE WESTERN AUSTRALIAN PLANNING COMMISSION – LOT 38 (584) ROCKINGHAM ROAD, MUNSTER – (110/081) (G LILLEY) (ATTACH)

RECOMMENDATION

That Council

- (1) adopts the Schedule of Submissions prepared in respect to the proposed structure plan;
- (2) endorse the Bushfire Management Plan when prepared as recommended in modification point 22;
- (3) pursuant to *Schedule 2, Part 4, Clause 20 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015*, recommend to the Western Australian Planning Commission the proposed Structure Plan for Lot 38 Rockingham Road, Munster, be approved, subject to the following modifications:
 1. Modify all references to 'Local Structure Plan' within the text to 'Structure Plan' in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 2. Remove 'Endorsement Page' from Appendix F and insert immediately following the 'Cover Page' of the report.
 3. Modify the text within the 'Executive Summary' in paragraph 1 with the following: " *This submission has been prepared by Hames Sharley and Modan on behalf of G.J.C. (WA) Pty Ltd in relation to Lot 38 (584) Rockingham Road, Munster (the subject land).*



4. Modify the numbering of the 'Table of Contents' to align with corrected sections within the report.
5. Modify the 'Appendices' list to align with other modifications required in the report (refer to points 2, 6, 12, 14, 26, 34).
6. Modify all references to Appendices throughout the report to comply with the supporting 'Table of Contents' sequencing.
7. Part 1 - Remove Structure Plan Map from Appendix A and insert it immediately following Part 1.
8. Part 1 - Modify the text within Section 1.0 with the following: *"This Structure Plan shall apply to the land contained within the inner edge of the line denoting the Structure Plan boundary on the Structure Plan Map"*.
9. Part 1 - Modify the Structure Plan Map within Section 1.0:
 - a. In the 'Legend' insert the heading 'Local Scheme Zone' and insert below the text 'Residential R50' and 'Residential R80' with relevant symbols/ colours.
 - b. In the 'Legend' insert the heading 'Other' and insert below the text 'Structure Plan Boundary' with relevant symbol.
 - c. Modify the design of the 'Structure Plan Map Boundary' to comply with the symbol in the 'Legend' for the 'Structure Plan Boundary'.
 - d. In the 'Legend' delete 'Development Zone'.
 - e. In the 'Legend' delete numbers '50' and '80' and leave only 'R50' and 'R80' removing the brackets.
 - f. On the map delete 'Development Zone' colouring.
10. Part 1 - Modify the text in Section 4.3 with the following: *"Designated Bushfire Prone Areas – Construction Standards. This Structure Plan is supported by a Bushfire Management Plan (BMP) contained within Appendix *. Any land falling within 100 metres of a bushfire hazard identified in the BMP is designated as a Bushfire Prone Area for the purpose of the Building Code of Australia"*.
11. Part 1 - Delete paragraph 2 in Section 4.5: *"Lot 39 to the north has been provided with a connection to the east and a potential connection to the west via a laneway. It is anticipated that future development of Lot 39 will abut lots to the common boundary to create seamless development;"*
12. Part 1 - Modify the text in Section 4.8 point 1 with reference to Appendix E so that this appendix letter aligns to modifications required in point 5 of this report.
13. Part 1 - Modify the text in Section 5.0 as follows: *"A Local Development Plan (LDP) is not required to be prepared for this site pursuant to Clause 47 (b) of the Planning and Development (Local Planning Schemes) Regulations 2015"*.

14. Remove Appendix C – Local Development Plan from the report and from the ‘Table of Contents’.
15. Part 1 - Modify the text in Section 6.1 with the following: *“The developer is to make satisfactory arrangements with the City of Cockburn to provide proportional contributions towards those items of development infrastructure defined by the City of Cockburn Town Planning Scheme No. 3 for the Development Contribution Area 13 (DCA13) and the Development Contribution Area (DCA6)”*.
16. Remove all reference in the report referring to “laneway”.
17. Part 2 - Modify the text in Section 1.1 paragraph 4 with the following: *“This proposal is accompanied by a Structure Plan Map prepared in accordance with City of Cockburn Town Planning Scheme No. 3.”*
18. Modify all Figure numbers on images to conform to the supporting text throughout the report.
19. Part 2 - Insert in Section 1.3.2 reference to the *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* and insert with the following text: *“State Planning Policy 3.7 (SPP 3.7) seeks to guide their implementation of effective risk based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. SPP 3.7 applies to strategic planning proposals, including Structure Plans over land designated as bushfire prone by the Map of Bushfire Prone Areas prepared by the Department of Fire and Emergency Services. Lot 38 is designated as Bushfire Prone and as such has undertaken a Bushfire Management Plan (see Appendix *)”*.
20. Part 2 - Insert in Section 1.3.2 of the Bushfire Prone Areas Map and insert text with the following: *“An extract from the Map of Bushfire Prone Areas Mapping, as it relates to Lot 38 is included in Figure * below.”*
21. Part 2 - Modify Section 1.3.5 with the following: *“Local Planning Policy LPP 1.2 Residential Design Guidelines”* and *“Local Planning Policy LPP 1.11 – Residential Zoning and Subdivision Adjoining Midge Infested Lakes and Wetlands”*.
22. Part 2 - Insert in Section 1.3.5 the following: *“Local Planning Policy LPP 1.13 – Bushfire Prone Areas”*.
23. Part 2 - Update and modify Section 2.4 to summarise the findings of the Bushfire Management Plan (BMP).
24. Part 2 - Modify Section 3.1 text with the following: *“The proposed Structure Plan covers a gross development area of 0.4775 ha compromising of Residential R50 and R80 density, as shown on proposed Structure Plan in Figure *. The associated proposed dwelling yield and estimated population is also summarised in Table 3”*.



25. Part 2 - Modify the map in Section 3.1 'Indicative Development Plan' so that the 'Legend' is aligned with point 8 of these modifications and that the north-south road is reflected with a scale delineating it as 15 meters in width.
26. Part 2 - Delete Section 3.3.2 from this section and the related Appendix.
27. Part 2 - Modify numbered sections appropriately due to the deletion of Section 3.3.2.
28. Part 2 - Modify layout of Section 3.4.1 with the following: *"The subject land is strategically located with direct access to Rockingham Road which offers connections to Beelihar Drive, Stock Road and Kwinana Freeway. This road network provides ease of access to the wider Perth Metropolitan Area"*.
29. Part 2 - Insert a new Section 3.4.3 and insert all of the text from Section 3.9.3 and modify with the following: *"All roads will be required to be designed and constructed to the satisfaction of the City of Cockburn's Engineering Department. It is required that this will be constructed to a standard of fifteen (15) metres as specified by the City of Cockburn"*.
30. Part 2 - Insert in new Section 3.4.3 a summary of the findings and conclusions of the Transport Impact Statement (TIS).
31. Part 2 - Modify the numbering sequence of the subsequent sections.
32. Part 2 - Delete Section 3.9.3 and modify the numbering sequence of the subsequent sections appropriately.
33. Part 2 - Delete Section 4.0 Summary and Conclusion.
34. Part 2 - Insert new Section 4.0 Technical Studies Appendices Index including the following table with relevant texts:

Appendix No.	Document Title	Assessment Agency	Approval Status

35. Appendices – Modify appendices as requested in point 5 of the modifications.
- (4) advise the applicant and the WAPC that should these modifications not be supported by the WAPC, then the proposed structure plan is recommended for refusal due to its design providing an inappropriate movement network and incomplete planning framework in which to support the intended development; and



- (5) advise the landowner/s within the Structure Plan area and those who made a submission of Council's recommendation accordingly.

COUNCIL DECISION

MOVED Clr L Smith SECONDED Clr C Terblanche that the recommendation be adopted.

CARRIED 7/1

NOTE: Clr B Houwen requested to have his vote against the decision recorded.

Background

The purpose of the report is to consider making a recommendation to the Western Australian Planning Commission for the Proposed Structure Plan for Lot 38 (584) Rockingham Road, Munster. The Proposed Structure Plan was initially prepared by Hames Sharley, and more recently by Modan.

The Proposed Structure Plan responds to the zoning of the land as a Development zone, requiring the preparation of a structure plan in order to guide future land use, subdivision and development. Full details of the Proposed Structure Plan are set out under the report section.

The Proposed Structure Plan provides the first opportunity to facilitate the compatible redevelopment of the area, providing for comprehensive and flexible infill development options which are considered a fundamental strength of the proposal.

Although the City raised a number of concerns with the Structure Plan report, the proponent wished to proceed with the advertising of the Structure Plan without making many of the recommended modifications. The concerns of the City and the issues raised in the submissions are discussed throughout the succeeding report. These concerns and issues account for the number of modifications which are required to the Structure Plan. Due to the new process imposed by the WAPC on all local governments, the City could no longer get these issues addressed upfront before advertising. The result therefore is having to deal with all the issues post advertising, which in this case



there are a number needing to be addressed and modifications undertaken.

The Structure Plan was advertised for 28 days from the 26th May 2016 and concluding on the 28th June 2016.

Submission

The Proposed Structure Plan was prepared by Modan on behalf of the land owner/s.

Report

Planning Background

The subject site is 0.4475 hectares in area and is bound by Rockingham Road to the west and Stock Road to the east. The land to the north and south is undeveloped urban zoned land. See Attachment 1 for details.

The subject land contains an existing brick and tile dwelling and outbuilding, located on the western portion of the lot fronting Rockingham Road. The remainder of the site contains low lying grasses and shrubs. Historically, the land was used for market gardening however these operations have since ceased and the land remains cleared of significant vegetation.

The Proposed Structure Plan is located within a key future development zone surrounded by eight other undeveloped lots. It is the first Structure Plan to be lodged and it is imperative that the design and layout of Lot 38 assimilates with adjacent indicative design plans proposed by the City of Cockburn (refer to Attachment 3).

The subject land is zoned 'Urban' under the Metropolitan Region Scheme and 'Development' under City of Cockburn Town Planning Scheme No. 3. The subject land is also located within Development Contribution Area No. 6 (DCA 6) and Development Contribution Area No. 13 (DCA 13).

Residential Density – State Government Direction

Perth and Peel @ 3.5 million, Directions 2031 and Beyond and Liveable Neighbourhoods promote a minimum of 15 dwellings per hectare, as the 'standard' density for new greenfield development in urban areas.

The Outer Metropolitan Perth and Peel Sub-regional Strategy forms an integral part of the Directions 2031 vision. It provides information about the levels of expected population growth by local government area, and



highlights development opportunities and increased densities in greenfield areas, including the south-west outer sub region which the City of Cockburn is included.

Residential Density – Proposed

The Structure Plan proposes residential densities of R50 and R80 to facilitate the development of 26 dwellings or approximately 52 dwellings per hectare. If fully developed, the Structure Plan should ultimately accommodate approximately 73 residents. The proposed Structure Plan therefore meets *Liveable Neighbourhoods* minimum dwelling targets while providing a future diversity of housing stock. The proposal will assist in ensuring the state dwelling targets for the South Metropolitan Perth area, as identified within *Perth and Peel @ 3.5 million* strategic land use planning document, are reached whilst providing additional housing diversity to the locality.

While density targets may be met, the City has undertaken extensive engagement with the proponent for the draft Structure Plan and has advised them that their design raises a number of concerns (Attachment 2). Of particular concern is the suggestion of Local Development Plans being required as well as the below standard width of the north-south road and the restricted movement network that it will cause in the future. These issues are discussed in further detail below.

Local Development Plan

The proponent has included a Local Development Plan in the Proposed Structure Plan report. However, pursuant to Clause 47 (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 6, a Local Development Plan is generally required as a condition of subdivision. In Appendix C of the Structure Plan report the proponent has provided a 15 page document which aims to provide a number of development controls over the land. In discussion with the landowner, it was understood that the indicative designs for the three-storey residential dwelling developments may not be developed depending on costs and market considerations.

