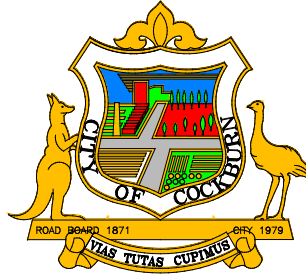


CITY OF COCKBURN



ORDINARY COUNCIL

MINUTES

FOR

THURSDAY, 14 SEPTEMBER 2017

These Minutes are subject to Confirmation

Presiding Member's Signature

Date: _____

CITY OF COCKBURN

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 SEPTEMBER 2017 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs C Reeve-Fowkes	-	Deputy Mayor
Mr K Allen	-	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
Ms G Bowman	-	A/Director, Governance & Community Services
Mr N Mauricio	-	A/Director, Finance & Corporate Services
Mr C Sullivan	-	Director, Engineering & Works
Mr D Arndt	-	Director, Planning & Development
Mr R Avard	-	Manager, Recreation & Community Safety
Mr J Ngoroyemoto	-	Governance & Risk Management Co-ordinator
Ms A Santich Ms	-	Media & Communications Officer
Mrs L Jakovcevic	-	Executive Assistant to Directors - Planning & Development/Engineering & Works

1. DECLARATION OF MEETING

The Presiding Member formally d open the 14 September 2017 Ordinary Meeting of Council and in so doing he welcomed everyone here tonight and read the following.

I acknowledge the Nyungar People who are the traditional custodians of the land we are meeting on and I pay respect to the Elders of the Nyungar Nation, both past and present and extend that respect to Indigenous Australians who are with us tonight.



Before moving to the Agenda proper I wish to welcome Gail Bowman, A/Director, Governance & Community Services. Nelson Mauricio, A/Director Finance and Corporate Services; and Rob Avard, Manager Recreation & Community Safety to tonight's meeting.

The City has had another run of Awards in the past month – they are:
Friday 25 August, 2017 CEO Lighthouse Project Award (Metropolitan)

The CEO Lighthouse Project is a partnership between the Disability Services Commission and Local Government.

From a very competitive number of finalists, Stephen Cain, Chief Executive Officer, City of Cockburn was announced as the winner of the 2017 award.

Taking action to ensure people with disability are included in all walks of life in the City of Cockburn and supporting the formation of the City's Disability Reference Group. Mr Cain personally advocates for the inclusion of people with a disability since his arrival as CEO in 2004, employment levels of people with disability at the City have risen by 20 per cent.

The City in partnership with Rocky Bay Employment Service employs 18 people with disability in its supported wage crews; as well as employing many others as part of the general workforce.

29 August 2017 Coastal Action Awards

The Coastal Alliance won the major award for its Coastal Vulnerability and Flexible Adaptation Pathways project. The City congratulates the respective local governments involved with the Coastal Alliance and Doug Vickery, Manager Infrastructure Services for his stewardship of the Committee.

The project supports management of the 45km stretch of coastline from Point Peron in the south to Fremantle in the north, including Owen Anchorage, Cockburn Sound and the eastern side of Garden Island.

City received a special commendation award for the Coogee Maritime Dive Trail. The City congratulates Chris Beaton, Environment Manager and his team.

Australasian Leisure Management Industry Communications and Marketing Award - 29 August 2017

The City received an Australasian Leisure Management Industry Communications and Marketing Award for Cockburn ARC for its innovative marketing and branding programs.



Our congratulations go to Caroline Lindsay, Marketing & Communications Co-ordinator at Cockburn ARC and the Communications team for the ARC branding.

Friday, 1 September 2017 Heart Foundation Award

The Heart Foundation named the City of Cockburn a champion for the health of its community for the second time, in its annual awards. The City received the 2017 Heart Foundation Local Government Award for councils with a population greater than 50,000. The City also won the award in 2015.

The award acknowledges the City's Healthy Lifestyle Program which provides residents of all ages with a raft of free or low-cost, long-term health and weight loss goals across a variety of initiatives, some of which have shown real results.

Saturday 9 September – 2017 Urban Development Institute of Australia (WA) Awards for Excellence

'The Playground at Coolbellup' by Lendlease and Lancorp won the residential development under 250 lots award.

Stockland's Calleya Estate project and Fraser's Port Coogee were finalists in their respective categories.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

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 14/09/2017) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST

Clr. Steve Portelli - Impartiality Interest

At this time, 7.10 p.m. the Presiding Member advised that he had received a declaration of interest and read out the declaration of interest as follows:



CR STEVE PORTELLI

Declared an Impartiality Interest in Item 15.7 – ‘Jandakot Vision Process – Perth and Peel @ 3.5 Million’ pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of his interest is that he made a submission to Jandakot Visioning Process.

5 (OCM 14/09/2017) - APOLOGIES AND LEAVE OF ABSENCE

Cr Lyndsey Sweetman – Apology

6. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

7. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

8 (OCM 14/09/2017) - PUBLIC QUESTION TIME

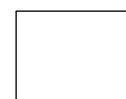
ITEMS ON THE AGENDA, SUBMITTED IN WRITING

Mr Antonio Napolitano

Item 15.5 – Consideration to Initiate Scheme Amendment No. 122 – Lot 25 Acourt Road Treeby

Q1. Will Council support a requirement for Scheme Amendment No. 122, that any supporting traffic studies would consider both Lot 13 Warton Road and lot 25 Acourt Road, so as to provide the safest, most efficient access and egress option to these properties for the community at large?

A1. *The report before Council deals significantly with the issues of traffic management and safety, and also considers how access may need to be shared with the south-west adjoining property Lot 13 Warton Road, should that property seek a Scheme Amendment in the future. It is not possible to consider what may or may not be appropriate from a planning perspective in the absence of a formal proposal from the landowner; however, there is a safeguard which is a requirement for shared access and that is built into the current Scheme Amendment proposal.*



ITEMS ON THE AGENDA, NOT SUBMITTED

Corina Abraham, Yangebup

Item 20.2 – Australia Day Events

- Q1. How could Council still use the Aboriginal Reference Group and the Aboriginal Community Members as tokenistic people in regards to supporting and wanting Australia Day? I would like to know how Council can go to the Media before a report is put forward to Council and report on a report calling it a waste of money in regards to the Australia Day event that is going to be retained which was in the West Australia on the weekend throughout the media. It stated that this is from a correspondent that is a candidate for Mayor and also running for Council.

How can Council go over the right protocols and processes in regards to leaking things to the media and talking this out of context when nothing has been put forward? How can Council disrespect the local Aboriginal custodians of country? There was a survey that brought processes and a wrong mythological process was done. You can't put a survey out there where you have got questions for the Aboriginal community when a lot of my people have English and language barriers and comprehension of the English language. How Council can put a survey out there and not ask the direct question to my people. I am a local resident and I was not even consulted on. "Do you want to continue Australia Day"? What was wrong with Council asking the direct question to white and black people, "Do you want to continue celebrating Australia Day", not go in a round-about way and asking, "Would you like cultural activities on the day instead", because 79.9% say yes in regards to the outcome of this report, is this how it is going to be? Yes, I agree with the Councillor who went to the paper, it is a waste of time used as tokenistic black people and I don't know if Council is going to take us for real, especially as local custodians and members of the Aboriginal Reference Group as well, because I am a member of this group.

We will put this forward to Council to not continue because of what this day means to my people, my elders, and my community both white and black because we want white people, non-Indigenous people that support us as Aboriginal people.

- A1. *The City of Cockburn was required to undertake a consultation as per a Council decision around the nature and range of cultural activities to be held on Australia Day. We did undertake a community consultation through a survey process where we engaged a consultant to speak with people around those particular questions on the nature and type of cultural activities. The consultant did speak with people individually to assist them filling in the surveys if they did have literacy issues or*



communication issues. We do take that very seriously that people can have access to and a say in that particular topic.

There has been 99 Aboriginal people consulted as part of that survey process, but we have not yet compiled all the results of the survey. We have only received the summary report, which is included in the report to Council on tonight's agenda. The full findings of the report will be considered as part of our Reconciliation Action Plan review process and there will be further consultation with the Aboriginal Reference Group around other recommendations including the Australia Day recommendation which will then go to Council Meeting in November.

- Q2. Why the direct question wasn't asked "Would you like to celebrate Australia Day as an Aboriginal person".
- A2. *The Council decision from the meeting in March 2017 was to actually consult physically regarding the process and nature of the types of cultural activities for future Australia Day events. So the survey needed to have those specific questions in it as it was a Council decision.*

Mr Ian Thurston, Banjup

Item 15.7 Jandakot Process –Peth and Peel@3.5 Million

- Q1. May I ask what steps did Cockburn take to ensure that all those who completed the online survey about the Vision for Rural Jandakot/Treeby were in fact land owners of those areas?
- A1. *Council used an electronic medium to solicit responses. Yes, it is up to the individual as to whether or not they wish to acknowledge their name and their property details. That is being compiled at the moment as to their responses. It was not compulsory that they have to put their name or address details, though we did receive a significant number and I am also aware that the Banjup Residents Association did provide details of individuals that they know who have made submissions.*
- Q2. You won't validate who made a submission.
- A2. *We are not able to validate all those individuals who made a submission.*

Item 20.2 – Australia Day Events

- Q3. An opinion poll published in the Guardian newspaper in 2017, said that 80% of Australians were not in favour of changing the date of Australia Day. Does the City of Cockburn have any evidence to indicate that the majority of Cockburn ratepayers differ significantly from other



Western Australians who don't want to change the date of Australia Day?

- A3. *There is an item before Council tonight. The City has not engaged in any direct polling of the community. This item is being considered by Council tonight*
- Q4. So you have no evidence of a change once you have enlightened the majority of the people. Think about it.
- A4. *The City has not undertaken any polling of its residents regarding this question.*
- Q5. Is there any State or Commonwealth legislation that will enable the City of Cockburn to change the date of Australia Day.
- A5. *The City can't change Australia Day; however, the activities the City undertakes on Australia Day are the discretion of Council. The City undertakes two primary activities on that day. They conduct an Australian Citizenship Ceremony which is conducted under Federal Jurisdiction and we conduct an event at Coogee Beach. The events are the control of the City of Cockburn.*
- Q6. If Council at the City of Cockburn were to vote not to observe Australia Day on 26 January, then to be consistent with Council's resolution, would the Chief Executive Officer require all Cockburn staff to come into work as per normal on 26 January?
- A6. *The gazettement of Public Holidays by both statute and Federal dictates days as to which employees are required to come to work. Australia Day is gazetted by the Federal Government as a public Holiday and therefore is deemed as such. We do have employees who work that day and it is very expensive for us and we pay heavy penalties for this. I would not be seeking anyone else to turn up or we will go broke.*

Mr Michael Separovich, Spearwood

Item 20.2 – Australia Day Events

- Q1. Council paid this \$10,000 to get this submission from the Aboriginal Indigenous Reference Group for the nature entitled "Australia Day Activities", was there any lee-way given in that question for them to answer other questions such as whether or not it should be 'when' rather than 'what'.
- A1. *There were specific questions as per the Council decision, but because the survey was part of the overall Reconciliation Action Plan survey, people had the ability to make comments about the possibility of requesting Council to change the Australia Day date, and they also*



made comment why they did not want Council to possibly have cultural activities on Australia Day and one of them was around that date.

ITEMS NOT ON THE AGENDA, NOT SUBMITTED

Mr Ray Woodcock, Spearwood Coogee and Coogee Beach

Q1. Will Council seek that a CCT camera is installed on the light pole at the eastern end of the Coogee Beach jetty.

A1. *The City's CCT TV network covers the whole of that area. We have made comment previously why we will not surveillance the beach and issues regarding privacy. I can take it on short notice, but the area is already covered by CCT TV network vision. We don't need to have a camera on every location. We recently upgraded the cameras at Coogee Beach. We will be making this area of Coogee Beach a Wi-Fi hotspot and that work is almost completed as well.*

I have to disagree with you. The cameras do not cover the entire area and as for privacy, this is a public place. For the goods that are being stolen down there, I think it is a good idea that there should be a camera on that power light pole on the eastern end of the jetty.