On this basis, it is considered inappropriate for the Proposed Structure Plan to include a Local Development Plan which may further restrict and complicate the development approval process and subdivision process. Notwithstanding the above, the Local Development Plan aims to vary the R-Codes extensively which is inconsistent with the Western Australian Planning Commission document *Structure Plan Framework* dated March 2016.



Underwidth north-south road

The proposed Structure Plan identifies the provision of north-south road link that will be established when the land to the north and south between Howe Street and Mayor Road (Beeliar Drive extension) is planned and developed. This proposed Structure Plan however proposes an underwith road reserve, which does not have a sufficient width to accommodate a 6m carriageway together with standard 4.5m verges. According, the it is recommended that the proposed Structure Plan be amended requiring the north-south road link to be a minimum road reserve width of fifteen (15) metres.

Consultation

There were a total of 29 submissions received. 11 of these submissions were from government agencies, with the principal concern raised by Main Roads Western Australia for the recommendation of an Acoustic Noise Report and a Traffic Statement to be undertaken by the proponent and included in the report.

Of the 18 community submissions there were fifteen 15 submissions of objection, and three of support.

All submissions are outlined and addressed in the Schedule of Submissions (Attachment 4); however, the key issues that have been raised are also discussed in detail below.

Traffic concerns

The majority of submissions expressed concern regarding increased traffic and the inadequacy of the Rockingham Road, Mayor Road, Beeliar Drive and Stock Road intersections. Consequently, it is therefore recommended by the City of Cockburn's Road Engineers that the Structure Plan report be amended to include a Traffic Impact Statement with an analysis of this assessment included in Part Two Section 3.4.3 of the report.

The City believes that the projected traffic numbers can be accommodated within the existing road network. There is also a future road project for this area which will ultimately address these traffic concerns. Hence, in the interim period the Proposed Structure Plan does not impress upon the traffic issues of these intersections.

Furthermore, it is important to note that exact traffic numbers cannot be known at this time given that the exact future uses are not known. Traffic and parking will be matters again considered at the Development Approval stage when the exact use and scale of the uses are known in specific detail.



Noise concerns

The Main Roads Western Australia's submission and the City of Cockburn's Heath Services Department raised concerns with the potential issue of traffic noise from freight vehicles and general traffic using Stock Road. The applicant has been made aware of the advice provided by Main Roads Western Australia as per their request.

The advice to the proponent suggests careful consideration should be given to the impact of noise on the planned residential lots in the vicinity of the Stock Road and a noise assessment and noise mitigation measures should be undertaken. It is therefore recommended that the Acoustic Preliminary Assessment will be reassessed at the Development Approval stage.

Bushfire Management

The State Planning Policy 3.7 (SPP 3.7) seeks to guide the implementation of effective risk based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. The SPP 3.7 applies to strategic planning proposals, including Structure Plans over land designated as bushfire prone by the Map of Bushfire Prone Areas dated the 7 December 2015 and prepared by the Department of Fire and Emergency Services. Lot 38 Rockingham Road lies within the Bushfire Prone Areas as shown in Figure 1.

It is therefore recommended by the City of Cockburn that the Structure Plan report be amended to include a Bushfire Management Plan (BMP) and include it in Part 2 Section 2.4 with a summary of the findings of the Bushfire Management Plan (BMP).



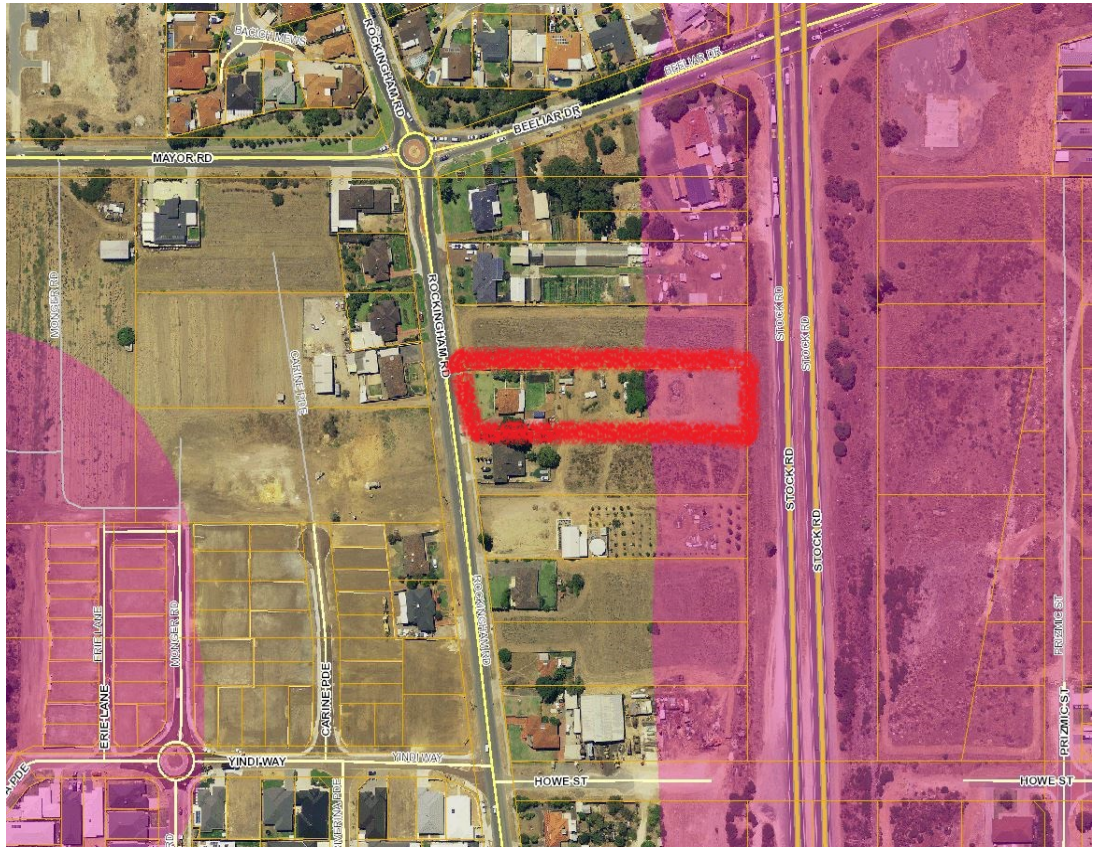


Figure 1 Location of Lot 38 (584) Rockingham Road, Munster within the Bushfire Prone Area dated the 7 December 2015 (DFES 2015)

Public Open Space

Public Open Space within the Structure Plan proposes 'cash-in-lieu'.

Conclusion

The Structure Plan proposes residential densities of R50 and R80 to facilitate the development of 26 dwellings or approximately 52 dwellings per hectare. The density targets are above the minimum expectation of *Directions 2031 and Beyond* and *Liveable Neighbourhoods*, and is therefore considered to be consistent with the State Government vision for increased urban densities.

The Proposed Structure Plan with the recommended modifications is considered to provide sufficient flexibility to facilitate the infill development of a diverse housing stock, while ensuring the character of the area is not compromised, and residential amenity is protected.

It is therefore recommended that Council recommend to the WAPC that the Structure Plan be approved, subject to modifications.

Strategic Plan/Policy Implications

City Growth

- Ensure planning facilitates a desirable living environment and meets growth targets
- Ensure a variation in housing density and housing type is available to residents

Budget/Financial Implications

The Structure Plan fee was calculated in accordance with the Regulations. There are no other direct financial implications associated with the Proposed Structure Plan.

Legal Implications

N/A

Community Consultation

Pursuant to *Schedule 2, Part 4, Clause 18 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015*, public consultation was undertaken for 28 days commencing on 26 May 2016 and concluding on 28 June 2016.

Advertising included a notice in the Cockburn Gazette, letter to the selected landowners within and surrounding the Structure Plan area and State Government agencies.

In total Council received 29 submissions. 11 submissions were received from government agencies and service providers. 18 submissions were received from members of the community.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions. See Attachment 4 for details.

Risk Management Implications

The officer's recommendation takes in to consideration all the relevant planning factors associated with this proposal. It is considered that the officer recommendation is appropriate in recognition of making the most appropriate planning decision.

The Structure Plan proposes a design that the City has raised a number of concerns over as discussed in the above report. The recommended modifications to the Structure Plan address these



concerns and thus if these modifications are not supported, the result would be a Structure Plan that does not appropriately provide the coordination of key infrastructure or public amenity.

The current Structure Plan design is not consistent with orderly and proper planning and would not provide future residents with a safe and efficient local road network.

Attachment(s)

1. Proposed Structure Plan
2. Modified Structure Plan Map
3. Indicative Road Design
4. Schedule of Submissions

Advice to Proponent(s)/Submissions

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 August 2016 Council Meeting.

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

Nil.

MAYOR HOWLETT RETURNED TO THE MEETING THE TIME BEING 8.41PM.

COUNCILLOR ALLEN ADVISED MAYOR HOWLETT OF COUNCIL'S DECISION IN HIS ABSENCE.

MAYOR HOWLETT RESUMED THE ROLE OF PRESIDING MEMBER.



14.8 (MINUTE NO 5866) (OCM 11/8/2016) - NAMING OF MARKET GARDEN SWAMPS (147/001) (A TROSIC / A KHAN) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt Bindjar Lake, Boodjar Mooliny Lake and Moyootj Lake as feature names;
- (2) adopt Bindjar Reserve, Boodjar Mooliny Reserve and Moyootj Reserve as reserve names;
- (3) undertake community consultation for a period of 21 days involving local newspaper advertisement and promotion through the City's website and social media, seeking community feedback on the names; and
- (4) at the close of advertising, subject to there being no substantial objects, the naming requests be formally submitted, together with community feedback, to the Geographic Names Committee for approval.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

Three lakes and reserves located in Spearwood and Munster need to be named, and historically have been known as Market Garden Swamps 1, 2 and 3. They are deserving of more recognition than simply 1, 2 and 3 to signify them, and accordingly this report recommends naming of the reserves and their features uniquely.

The northernmost lake/reserve is bounded by Garden Road, Pennlake Drive and Troode Street, Spearwood (see Attachment 2 and 5).

The central lake/reserve is bounded by Gumina Place, Troode Street, Leschenault Boulevard, Musulin Rise and Mayor Road, Munster (see Attachment 3 and 6).



The southernmost lake is bounded by Riverina Parade, Preston Drive and Fawcett Road, Munster (see Attachment 4 and 7).

In accordance with Council policy and delegation, the proposal is to be considered according to Council Policy PSPD20 'Naming of Parks and Reserves' and the Geographic Names Committee ("GNC") Principles, Guidelines and Procedures document.

Submission

The three lakes and reserves are to be named by the City. Being important natural features, and part of a notable reserve network, they are deserving of proper naming and recognition.

Report

This has been brought to Council to determine and officially name the lakes and reserves after indigenous names meaning swamp:, Bindjar, Boodjar Mooliny and Moyootj.

Nyungar names are particularly encouraged by the Geographic Names Committee guidelines under Section 4 as follows:

4: Recognition and Use of Indigenous Names

The GNC is committed to the promotion, preservation and restoration of Indigenous culture within Western Australia. This is acknowledged by a preference being given to Indigenous names where possible.

The use of Indigenous names is encouraged and the collection and compilation of recorded Indigenous topographic names is supported.

It is also worth noting that Council's 2013-2016 Reconciliation Action Plan (under Action 12) seeks to encourage the use of Aboriginal names for, inter alia, Cockburn sites and reserves. Specifically it states:

12	SIGNAGE AND NAMING:			
	12.1 Create a list of appropriate Nyungar names to be used in naming Cockburn sites, roads and trails.	Family Services Manager	Ongoing	List is developed and accessed for signage and naming purposes.
	12.2 Encourage dual language on public signs, such as park signs, welcoming signs etc. where possible, plus historical descriptions of the land use.	Manager Parks Environment	July 2015 Existing	Where possible and appropriate dual language is used.
	12.3 Encourage the use of Aboriginal names for buildings/parks.	Manager Parks Environment	July 2014	Use of appropriate Aboriginal names/words for buildings or parks is considered in planning.



Naming the lakes and reserves would be an achievement of the above actions.

The names Market Garden Swamp No. 1, Market Garden Swamp No. 2 and Market Garden Swamp No. 3 have been informally used for the three lakes and reserves, and are known as such by some sections of the community. The feature names Market Garden Swamp No. 1, Market Garden Swamp No. 2, and Market Garden Swamp No. 3 and subsequently their reserve names of Market Garden Swamp No.1 Reserve, Market Garden Swamp No. 2 Reserve and Market Garden Swamp No. 3 Reserve are not suitable as they are too similar, very long and unimaginative. They also downplay what should be recognised as a unique and valued section of reserved land within the City.

The selected names of Moyootj, Bindjar and Boodjar Mooliny are considered excellent choices especially given the work of the City in continuing to restore these reserves to their natural states. This will also give the City the opportunity to create some unique interpretive information going forward that captures the story of these areas.

Officers have also sought feedback from the City's Aboriginal Reference Group, who have assisted officers in developing the themes and name selections. This helps to provide a deep and local indigenous connection that naming of such important natural environments certainly deserve and continues to demonstrate the City's commitment to an ongoing collaboration between the City and indigenous Australians.

It is recommended that Council support the naming. Should Council support the naming, it is recommended that the Council then advertise them for public feedback before finally submitting them to the GNC for approval.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Create and maintain recreational, social and sports facilities and regional open space

Economic, Social & Environmental Responsibility

- Continue to recognise and celebrate the significance of cultural, social and built heritage including local indigenous and multicultural groups.



Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Officers undertook liaison with the City's Aboriginal Reference Group via the City's Aboriginal Community Development Officer. There is support for the proposed names from the ARG.

Risk Management Implications

The key risk in not naming the reserves is that the City is left with an unimaginative naming of the reserve, which is not deserving of the important environmental and natural qualities which they hold.

Attachment(s)

1. Location map
2. Location of Bindjar Lake
3. Location of Boodjar Mooliny Lake
4. Location of Moyootj Lake
5. Location of Bindjar Reserve
6. Location of Boodjar Mooliny Reserve
7. Location of Moyootj Reserve
8. Advice from City of Cockburn Aboriginal Reference Group

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



14.9 (MINUTE NO 5867) (OCM 11/8/2016) - LOT 14 (NO. 325) ROCKINGHAM ROAD, SPEARWOOD - PROPOSED STRUCTURE PLAN - OWNER: G & V PALERMO - APPLICANT: MW URBAN (110/142) (D. DI RENZO) (ATTACH)

RECOMMENDATION

That Council

- (1) adopts the Schedule of Submissions prepared in respect to the proposed structure plan.
- (2) pursuant to Schedule 2, Part 4, clause 20 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, recommend to the Western Australian Planning Commission, the Proposed Structure Plan for Lot 14 Rockingham Road Spearwood, be approved, subject to the following modifications:
 1. The additional information contained in Attachment 2 being incorporated into the Acoustic Assessment (Appendix 2) to provide greater clarification.
 2. Modify Clause 1.3.1 of the Structure Plan report to include reference to the subject land as being within 'Development Area 31', Development Contribution Areas 12 and 13.
- (3) advise the landowners within the structure plan area and those who made a submission of Council's recommendation accordingly.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

The purpose of the report is to consider making a recommendation to the Western Australian Planning Commission ("WAPC") for the Proposed Structure Plan for Lot 14 (No. 325) Rockingham Road, Spearwood.



The proposed structure plan has been advertised for community consultation, and the purpose of this report is to consider making a recommendation to the WAPC, in light of the advertising that has taken place.

Submission

The proposed structure plan has been submitted by MW Urban Planning Consultants on behalf of the landowner.

Report

Subject land

The subject land is located on the western side of Rockingham Road Spearwood, south of Spearwood Avenue and immediately south of the rail line. The subject site is 1.828 hectares, and is currently vacant.

The subject land is zoned 'Development' zone, located within 'Development Area 31', and Development Contribution Areas 12 and 13 pursuant to the City of Cockburn Town Planning Scheme No. 3 ("Scheme"). It is located within the 'Packham North District Structure Plan' and is identified as 'Mixed Business'.

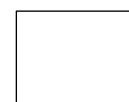
Packham District Structure Plan

The Packham North District Structure Plan ("District Structure Plan") was prepared by the City of Cockburn in order to facilitate proper and orderly planning across Development Area 31 (Packham North). The purpose of the District Structure Plan is to facilitate the development of the former Watsonia Abattoir and Small Goods Factory, together with the surrounding land that was previously zoned 'Rural' and was within the odour buffer of the abattoir.

The District Structure Plan provides an overall planning framework to guide future Structure Plans, given the fragmented nature of landownership which exists.

It identifies the area primarily for future residential development, but also includes some commercial zonings, including a 'Mixed Business' precinct within the northeast of the District Structure Plan area that was previously zoned 'Light and Service Industry'.

The District Structure Plan was endorsed by Council at the Ordinary Meeting held on 11 August 2011.



The District Structure Plan originally included an annotation on the 'Mixed Business' zone that prohibited residential land uses which would ordinarily be permissible under the scheme (grouped and multiple dwellings; lodging and single house; residential building).

The reason for not allowing residential development within this precinct when the District Structure Plan was prepared was to minimise potential land use conflicts. The area was previously zoned 'Light and Service Industry' and some of the lots have been developed and are currently used for such purposes.

A request was received in 2013 on behalf of some landowners in the 'Mixed Business' area to modify the annotation on the District Structure Plan restricting the development of residential uses.

At the Ordinary Meeting of Council 12 March 2014 Council resolved to modify the annotation on the District Structure Plan as follows:

Mixed Business uses as set out in Table 1 of the Scheme. Residential uses are not permitted due to the proximity of the railway corridor, the nature of adjoining (non-residential) land uses and the nature of the constrained road network. Council will only consider residential development via a Proposed Structure Plan which demonstrates that issues such as noise, vibration, adjoining land use impacts/risks and structural elements of residential design are suitably addressed in accordance with State and Local planning requirements."

This annotation requires that a structure plan for the 'Mixed Business' area within the District Structure Plan comprehensively addresses these constraints.

Proposed Structure Plan

The proposed Structure Plan (Attachment 1) proposes the following zones for the subject land:

- * 'Residential' R80 on the northern and eastern sides of the site.
- * 'Residential R80' with possible ground floor office adjacent to Rockingham Road.
- * 'Residential R40' on the southern portion of the site.
- * 'Local Reserve' Public Open Space

The proposed structure plan includes development concept plans demonstrating how development may occur. This demonstrates buildings of 3 – 5 storeys multiple dwellings in the 'R80' coded areas of the site, adjacent to the railway line to the north and storage units to the west. Given the non-residential interface on these sides, these types of densities and building heights are considered appropriate.



The proposed 'R40' coded area includes 2 storey developments, which will ensure an appropriate interface with the development to the south.

The area of public open space in the centre will provide the development with an area for recreation, and provides visual relief.

The proposed structure plan addresses the constraints set out in the District Structure Plan annotations, through the following:

Noise and Vibration

An acoustic report has been prepared for the subject land, consistent with the State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning' ("SPP 5.4").

It also addresses the issue of vibration, which is not specifically identified in SPP 5.4, but was identified as an issue in the District Structure Plan for the 'Mixed Business' area.

The acoustic report is consistent with the City's Local Planning Policy 1.12 (Noise Attenuation), and the Noise Attenuation Guidelines.

However, it is recommended that a number of matters outlined in the Acoustic report are clarified in further detail so that this provides clear guidance for the future stages of planning, including subdivision and development of the land.

This additional information is set out in Attachment 2, and with these matters clarified it is considered that this issue has been adequately addressed through the Structure Plan.

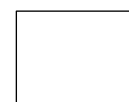
Local road access

The Proposed Structure Plan includes the provision of up to 190 dwellings, comprised of the following mix:

- 67 one bedroom apartments;
- 107 two bedroom apartments;
- 16 three bedroom apartments.

The site will also accommodate up to 500sqm of gross lettable area commercial floorspace, which in combination with residential development potential, provides for up to 1,000 vehicle per day movements.

In terms of the critical peak hour movement, the associated traffic assessment which accompanies the Proposed Structure Plan states that there will be 100 vehicles in the AM peak (90% outbound 10%



inbound) and 100 vehicles in the PM peak (20% outbound and 80% inbound). Key consideration has therefore been, to what extent is the proposed Structure Plan satisfactory in respect of its provision for vehicle access.

The traffic report prepared for the Structure Plan has been assessed as acceptable by the City's Engineering Team. This notes the following technical factors:

1. It is anticipated that the distribution of outbound and inbound vehicle movements will be primarily to/from the north along Rockingham Road, given the operation of similar intersections close to the Structure Plan area and the land uses to the north of the site;
2. The indicative development plans show a single vehicle access into the Structure Plan area, via the sites southernmost frontage along Rockingham Road. This ensures that the vehicle access into the LSP area is located as far south as possible and as far from the Rockingham Road Level Crossing as possible. The site access point is located approximately 70m south of the level crossing;
3. It is anticipated that the quantum of proposed development would increase traffic on Rockingham Road by approx. 10% during the peak hours and as such would have a limited impact on the existing road network;
4. SIDRA Intersection predicts that when the level crossing is activated during the AM peak hour, queues on the Rockingham Road southern approach (northbound traffic) will extend to a maximum of 259m along Rockingham Road (just south of Reserve Road). When the level crossing is activated during the PM peak hour, SIDRA Intersection predicts a maximum queue length of 168m on the Rockingham Road southern approach (which is approximately 30m south of the southern service station crossover). Both of these peak hour queues will extend beyond the proposed crossover to the Structure Plan area. After the boom gate has been raised, the queues will dissipate. Similarly, any delays experienced by Rockingham Road traffic during a boom gate closure will return to zero once the boom gate opens and the queue clears;
5. It is proposed that keep clear markings are installed on Rockingham Road at the crossover into the Structure Plan area, to ensure that vehicles can turn right into and out from the LSP area when the level crossing is activated and vehicles are temporarily queued;



6. The proposed form of development within the Structure Plan area includes the design of streets with a restricted vehicle capacity to encourage low vehicle speeds. The Access Streets and Laneways will be designed to provide for safe on-street cycling as well as providing wide footpaths adjacent to development Lots to encourage walking and cycling trips to be made to/from the site.

In light of the detailed analysis that has taken place, the conclusion of the traffic assessment is that “The indicative form of development proposed for the LSP area can be accommodated within the existing transport networks with little or no material impacts anticipated.”

On this basis the design is considered acceptable. It should also be noted that the slight variation in road reserve width of the internal access road is due to the road running past an existing drainage reserve and area of open space. Due to the reduced verge width required adjoining areas of open space, this accounts for the minor design change as the road runs past.

Consultation

The proposed Structure Plan was advertised from 27 May 2016 until 24 June 2016. This included a newspaper advertisement, letters to landowners in the area, and letters government agencies.

There were a total of 17 submissions received, and all submissions are outlined and addressed in the Schedule of Submissions (Attachment 3).

Four submissions were received from landowners and members of the community, with all of these supporting the proposed Structure Plan.

There were 13 submissions received from government agencies, with the only issue raised relating to noise and vibration from the railway line, raised by the Freight and Logistics Council of Western Australia (“WA”), Public Transport Authority, Brookfield Rail and Fremantle Ports.