Q2. *I received a reply to two questions that I was not able to put at the last Council meeting. For some reason or rather they got through to the Mayor. I received a reply confirming there is a footpath south side of the railway at Spearwood Avenue. There have been changes to the traffic control lights at the junction of Cockburn Road and Spearwood Avenue, too the pedestrians wishing to use the new limestone staircase on the northern corner. My questions are: relating to the answers.*

1. *The footpath on the corn wall side of the railway line is that railway property or Council property.*
2. *Where will people park their cars who wish to walk up the new limestone stairs to see the mono views of Cockburn Sound?*

A2. *Any changes to phasing of lights on Cockburn Road are Main Roads responsibility. I will have to take this request on notice. The whole objective of the upgrade of the footpath, including the stairs in that area, is a pedestrian route, it is not intended to be for a location where there will be cars parking there immediately adjacent to that intersection.*

The response regarding the traffic control lights at the junction was a response from someone at this Council.



Q3. Will there be a slide on the pontoon secured at the moorings just south of Coogee Beach jetty at the start of the summer season. I have raised this matter several times before. There are slides on two other pontoons that you encourage people in the shark net area and at the surf club. Why isn't there a slide on the pontoon at the jetty?

A3. *The questions has been asked twice before, and answered twice before. There is not going to be a slide at that particular pontoon.*

Q4. Why not?

A4. *My understanding is that this has been included in two previous replies on that particular matter. The slides on the pontoons within the shark barrier are intended for very young surfing participants, the young children where-as the pontoon outside the barrier is generally for people who prefer to swim to and from that location like older teenage children, and adults; therefore, the slide was not intended for that pontoon.*

At the time the pontoons were first installed at Coogee Beach there were slides on all those pontoons on both sides of the jetty. I don't see why there can't be one there today.

Eliza Jane Taranto, Coogee
Fences around parks and playgrounds

Q1. I sent through the proposal earlier this week about putting the fences around the playgrounds. Quite a few of you have actually emailed me back and said this is a good idea, and you are keen and you will look into it. I just want to know the timing of it. Someone said even if you approve this, it might take nearly a year. I can't believe it. We would need those fences sooner than a year.

A1. *The current POS strategy does in fact mention fencing as an area that requires further investigation and a draft position statement to establish a criteria upon which the fence would need to be installed around the playgrounds has already been drafted up. In terms of the time frame, yes it would take a bit of time for which a position statement would need to go through the administrative process of Local Government, in particular the DAPPS process. The criteria I envisage would be proximity to busy roads, the proximity of dog exercise areas, and various security concerns. If there is any particular playgrounds that the community feels should be fenced that are not fenced at the moment, then a submission could be sent in outlining that specific location. This answer taken on notice for further information.*

Q2. Is there any way we could trial one now during the summer.



A2. *There are different parks that have been fenced. There is a process to follow. There is no money in the budget. In February when there is a mid-year budget review this could be looked at. If there is a particular location that the community is concerned about, this could be sent through and looked at.*

Louise Contine, Hamilton Hill
Item 20.2 – Australia Day Events

Q1. Will the Councillors consider feedback from the Aboriginal Reference Group and the \$10,000 survey that has been conducted when it considered at Item 20.2.

A1. *The report contains some initial findings from the consultation with 99 Aboriginal people who completed the survey and the survey response was that 20% of Aboriginal respondents did not support cultural activities held on Australia Day and approximately 80% of respondents did support cultural activities. The question was not specifically around the date of Australia Day.*

The report that is being considered by Council and the motion, relates to reaffirming that the City of Cockburn will hold Australia day events on Australia day which is the National Gazetted Australia day, holiday is the 26 January. The City does not have the power to change the date, of Australia day, as discussed earlier that is a Federal matter. It was around the actual Australia day events that are currently supposed to be held.

Q2. I am not asking if the City has the power to change the national day holiday. I am asking if the City is going to take into account the opinions of our local Indigenous people

A2. *That is a matter for Council to deliberate on tonight.*

Q3. Are you going to answer my question? I don't understand how you can take into account the opinions of the local Indigenous people when the findings of the reconciliation consultation won't be handed down until November, so therefore, I don't see how your decision tonight can be considered. I just want you to acknowledge that your decision tonight can't be informed by consultation with the Aboriginal people. Are you able to confirm that?

A3. *The report has not come to Council as has been indicated. It will come in November this year, so that will be a matter the Elected Members will need to take into consideration when they are looking at that report or the item that is before us tonight.*

Q4. So that is a no?



- A4. *No, it is a matter that we know the report which was requested has still not come to Council so obviously we will not be informed about the outcome of that report until we receive it and the elected members tonight will need to take that into account when they are considering the item that is coming before us.*

9. CONFIRMATION OF MEETING

9.1 **(MINUTE NO 6151) (OCM 14/09/2017) - MINUTES OF THE ORDINARY COUNCIL MEETING - 10 AUGUST 2017**

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 10 August 2017, as a true and accurate record.

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr K Allen that the recommendation be adopted.

CARRIED 9/0

10 (OCM 14/09/2017) - DEPUTATIONS

1. Mr Yong Hur (Architect), Mr Rodney Ding (Traffic & Transport Engineer) Mr Patrick Wee (Owner & Attendee)
Item 15.3 – Planning Application – Change of Use (Single House to Medical Centre), Change of Use (Consulting Rooms to Medical Centre) and Car Park Reconfiguration – Nos. 196 & 198 (Lots 152 & 153) Lyon Road Aubin Grove.
2. Lynn Reid, Kevin Dickson, (speakers) Viv Etter, Carina Vinatea, Franz Etter (attendees) from Diamond Way Buddhist Assoc of W A.
Item 15.1 – Planning Application – Change of use from Single House to Single House and Place of Worship (Buddhist mediation Centre) No. 34 (Lot 207) Prout Way Bibra Lake.
3. Mr Tim Dawkins (Urbis), John Dawkins (Tillbrook Nominees Pty Ltd) (speakers).
Item 15.5 – Initiation of Scheme Amendment No. 122 Lot 25 Acourt Road Treeby



- 4. Mr Trevor Dunn and Mr Wade Hughes (residents)
Item 17.2 – Port Coogee Street Tree Removal and Replacement Program
- 5. Mr Gareth Glanville (Planning Solutions)
Item 15.2 – Proposed Structure Plan Cockburn Central East
- 6. Mr Gareth Glanville (Planning Solutions)
Item 15.8 – Consider Submissions – Treeby District Structure Plan

11. PETITIONS

Nil

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

Nil

13 (OCM 14/09/2017) - DECLARATION BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING

Nil.

AT THIS POINT IN THE MEETING, THE TIME BEING 8.20PM THE FOLLOWING ITEMS WERE CARRIED BY 'EN BLOC' RESOLUTION OF COUNCIL

15.4	16.1	17.1	18.1
15.7		17.2	



14. COUNCIL MATTERS

14.1 (MINUTE NO 6152) (OCM 14/09/2017) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES & POSITION STATEMENTS COMMITTEE MEETING - 24 AUGUST 2017 (182/001; 182/002; 086/003) (G BOWMAN) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on Thursday, 24 August 2017 and adopt the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr K Allen that Council adopt the recommendation subject to withdrawing Minute No.428 'Proposed Amendments to Delegated Authority LGACS7 'Local Government Act 1995 – Funding Assistance – Community Associations – Publication and Distribution of Newsletters' to be considered separately.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 24 August 2017. The Minutes of the meeting are required to be presented.

Submission

N/A

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. The primary focus of this



meeting was to review the Delegated Authorities, Policies and Position Statements relative to Council (SC).

In addition, those Delegated Authorities, Policies and Position Statements which were required to be reviewed on an as needs basis have also been included.

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

Budget/Financial Implications

As contained in the Minutes.

Legal Implications

As contained in the Minutes.

Community Consultation

As contained in the Minutes.

Risk Management Implications

Failure to adopt the Minutes may result in inconsistent processes and lead to non-conformance with the principles of good governance, and non-compliance with the Local Government Act 1995 for delegations made under the Act.

Attachment(s)

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting – 24 August 2017.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



(MINUTE NO 6153) (OCM 14/09/2017) - PROPOSED AMENDMENTS TO DELEGATED AUTHORITY LGACS7 'LOCAL GOVERNMENT ACT 1995 – FUNDING ASSISTANCE – COMMUNITY ASSOCIATIONS – PUBLICATION AND DISTRIBUTION OF NEWSLETTERS' (086/003) (G BOWMAN)

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr K Allen that Council:

- (1) adopt the proposed amendments to Delegated Authority LGACS7 'Local Government Act 1995 – Funding Assistance – Community Associations – Public and Distribution of Newsletters' as presented to the Committee at its meeting of 24 August 2017; and
- (2) replace the word Councillor with Elected Member in Clause (3) under Conditions and Guidelines.
As attached

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Reason for Decision

The formal proposed amendments which were presented to the Committee were not formally adopted at the meeting and therefore, require Council to consider the proposed amendments for adoption now.

15. PLANNING AND DEVELOPMENT DIVISION ISSUES

- 15.1 (MINUTE NO 6154) (OCM 14/09/2017) - PLANNING APPLICATION – CHANGE OF USE FROM SINGLE HOUSE TO SINGLE HOUSE AND PLACE OF WORSHIP (BUDDHIST MEDITATION CENTRE) LOCATION: 34 (LOT 207) PROUT WAY, BIBRA LAKE- OWNER: DIANE MARGARET BLOOMFIELD - APPLICANT: DIAMOND WAY BUDDHIST ASSOCIATION OF WA INC. (DA17/0414) (A VAN BUTZELAAR) (ATTACH)**

RECOMMENDATION

That Council

- (1) grant Planning Approval for the change of use of 34 (Lot 207) Prout Way, Bibra Lake from a Single House to a Single House and Place of Worship (Buddhist Meditation Centre), in



accordance with the following conditions and advice notes:

Conditions

1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land. The development has approval to be used for a Single House and Place of Worship only. In the event it is proposed to change the use of the tenancy, a further planning application needs to be made to the City for determination.
2. A maximum number of 15 people are permitted to occupy the Place of Worship at any one time.
3. All meditation sessions are to cease by 9:00pm.
4. Prior to the initial occupation of the building hereby approved, the 6 parking bays, driveway/s and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans.
5. A minimum of 1 bicycle stand/rack that conforms to Australian Standard 2890.3 (as amended) shall be provided in close proximity to the entrance of the building prior to occupation of the building.
6. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "*Control of the Obtrusive Effects of Outdoor Lighting*".
7. All noise attenuation measures, identified by the Lloyd George Acoustics Report "Addendum to Transportation Noise Assessment" (Ref 17084082-01; dated 13 August 2017), are to be implemented prior to occupancy of the development (or as otherwise required by the City) and the requirements of the Acoustic Report are to be observed at all times.
8. The builder shall provide written confirmation that the requirements of the Acoustic Report referred to in Condition No.6 have been incorporated into the completed development with the Form BA10, prior to occupation of the development.
9. The development site shall be connected to the reticulated sewerage system of the Water Corporation before



commencement of any use.

10. All onsite waste water disposal systems, including all tanks and pipes and associated drainage systems (soak well or leach drains) as well as any stormwater disposal systems, shall be decommissioned, prior to the commencement of the use or occupation.

Advice Notes

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 Local Planning Scheme No. 3 or with the requirements of any external agency.
2. The use of the development hereby approved is Place of Worship. A Place of Worship is defined in the City of Cockburn Town Planning Scheme No. 3 as "premises used for religious activities such as a church, chapel, mosque, synagogue or temple".
3. In the event that the subject lot is proposed to be subdivided a further planning application will be required to ensure that there is sufficient car parking available for the approved Place of Worship.
4. The development shall comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*. The installation of equipment within the development including air-conditioners, machinery, water chillers, air and recycling pump and similar equipment shall not result in noise emissions to neighbouring properties exceeding those imposed by the *Environmental Protection (Noise) Regulations 1997* (as amended).
5. This development has been defined as a public building and shall comply with the relevant provisions of the *Health (Miscellaneous Provisions) Act 1911* (as amended), and the *Health (Public Buildings) Regulations 1992*.
6. The Applicant is advised to seek the advice of a Certified Building Surveyor concerning the requirements under the National Construction Code concerning the provision of toilets for the proposed building.



7. With regard to Condition No.9 above, under the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974 the onsite waste water disposal system is to be removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all components such as the septic tanks, soak wells, leach drains and any associated pipework have been removed.
 8. Accessible car parking and access shall be provided and designed in accordance with the Australian Standard AS 2890.6.
 9. Any Signage is to be in accordance with the requirements of the City of Cockburn Local Planning Scheme No. 3 and Local Planning Policy LPP3.7 – Signs and Advertising. Non-exempt signage will require separate planning approval.
 10. You are advised that a Sign Permit may be required in accordance with the City's Local Laws (2000) prior to the erection of a sign. A permit is obtainable from the City's Building Services Department.
- (2) notify the applicant and those who made a submission of Council's decision.

COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr L Smith that Council adopt:

- (1) 1, and 3-10 as recommended, Advice Notes 1-10 as recommended and (2) as recommended and amend (1) 2. as follows:
 2. A maximum number of 26 people be allowed to occupy the Place of Worship at any one time, subject to compliance with all statutory provisions.

AMENDMENT CARRIED 9/0



Reason for Decision

Council was prepared to consider additional patrons attending the meditation centre subject to the increase complying with the applicable statutory provisions.

Background

The subject lot is 2858m² in area and is bound by the a freight rail corridor to the south, Prout Way to the east, Hatch Place to the west and two private residences to the north. At present the lot contains a detached garage and the Jandakot Hotel (fmr) which has been converted into a private residence.

The existing 92m² garage is situated on the south eastern corner of the lot. The northern elevation contains 2 roller doors for vehicles and a standard entry door. The southern elevation contains 3 windows while the northern and southern elevations contain no openings. It is currently being used for domestic storage and the parking of vehicles associated with the dwelling.

The proposed change of use is being presented to Council for determination as the garage is proposed to be used for the purposes of a Place of Worship (Buddhist Meditation Centre) and is contained within the lot boundaries of a place contained within the City of Cockburn Heritage List (Jandakot Hotel (fmr)) and objections were received during the public consultation period.

Submission

N/A

Report

Proposal

The Diamond Way Buddhist Association of WA is proposing to change the use of the existing detached garage to a Place of Worship (Buddhist Meditation Centre). There is no change proposed to the existing dwelling.

The applicant proposes to conduct guided meditation sessions for members from within the existing garage. The Diamond Way Buddhist Association of WA currently has a financial membership base of 25 people. Approximately 6 to 10 members are proposed to attend guided meditation sessions three times a week. A total of 2 guided meditation sessions will be run between Monday to Friday and 1 guided meditation



session will be run on Sunday. Meditation sessions will run between 10 minutes to 1 hour and will take place between the hours of 7:30pm – 8:00pm on weeknights and 6:00pm - 6:30pm on Sundays. All mediation sessions will cease before 9:00pm. A maximum of 15 members are expected to take part in 2 annual guided meditation sessions with visiting guests.

The existing Single House (Jandakot Hotel (fmr)) will continue to be used as a single house with approximately 4 - 5 members of the Diamond Way Buddhist Association of WA residing in the premises.

Planning Framework

Zoning

The subject lot is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and Residential-R25 under the City of Cockburn Local Planning Scheme No. 3 (LPS 3).

A 'Place of Worship' is defined in LPS 3 as a:

“premises used for religious activities such as a church, chapel, mosque, synagogue or temple”.

The use is discretionary ('D') within the Residential Zone. This means that that the use is not permitted unless the local government has exercised its discretion by granting planning approval. The use is however is capable of approval in the zone.

Local Government Inventory and City of Cockburn Heritage List

The garage is contained within the same lot as the Jandakot Hotel (fmr) which is included on the City of Cockburn Local Government Inventory (LGI) as a 'Management Category B' Place, and is included on the Heritage List (Heritage Place 43) pursuant to LPS 3.

The Statement of Significance for this heritage place, set out in the LGI Place record is:

“Jandakot Hotel (fmr) has social significance as a former hotel which retains some of the original fabric.”

At present the garage is used for domestic storage and the parking of vehicles, it is not considered to contribute significantly to the heritage significance of the place as a former hotel, nor is it considered to be 'significant fabric'.



The use of the garage as a Place of Worship will not distort or obscure the social significance of the former Jandakot Hotel or detract from its interpretation and appreciation.

Local Planning Policy LPP 4.4 – Heritage Conservation Design Guidelines

The City's Local Planning Policy LPP4.4 – *Heritage Conservation Design Guidelines* (LPP4.4) states that

“adaptive reuse of heritage places may be supported provided:

- (i) The proposed use(s) will not impact negatively on the amenity of the surrounding area.*
- (ii) Any required modifications do not substantially detract from the heritage significance of the place and are consistent with the provisions of this policy.*
- (iii) The use is consistent with LPS 3 and other relevant Council policies.”*

The garage is considered to be ancillary to the former hotel as it is detached and setback from the former hotel. Furthermore, the garage does not significantly contribute to the social significance of the former hotel as it does not embrace the qualities for which the former hotel became a social focus of the local community (e.g. age, beauty, artistry, or association with a significant person or event).

The garage is setback approximately 5.5m from the former hotel and as such is not considered to contribute to the setting of the heritage listed building. The materials and colours of the garage are sympathetic to that of the former hotel and will be largely unchanged by this proposal apart from some minor changes to the windows, doors, eaves and ceiling to address noise attenuation from the adjacent freight rail line. These alterations are discussed in further detail later on in this report.

It is important to note that the proposed change of use is likely to necessitate alterations and/or additions to toilets and access arrangements under the building and health approval processes. These changes may be required in order to achieve compliance with the *National Construction Code, applicable Australian Standards and Health (Public Buildings) Regulations 1992*. Under LPP4.4 alterations to the interior of a heritage place to suit a current and compatible future use will be supported where the proposal does not compromise the heritage significance of the place. In the event that modifications to the single house or additions are required, another development application will need to be lodged. Upon future assessment, consideration will be given to the proposed alterations and/or additions to ensure the retention of original materials and finishes and the use of sympathetic and complementary colours, materials and textures.



Public Consultation

This application was advertised to 415 nearby and adjacent landowners for a period of 21 days. A total of 4 submissions were received consisting of 3 objections and 1 non-objection.

The main objections include:

- Noise
- Traffic Generation
- Membership growth beyond the physical limitations of the site.

Noise

The meditation sessions will be guided in English and take about 20 to 30 minutes to complete. They will involve participants sitting on cushions in silence or listening to lectures about Buddhist teachings. There will be no music, gongs, bowls or bells used within the meditation sessions. Given the quiet nature of the proposed activities the amount of noise produced is highly unlikely to cause a disturbance to nearby and adjoining residents or create excessive noise emissions that exceed the permitted noise decibel levels specified under the *Environmental Protection (Noise) Regulations 1997*.

However, a number of façade upgrades will need to be made to the existing garage as part of this development application to mitigate external transport noise generated by the freight rail line. In doing so this will further address noise emissions generated from any internal meditation activities.

As part of this application a Transportation Noise Assessment was prepared by Lloyd George Acoustics Pty Ltd to address freight rail noise and vibration impacts on the proposed Place of Worship (Buddhist Meditation Centre). In summary, the following recommendations were made by the acoustic consultant to achieve compliance with the requirements of *State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP5.4)*:

1. Windows facing the railway are to consist of a minimum of 10mm thick glass in either a fixed or awning style frame.
2. Roller doors to be replaced with glazing consisting of a minimum 6mm thick glass in either fixed or awning style frames.
3. The existing single hinged door is to be 35mm thick solid timber core fitted with perimeter and drop seals.
4. The eaves are to be enclosed with 6mm thick fibre cement.
5. The ceiling is to be 1 x 13mm thick sound-rated plasterboard.



Should Council support the proposal, the above recommendations would need to be implemented prior to occupancy of the development. The level of vibration caused by the adjacent freight rail line may cause light objects to rattle, however is unlikely to result in any structural damage. Vibration could be further minimised by installing a floating floor, however it must be noted that vibration would still be present in the walls.

Parking and Traffic

Under LPS 3 a Place of Worship requires 1 car parking space for every 4 seats or people accommodated (whichever is greater). Under the Residential Design Codes (R-Codes) the existing Single House requires 2 car parking spaces. A maximum of 15 members are proposed to be present on site for mediation sessions at any one time. This necessitates the provision of a total of 4 car bays under LPS 3. With the additional requirement of 2 car parking spaces required for the existing Single House a total of 6 car parking spaces are required altogether.

A total of 22 car parking spaces have been proposed on existing grassed areas and hardstand which results in a surplus of 13 car parking spaces within the lot boundaries. Of the 22 car parking spaces, 6 will be required to be sealed, drained, line marked and made available for use in accordance with the approved plans. The remaining 16 car parking spaces will not be sealed or line marked but will be made available as additional overflow parking if the need arises.

In the unlikely event that all 25 financial members of the Diamond Way Buddhist Association of WA were to attend a meditation session a total of 7 car parking spaces would be required under LPS 3.

With approximately 6 to 10 members attending guided meditation sessions three times a week the potential additional traffic generation will not exceed the capacity of the local road network. There are two crossovers to the subject lot facilitating access via both Prout Way and Hatch Place. With both an entry and exit point there will be an efficient traffic flow from the site.

Membership

The applicant has advised that for the past 13 years, the membership base of the Diamond Way Buddhist Association of WA has remained relatively stable ranging between 20 to 26 members. The applicant has stated that there will be approximately 6 to 10 members attending guided meditation sessions three times a week and a maximum of 15 members expected to take part in 2 annual guided meditation sessions with visiting guests. The Diamond Way Buddhist Association of WA has



advised that like most organisations they have a desire to grow and attract new members. However, historically this has not come to fruition. Should Council support the proposal, a condition should be imposed limiting the number of people occupying the Place of Worship to 15 at any one time. If the number of people attending the Place of Worship increases in future a further planning application will be required and offsite impact will be reassessed.

Conclusion

The proposed change of use from a Single House to a Single House and Place of Worship (Buddhist Meditation Centre) is supported for the following reasons:

- The proposal is consistent with the planning framework applicable to the site.
- The proposal is a low intensity land use which is considered appropriate within a residential context.
- The proposal will not negatively or unreasonably affect the health and amenity of surrounding residents in terms of noise or traffic.
- The proposal respects the heritage significance associated with Heritage Place 43 - Jandakot Hotel (fmr) and enhances the enjoyment of the heritage place.

It is therefore recommended that Council approve the proposed change of use subject to conditions.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide safe places and activities for residents and visitors to relax and socialise.

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development.
- Continue to recognise and celebrate the significance of cultural, social and built heritage including local indigenous and multicultural groups.

Budget/Financial Implications

Nil.

Legal Implications

Nil.



Community Consultation

The application was advertised to 415 nearby landowners in accordance with clause 64(3) of the deemed provisions within the *Planning and Development (Local Planning Schemes) Regulations 2015*. A total of 4 submissions were received during the advertising period. 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.

Attachment(s)

1. Plan
2. Site Plan
3. Floor Plan and Elevation Plans

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 September 2017 Council Meeting.

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

Nil.

AT THIS POINT IN TIME, 8.37PM CLR C TERBLANCHE LEFT THE MEETING.