The Freight and Logistics Council have noted that SPP 5.4 is currently being reviewed by the State Government. In responding to the review, FLCWA has conducted substantial research into appropriate land use planning policy responses to growing activity on the metropolitan freight rail network. The research, together with detail of the appropriate responses, is described in a FLCWA Bulletin (Freight Rail Noise Policy and Practice). This research suggests that a more stringent noise metric for freight rail is required in State Planning Policy



5.4 to ensure the future protection of residences adjacent to rail corridors. The FLCWA has requested that the City place requirements on the proposal consistent with those outlined in the attached bulletin.

It is important to note that the review of SPP 5.4 is still underway, and in the meantime it remains the gazetted policy for freight rail noise. The proposed Structure Plan includes an Acoustic and Vibration Report that addresses SPP 5.4, in addition to the issue of vibration, which is not currently a requirement of the SPP.

Critically, the consultants, Herring Storer, have used a more conservative measure than SPP 5.4, using an approach that is consistent with the City's Local Planning Policy 1.12 (Noise Attenuation), and the Noise Attenuation Guidelines. This approach exceeds the requirements of SPP 5.4, and the City's Environmental Health Services are satisfied that this will ensure the protection of residential amenity.

With the inclusion of the information contained in Attachment 2, as discussed above, it is considered that this matter has been adequately addressed.

Conclusion

It is considered that the Proposed Structure Plan addresses the requirements of the District Structure Plan, demonstrating that residential development can be accommodated on the subject land where the requirements and recommendations of the Acoustic and Vibration report are addressed in the further stages of planning.

It is therefore recommended that Council recommend to the WAPC that the Structure Plan be approved, subject to modifications.

Strategic Plan/Policy Implications

City Growth

- Ensure planning facilitates a desirable living environment and meets growth targets
- Ensure a variation in housing density and housing type is available to residents

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development



Budget/Financial Implications

The Structure Plan fee was calculated in accordance with the Regulations and has been paid by the applicant.

Legal Implications

N/A

Community Consultation

The proposed Structure Plan was advertised from 27 May 2016 until 24 June 2016 in accordance with Planning and Development (Local Planning Schemes) Regulations 2015. This included a newspaper advertisement, letters to landowners in the area, and government agencies.

Risk Management Implications

If Council defers a decision and does not make a recommendation on the Structure Plan the WAPC may make a decision in the absence of a report from Council in accordance with Schedule 2, Part 4 Clause 22 (4) of the Planning and Development (Local Planning Schemes) Regulations 2015.

If Council recommends that the Structure Plan be adopted without the modifications as set out in the Officer Recommendation then the Acoustic Report will not provide the best level of clear information for future stages of planning.

If Council recommends refusal of the structure plan against the staff recommendation and the applicant seeks a review of a WAPC decision of refusal in accordance with the Planning and Development Act 2005 Part 14, the City may then be called to participate in the appeal process.

Attachment(s)

- 1 Draft Structure Plan
- 2 Additional Information for Acoustic Assessment
- 3 Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 11 August 2016 Council Meeting.



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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

**15.1 (MINUTE NO 5868) (OCM 11/8/2016) - LIST OF CREDITORS PAID
- JUNE 2016 (076/001) (N MAURICIO) (ATTACH)**

RECOMMENDATION

That Council adopt the List of Creditors Paid for June 2016, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

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

Submission

N/A

Report

The list of accounts for June 2016 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.



Strategic Plan/Policy Implications

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes
- Listen to and engage with our residents, business community and ratepayers with greater use of social media

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Risk Management Implications

The report reflects the fact that the payments covered in the attachment are historic in nature. The non-acceptance of this report would place the City in breach of the Regulation 13 of the Local Government (Financial Management) Regulations 1996.

Attachment(s)

List of Creditors Paid – June 2016.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



15.2 (MINUTE NO 5869) (OCM 11/8/2016) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JUNE 2016 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council :

- (1) adopt the Statement of Financial Activity and associated reports for June 2016, as attached to the Agenda; and
- (2) continue to apply a materiality threshold variance of \$200,000 from the appropriate base amount for the 2016/17 financial year in accordance with Financial Management Regulation 34(5).
- (3) amend the 2015/16 Municipal Budget in accordance with the detailed schedule in the report as follows:

Revenue Adjustments	Increase	134,900
Expenditure Adjustments	Increase	216,867
TF from Reserve Adjustments	Increase	1,146
TF to Reserve Adjustments	Increase	18,146
Net change to Municipal Budget Closing Funds	Decrease	98,967

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr L Sweetman that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.



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

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

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents be presented to Council within 2 months after the end of the month to which the statement relates.

The regulations require the information reported in the statement to be shown either by nature and type, statutory program or business unit. The City chooses to report the information according to its organisational business structure, as well as by nature and type.

Local Government (Financial Management) Regulations - Regulation 34 (5) states:

- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

This regulation requires Council to annually set a materiality threshold for the purpose of disclosing budget variances within monthly financial reporting. Council adopted a materiality threshold of \$200,000 for the 2015/16 financial year and it is recommended that Council continue with this level for 2016/17.

Detailed analysis of all budget variances is an ongoing exercise, with necessary budget amendments submitted to Council each month where applicable. This also helps to inform the City's mid-year budget review.

Submission

N/A

Report

Due to ongoing end of financial year (EOFY) processing, the numbers contained in the June statement of financial activity are not finalised



and are subject to external audit. The final budget position for 2015/16 will be reported to the November Council meeting, along with a final June monthly financial activity statement and listing of carried forward works and projects.

Opening Funds

The opening funds of \$13.7M brought forward from last year has been audited and the budget has been amended to reflect this final position. These compare closely to the opening funds used in the adopted budget of \$13.5M and include the required municipal funding for carried forward works and projects of \$9.7M (versus the original \$10.5M estimated in the adopted budget). The additional \$1.0M of available municipal funding was redirected into the Roads and Drainage Infrastructure Reserve at the November 2015 Ordinary Council meeting.

Closing Funds

The City's closing funds of \$10.84M is currently \$10.53M higher than the end of year budget target of \$0.31M. This result includes the municipal funded portion for carried forward projects, currently estimated at \$6.92M. The balance represents an uncommitted surplus comprising a combination of favourable and unfavourable cash budget variances across the operating and capital programs (as detailed throughout this report).

Continued EOFY processing is likely to further impact the closing funds position, with the confirmed uncommitted surplus amount to be transferred into one or more of the City's financial reserve accounts in accordance with Council's budget management policy. This will be addressed in the report to the ordinary meeting of Council in November 2016 dealing with the final budget position.

Operating Revenue

Consolidated operating revenue of \$129.90M was over the annual budget target by \$3.06M.

The following table shows the operating revenue budget performance by nature and type:



Nature or Type Classification	Actual Revenue \$M	FY Revised Budget \$M	Variance to Budget \$M
Rates	(91.31)	(89.03)	2.28
Specified Area Rates	(0.34)	(0.27)	0.07
Fees & Charges	(22.07)	(22.10)	(0.03)
Service Charges	(1.07)	(1.07)	(0.00)
Operating Grants & Subsidies	(8.06)	(7.61)	0.45
Contributions & Reimbursements	(1.37)	(1.18)	0.19
Interest Earnings	(5.68)	(5.57)	0.11
Total	(129.90)	(126.84)	3.06

The significant variances at month end were:

- Rates revenue was over the annual budget by \$2.28M due to higher interim rating related to strong growth in the rating property base. Rates paid in advance were also stronger year on year.
- Subsidies received for childcare services were \$0.81M ahead of annual budget. These are offset by higher payments to the Caregivers.
- Income from development application fees was \$0.26M behind the annual budget target of \$1.35M.

Operating Expenditure

Reported operating expenditure (including asset depreciation) of \$117.58M was under the annual budget by \$6.89M.

The following table shows the operating expenditure budget variance at the nature and type level. The internal recharging credits reflect the amount of internal costs capitalised against the City's assets:

Nature or Type Classification	Actual Expenses \$M	FY Revised Budget \$M	Variance to Budget \$M
Employee Costs - Direct	45.66	46.75	1.09
Employee Costs - Indirect	1.28	1.13	(0.14)
Materials and Contracts	34.98	38.47	3.50
Utilities	4.54	4.57	0.03
Interest Expenses	0.08	0.07	(0.00)
Insurances	2.22	2.13	(0.09)
Other Expenses	6.07	6.83	0.75
Depreciation (non-cash)	24.81	27.53	2.72
Internal Recharging-CAPEX	(2.06)	(3.02)	(0.97)
Total	117.58	124.47	6.89

The significant variances at month end were:

- Material and Contracts were \$3.50M under annual budget with the main contributor being Waste Collection (\$1.18M). Environmental Health project spending was also down (\$0.45M), as was IT projects (\$0.22M). Conversely, child caregiver payments were over budget (\$0.67M) in line with the additional subsidy revenue received.
- Salaries and direct employee on-costs were \$1.09M under the annual budget with Roads Construction under by \$0.38M due to less wages staff cost. The balance of the variance comprised below threshold variances across most business areas, other than Waste Collection wages which were over the annual budget by \$0.37M.
- Under Other Expenses, fuel costs for the City's fleet were \$0.36M below annual budget (due to the low petrol price) and the landfill levy was \$0.334 under the adjusted annual budget. Conversely, family day care caregiver levy payments were \$0.28M over the annual budget (but matched with Grant Income).
- Total depreciation on assets was \$2.72M under the annual budget due to lower depreciation for road assets of \$1.03M (due to EOFY revaluations), lower depreciation for parks infrastructure of \$0.33M and lower depreciation for buildings of \$0.90M (due to the review of useful life for all buildings and their structural components). Plant depreciation was also \$0.20M under annual budget.
- The internal recharging of overhead costs to the CAPEX program was \$0.97M behind the annual budget setting, particularly due to a \$0.69M shortfall in roads labour charged to infrastructure projects.

Capital Expenditure

The City's total capital spend for the year was \$71.70M, representing an under-spend of \$28.55M against the annual budget.

The following table details the budget variance by asset class:

Asset Class	FY Actuals \$M	FY Revised Budget \$M	FY Variance \$M
Roads Infrastructure	7.51	14.10	6.59
Drainage	0.72	1.44	0.72
Footpaths	0.94	1.17	0.24
Parks Hard Infrastructure	4.48	7.97	3.49
Parks Soft Infrastructure	0.80	1.37	0.57
Landfill Infrastructure	0.22	0.48	0.25



Asset Class	FY Actuals \$M	FY Revised Budget \$M	FY Variance \$M
Freehold Land	0.43	1.61	1.18
Buildings	52.77	64.80	12.02
Furniture & Equipment	0.01	0.01	(0.00)
Computers	0.29	0.98	0.69
Plant & Machinery	3.53	6.32	2.79
Total	71.70	100.25	28.55

These results included the following significant items:

- Buildings – had a net under spend against annual budget of \$12.02M comprising the Cockburn ARC project (\$3.20M), Operations Centre upgrade (\$6.78M), Bibra Lake main toilet block (\$0.39M), Civic building energy reduction initiative (\$0.25M) and Atwell clubrooms upgrade (\$0.39M). At the end of June, BMX had completed 64.2% of the building work on Cockburn ARC. Council has accrued the July 2016 payment into 2015/16 financial statements amounting to \$7.597m as this related to work undertaking in June 2016. This means that Council completed \$79.297m worth of work in 2015/16 or 79% of the overall capital expenditure program.
- Roads Infrastructure - The roads construction program was \$6.59M under-spent against the annual budget, mainly due to Berrigan Drive [Jandakot improvement works] under by \$4.16M; Beeliar Drive [Spearwood Ave to Stock Rd] under by \$1.24M; North Lake Road [Hammond to Kentucky] under by \$0.57M; and Stock Rd Spearwood Ave Intersection under by \$0.27M.
- Drainage Infrastructure - This was collectively underspent by 50% or \$0.72M.
- Plant & Machinery - The plant replacement program was \$2.79M behind the annual budget comprising \$2.43M in undelivered heavy plant items.
- Parks Hard Infrastructure - The parks capital program is collectively \$3.49M behind annual budget with the adventure playground at Bibra Lake underspent by \$2.31M. The Coogee Beach master plan was also underspent by \$0.28M.
- Parks Soft Infrastructure - The parks streetscaping program is collectively \$0.57M behind the annual budget.
- Development costs for the City's freehold land sales were \$1.18M behind annual budget, comprising several land parcels with \$0.28M attributable to lot 804 Beeliar Drive.
- Computers - The City's technology capital spend budget is collectively \$0.69M behind its annual budget of \$0.98M, comprising mainly software development and website projects.