15.2 **(MINUTE NO 6155) (OCM 14/09/2017) - PROPOSED STRUCTURE PLAN - COCKBURN CENTRAL EAST OWNER: MULTIPLE LAND OWNERS APPLICANT: CITY OF COCKBURN (110/155) (R PLEASANT) (ATTACH)**

RECOMMENDATION

That Council

- (1) adopts the schedule of submissions prepared in respect of 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 that the proposed Structure Plan for Cockburn Central East (Structure plan) be approved subject to the following modifications:

1. Modify the Structure Plan Part 1 and 2 to:
 - a. Include the administrative amendments requested by the Department of Planning, Lands and Heritage within their correspondence dated 12.07.17.
 - b. Include within Section 6.8 the Water Corporations advice relating to future development requirements including infrastructure upgrade considerations.
 - c. Include within Section 6.8 the ATCO Gas advice relating to future development requirements and consultation.
 - d. Include within Section 4.2 the need for a wetland management plan to be undertaken as a condition of subdivision and/or development for Lot 800 and/or Lot 802.
 - e. Recognise within Part 2, Section 4.8 that if sensitive land uses are proposed in the Structure Plan area (noting these are non-preferred), an applicant must address the requirements of State Planning Policy 5.4 and include a new Section within 4.2 highlighting noise planning requirements at the subdivision and/or development stage.

2. Amend the Structure Plan map to:
 - a. Extend the Light and Service Zone over Lot 62 Verde Drive - setback 50m from Verde Drive, with the remaining frontage along Verde Drive remaining Mixed-Business.
 - b. Include a round-about at the Solomon Road and Verde Drive intersection.
 - c. Include arrows to depict left-in-left-out arrows at both the midpoint between Verde Drive/Armadale Road intersection and the existing Verde Drive roundabout; in addition to the entrance, mid-block along Armadale Road.

- (3) forward the final approved Local Water Management Strategy to the Western Australian Planning Commission with the Structure Plan document;

- (4) forward the schedule of submissions and write to Main Roads Western Australia supporting the consultation and engagement with landowners affected by the Armadale Road and North Lake Road Bridge Interchange project;



- (5) upon final endorsement of the Structure Plan, the City to review the North Lake Road Local Planning Policy 5.6 to respond to the modifications proposed for Verde Drive; and
- (6) upon final endorsement of the Structure Plan, the City to meet with landowners directly affected by the Verde Drive alignment to discuss agreements currently in place and road delivery options.

COUNCIL DECISION

MOVED C/r L Smith SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

At the 8 June 2017 Ordinary Council Meeting, Council supported the Cockburn Central East Structure Plan (Structure Plan) for the purpose of advertising. The Structure Plan was subsequently advertised for 28 days from 4 July to 28 July 2017.

It is recommended subject to the modifications listed above the proposed Structure Plan be adopted by Council and forward to the Western Australian Planning Commission for final endorsement.

Council also resolved at the 8 June Ordinary Council Meeting to request the Western Australian Planning Commission (WAPC) to extend Planning Control Area (PCA) 122 within the Metropolitan Region Scheme (MRS). The purpose of the PCA122 is to allow for the investigation, and to ensure land is protected, for the Armadale Road and North Lake Road Bridge Interchange Project.

The WAPC has advised that an amendment request to PCA122 will be presented to either the September or October 2017 State Planning Committee (SPC) meeting. Consistent with the City's request, the report seeks to extend the PCA area over all lots severed to the south of the realigned Armadale Road, including Knock Place for the purposes of reserving land for a consolidated PTA commuter car park. The extension also includes land subject to any other adjustments to account for the final alignment of the Armadale Road and North Lake



Road Bridge Interchange project, freeway widening requirements and drainage needs associated with the works along the freeway corridor.

The revised PCA122 area is likely to be in place prior to the finalisation of the Structure Plan and as a result the land use planning framework requirements will likely be in place by the end of the year to facilitate the Armadale Road and North Lake Bridge Interchange project.

Main Roads Western Australia (MRWA) have confirmed a timeframe for the commencement of the Armadale Road and North Lake Bridge Interchange project which includes the tender process commencing at the end of 2018 and construction commencing in 2019.

Submission

N/A

Report

The purpose of this report is for Council to consider submissions on the Structure Plan. The 8 June OCM report extensively discussed the proposal and the site and its context, therefore will not be discussed at length again, however in summary the key elements of the advertised Structure Plan (Structure Plan map at Attachment 1) include:

- An extension of the flexible Mixed-Business Zone over underutilised land west of Solomon Road - excluding residential development given the presence of industrial uses not compatible with sensitive land uses including residential development.
- A minimum lot size within the Mixed-Business Zone of 2,500sqm. This recognises larger lots provide a greater flexibility for the end user in terms of design, functionality and variety of uses. Furthermore lots within CCW, specifically designed for mixed-use high density residential development, are consistent with this range. Importantly this range is also suitable for lower scale commercial type uses within the short term.
- Promoting opportunities for the retention of the 7.5ha site under WAPC ownership to remain a single lot or a collection of super lots. Including the consideration of ground leases over the shorter term to activate the use of preserved lands including large format warehouses on super lots with 50 year leases, for example an Ikea.
- The newly formed precinct bound by the Armadale Road alignment, the Cockburn Train Station and Lot 500 Armadale Road provides the opportunity to consolidate the 5 PTA commuter



car parks including the opportunity to relocate the two PTA commuter car parks out of the Cockburn Town Centre. The relocation of commuter car parking out of the Town Centre will allow for high density residential development of the two lots currently leased to the PTA and under WAPC ownership. Furthermore this will secure the site as a single landholding until such time as the precinct is ready for redevelopment.

- As a result of development already delivered in the eastern portion of the Structure Plan area, land use changes for these lots are not proposed. Rather the Structure Plan seeks to propose zone changes to land located between Solomon Road and the Kwinana Freeway where land remains undeveloped and a response is required to address the local road layout, PTA car park requirements and land use planning direction for newly created lots. The exception is for lots located on Verde Drive, between Biscayne Way and Armadale Road where the Mixed-Business Zone boundary is amended to follow recent changes to lot boundaries.
- In terms of the road network, provision has been made to connect Verde Drive with the Armadale Road alignment. The Prinsep Road alignment has been modified slightly to connect with Verde Drive. All other more minor roads will require a response by individual landowners at the subdivision stage.

Community consultation

The Structure Plan was advertised for 28 days from 4 July to 28 July 2017. Letters were sent to all affected landowners, business owners and residents inviting comment on the Structure Plan.

A total of 32 submissions were received, of which included:

- 12 of support;
- 9 from government agencies and service providers generally providing advice for future development stages, and;
- 10 objections from land/business owners and residents.

All of the submissions are outlined and addressed in Attachment 2.

Consideration of key issues

The below details the City's response to the matters arising as part of the assessment of submissions received.

Impact of road alignment on landowners – seek adjustment of the Armadale Road alignment



Two submissions received from landowners whose land is severed by the proposed Armadale Road alignment seek a review to reduce the impact of the new alignment on their land. One submission suggesting the alignment can be shifted slightly to the south and for the roundabout at Armadale Road and Solomon Road to be replaced with traffic lights.

The associated route definition study, prepared by MRWA, has thoroughly considered all the design options before arriving at a preferred concept. This considers all the relevant design issues, and how the constructability and operability of the project can be optimised. There is no opportunity for further changes to the road design, given the extensive research and analysis which underpinned arriving at the route provided within the route definition study. A traffic light option was also not capable of being implemented, given the modelled traffic volumes and the need to achieve grade separation.

As per Council's consideration of the route definition study, it has been specifically recommended to MRWA about the need for early engagement with landowners and businesses as this project now moves to the detailed design and delivery phase.

Site access for businesses, residents in Atwell and ongoing signage needs for the Solomon Road Businesses

Several business and land owners understandably have concerns regarding site access to their properties and businesses both during the construction phase of the local road upgrades in addition to access once the Armadale Road and North Lake Road Bridge Interchange project is complete.

In response the City recognises the need for a traffic management plan to be prepared. This plan will identify access opportunities to minimise disruption for businesses during construction for both the local road network upgrades in addition to the Armadale Road and North Lake Road Bridge Interchange project. This will likely be undertaken by both MRWA and the City closer to the commencement of construction for road upgrades.

One submission, consistent with the Cockburn Central Activity Centre Strategy, highlighted the need for a signage strategy to be prepared for the Cockburn Central East precinct. In response the City agrees that directional signage should be provided to signal to passing trade the entrance locations for the businesses in the Cockburn Central East precinct. The City recognises the role MRWA can provide in integrating signage into their design with other directional sign needs and therefore alongside all relevant submission comments relating to transport and access needs will forward this request to MRWA. It is



however noted that this request was also passed on to MRWA when the submissions were finalised for the wider Cockburn Central Activity Centre Strategy in 2015. Once the MRWA signage provisions are understood the City will investigate further signage opportunities if so required.

Additionally, it is further noted that within the 8 June OCM report of which commented on MRWA route definition report a recommendation was made to MRWA to undertake an education program with local business owners regarding the new access arrangements including access and using the two new roundabouts.

One submission raised concerns for access into and out of the suburb of Atwell. In response the City highlights proposed access to the north of Atwell onto Armadale Road is provided for by two intersections; the Tapper Road intersection is planned to be a full turning round about and is expected to improve traffic flow. The second is the intersection of Freshwater Drive of which will significantly improve access for Atwell residents as a result of the Armadale Road and North Lake Bridge Interchange project – this project is expected to remove up to 70% of vehicles travelling between the current Armadale Road west of Solomon and into the activity centre. This, in addition to the introduction of a roundabout at Solomon and Armadale Road will provide considerable breaks in traffic and therefore improve access for Atwell residents.

One submission raised concerns regarding the public access easement proposed along Verde Drive, suggesting that lots fronting this road reserve may amalgamate into the future and as a result the access easement may not be the only solution for site access for a number of lots. Furthermore the submission questioned the need for the easement suggesting the downgrading of Verde Drive would no longer require the existing road reserve width and as a result the car parking could be accommodated within the road reserve.

In response the City notes the traffic impact assessment informing the Structure Plan supports the need for protecting Verde Drive with an adequate road reserve width in order to maintain flexibility as traffic volumes grow. While a dual carriageway will be unlikely, there are design options especially in order to prioritise through movements through the addition of central mediums, turning pockets and the like. There is no consideration to adjust the requirement for access easements on private allotments, as these will remain important to controlling access rather than a suggestion of repurposing parts of the road reservation for this.

The City as stated within the Structure Plan intends on embellishing this road with a considerable amount of landscaping including street



trees through the centre line of the road in order to create a separating edge between industrial uses and the mixed-business zone therefore the need for the 32m road reserve is further warranted.

It is recognised that landowners fronting Verde Drive may seek to work together and amalgamate lots to improve the lot layouts in this location and that as a result there may be alternative solutions to the intent of the easement in gross. In response the City recognises the WAPCs position on structure plans in that “due regard” is given to them. As a result “due regard” will be given to the intent of the easement in gross when and if a further solution is presented as a subsequent subdivision or development application stage. At such a time the City will work with landowners and address the necessary changes to the associated North Lake Road Local Planning Policy (noting also this policy requires updating post structure plan approval).

The City will consult with landowners when modifications are made to the North Lake Road Local Planning Policy following the structure plan adoption.

Expansion opportunities for an existing business - adjust alignment of Mixed-Business zone on the Structure Plan map

One submission relates to a request to extend the Light and Service Zone over Lot 62 Verde Drive - setback 50m from Verde Drive, with the remaining frontage along Verde Drive remaining Mixed-Business.

In response while the City recognises the majority of landowners within proximity to the train station support the Mixed-Business zone and the longer term objectives stated, it is also recognised that FFI Holdings seek to ensure the current tenant can expand their business in the near future on Lot 63. It is understood from a meeting held with FFI Holdings in May 2017, this submission, and plans sent through to further support this submission that FFI intend to subdivide Lots 62 and 63 to expand Lot 63 to the north. As a result FFI have requested the Light and Service Industry zone be expanded to include all of the newly proposed Lot 62, leaving a 50m setback from Verde Drive as a mixed-business zone for Lot 63. It is understood this is required as a result of the Transport Depot use and truck wash area approval over lot 62 being an ‘X’ use within the Mixed-business Zone and ‘P’ use within the Light and Service Industry zone.