Capital Funding

Capital funding sources are highly correlated to capital spending, the sale of assets and the rate of development within the City (developer contributions received).

Significant variances for the month included:

- Transfers from financial reserves were \$19.13M below annual budget, consistent with the capital budget under spend.
- Developer contributions received under the community infrastructure plan were \$2.07M over the annual budget of \$4.40M.
- Developer contributions under road infrastructure plans were \$0.95M ahead of their annual budget.
- External funding for Cockburn ARC was \$1.37M behind the annual budget comprising a shortfall in development partner contributions.
- Proceeds from sale of land were \$16.25M below the annual budget mainly due to several unrealised land sales on Beeliar Drive (\$14.6M) and Davilak Avenue (\$1.3M).
- Proceeds from the sale of plant items were \$0.53M behind annual budget, in line with the lag in the replacement program.

Transfers to Reserve

Transfers to financial reserves were \$10.16M behind the annual budget, mainly due to delayed land sales (\$16.25M). Conversely, transfers relating to developer contributions were \$2.40M higher, as was the transfer of unspent road grants at \$1.63M and additional waste collection (\$0.78M) and disposal (\$0.56M) funds reserved. The transfer of interest earnings on reserves was also higher than annual budget by \$0.42M.

Cash & Investments

The closing cash and financial investment holding at month's end totalled \$156.25M, well up from \$136.52M the previous month due to receipt of the \$25M loan for Cockburn ARC. The last balance of \$132.63M represents the amount held for the City's cash backed financial reserves. Another \$5.81M represents restricted funds held to cover deposit and bond liabilities. The remaining \$13.92M represents the City's liquid (cash) working capital, available to fund current operations, capital projects, financial liabilities and other financial commitments.

Investment Performance, Ratings and Maturity

The City's investment portfolio made a weighted annualised return of 3.06% for the month, unchanged from the previous month and 3.05% the month before that. This result compares very favourably against the UBS Bank Bill Index (2.31%) and has been achieved through diligent investing at optimum rates and investment terms. The cash rate set by the Reserve Bank of Australia was reduced to 1.75% at its April meeting. Financial markets and economists are favouring another downwards movement of at least 0.25% in the coming months, given the accommodative CPI result for the June quarter.

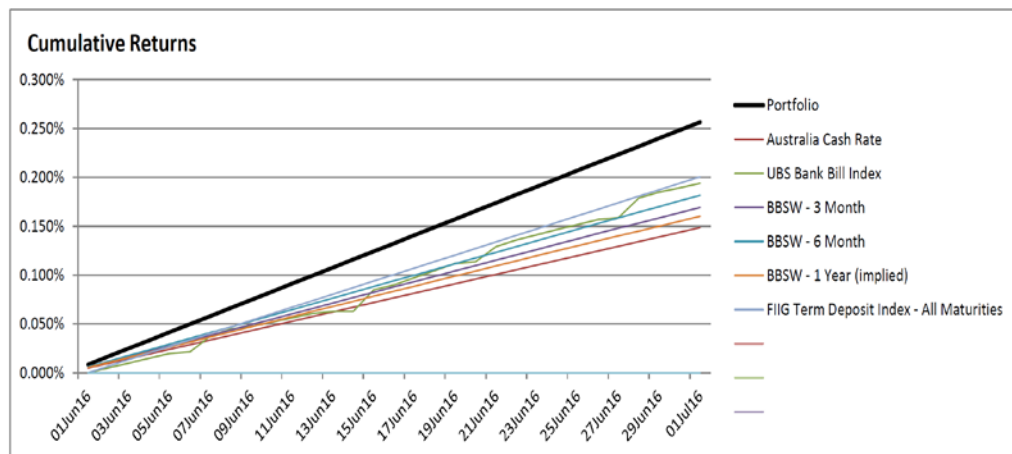


Figure 1: COC Portfolio Returns vs. Benchmarks

The majority of investments are held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian and foreign owned banks. These are invested for terms ranging from three to twelve months. All investments comply with the Council's Investment Policy other than those made under previous statutory provisions and grandfathered by the new ones.

The City's TD investments fall within the following Standard and Poor's short term risk rating categories:



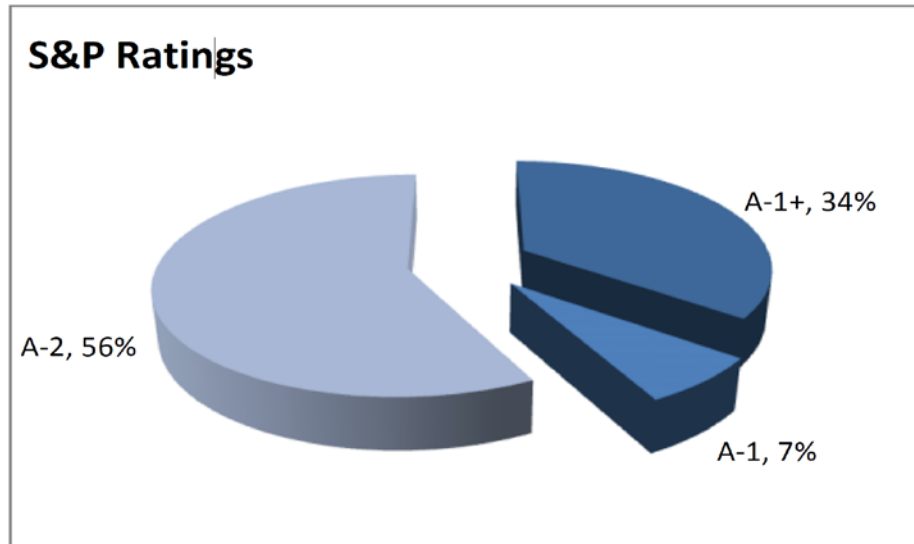


Figure 2: Council Investment Ratings Mix

The current investment strategy seeks to secure the highest possible rate on offer over the longest duration (up to 12 months for term deposits), subject to cash flow planning and investment policy requirements. Value is currently being provided within the 4-12 month investment terms.

The City's TD investment portfolio currently has an average duration of 141 days or 4.6 months (up from 123 days the previous month) with the maturity profile graphically depicted below:

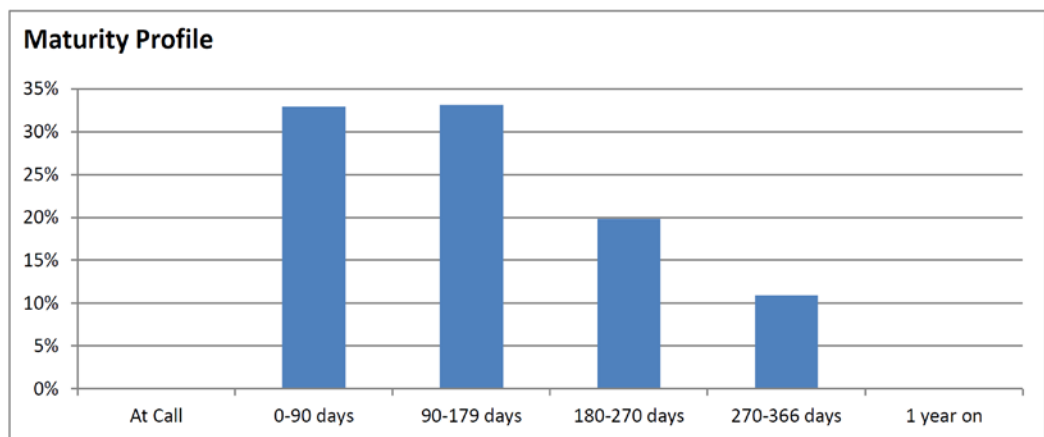


Figure 3: Council Investment Maturity Profile

Investment in Fossil Fuel Free Banks

At month end, the City held 58% (\$84.38M) of its TD investment portfolio in banks deemed as free from funding fossil fuel related industries. This is down from 63% the previous month as these banks were non-competitive when the City invested the \$25M loan proceeds during the month.



Budget Revisions

Several budget amendments were processed in June as per the following schedule:

PROJECT/ACTIVITY LIST	USE OF FUNDING +/-		FUNDING SOURCES (+/-)		
	EXP	TF to RESERVE	TF FROM RESERVE	EXTERNAL	MUNI IMPACT
New gifted FESA Vehicle	117,900			-117,900	
Community Health van expenditure	967				-967
short term licence lot 30 Baler Crt, Hammond Park		17,000		-17,000	
Bush Fire Risk Management Plan (BFRMP) mitigation works	93,000				-93,000
Business Plan expenses	5,000				-5,000
Cockburn Early Years Salaries (LSL)		1,146	-1,146		
	216,867	18,146	-1,146	-134,900	
Surplus: (Increase)/Decrease					-98,967

Description of Graphs & Charts

There is a bar graph tracking Business Unit operating expenditure against budget. This provides a quick view of how the different units are tracking and the comparative size of their budgets.

The Capital Expenditure graph tracks the YTD capital spends against the budget. It also includes an additional trend line for the total of YTD actual expenditure and committed orders. This gives a better indication of how the capital budget is being exhausted, rather than just purely actual cost alone.

A liquidity graph shows the level of Council's net current position (adjusted for restricted assets) and trends this against previous years. This gives a good indication of Council's capacity to meet its financial commitments over the course of the year. Council's overall cash and investments position is provided in a line graph with a comparison against the YTD budget and the previous year's position at the same time.



Pie charts included show the break-up of actual operating income and expenditure by nature and type and the make-up of Council's current assets and liabilities (comprising the net current position).

Strategic Plan/Policy Implications

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes
- Ensure sound long term financial management and deliver value for money

Budget/Financial Implications

The City's closing Municipal Budget position reduces from \$409,698 to \$310,731 as a result of the proposed budget amendments. However, the actual position will be somewhat higher due to the unspent funding for works and projects to be carried forward (\$6.92M) and realised savings and additional revenue across the whole budget (established at this stage to be \$3.3M).

Legal Implications

N/A

Community Consultation

N/A

Risk Management Implications

Council's budget for revenue, expenditure and closing financial position will be misrepresented if the recommendation amending the budget is not adopted.

Attachment(s)

State of Financial Activity and associated reports – June 2016.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



16. ENGINEERING AND WORKS DIVISION ISSUES

- 16.1 (MINUTE 5870) (OCM 11/8/2016) - MATTERS TO BE NOTED FOR WITHOUT DEBATE – ASSESSMENT OF THE ROAD RESERVES OF BIBRA DRIVE, FARRINGTON ROAD, NORTH LAKE ROAD, RUSSELL ROAD FOR SIGNIFICANT TREES AND VEGETATION CLEARANCES SHOULD ROE 8 NOT PROCEED (148/004) (ALEES) (ATTACH)

RECOMMENDATION

That Council

- (1) receive the report; and
- (2) advertise for a period of 30 days the proposed inclusion of eleven trees, located within the North Lake Road and Russell Road reserves, on the Significant Tree List pursuant to the City of Cockburn Local Government Inventory.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

At the Ordinary Council Meeting in February 2016, Cr Steve Portelli raised the following matter for investigation:

“That an investigation be undertaken for the purposes of listing on the Significant Tree Register the trees in the road reserves as per Officers report OCM 13/8/15 Item 16.1. These roads shall need to be upgraded due to extra traffic if Roe 8 is not built:

- Bibra Drive 2 to 4 lanes
- Farrington Road to 4 lanes by 2020
- North Lake Road north of Berrigan Drive
- Russell Road west of Hammond Road

Compare the amount of bush land that will need to be cleared with the above roads with the proposed Roe 8 reserve, hectares in area and the number of significant trees.



Also an estimate of the costs to upgrade all Cockburn roads as per report if Roe 8 is not built”

Submission

N/A

Report

Road Composition

Bibra Drive is classified as a district distributor B with a single lane carriage way commencing North Lake Road and terminating at Farrington Road. The road has number of sweeping bends with a carriageway width of 20m. The south eastern side of Bibra Drive is framed by residential dwellings with Bibra Lake Reserve bordering the other side. A number of street trees are evidenced adjacent to residential verges with a stronger line of trees located either in Bibra Lake reserve or just on the edge of the road reservation.

Farrington Drive is classified as a district distributor A with a single lane carriage way from North Lake Rd to Bibra Drive then a dual carriage way with a designated median to the Kwinana freeway interchange. The landscape medians and roundabout are in essence the entry statement into the City, which reflect the strong environmental characteristics and high presentation levels. There is strong vegetation belt in existence along the northern edge of single lane carriageway and minor plantings within the thin median island towards the North Lake entry.

North Lake Road is district distributor A which will be dual lane carriage along its entire length following completion of current works between Hammond Road and Midgegooroo Avenue. North Lake Road is listed in the Public Open Space Strategy as a major road of significance, pertaining to its environmental characteristics and ecological corridor status. Sections of the median have been landscaped providing attractive and diverse vegetation that complements the changing adjacent land forms. Verge vegetation has varying densities based on previous development programs and ongoing streetscape programs in accordance with the POS strategy.

Russell Road is an east/west regional distributor road with landscaping to the dual lane carriageway from Kwinana freeway to Hammond Road. The section between Hammond Road and Rockingham Road is a single carriageway with varying degrees of vegetation density and along its route. Russel Road is another road identified as an ecological corridor as it passes between Thompsons Lake Reserve and Harry Waring Marsupial Reserve.



Road Construction Cost

In relation to the cost estimate to upgrade the roads mentioned in the report to the August 2015 OCM, the cost estimates in the Regional and Major Roadworks Plan 2016-2030 are not based on the construction of the Roe Highway extension. The timing may alter depending on the major highway construction.

Criteria for Significant Trees

The Significant Tree Registry pursuant to the City of Cockburn Local Government Inventory is intended to elevate heritage considerations in to the mix of normal planning considerations that occurs when (in this case) significant trees are proposed for variation. Often such variation is through either proposals to remove such trees, or modify.

Importantly in order for a tree to qualify as a significant tree it needs to have a number of key attributes. These attributes do not simply relate to a tree being a large tree, but needing to represent values across historical, horticultural, rarity, location, contextual and indigenous criteria.

These criteria are outlined below.

- *Historical Significance*

Tree(s) commemorating a particular occasion including plantings by notable people and/or having associations with an important event in local, state or national history. Tree(s) that possess a history specifically related to the City or its surrounding areas.

- *Horticultural Value*

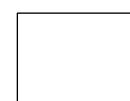
Tree(s) of outstanding horticultural or genetic value and that which could be an important source of propagating stock, including specimens particularly resistant to disease or exposure.

- *Rare or Localised*

Tree/s species or variety rare or very localised in distribution, enhancing the diversification of the local urban forest.

- *Location or Context*

Tree(s) that occur in a unique location or context so as to provide a major contribution to landscape and/or local place character.



Includes outstanding aesthetic value which frame or screen views, or act as a landmark.

- *Exceptional Size, Age and Form*

Tree(s) noted for particular age, size or irregular form relative to other normal mature tree species that currently reside within the City. Also includes curious forms, particularly abnormal outgrowths, fused branches or unusual root structures.

- *Indigenous Association*

Tree/s that has a recognised association with Indigenous people, or that is valued for continuing and developing cultural traditions

In listing a tree as a significant tree, it is important to remove any misunderstanding that such a listing protects the tree in perpetuity. This is particularly relevant when proposed public works (like building a road) take place, and such works require the removal of significant trees. The impact of listing trees as a Significant Trees as it affects local government or state government's ability to undertake public works is best explained as follows:

In accordance with the Scheme, the approval of a local government under a Scheme is not required for the commencement or carrying out of any use or development on land which is either reserved under the Region Scheme, or which is reserved under the Local Scheme. This relates to such land areas considered in this report.

It must also be noted that in accordance with the *Planning and Development Act 2005* the crown is not bound by a local planning scheme, however they are bound by a region planning scheme, as follows:

5. *Crown bound*

- (1) *Except as provided in section 6 this Act binds the Crown.*
- (2) *A region planning scheme binds the Crown.*
- (3) *An improvement scheme binds the Crown.*

6. *Public works, Act does not interfere with*

- (1) *Subject to section 5(2) and (3) and subsections (2) and (3) of this section, nothing in this Act interferes with the right of the Crown, or the Governor, or the Government of the State, or a local government —*



- (a) *to undertake, construct or provide any public work; and*
 - (b) *to take land for the purposes of that public work.*
- (2) *Rights referred to in subsection (1) are to be exercised having regard to —*
- (a) *the purpose and intent of any planning scheme that has effect in the locality where, and at the time when, the right is exercised; and*
 - (b) *the orderly and proper planning, and the preservation of the amenity, of that locality at that time.*
- (3) *The responsible authority is to be consulted at the time when a proposal for any public work, or for the taking of land for a public work, is being formulated to ensure that the undertaking, construction, or provision of, or the taking of land for, the public work will comply with subsection (2).*

The Crown can therefore undertake ‘public works’, which may include the removal of trees without the requirement for approval. Therefore it is important to note that including trees on the ‘Significant Tree’ list will not alter this, and there is no available heritage mechanism that will ‘protect’ the trees, or guarantee their retention.

However, in accordance with Section 6 Clause (2) of the *Planning and Development Act* public works can only be undertaken where regard is had to ‘the purpose and intent of any planning scheme...and the orderly and proper planning, and the preservation of the amenity of that locality at that time.’

Therefore, by including any tree on the ‘Significant Tree’ where such land is reserved like in a road reserve, it will elevate such a matter that will need to be considered in accordance with Section 6 Clause (2) of the *Planning and Development Act*. This is on the basis that it becomes a matter related to preservation of the amenity of the locality.

It should therefore not be held that this report protects these trees, rather it elevates the consideration of heritage significance should a proposal ever be formulated that may alter such trees. The obligation of proving up the merits of such a proposal would be heightened in specific respect of the heritage issues to be addressed



Site Evaluation

An assessment of each road was conducted by officers and the City's Arboricultural consultant with the intent to determine any significant trees residing within the current road reservation and potential vegetation to be removed in accordance with the report presented to the 13 August 2015 OCM.

The assessment identified 11 trees for consideration in the Local Government Inventory Significant Tree Register. Each tree has been assessed in accordance with the nomination criteria, photographed and mapped with GPS locations enabling loading into the City's Intramaps layer. Typically these trees are valuable in terms of the exception size and age, have prominent canopies and are of good health and vitality. In addition they make a major contribution to the landscape character and are prominent within the immediate precinct.

In order to determine the volume of bushland required for clearing to upgrade Bibra Drive, North Lake Road, Russell Road and Farrington Drive based on the conclusion of Roe H/way not being constructed requires the issuing of detailed drawings. The detailed drawings would provide definitive road geometry, land acquisition requirements, essential service realignment and areas requiring vegetation clearing. However as these drawings have yet to be produced an approximation of areas has been carried out:

- Farrington Rd – 1.0Ha
- Bibra Dr – 1.0Ha
- Russell Rd – 8.0Ha
- North Lake Rd (North of Berrigan to Boundary) – 6.0Ha

Roe Highway

The construction of Roe H/Way will result in the clearing of 99Ha of good quality bushland, including at least 7Ha of Conservation Category Wetland. Although there are a number of conditions to compensate for the impacts to the environmental there is little direct benefits to the City as the offsets will transpire on state government land holdings. An assessment and report of the significant trees within the road reservation was presented to Council at the May 2016 OCM. The report identified a list of 447 trees of significance, principally Marri's, Jarrah's and Tuart throughout the site. Councils resolved to list these trees on the City of Cockburn 'Significant Tree List' pursuant to the Local Government Inventory ("LGI") and advise Main Roads WA.

Consultation

Clause 45 (4) of the *Heritage of Western Australia Act* requires that local governments compile a Local Government Inventory (LGI) with



proper public consultation. This extends also to considerations of additions to the LGI. Adding to the City's LGI requires the proposed additions be advertised for a minimum period of 21 days, as well as any other additional notification required to ensure all relevant feedback can occur.

Conclusion

The analysis has clearly identified the significant disparity in the Hectares of bushland to be cleared and number of significant trees impacted between the construction of the Roe H/way and the four roads to be upgraded should the Roe not proceed.

To facilitate the request by the Cr Portelli, it is recommended that Council advertise the proposed inclusion of eleven trees located within the North Lake Road and Russell Road Road reserves to the Local Government Inventory Significant Tree Registry for a period of 30 days.

Strategic Plan/Policy Implications

Economic, Social & Environmental Responsibility

- Sustainably manage our environment by protecting, managing and enhancing our unique natural resources and minimising risks to human health
- Improve the appearance of streetscapes, especially with trees suitable for shade
- Further develop adaptation actions including planning; infrastructure and ecological management to reduce the adverse outcomes arising from climate change

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A



Risk Management Implications

The 11 trees located within the road reserves of North Lake Road and Russell Road have been assessed as viable entrants to the Local Government Index and the City needs to minimise the risk of their removal and ensure retention in perpetuity

Attachment(s)

1. Significant Verge Tree Nomination Location Map
2. Trees 1-11 North Lake Road and Russel Road Significant Verge Tree

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.2 (MINUTE 5871) (OCM 11/8/2016) - BARTRAM ROAD BRIDGE (159/020) (C SULLIVAN) (ATTACH)

RECOMMENDATION

That Council

- (1) note the report; and
- (2) provide information to the local resident associations on the content of the report.



COUNCIL DECISION

MOVED Clr S Pratt SECONDED:

- (1) note the report;
- (2) amend the current Regional and Major Roadworks 2016-2030 included in the Corporate Business Plan adopted by Council at the Ordinary Council Meeting of June 2016 to show project 48 Bartram Road as a vehicle bridge in 2030/31 at an estimated cost of \$30M; and
- (3) inform the local resident associations on the content of the report.

MOTION LAPSED FOR WANT OF A SECONDER

MOVED Clr L Smith SECONDED Clr K Allen that Council defer the decision for consideration at the September 2016 Ordinary Council Meeting.

CARRIED 9/0

Reason for Decision

To allow further information be provided to be considered on the matter.

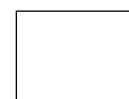
Background

At the July 2016 Ordinary Meeting of Council, Cr Portelli provided the following Notice of Motion:

“Receive a report for the August 2016 Ordinary Meeting of Council on the reasoning for the administrative recommendation adopted by Council at the Special Council meeting held on 23 June 2016 where the 2016/2017 budget was adopted whereby the proposed Bartram Road bridge be downgraded from a vehicular bridge to a pedestrian/cyclist bridge.