The City supports this request as it is recognised that this will facilitate both the City’s strategic plans (by encouraging commercial type development along the Verde Drive frontage), and accommodate Viola wastes expansion – ensuring the company can continue to operate.



Increased traffic levels - Prinsep Road (North)

Two submissions from residents located along the northern alignment of Prinsep Road express concern regarding the impact of increased traffic levels and negative impacts on dwelling located along Prinsep Road.

In response the City highlights the Prinsep road alignment is identified within the existing Solomon Road Structure Plan and is further identified as being required within the Cockburn Central East Structure Plan Transport Impact Assessment (TIA). The TIA importantly recognises the necessity to upgrade Prinsep Road so as to reduce the concentration of traffic along Verde Drive and Solomon Road. Without an upgrade to Prinsep Road, daily vehicle trips along Verde Drive and Solomon Road will reach unacceptable levels.

Furthermore an agreement has been in place for Landcorp to construct the southern extension of Prinsep Road since 2004. The need to upgrade the road was a requirement of subdivision relating to the surrounding lots several years ago. The City has not yet requested the upgrade from Landcorp as a result of the Verde Drive alignment not yet being in place.

However the City does recognise the expected increased vehicle trips per day along Prinsep Road (North) and is aware of the noise complaints currently received from residents fronting Prinsep Road and in proximity to the Glenn Iris Golf course. Complaints relate to noise from trucks accessing the Solomon Road Industrial Area. In response the City recognises that while vehicle trips per day will increase, these numbers relate to an increase in cars associated with the PTA commuter car park. Nonetheless the Structure Plan recommends the Prinsep Road upgrade design phase should consider a range of options including the benefits associated with a road realignment, a slip lane and/or appropriate levels of landscaping to act as an edge to the residential area, for example.

The Colliers Market Feasibility Analysis Report and no provision for residential development within the Structure Plan area

The Colliers Market Feasibility Report supporting the Structure Plan identifies that given the current state of the property market in Perth and the excess of supply, particularly for residential, industrial and office, it is likely that there will be limited appetite for development within Cockburn Central East in the short term. Additionally, given the office market is likely to take 10 years for vacancy in the Perth CBD to normalise it is unlikely office developments will be attracted to Cockburn Central for some time.



One submission questioned the validity of the Colliers report and further suggested an alternate view that the market would attract opportunities for high density mixed-use development within Cockburn Central East in the short term. In response the City provides Colliers response to the validity of the report within Attachment 2 and highlights the wider issue currently preventing residential development within the Structure Plan area – that being that while State level strategic planning policy supports and promotes high density mixed-use developments within the walkable 400m-800m catchments of train stations, industrial type land uses currently operating within the Structure Plan area and along Cutler Road and are incompatible with residential uses. Industrial uses currently prevent residential development being located within the Structure Plan area.

It is considered a sub-optimal planning outcome to prioritise further residential or mixed use development opportunities within Cockburn Central East, when the key ingredient to further grow the activity centre remains one of ensuring adequate business and employment growth. On the west side of the freeway, there is in excess of 15 years plus of readily developable land to accommodate residential and mixed use development. This west side is characterised by high levels of residential amenity, greater degrees of accessibility and co-location with civic facilities. It is important therefore to emphasise the west side for this purpose, and protect the east side for its intended long term planning objective for business and employment growth generation to mature the activity centre.

Although, over the long term (20 plus year time horizon) the City has made provisions to facilitate and promote the transitioning of the precinct over time. This has been achieved through such elements as the designation of the Mixed-business zone, minimising the further fragmentation of land by prescribing minimum lot sizes. The PTA commuter car park will also ensure land in close proximity to the train station is retained so that it can transition over the long term to mixed-use high density residential development.

Regardless of whether different parties agree on what the market will or will not deliver in the short to medium term, the existing constraints, including the underlying Industrial zone in the Metropolitan Scheme currently prevent residential development. The Department of Planning have been very clear in their views/advice that – *“Any amendment to the Structure Plan that contemplates amending land use permissibility for residential uses is contingent upon the Metropolitan Region Scheme (MRS) first being amended to Urban (currently zoned Industrial except for Lot 500 Armadale Road and Knock Place). The MRS amendment will need to consider the form and function of the Cockburn Central Activity Centre at that point in time and address the provision of adequate employment land for the South West region and*



the locality, recognising the objectives of the strategic planning framework.”

Such a proposal would need to address the transitioning of industrial uses out of the centre and at this point in time the City does not support this approach, instead recognising the need to also accommodate existing businesses operating in the precinct, and to grow further business and employment opportunities.

Flora and fauna requirements

The Department of Biodiversity, Conservation and Attractions, consistent with the Flora and Fauna survey undertaken in September 2016 supporting the Structure Plan, highlights within their submission the need to conduct further targeted flora assessments in September 2017 for *Caladenia huegelii* and other threatened flora. While it is recognised that this survey could usually be undertaken at the subdivision stage and that the City is not a landowner and will not be the party to clear land, the City is undertaking the survey given the crucial time constraints relating to when the study needs to be conducted – in September. This will contribute to the MRWA timeline for the Armadale Road and North Lake Road Bridge Interchange project.

The Department of Biodiversity, Conservation and Attractions also promotes the preparation of a wetland management plan for Lot 802. In response the City supports the preparation of a wetland management plan as a condition of subdivision and/or development.

Land acquisition and assembly process post Structure Plan

Submissions received from landowners directly affected by the alignment of the Armadale Road and North Lake Road Bridge Interchange alignment make requests concerning land swap options, compensation and reimbursement of costs. In response the City notes the detail of the land acquisition and assembly process is a process that will be undertaken by the State Government. Landowners will have an opportunity to discuss options directly with the WAPC. Such discussions and options will be guided by the Land and Administration Act 1997.

With regard to Verde Drive and the deeds of agreements currently in place – the City acknowledges the current deeds of agreement that are in place between the City and landowners. The City will meet with landowners one-on-one to discuss these following the finalisation of the Structure Plan.



On the basis that issues raised in submissions of objection can be adequately overcome, it is recommended that Council adopt the Structure Plan and recommend it to the WAPC for approval.

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
- Improve parking facilities, especially close to public transport links and the Cockburn town centre

Community, Lifestyle & Security

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

Currently the City's Town Planning Scheme 3 (TPS3) requires landowners affected by the Other Regional Road reservation (Verde Drive) to cede the land free of cost, and contribute towards its construction. A key recommendation will be to undertake further discussions with affected landowners, given the need to deliver this road infrastructure with the MRWA major project.

Legal Implications

Clause 20 (1) of the deemed provisions requires the City to prepare a report on the proposed structure plan and provide it to the Commission no later than 60 days following the close of advertising.

Infrastructure delivery and upgrades required to meet the land use objectives of the Structure Plan area will be required to be undertaken by individual landowners at the time of subdivision or development, where such relates to local level infrastructure. Currently the Scheme also requires landowners affected by the Other Regional Road reservation to cede the land free of cost, and contribute towards its construction.



Community Consultation

The Structure Plan was advertised for 28 days from 4 July to 28 July 2017. Letters were sent to all affected landowners, business owners and residents inviting comment on the Structure Plan.

Risk Management Implications

If the proposed Structure Plan is not supported, there will be no planning framework in place over the subject land to guide the Armadale Road North Lake Bridge Interchange project. This will result in delays in the delivery of the vital piece of infrastructure.

Attachment(s)

1. Advertised Cockburn Central East Structure Plan map.
2. 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 14 September 2017 Council Meeting.

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

Nil.

- 15.3 (MINUTE NO 6156) (OCM 14/09/2017) - PLANNING APPLICATION – CHANGE OF USE (SINGLE HOUSE TO MEDICAL CENTRE), CHANGE OF USE (CONSULTING ROOMS TO MEDICAL CENTRE) AND CAR PARK RECONFIGURATION – LOCATION: 196 & 198 (LOTS 152 & 153) LYON ROAD AUBIN GROVE – OWNER: PATRICK WEE, CATHERINE WEE & FORTUNE HOLDINGS PTY LTD – APPLICANT: PATRICK WEE (DA17/0445 & 052/002) (R TRINH) (ATTACH)**

RECOMMENDATION

That Council

- (1) grant planning approval for a change of use from Single House and Consulting Rooms to Medical Centre and Car Park Reconfiguration at No's.196 & 198 (Lots 152 & 153) Lyon Road Aubin Grove, in accordance with the attached plans and subject to the following conditions and advice notes.



Conditions

1. Development may be carried out only in accordance with the details of the application as approved herein and any amendments marked in red on the approved plans. This includes the use of the land and/or tenancy. The approved development has approval to be used for 'Medical Centre' only. In the event it is proposed to change the use, a further planning application needs to be made to the City for determination.
2. The Medical Centre on Lot 152 is restricted to a maximum of 4 consultants and the Medical Centre on Lot 153 is restricted to a maximum of 3 consultants working from the premises at any one time.
3. The hours of operation of the Medical Centres are restricted to:
Monday to Friday – 8:00am to 7:00pm; and Saturday – 8:00am to 5:00pm.
4. No building or construction activities shall be carried out before 7.00am or after 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays.
5. All services and service related hardware, including antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
6. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
7. The car parking areas on Lots 152 and 153, access ways and landscaping shall be maintained to the satisfaction of the City, and shall not be used for storage of any type.
8. All works associated with this approval as shown on the approved plans shall be completed prior to occupation or use of the approved 'Medical Centres' subject of this approval.
9. Prior to use of the buildings for 'Medical Centre' purposes, the 35 car parking bays (20 allocated to the Medical Centre on Lot 152 and 15 allocated to the Medical Centre on Lot 153), driveways and points of ingress and egress shall be sealed, kerbed, drained, signed and line marked and made

available for use in accordance with the approved plans to the satisfaction of the City.

10. Staff tandem bays shall be permanently marked, maintained and accessible at all times for use exclusively by staff to the property, be clearly visible and suitably sign posted to the satisfaction of the City of Cockburn.
11. Crossovers shall be designed, located and constructed to the City's specifications.
12. A detailed landscaping plan shall be submitted to and approved by the City, prior to the issue of a Building Permit for the fit out of the Medical Centre, and shall include the following:-
 - a. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - b. any lawns to be established;
 - c. any existing landscape areas to be retained;
 - d. those areas to be reticulated or irrigated; and
 - e. verge treatments.
13. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with an approved plan and maintained thereafter to the satisfaction of the City. The landscaping plan shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
14. Front walls and fences within the primary street setback area shall be visually permeable 1.2 metres above natural ground level in accordance with the deemed to comply provisions of the Residential Design Codes of Western Australia.
15. Where a driveway and/or parking bay abuts a public street, associated walls, fences and/or adjacent landscaping areas shall be truncated within 1.5 metres thereof or limited in height to 0.75 metres.
16. All stormwater shall be contained and disposed of on-site to the satisfaction of the City.
17. All waste and recycling materials shall be contained within bins.



18. Prior to the commencement of works, the site plan shall be modified showing the crossover from Lot 153 to Vienna Link being reduced in width and all traffic throughout both sites being amended to one-way only to the satisfaction of the City. The revised plan shall then be implemented prior to commencement of the use of the sites for Medical Centre purposes.

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 Local Planning Scheme No. 3 or with the requirements of any external agency.
2. You are advised that a Sign Licence may be required in accordance with the City's Local Laws (2000) prior to the erection of the sign. A Licence is obtainable from the City's Building Services Department.
3. A plan and description of any signage and advertising not exempt under Local Planning Scheme No. 3 shall be submitted to and approved by the City prior to the erection of any signage on the site/building.
4. With regards to Condition 9, the parking bay/s, driveway/s and points of ingress and egress shall be designed in accordance with the Australian Standard for Off-street Carparking (AS2890.1 and AS2890.6) and be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
5. With regards to Condition 11, copies of crossover specifications are available from the City's Engineering Services and from the City's website www.cockburn.wa.gov.au.
6. With respect to Condition 14, visually permeable means vertical surface that has:
 - Continuous vertical or horizontal gaps of at least 50mm width occupying not less than one third of its face in aggregate of the entire surface or where



narrower than 50mm. occupying at least one half of the face in aggregate as viewed directly from the street; or

- A surface offering equal or lesser obstruction to view.

7. With respect to Condition 16, all stormwater drainage shall be designed in accordance with the Australian Standard, and the design shall be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year storm event.
8. The development shall comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (noise) Regulations 1997*. The installation of equipment within the development including air-conditioners, spas, pools and similar equipment shall not result in noise emissions to neighbouring properties exceeding those imposed by the *Environmental Protection (Noise) Regulations 1997* (as amended).
9. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the National Construction Code (Building Code of Australia), the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000. The City's Health Service further recommends that laundries without external windows and doors should be ventilated to external air and condensating clothes dryers installed.
10. The occupier of premises in which clinical waste is produced shall comply in all respects with the *Environmental Protection (Controlled Waste) Regulations 2004*. For further information please contact the Department of Water and Environment Regulation.
11. With regards to Condition 17, bins shall be stored in the external enclosure located and constructed to the satisfaction of the City. This information shall be submitted to and approved by the City prior to the issue of a Building Permit.



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

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr K Allen that the recommendation be adopted.

CARRIED 7/1

Clr Portelli asked his name be recorded as voting against the recommendation.

Background

The subject site consists of 196 (Lot 152) and 198 (Lot 153) Lyon Road, Aubin Grove and is on the corner of Lyon Road and Vienna Link. The site is approximately 430m north of the Aubin Grove Shopping Centre (corner of Lyon and Gaebler Roads) and 700m south of the Harvest Lakes Shopping Centre at the intersection of Lyon Road and Gibbs Road. The site is also approximately 800m from the Aubin Grove Rail Station.

Lot 152, which is proposed to be converted into a Medical Centre is 928m² in area and contains an existing single storey brick and tile dwelling comprising 4 bedrooms, 2 bathrooms and a double garage. The dwelling is well setback from the street (10m). Lot 153 was also originally developed with a single dwelling but was converted to (and approved) for use as 'Consulting Rooms' (Skin Check WA) in 2007. The business operates with two practitioners and contains 12 car parking spaces.

Both lots are relatively unique to the area in that they are significantly larger in area than the typical residential lots in the area as the original dwellings were constructed prior to the area being rezoned from 'Rural' to 'Urban' well before the area was developed for housing. Most other residential lots in the vicinity are approximately 600m² (or less) with lesser setbacks. A Location Plan is contained below:





At its ordinary meeting held on 8 December 2016, Council refused an application to change the use of the existing dwelling to a Childcare Premises which was subsequently appealed in the State Administrative Tribunal (SAT). Through the SAT mediation process, Council was invited to reconsider its decision of refusal and at its ordinary meeting held on 11 May 2017, Council reaffirmed its decision to refuse that proposal (contrary to staff recommendation) based on the following reasons:

- ‘1. Approval of the proposal is likely to adversely impact on the amenity of the locality as per Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015.
2. The lot is not capable of accommodating all necessary parking on site.
3. The lot size results in unreasonable setbacks of outdoor play areas to adjoining properties this is also inconsistent with the minimum lot size specified under the City’s Local Planning Policy 3.1 – Child Care Centres.’



Consequently, the applicant elected not to proceed to a full hearing and withdrew the SAT application.

The proposed development is being referred to Council for determination as objections were received during the public consultation period.

Submission

N/A

Report

Proposal

The application seeks to retain the existing buildings on the lots and make alterations and additions to the existing 'Single House' building on Lot 152 to accommodate the 'Medical Centre' and seeks to modify the parking layout on Lot 153 that currently operates as 'Consulting Rooms'. The application also seeks to repurpose rooms and add an additional consulting room on Lot 153 to be reclassified from 'Consulting Rooms' to 'Medical Centre'.

The application proposes a change of use to the existing dwelling on Lot 152 from 'Single House' and existing building on Lot 153 from 'Consulting Rooms' to 'Medical Centre' and seeks to modify the parking layout on Lot 153 that currently operates as 'Consulting Rooms'. The specific details of the proposal include:

- External modifications to the existing façade and entry of the building on Lot 152;
- Internal modifications to the buildings on Lot 152 and 153;
- Reconfiguration of car parking on Lot 153;
- Construction of 35 car bays;
- Reciprocal parking across Lot 152 and 153;
- Retention of existing crossover locations to Lyon Road;
- Widening of the existing crossover to Vienna Link to 6m; and
- Operating hours Monday to Friday 8:00am-8:00pm, Saturday 8:00am-5:00pm (closed Sundays and Public Holidays).

The internal modifications for Lot 152 include:

- Conversion of the existing double garage into a consulting room;
- 4 Medical Consulting Rooms;
- Treatment Room;
- Manager's Office; and
- Associated Reception, waiting areas, kitchen and bathrooms.



The internal modifications for Lot 153 include:

- Conversion of the existing office into a consulting room;
- 3 Medical Consulting Rooms;
- Treatment Room;
- Manager's Office; and
- Associated Reception, waiting areas, kitchen and bathrooms.

Consultation

The proposal was advertised to 49 adjoining and nearby landowners potentially affected by the proposal in accordance with the requirements of Local Planning Scheme No.3 (LPS 3). A total of five submissions were received, one indicating no objection and four objecting to the proposal.

The main issues and concerns raised during consultation include:

- Increased traffic
- Increased pedestrians around the site
- Noise
- Safety
- Undesirable precedent being set
- Increase in crime in the area
- Parking on Lyon Road due to proximity of roundabout

Other non-planning related concerns including reduction in property values and lack of need for another medical centre in the area were also raised.

Statutory Planning Framework

Metropolitan Region Scheme (MRS)

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and the proposal is consistent with this zone.

Local Planning Scheme No. 3 (LPS 3)

The subject site is zoned 'Development' under LPS 3 and is located within Development Area 11 (Lyon Road). A Local Structure Plan (Lots 14, 2-4 Lyon Road Aubin Grove) has been approved over the subject property that shows a 'Residential-R20' zoning over the subject site.

The objective of the 'Residential' zone under LPS 3 is:

'To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes'.



LPS 3 defines a 'Medical Centre' as:

'Premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).'

A 'Medical Centre' is an 'A' use (discretionary subject to advertising) within the 'Residential' zone and is generally not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 64(3) of the deemed provisions within the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Residential Design Codes (R-Codes)

The proposed development, if approved would remain compliant with the Residential Design Codes (R-Codes) with regards to setbacks, open space, wall heights etc. and will still appear as a single house when viewed from the street.

Planning Considerations

Land Use

There was some concern expressed that the proposed Medical Centre should not be permitted within a residential area. However, as discussed above, a Medical Centre is an 'A' use within the residential zone, meaning it can be considered on its merits subject to the application being advertised. In relation to concerns raised about an oversupply of Medical Centres in the area, this is not a valid planning matter with the demand for this type of use determined by the market. Council cannot limit the number of Medical Centres within its boundaries.

Noise

The proposal is unlikely to generate a level of noise that would negatively impact on the amenity of neighbours and based on this, the City did not request any form of noise assessment from the applicant. Notwithstanding this, the development will be required to comply with the *Environmental Protection (Noise) Regulations 1997* at all times. Should Council support the proposal, a condition restricting hours of operation should also be imposed given the residential setting.



Car Parking

Car parking for the proposal including both sites has been assessed as per the following:

Use	Rate	Required	Provided
Existing Consulting Rooms (Lot 153)	5 bays per consulting room	15 (3 consulting rooms)	15 (6 tandem and 4 under existing garage & patio)
Proposed Medical Centre (Lot 152)	5 bays per consulting room	20 (4 consulting rooms)	20 (2 tandem)
Totals		35	35

Whilst the number of car parking bays is technically compliant, 8 of the car parking bays are in a tandem arrangement and 2 of those tandem bays are under a garage and patio. Tandem bays can be effective if used only by staff as it would be highly inconvenient for a customer to use a tandem bay. Given the 7 consulting rooms across both buildings, this would indicate 7 medical consultants plus administrative staff. Therefore, it is reasonable that all 8 tandem bays would be used by staff only.

A sufficient number of car parking bays have been supplied onsite in accordance with the requirements of LPS3 and all parking is required to be contained onsite.

Therefore, should Council approve the proposal, a condition should be imposed requiring the tandem bays to be appropriately signed and marked for use by staff only.

Traffic and Access

Comments regarding safe vehicular access and increased traffic volumes were provided during the public consultation period. A Traffic Impact Statement (TIS) was provided with the initial application that reviewed the impact of the proposed development on the surrounding road network. Review of the TIS demonstrated that reasonable consideration was given to the potential traffic generated by the proposed development and that the impact on the surrounding road network would be low.

Two-way access is proposed from both entry points along Lyon Road that becomes a one way route beyond the car park area in front of the buildings. One way entry and exit is recommended by the City's Traffic Engineer to ameliorate the confusing internal traffic configuration. Should Council approve the proposal, amendments to the plans should



be made requiring a reduction to the crossover width along Vienna Link and an amended traffic configuration for one way access only.

Hours of Operation

The hours of operation proposed are 8:00am-8:00pm Monday to Friday and 8:00am-5:00pm Saturday. Given the proximity to existing residential dwellings, it would be more reasonable to restrict hours of operation to end at 7:00pm on week nights instead of 8:00pm as proposed. Should Council support the proposal, a condition can be imposed restricting the hours of operation.

Landscaping

The proposal includes 193m² of landscaping across both lots. This results in approximately 10% total landscaping for both lots and consistent with the landscaping requirements for commercial uses. The landscaped areas are located in front of the buildings and between adjoining lot boundaries. Landscaping of the adjacent verge was also proposed as part of this application.

Should Council support the proposal, a condition should be imposed to require a detailed landscaping plan from the applicant that includes high quality landscaping of the verge that will discourage verge parking from occurring.

Conclusion

The existing single storey building remains sympathetic to the existing streetscape with appropriate setbacks and open space similar to those required for residential development. The proposal is not considered to generate unreasonable levels of traffic congestion in the area or detract from the amenity of neighbours or the street.

The location of the site is considered suitable due to its close proximity to public transport, shops, aged care housing and other amenities that the area offers which will encourage non-car based transport to the site. The Medical Centre will provide an increase in medical services in the area which has a large and growing residential catchment. It is therefore recommended that Council approve the application subject to conditions and advice notes.

Strategic Plan/Policy Implications

City Growth

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



Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The application was advertised to 49 nearby landowners in accordance with clause 64(3) of the deemed provisions within the Planning and Development (Local Planning Schemes) Regulations 2015. A total of five submissions were received during the advertising period. See the Consultation section of the report for further details.

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. Location Plan
2. Existing Site Plan
3. Site Plan
4. Demolition Floor Plan – Lot 152
5. Floor Plan – Lot 152
6. Roof Plan – Lot 152
7. Demolition Elevation Plan – Lot 152
8. Elevations – Lot 152
9. Elevations 2 – Lot 152
10. Floor Plan – Lot 153
11. Traffic Impact Statement

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 September 2017 Council Meeting.

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

N/A.



15.4 (MINUTE NO 6157) (OCM 14/09/2017) - STONE WALL AND RUINS HERITAGE STUDY (ADOPTION FOR ADVERTISING) (099/228) (D DI RENZO) (ATTACH)

RECOMMENDATION

That Council adopt the Draft Stone Wall and Ruins Heritage Study as included at Attachment 2 and its recommendations for the purposes of community consultation.

COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

The *Heritage of Western Australia Act 1990* requires each local government to identify buildings of cultural heritage significance in its district through a Local Government Inventory (“LGI”).

In 2014 a dry limestone wall in Munster built in approximately 1946 was included on the City of Cockburn’s LGI as a ‘Management Category B’ place, having ‘Considerable Significance’. It was also included on the Heritage List pursuant to City of Cockburn Town Planning Scheme No. 3 (“the Scheme”).

Since that time a number of other similar stone walls and other stone ruins have been identified in the City of Cockburn, primarily in the area formerly referred to as ‘South Coogee’.