The report to include:

- 1. The extent of consultation with Main Roads WA and who is ultimately responsible for delivering the bridge in whatever format.*



2. *The indicative costs involved (for both options) and the community engagement process that will be adopted with ratepayers/residents in Atwell and Success to explain the change.”*

Submission

N/A

Report

Background

As part of the revision of the Strategic Community Plan 2016-2026, the Corporate Business Plan 2016/17-2019/20 and the Long Term Financial Plan 2016/17-2025/26, City officers reviewed and updated the Regional and Major Road Works Plan 2016-2030. A copy is provided for reference as Attachment 1.

The section of Bartram Road Reserve extending over and covering either side of the Kwinana Freeway is designated under the MRS as a Primary Regional Road and hence the responsibility of the State through Main Roads Western Australia (MRWA). A Location Map is provided as Attachment 2.

Historically, the original planning for Atwell included a road connection across the Kwinana Freeway at Bartram Road. This was intended to provide for bus, car and pedestrian use. Correspondence from the Departments of Planning in 1995 (Attachment 3) shows an indicative structure plan for this area. However, when this planning was undertaken there was no contemplation of there being bus/train interchanges at Russell Road, or of the road connectivity required to service that station. As can be seen, there has been a considerable change to this area from what was first envisaged as the probable landscape.

Correspondence from the MRWA received October and November 1999 and Minister for Transport received May 2000 (Attachment 4),, also demonstrates how the State continues to review its network and reschedule (defer) projects to future timescales. In this case the advice received showed the earliest the bridge would be considered was a decade later in 2011.

The South Western Metropolitan Railway Master plan (released April 2000) showed an indicative station at Aubin Grove (Success), however, it wasn't until 2012 that the then Minister for Transport announced \$80M in funding for the project. At that time, this did not include the duplication of Russell Road, something that the City had advised was critical if congestion problems, similar to Cockburn



Station, were to be avoided. Successful lobbying by the City saw an additional \$38M allocated for that part of the project announced in the 2015 State Budget.

With the duplication of Russell Road and the City also advocating for construction of the North Lake / Armadale Road Bridge, as part of its *Community Connect South* initiative; the need for another bridge at Bartram road did not feature in MRWA's network planning.

The City's staff look for guidance on what projects MRWA is proposing in documents, such as Directions 2031, however, the specific details for which projects are to be delivered can only be found in their four year plan, Infrastructure Delivery Plan (last published February 2016). The Bartram Road bridge does not appear in either of these documents.

Until the release of the Perth and Peel @3.5 Million Transport Plan, there has not been a published long-term asset plan from MRWA. This document has time horizons of 2031 and 2050, but within these horizons there are no specific dates for any of the individual projects listed.

MRWA Network Planning

With the duplication of the Russell Road Bridge and planning for of the North Lake / Armadale Road bridge, the MRWA network planning does not foresee a need for the Bartram Road bridge. MRWA wants to see how the traffic flows develop in the years to come around the Cockburn Central area including the proposals for connector/distributor roads along the Freeway.

On 22 July 2016, City officers met with MRWA staff and made representation that the project should be included in the Perth and Peel @3.5 Million Plan, at the least within the 2050 planning horizon; with traffic modelling of the link included. Advice at that time was that the bridge was not contemplated by MRWA, with this being formally confirmed in the release of that plan on 29 July 2016. MRWA do not foresee this connection is needed up to 2050 and possibly beyond that date.

In terms of project delivery, the extent of the MRS Primary Regional Road boundary is such that the proposed bridge and its immediate environs (that is, the section of road either side of the bridge to link to the local road network) would be the responsibility of the Main Roads WA to deliver and fund. However, MRWA does not usually object if local governments want to fund this infrastructure without the State having to contribute.



The approximate cost of a single lane bridge and associated road sections would be of the order of \$25M - \$30M, based on recent works being carried out for bridge projects managed by the Main Roads WA at Beeliar Drive (Armadale Road) and Russell Road. This order of magnitude of funding is beyond the City's means and external funding from either State or Federal funds would be required to construct the bridge.

The City's Regional and Major Road works Plan has a 2030 horizon (i.e. medium term). Rather than remove the project from the plan entirely, City officers included the pedestrian/cyclist bridge as a link between the communities on either side of the Freeway, similar to the pedestrian/cyclist bridges over the Leach Highway and the Tonkin Highway. External funding would still be required to deliver such an option from either State or Federal programs.

The cost of the pedestrian link has been estimated at \$8M; this estimate is based on similar structures and is not derived from a detailed design. MRWA have indicated that they would potentially allow the pedestrian bridge to be constructed, though entirely at the City's cost.

Advice to Community

As the road reservation is not impacted, the City can resurrect the Bartram Road bridge concept at a future date. However, along with many projects shown as potential future roads, such as the Cockburn Coastal Highway, the reality is that they may never be needed or constructed.

The primary focus for the City has been about creating the strategic road links at Russell Road and North Lake / Armadale Roads. With the former project being delivered now, lobbying for the other project will continue through the forthcoming State election.

The best advice that could be given to the community would be to present on the City's road projects to the local resident groups. As the primary beneficiary of a connection is the community of Atwell, this group should be approached first.

Strategic Plan/Policy Implications

Moving Around

- Reduce traffic congestion, particularly around Cockburn Central and other activity centres
- Identify gaps and take action toward extending the coverage of the cycle way, footpath and trails network



- Improve connectivity of transport infrastructure
- Advocate for improvements to public transport, especially bus transport

Budget/Financial Implications

The indicative cost estimates in this report of the two bridge options are based on the unit rates per square metre currently used by the Main Roads WA and current MRWA construction projects. It is not proposed that the City fund either bridge option.

Legal Implications

N/A

Community Consultation

In accordance with the City's community engagement framework, details of known projects are communicated to resident's groups and the community at large. There is no specific project to be communicated, so broad scale advertising is not recommended. It would be better to present on the traffic network issue at a future meeting of the Atwell and Success Resident Associations, starting with the former.

Risk Management Implications

There are no specific risks associated with this item.

Attachment(s)

1. Regional and Major Road Works Plan 2016-2030
2. Location Map
3. Letter from Department of Planning received 27 Nov 95
4. Letters from MRWA Oct and Nov 99 and Minister for Transport May 2000

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 5873) (OCM 11/8/2016) - ADOPTION OF AGE-FRIENDLY STRATEGY 2016-2021 (021/004; 021/016) (GBOWMAN) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the City of Cockburn Age-Friendly Strategy 2016-2021 as attached to the Agenda; and
- (2) include the financial requirements from the Strategy for consideration in future annual budgets and corporate planning documents.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0

Background

In 2004 the City adopted its first Seniors Strategic Plan which outlined community services, senior citizen's groups and accommodation facilities and identified current and future needs for seniors living within the Cockburn District.

In October 2008 this Plan was reviewed in line with the World Health Organisation (WHO) guidelines for Global Age-Friendly Cities.

The City of Cockburn's first Age-Friendly Strategic Plan was adopted in September 2009 with a further community consultation process undertaken in 2011.

Submission

N/A



Report

The City contracted Progressing Priority Projects as a consultant to assist with review of the Age Friendly Strategic Plan 2009. As with the previous Plan the World Health Organisation's (WHO) Age Friendly Cities Framework was used to guide the development of the vision, eight outcomes and twenty six strategies.

The consultation and strategy was guided by the 8 domains developed as part of the (WHO) Framework. These domains are:

- Outdoor spaces and buildings
- Transport
- Housing
- Inclusion and respect
- Social contact
- Engagement (employment, civic and volunteering roles)
- Information and
- Health and community services

This framework was also informed by the demographic trends, City of Cockburn Strategic Community Plan 2016, previous Age-Friendly plans, an understanding of existing services and facilities as well as consultation with 706 residents and stakeholders.

Outcomes from these previous strategic planning processes were reviewed and include:

- Establishment of the interim Senior's Centre which currently operates with 1200 highly engaged members with over 22,000 visits to the Centre per annum.
- Establishment of an Interim Community Men's Shed in Wattleup
- Successful Lotterywest Grant Application of \$484,000 for New Community and Men's Shed in Cockburn Central
- Outdoor exercise equipment provided at fifteen locations across the City
- Co-Health and Seniors Centre physical activity, and walking programs utilised by over 900 seniors
- Bethanie Group selected to develop senior apartments and a residential age care facility
- Development of a public toilet map
- Extra patrols by the security service in response to the previous strategy
- CCTV strategy implemented
- Growth funding for Cockburn Community Care Frail Aged and Disability Services
- Hydrotherapy Pool in the new Cockburn Arc Recreation and Aquatic Facility



- Development of Cockburn Health and Community Facility with a variety of services co-located and working in an integrated manner
- Active Ageing Expo operating in the Region annually
- Two additional Aged Care and retirement villages located in Cockburn, and two new planned facilities.
- City of Cockburn won the WA Seniors Awards 2010 - Bendigo Bank Active Ageing Leadership Award- for the Cockburn Seniors Centre.

The City also won the State Government's 2014 Age Friendly Communities Local Government Award for its Age Friendly Strategic Planning and services. The programs and projects that have been achieved under this plan and ongoing community consultation were cited as reasons for the City's win.

Even though there are significant achievements the City needs to continue to strategically plan for its growing ageing population.

The trend in Australia is similar to countries around the world with the total population of people aged 75 expected to rise by 4 million in 2060. By 2026 numbers of people 55 years plus in the City of Cockburn are expected to increase by more than 10,086 (45%) to 32,447.

During the consultation in 2016 the following issues were consistently highlighted as being priority issues to be addressed in the development of any future strategy:

Priority themes emerging from the review and consultation process included:

- Seating and shade in parks and public places
- Managing dogs in parks
- Engaging with the business community (to address access issues at shopping centres, employment opportunities and age-friendly strategies within the retail sector)
- Appropriate housing options (to meet a broad range of need and financial capacity)
- Disseminating information (utilising age-friendly hard copy approaches)
- Satellite services (to meet growing need in southern and eastern suburbs)
- Linking with Culturally and Linguistically Diverse communities
- Life-Long Learning Centre (a multi-purpose centre including a permanent Senior's Centre)
- Intergenerational activities
- Hearing the views of older people

These priorities are reflected in an Implementation Plan which contains 10 priority actions and a total of 46 actions. If adopted the Age-Friendly Strategy 2016-2021 will guide the City's considerations regarding the



needs of older people for the next five years. The actions will be reviewed annually with the next major strategy review scheduled for 2021. The following Table provides a list of the Priority Actions identified in the Strategy.

PRIORITY ACTIONS FOR THE AGE-FRIENDLY PLAN 2016–2021		YEAR	COST
1.3.1	Undertake an audit of existing outdoor seating in parks and public places	2017/18	\$40,000
1.4.2	Explore mechanisms to encourage and support older people to safely walk their dogs	2016/17	N/A (Operational)
2.3.1	Facilitate discussion with the business community on a range of issues including parking, customer service, access and employment issues	2017/18	N/A (Operational)
2.4.1	Improve the current electronic community information database to facilitate a printable version of a Cockburn Seniors Directory that can be distributed.	2017/18	\$12,000
3.2.1	Facilitate provision of information on housing options for seniors and work with the state and federal government agencies to determine short and long term needs and identify gaps.	2018/19	N/A (Operational)
4.4.1	Invite schools, sporting clubs and other organisations to consider intergenerational programs and activities that invite older people's participation and provide an opportunity for them to share their wisdom and experience	2016/17	N/A (Operational)
5.1.1	Undertake a feasibility study to establish satellite active-ageing centres and/or programs to cater for growing numbers of older people in the southern and eastern suburbs	2018/19	\$50,000
5.3.1	Establish a Culturally and Linguistically Diverse engagement position within the City of Cockburn	2017/18	\$100,000
6.1.1	Further investigate the proposal to establish a purpose built dedicated seniors facility as part of the Life Long Learning Centre at the Spearwood Administration site as a multi-purpose facility.	2019/20	N/A (Operational)
6.2.1	Establish a Seniors Reference Group with diverse representation and clearly defined terms of reference that advises Council on a range of matters	2018/19	N/A (Operational)

Additionally, the City will continue to seek opportunities for the increased provision of its current services and programs to the Cockburn community into the future.

Strategic Plan/Policy Implications

City Growth

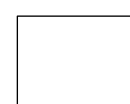
- Maintain service levels across all programs and areas

Moving Around

- Advocate for improvements to public transport, especially bus transport

Community, Lifestyle & Security

- Provide residents with a range of high quality, accessible programs and services



Leading & Listening

- Listen to and engage with our residents, business community and ratepayers with greater use of social media

Budget/Financial Implications

As contained in the plan, and in the attached Budget Implications Report. Over the five year period it is estimated that \$708,000 of additional municipal resources will be required to implement the Age Friendly Strategy actions. This figure includes \$400,000 over 4 years for a Multicultural Officer position which is already contained in the Workforce Plan. The remaining \$308,000 is required to implement other actions over the five year period including:

- a feasibility study and program funds for satellite seniors programs;
- a Seniors Directory;
- translation services for key seniors publications;
- Parks accessibility audit;
- Parks seating audit and additional funds for seating; and
- a feasibility study for a shuttle bus

The other 39 actions contained within the plan can be undertaken within existing operational resources.

It is recommended that all actions which require additional Municipal resources be considered by Council through Council's strategic and annual budget process.

Legal Implications

Aged Care Act, 1997, refers.

Community Consultation

Extensive community consultation was undertaken with individuals, Local and Regional Seniors Groups and organisations and Commonwealth and State Government agencies which assist local government in the provision of Seniors services and facilities.

Consultations to review the Age-Friendly Plan were undertaken between February and May, 2016. The approaches included on-line and hard copy surveys, presentations, workshops and focus groups.

A summary of the consultations undertaken is outlined in Table 5 below.



Table 5 - Summary of consultations

Approach		Description	Numbers engaged
GENERAL			
1.	External Reference Group	Community members who met 3 times to guide and input into consultation process	14
2.	Community survey	Electronic and hard-copy	245
3.	Submissions	Electronic and hard-copy	4
4.	Shopping Centres	Brief conversations via static displays (Phoenix and Gateway)	Approx.200
FOCUS GROUPS			
5.	Frail Aged	Cockburn Community Care	20
6.	Aboriginal Frail Aged	Kwobarup Social Club	6
7.	Carers	Carers Group at Cockburn Senior's Centre	12
8.	Transitional Boomers	Interest group	5
9.	Chung Wah Association	Day Centre participants	20
FORUMS			
10.	Cockburn Rotary	Presentation	12
11.	Melville Cockburn Chamber of Commerce	Presentation	80
12.	City of Cockburn staff	Workshop	18
13.	Service providers	Workshop	35
14.	Reporting back	Workshop	35
TOTAL			706

Risk Management Implications

If the plan is adopted as recommended the financial implications for each of the actions contained in the Plan will need to be considered by Council in the relevant financial year and included in the Long Term Financial Plan.

If the plan is not adopted by Council the community and other stakeholders will be informed in accordance with the Community Engagement Policy and there will be an increased risk of reputation damage. If the Plan is not adopted by Council there is also a risk that the City will not allocate sufficient resources to accommodate the needs of the ageing population into the future.

Attachment(s)

1. Draft Age-Friendly Strategy 2016-2021.
2. Budget Implications Report



Advice to Proponent(s)/Submissioners

Stakeholders consulted in the preparation of the Plan have been advised that this matter is to be considered at the 13 August Council Meeting.

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

The Commonwealth and State Governments are primarily responsible for Aged Care Services within the community. Significant funds are available for the provision of Aged Care Services and facilities and are available to both local government and private organisations to facilitate the localised provision under contract between the Federal/State Government and the Agency deemed by the funding body to be best placed to deliver the Government's preferred outcomes.

17.2 **(MINUTE NO 5874) (OCM 11/8/2016) - PROPOSED NEW LOCALITY OF TREEBY - BANJUP - NORTH OF ARMADALE ROAD (159/008) (D GREEN) (ATTACH)**

RECOMMENDATION

That Council

- (1) informs landowners in the current location of Banjup situated north of Jandakot Road, that the Geographic Names Committee (GNC) is not prepared to amalgamate it with the locality of Jandakot and is only prepared to amend the name to "Treeby";
- (2) invites the landowners to provide feedback to the City of Cockburn on the GNC proposal,
- (3) subject to not more than 50% of the landowners objecting to the GNC proposal, advises the GNC that it supports the creation of a new locality to be named "Treeby" for the entire current area of Banjup located north of Armadale Road, and
- (4) subject to the outcome of (3) above, advises all landowners in the new location of 'Treeby' and the Banjup Resident's Group of Council's decision.



COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr K Allen that Council

- (1) advise the Geographic Names Committee (GNC) that it supports the creation of a new locality to be named "Treeby" for the entire current area of Banjup north of Armadale Road; and
- (2) advise the affected residents north of Jandakot Road of Council's decision.

CARRIED 9/0

Reason for Decision

Banjup Residents Group feedback is that there is generally little concern by residents either way about the name of the suburb North of Jandakot Road. Though it makes sense to have the land use types distinguishable by having a portion named Jandakot instead of Treeby, the delay in naming caused by going out for additional consultation will be problematic with a larger population needing to amend their suburb name. With new residential lots proposed further east of the Calleya Estate it is important to get this change as soon as practical. Council can revisit the name of the area north of Jandakot Road when it considers rezoning in this area and to the west of the affected area in Jandakot.

Background

At the Ordinary Council Meeting held on 11 February 2016 it was resolved as follows:

"That Council advise the Geographic Names Committee (GNC) that:

- (1) *it does not support the proposal to re-name the entire current area of Banjup north of Armadale Road as a new locality of 'Treeby' on the basis of differing land uses within that defined area;*
- (2) *it reiterates its preference that the current area of Banjup located in the Resource (Rural) Zoned land, north of Jandakot Road, be included in the adjacent locality of Jandakot, and*



- (3) *the new locality of 'Treeby' be created in the area of land contained in Council's original decision of August 2015, as highlighted in the attachment to the Minutes*

GNC was subsequently informed of Council's decision and processed the Council position through its statutory meeting procedures.

GNC has now provided the City with its decision, which reflects its previous position that, while it does support the creation of a new locality named "Treeby", it will only support the area of Banjup (north of Jandakot Road), being renamed in its entirety.

This is contrary to the previous decision of Council and it is now necessary for Council to reconsider the matter, given this latest advice

Submission

N/A

Report

This matter has been subject to Council consideration originally in July 2015, again in August 2015 and most recently in February 2016.

The matter has been subject to extensive consultation with landowners within the area, which is now rapidly developing. Previously, the name "Treeby" was generally acceptable to the new landowners in the residential development area and Council also supported the name being allocated to that part of the Banjup locality. However, it was the Rural zoned part of Banjup located north of Jandakot Road which is the subject of disagreement between Council and the GNC. There are 98 properties within this area and are subject to "Rural / Resource" zoning, which is unlikely to change in the future.

Accordingly, it is now necessary for Council to determine whether it wishes to accept the GNC decision, or relinquish the opportunity to create a new locality.

As there is a willingness from Council to separate the rural parcels of Banjup (south of Armadale Road) from the newly developing area, it is recommended that Council offers the landowners of the rural holdings north of Jandakot Road the opportunity to comment on the GNC ultimatum that the area be renamed as part of the new "Treeby" locality. Should a majority of the landowners within that defined area object to the proposal, then it is recommended that Council declines the opportunity to change the name from Banjup, which will effectively forfeit the opportunity for the "Treeby" name to be applied to any part of



Banjup. However, if there is less than a 50% objection rate from those landholders, then it is recommended that Council accepts the GNC position and agrees that the entire area of Banjup north of Armadale Road be rebadged as “Treeby”.

This will provide a decisive outcome to this matter and enable all stakeholders to plan for the future with some certainty that the naming issue has been resolved.

Strategic Plan/Policy Implications

City Growth

- Ensure a variation in housing density and housing type is available to residents

Community, Lifestyle & Security

- Provide for community facilities and infrastructure in a planned and sustainable manner

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes

Budget/Financial Implications

N/A

Legal Implications

The GNC is the recommending authority for nomenclature matters in accordance with the Land Administration Act

Community Consultation

Council has previously consulted directly with affected landowners, details of which were contained in the report provided to Council in August 2015. The result of that exercise confirmed that there was minimal interest in the proposals put forward at the time and there was no opposition to the new residential area being named “Treeby”, indicating an acceptance of the name.

The latest recommendation provides the opportunity for the 98 landowners located within the area of dispute to inform of their



preference and to determine the outcome, should it generate sufficient interest.

Risk Management Implications

There is a "Moderate" level of Brand / Reputation risk to Council in not endorsing the recommendation.

Attachment(s)

1. Map of proposed new locality of "Treeby", as recommended by the GNC.
2. Extract of Minutes from the February 2016 Council Meeting

Advice to Proponent(s)/Submissioners

The Proponents have been advised that this matter is to be considered at the 11 August 2016 Council Meeting.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

20.1 (OCM 11/8/2016) - NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Mayor Howlett provided the following Notice of Motion:

That Council:

- (1) require the development of a report about the feasibility of funding a fireworks display within the District on Australia Day 2017 or the out years, either solely or in partnership with other organisations that may wish to participate; and



- (2) require the report be considered by Council at a future meeting.

REASON

The City of Fremantle have indicated that they may not be funding future firework displays (Indian Ocean Fireworks) on Australia Day and are giving consideration to introducing alternative arrangements for Australia Day activities in their City. As a funding contributor to the Indian Ocean Fireworks for a number of years and the success of the event given feedback from the Cockburn and wider community it is appropriate to give consideration to funding a fireworks display within the City on Australia Day 2017 or the out years. If the concept is adopted by Council, then a plan would need to be developed for the further consideration of Council, including possible partnership arrangements.

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

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

23.1 (MINUTE NO 5875) (OCM 11/8/2016) - MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE & SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE MEETING - 26 JUL 2016

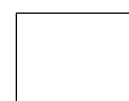
RECOMMENDATION

That Council confirm the Minutes of the Chief Executive Officer Performance & Senior Staff Key Projects Appraisal Committee Meeting held on Tuesday, 26 July 2016, as attached as a confidential item to the Agenda, and adopt the recommendations therein.

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr B Houwen that the recommendation be adopted.

CARRIED 9/0



Background

The Chief Executive Officer's Performance and Senior Staff Key Projects Appraisal Committee met on 26 July 2016. The minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

Submission

The Minutes of the Committee meeting are provided as a confidential attachment to the Agenda. Items dealt with at the Committee meeting form the basis of the Minutes.

Report

The Committee recommendations are now presented for consideration by Council and, if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

Strategic Plan/Policy Implications

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes
- Attract, engage, develop and retain our employees in accordance with the Workforce Plan and the Long Term Financial Plan

Budget/Financial Implications

Committee Minutes Refer

Legal Implications

Committee Minutes Refer

Community Consultation

N/A

Risk Management Implications

Committee Minutes Refer



Attachment(s)

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee meeting held 26 July 2016 are provided to the Elected Members as a confidential attachment.

Advice to Proponent(s)/Submissioners

The CEO and Senior Staff have been advised that this item will be considered at the August 2016 Ordinary Council Meeting.

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

Committee Minutes Refer.

24 (MINUTE NO 5876) (OCM 11/8/2016) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

MOVED Clr S Pratt SECONDED Clr P Eva the recommendation be adopted.

CARRIED 9/0



25. CLOSURE OF MEETING

Meeting closed at 8.48 PM.