In response to this, Council resolved at the 10 August 2017 Ordinary Meeting to prepare a Stone Wall and Ruins Heritage Study to identify and assess the conservation heritage value of these structures, and to make recommendations regarding heritage listing and management.

The purpose of this report is to present the Study for Council adoption to advertise.

Submission

N/A.



Report

The purpose of this report is for Council to consider adopting the Draft Stone Wall and Ruins Heritage Study included at Attachment 2 for the purposes of community consultation.

The purpose of the study is to:

1. Identify stone walls and ruins in the City of Cockburn that may have cultural heritage significance.
2. Undertake an assessment of the heritage values of those structures.
3. Identify safety, maintenance, stabilisation, management responsibility and other practical issues associated with these structures.
4. Make recommendations for future management and heritage listing of these structures.

History of Dry Stone Walls

Dry wall construction is a building method by which structures are built from stones without any mortar to bind them together. Dry stone walls are seen throughout the world across a variety of eras, and have been traditionally used as arable land and pasture boundaries across Europe.

Of particular note the Croatian coast is known for its dry walls (suhozidi or gromace). Due to the karst landscape, many of dry walls along the Croatian coast and on islands were built out of agricultural necessity. It was hard work for local farmers; they had to move rocks and stones to clear space if they wanted to grow olive trees and grapevines. Those rocks were then used to construct walls.

In Ireland and the United Kingdom these were sometimes known as 'consumption' walls because they were built to 'consume' the cleared stones when the field was brought into cultivation.

Dry stone walling in Australia emerged in the mid 1800's in areas where a proliferation of stone in the geological landscape necessitated a clearing of the land. They are predominately seen in South Australia, Victoria and Tasmania. Constructed by both Anglo Celtic and European Migrants the walls are historically and culturally significant, standing as testimony to a time when artisan skills portrayed the patterns of our early settlement.

Many of the dry stone walls dating from the 1800s in Victoria and South Australia are afforded heritage protection. In Victoria dry stone walls



constructed prior to 1940 are automatically protected and planning approval is required prior to their demolition.

In Western Australia dry stone walls from this era are generally not seen, and the Dry Wall Association of Australia does not recognise any such walls in Western Australia.

History of South Coogee

Development in the South Coogee area began between 1890 and 1903 on the site of the abandoned village of the pensioner guard near Lake Coogee. The settlement thrived with vines, orchards and vegetable gardens established. Establishing a property at South Coogee was harder work than at Jandakot and progress was usually slow. One of the reasons for this was that the land held a lot of stone.

While this growth was slower than Jandakot it was also more certain, and it was to become the nursery of market gardening skills in the Cockburn District for half a century.

Post war South Coogee led the way towards larger landholdings and specialised crops. Production grew too great for the domestic market and turned towards export markets in South East Asia. Some of the descendants of the original market gardeners in South Coogee pioneered a moved south to the Baldivis area where there were larger landholdings, and others followed.

It was after 1945 that saw Croatian and Italian market gardeners move into the South Coogee area, after earlier settling predominately in Spearwood from 1911 onwards.

The City's oldest aerial photograph of this area is from 1953, and the majority of remnant stone walls are not visible in the landscape at this time. Most of the stone walls appear later in the 1963 aerial photograph. This timing coincides with the Croatian and Italian market gardeners settling in the area, suggesting a possible connection.

Place No. 114 'Limestone Wall and Ruins, Munster'

At the 11 September 2014 OCM Council included a dry stone wall at Lot 103 West Churchill Avenue, Munster (Place No. 114 'Limestone Wall and Ruins, Munster') on the LGI.

The wall and ruins were erected in 1946, or shortly after, by Jakov Vidovich, a Croatian (then known as Slavic) market gardener.

The limestone wall comprises a section of dry stone wall located on the southern boundary of Lot 103 West Churchill Avenue, Munster, directly



adjacent to the end of Velaluka Drive. It runs east west along part of the length of the southern boundary of the lot, and is up to 2m in height.

The wall (and associated stone ruins) is constructed as double skin walls, with smaller rubble infill.

The stone wall and ruins were assessed using the Heritage Council's 'Criteria for the Assessment of Local Heritage Places and Areas' and were determined to have the following heritage significance:

- Significant for its association with the market garden industry which was the predominant source of employment in the area for most of the 20th century.
- High archaeological potential to reveal aspects of the market gardening industry from the mid-20th century.
- Scientific value as representing a method of dry stone walling uncommon in Western Australia.
- Associated with Jakov and Jakubina Vidovich, Croatian (Slavic) market gardeners who arrived in Western Australia in 1939, and who settled in Munster in 1946.
- If appropriately interpreted, has the potential to be an educational/recreational resource for the community, demonstrating the market gardening industry in the City of Cockburn.

It was determined that this place should be included on the LGI as a 'Management Category B' place, having considerable significance, being very important to the heritage of the locality, with conservation of the place being highly desirable; and any alterations or extensions being sympathetic to the heritage values of the place.

It was also included on the Heritage List pursuant to the Scheme, where it is afforded a greater level of statutory protection. Inclusion on the Heritage List means that planning approval is required prior to any works being undertaken to the wall or ruins.

Local Planning Policy No. 4.4 'Heritage Conservation Design Guidelines' sets out a presumption against demolition of places on the Heritage List.

Identifying stone walls and ruins

The Draft Stone Wall and Ruins Study included examination of historical aerial photographs, and site visits were undertaken to identify



the possible location of stone walls. Land title searches have been used to look at the history of landownership.

Through this process three dry stone walls and one ruin have been identified as follows:

39 & 41 Britannia Ave, Beeliar - Dry stone wall
 50 Albion Avenue, Munster - Dry stone wall
 22 Jervois Street, Beeliar - Dry stone wall
 96 Coogee Road, Munster – Stone ruins

A stone wall (with mortar) at Naval Base Holiday Park has also been identified and assessed through the study.

Examination of historical aerial photographs has identified the following stone walls that are no longer extant, and these have been recorded in Appendix A of the study:

- Coogee Road - Stone wall
- Korcula Court - Stone wall
- Britannia Avenue, Beeliar - Stone wall

The dry stone walls, both extant and removed, have been mapped and are shown in Attachment 1. This information provides an understanding of the prevalence and distribution of stone walls in the area both currently and historically. This information suggests that use of stone walls was scattered through the area, and was not typical of market gardening in the area.

Assessing Heritage Significance

Each of the stone walls and structures that are still intact have been recorded and assessed in the Draft Stone Wall and Ruins Study (Attachment 2).

They have been assessed against the 'Criteria for the Assessment of Local Heritage Places', as recommended by the Office of Heritage. These criteria adhere to well-established 'best practice' in the identification and assessment of heritage places in WA and throughout Australia, both at the State and local levels. This ensures that assessments are:

- accountable and can be tested
- comparable
- consistent

A place or area will be of significance to the locality if it meets one or more of the criteria under the following headings:



- aesthetic value
- historic value
- research value
- social value
- rarity
- representativeness
- condition, integrity and authenticity.

Historical aerial photographs indicate that the dry stone walls in Beeliar and Munster (former South Coogee area) were generally constructed between 1953 and 1965, and are commonly associated with the Croatian and Italian market gardeners of that time.

It is likely that the dry stone walls in this area had a dual purpose:

- To clear stone from the site to allow market gardening activities;
- Delineate property boundaries.

Most certainly stone would not have been imported to erect such walls. Rather, it was a pragmatic solution to re-using the stone material taken from the ground to convert the ground in to a market garden resource. The fact that most walls are segments, and not complete walls, indicates that construction was only taken to the extent necessary to use up the available stone materials.

These dry stone walls are considered to have some cultural heritage significance, specifically:

- Aesthetic significance as landmark features.
- Historical interest for their association with market gardening.
- Scientific interest because of the dry stone construction method.

Aesthetic Value

In areas where dry stone walls are prevalent they can be intrinsically part of the landscape. A number of Victorian local government areas have landscapes that are a 'chequerboard network' of extensive walls, kilometres in length, and they have become an important part of the landscape visually, and a cultural connection to the past.

A review of historical aerial photographs provides an indication of the extent of stone walls in the former South Coogee area, depicted in Attachment 1. This demonstrates that they were not prevalent in the area. Rather discrete segments only.

Therefore while these walls have some landmark character and aesthetic value individually, they are not considered to be extensive



enough to contribute significantly to the landscape character of the area.

The extant dry stone walls that were examined were generally in poor condition with evidence of significant deterioration. This is also considered to reduce their aesthetic value because in a deteriorated state they are not a good representation of the original appearance.

Place No. 114 'Limestone Wall and Ruins, Munster' is considered to be the best, most intact example of a dry stone wall constructed by market gardeners in the former South Coogee area. This is because of its substantial height and length, and relatively good condition. The associated limestone ruins also enhance its aesthetic value because the wall and ruins can be read together as a 'precinct'.

Historical and Social Value

Given that dry stone walls were not prevalent in the former South Coogee area (as shown in Attachment 1), this suggests that their construction was not common practice, and that they do not have a strong association with the activity of market gardening generally in the former South Coogee area.

Their limited association with market gardening is best reflected in 'Place No. 'Limestone Wall and Ruins, Munster' where the story of the wall, and the builder is known, adding to its historic value.

Scientific and Archaeological Value

In terms of meeting the criteria for inclusion on the LGI, 'Place No., 'Limestone Wall and Ruins, Munster' is the most intact, and one of the most well-made examples and therefore serves best to offer scientific and archaeological potential. Its association with ruins on the site enhances its archaeological potential, and interpretation opportunities.

Heritage Recommendations

Dry Stone Walls

The three dry stone walls assessed through this study have some heritage significance, but as discussed above they are considered to be 'below threshold' and do not meet the criteria for inclusion on the LGI.

Place No. 114 'Limestone Wall and Ruins, Munster', which is already included on the LGI and protected pursuant to the Scheme, is considered to be the best example to demonstrate the heritage values



of these walls, and it itself has been assessed and demonstrated to meet the criteria for inclusion on the LGI.

However, it is acknowledged that that these structures do have some cultural heritage value, and they are of interest as part of the history of the area. For this reason it is considered appropriate that they are recorded and their retention is encouraged.

Including these structures on the LGI (but not the Heritage List) would still trigger the requirement for planning approval prior to demolition or removal of these structures pursuant to the Scheme.

Where there is fabric remaining the purpose of including a place on the LGI as a 'Management Category D' place (the lowest category) is to ensure that an archival record can be obtained prior to demolition. This is achieved through the requirement for planning approval prior to demolition of a 'Management Category D' place, which is then conditioned with a requirement for an archival record (photographs and scaled drawings). In this circumstance a record of the dry stone walls has been made by the City and there is not seen to be any benefit from requiring the landowner to seek planning approval prior to demolition of the wall which would incur additional costs and time delays.

It is therefore recommended that a new section be included within the LGI document where information about historical sites can be recorded. This section would include:

- Sites/structures that are of historical interest as part of the story of the district but are not considered to have the cultural significance to warrant inclusion on the LGI (i.e. do not meet the criteria for inclusion on the LGI).
- Sites/structures where statutory protection is not considered necessary or appropriate.
- Where it is considered undesirable and unnecessary to trigger any additional requirements for planning approval for the landowners, including demolition.
- A record of the site and relevant information for historical purposes and to facilitate possible interpretation opportunities.
- Encourage retention and recognition of the dry stone walls where possible.

Stone Ruins – 96 Coogee Road, Munster

96 Coogee Road, Munster contains dilapidated stone ruins located in the south eastern corner of the site, visible as a footprint on the 1953 aerial.



It is noted that the land has been subject to extensive clearing and earthworks over the years which makes it difficult to determine what the structures were, or when they were built.

The subject land was originally part of William Ledyard's 200 acre land grant; however, there is no evidence that that he constructed anything on the land. Evidence suggests that he did not make any improvements to the land.

It is considered likely that the structures on the site were either constructed prior to 1939, during the period ownership of Frederick John Allen Early and Charles Early (1928-1939), or later during the ownership of Joze Matijas (1940-1989) who was from Marina, Yugoslavia. The land was in his ownership until he died in 1989.

No further information regarding these ruins is known at this stage; therefore it is not considered there is sufficient evidence to suggest the ruins meet the criteria for inclusion on the LGI and/or Heritage List.

The vacant land is owned by Landcorp and is located in the Australian Marine Complex Structure Plan area. It is recommended that the City encourage Landcorp to investigate the ruins as part of any subdivision or development application for the subject land.

Naval Base Holiday Park Wall

There is a small stone wall located on the Naval Base Holiday Park site, which is thought to be associated with the railway line that once ran north south through the site.

The Naval Base Holiday Park site is included on the LGI and is also a designated 'Heritage Area' pursuant to the Scheme. Therefore the stone wall located on the site is protected through the requirement for planning approval prior to any works.

However, it is recommended that the place record be modified to include a reference to the wall to ensure it is recognised.

Future Management Issues

If well-made and undisturbed, dry stone walls can stand for centuries; however they can also be prone to deterioration and collapse especially when interfered with. This is because they are characterised by very shallow footings, usually only a few inches deep, and they are susceptible to ground movement on soft land, as well as root damage from nearby trees. Removal of sections of the wall, which often occurs as land use changes over time, also undermines their structural stability.



It is anticipated that there would be costs and a lack of local expertise in retaining and maintaining dry stone walls on private property. It is also noted that there are no recognised dry stone wallers listed with the Dry Wall Association of Australia, reflective of the lack of local expertise.

However, it is acknowledged that that these structures do have some cultural heritage value, and they are of interest as part of the history of the area. For this reason it is considered appropriate that they are recorded and their retention is encouraged where possible.

Retention on Public Land

The dry stone walls located elsewhere in Australia are generally located on private rural land where they remain relatively undisturbed. Dry stone walls in the public realm raise issues regarding safety and ongoing maintenance, particularly where the area may be subject to high levels of use by the public, such as parks. Leaving the dry stone walls as they are is considered to be problematic because they are designed to stand where they remain undisturbed.

In the public realm, such as within road reservations or public open space, dry stone structures will be subject to greater levels of interference that could undermine their stability.

In the first instance they will be subject to disturbance from earthworks as part of any subdivisional works, including land re-contouring, fill, compaction, and vegetation removal/modifications.

The use of the area by the public, which could include climbing of the walls, creates the risk that the stability of the wall/structure would be undermined. For this reason any dry stone walls on public land will need to be appropriately stabilised to ensure their safety. The method of stabilisation must take into consideration the heritage values of the wall, and should not detract from the aesthetic values of the wall/structure.

Interpretation Opportunities

Heritage supports urban and rural amenity by providing familiarity and the presence of landmarks, by underpinning our 'sense of place', and by enhancing the quality of our built environment generally.

Whilst not representative of rural settlement of the area more broadly, the dry stone walls and structures do provide a unique insight into the former predominate use of the area for market gardening. They are



also a unique landscape element in themselves. In this regard they provide great interpretation opportunities.

Where a structure plan is prepared for a landholding containing a dry stone wall the Structure Plan should consider:

- Retention of the wall, or sections of the wall where they can be stabilised, with the method of stabilisation specified both during earthworks and construction, and in the future.
- Interpretative artwork that recognises the history of the site and the dry stone wall.
- Interpretation that re-uses the stones from the dry walls, for example in gabion artworks, street furniture, fencing, retaining and landscaping.
- Where reused as gabion fencing the intent is not that it mimics the old wall but that it reflects a re-interpretation, and may be incorporated into landscaping elements in public open space.
- Street naming opportunities.

Where the City's Percent for Artwork Local Planning Policy applies to development that is located on land where a stone wall is located the following is encouraged:

- Incorporation of the stones themselves in interpretive artwork, such as gabion structures, street furniture and landscaping elements.
- Artworks that reflect the dry stone walls and the market gardening history of the area.

This provides the opportunity for artworks to reflect the area's character and to create a unique sense of place for the future.

Place No. 114: Limestone Wall and Ruins, Munster

Place No. 114 'Limestone Wall and Ruins, Munster is included on the City of Cockburn LGI and Heritage List. Pursuant to City of Cockburn Local Planning Policy No. 4.4 'Heritage Conservation Design Guidelines' and State Planning Policy 3.5 Historic Heritage there is a presumption against demolition of places on the Heritage List. Therefore, there is a presumption against demolition of the wall and ruins, and any modifications would require planning approval so that the impact on the heritage values of the structures could be assessed.

Retention of these wall and ruins will require an innovative approach to the design of public open space that incorporates the wall and ruins whilst also providing a recreational function for the community.



Any structure plan that affects Place No. 114 'Limestone Wall and Ruins, Munster' should demonstrate:

- Retention of the wall and ruins within public land to secure its future retention and management.
- Public open space being designed to appropriately incorporate the ruins and wall in a manner that facilitates interpretation while providing a recreational function for the community.
- Methods of stabilising and protecting the wall and ruins during earthworks and subdivisional works.
- Methods of stabilising the stone wall and ruins in a way that does not detract from the heritage significance, particularly the aesthetic values of the structures.

The wall and ruins provide this structure plan area with a point of difference and with careful planning and design will create a very distinctive park that contributes to a unique sense of place for the area.

Community Consultation

It is recommended that the Draft Stone Wall and Ruins Heritage Study be advertised for public comment, which would include:

- Direct consultation with the landowners, clearly explaining the purpose of the study and the proposed recommendations.
- Consultation with the general community seeking their feedback and any additional information they may have regarding stone walls.

Conclusion

It is recommended that Council adopt the Draft Stone Wall and Ruins Heritage Study as included at Attachment 2 for the purposes of community consultation.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

- Provide for community facilities and infrastructure in a planned and sustainable manner
- Provide safe places and activities for residents and visitors to relax and socialise



Economic, Social & Environmental Responsibility

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

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes
- Provide for community and civic infrastructure in a planned and sustainable manner, including administration, operations and waste management

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

In accordance with Section 45(2)(b) of the Heritage of WA Act 1990, the City is required to undertake extensive consultation in relation to the updates to the LGI.

The requirements for consultation for places on the Heritage List are set out under Provision 8(3) of the City of Cockburn Town Planning Scheme No. 3 Deemed Provisions as follows:

- (3) *The local government must not enter a place in, or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the Local Government —*
- (a) *notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry; and*
 - (b) *invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice; and*
 - (c) *carries out any other consultation the local government considers appropriate; and*



- (d) *following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.*

Risk Management Implications

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

If a heritage study of the remnant stone walls and ruins in the City of Cockburn is not undertaken they could be removed by the landowners and the opportunity to assess their heritage value (and potentially protect them or record them if deemed appropriate) will be lost.

Attachment(s)

1. Location Plan
2. Draft Stone Wall and Ruins Study

Advice to Proponent(s)/Submissioners

N/A.

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

Nil.

15.5 (MINUTE NO 6158) (OCM 14/09/2017) - CONSIDERATION TO INITIATE SCHEME AMENDMENT NO. 122 – LOCATION: LOT 25 ACOURT ROAD, TREEBY – OWNER: TILLBROOK NOMINEES PTY LTD – APPLICANT: URBIS (109/120) (T VAN DER LINDE) (ATTACH)

RECOMMENDATION

That Council

- (1) require the following modifications to the proposed Scheme Amendment No. 122:
 1. The Acoustic Assessment prepared by Resonate Acoustics and dated 7 June 2017 (ref: P17113RP1, Revision 1) be updated to assess only those Additional Uses listed in recommendation (2)2 below, remove reference to a fast food outlet and child care premises, and include investigation of potential noise emissions from Jandakot Airport.



2. The Traffic Impact Assessment prepared by Transcore and dated April 2017 (ref: t16.083, r01a) be updated to assess only those Additional Uses listed in recommendation (2)2 below and remove reference to a fast-food restaurant and day care centre.
- (2) in pursuance of Clause 75 of the *Planning and Development Act 2005* (“Act”), initiate the amendment to City of Cockburn Town Planning Scheme No. 3 (“Scheme”) for the following purposes:
1. Designating Additional Use No. 19 over portion of Lot 25 Acourt Road, Treeby as designated on the Scheme Amendment Map, in order to bring the Scheme in to conformity with the zoning under the Metropolitan Region Scheme.
 2. Amending Table 6 – Additional Uses to include the following provisions relating to the Additional Use No. 19 portion of Lot 25 Acourt Road, Treeby:

No.	Description of Land	Additional Use	Conditions
AU 19	Portion of Lot 25 Acourt Road, Treeby	Market – A Restaurant – A Service Station – A Convenience Store – A Veterinary Centre – A	Development Approval for Lot 25 Acourt Road are subject to: a) Due consideration to groundwater risk minimisation. b) All development being connected to a reticulated sewer system. c) Stormwater is to be managed as described in the Department of Environment’s Stormwater Management Manual for Western Australia or relevant equivalent. d) With regard to any application for development approval likely to generate noise emissions that may impact surrounding development, the preparation and lodgement of a report by a suitably qualified acoustic

			<p><i>consultant demonstrating how the proposed use has been acoustically assessed and designed for the purposes of minimising the effects of noise intrusion and/or noise emissions in accordance with the Environmental Protection (Noise) Regulations 1997.</i></p> <p><i>e) With regard to any application for development approval, the preparation and lodgement of a report by a suitably qualified bushfire consultant demonstrating that the proposed development complies with the requirements of State Planning Policy 3.7 Planning in Bushfire Prone Areas.</i></p> <p><i>f) Development is to comply with the requirements for 'Commercial and Industrial Uses' within LPS 3.</i></p> <p><i>g) All service areas are to be concealed from public view.</i></p> <p><i>h) Built form to be designed to be complementary to the character of the surrounding area.</i></p> <p><i>i) A vegetation strip to be provided on the boundary to the lots to the north-west and southwest, in order to maintain an appropriate rural interface with those Resource zoned lots.</i></p> <p><i>j) Any application for development approval must demonstrate the provision of a minimum front setback of 15m, in</i></p>
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			<p><i>order to accommodate the provision of a 3m landscaping strip, 5.5m car parking area and a 6m access way. This area is to be protected by an appropriate public access easement for the full frontage of the subject land to Warton Road.</i></p> <p><i>k) No right hand turn in to the site from Warton Road will be supported unless, at the development approval stage, a Traffic Impact Assessment can demonstrate to the satisfaction of the local government that such access can be accommodated in a safe manner and will not create congestion in the immediate road network.</i></p> <p><i>l) Proposed development being accompanied by a Fauna Relocation Plan.</i></p> <p><i>m) The Market use is to be limited to a maximum net lettable area of 3000sqm floor space.</i></p> <p><i>n) The Market use is to be limited to the operating hours of 8am to 3pm, and only from Thursday to Sunday.</i></p> <p><i>o) The Restaurant use is not to be developed as a Fast Food Outlet.</i></p>
<p>(3) note the amendment referred to in resolution (1) above is a 'complex amendment' as it satisfies the following criteria of Regulation 34 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> ("Regulations"): <i>an amendment that is not addressed by any local planning strategy;</i></p>			



- (4) pursuant to Clause 81 of the Act, refer the Scheme amendment to the EPA by giving to the EPA written notice of this resolution and such written information about the amendment as is sufficient to enable the EPA to comply with section 48A of the *Environmental Protection Act 1986* in relation to the proposed Scheme amendment;
- (5) pursuant to Regulation 37(2) of the Regulations, submit two copies of the proposed Scheme amendment to the Commission, to obtain consent to advertise the Scheme amendment; and
- (6) subject to Clause 81 and 82 of the Act, if the Commission advises the City of Cockburn that it is satisfied that the complex amendment is suitable to be advertised, advertise the proposed Scheme amendment pursuant to the details prescribed within Regulation 38. Regulation 38 specifies advertising must not be less than a period of 60 day.

COUNCIL DECISION

MOVED Clr S Portelli SECONDED Clr L Smith that the recommendation be adopted with the exception of point (2) n) to read as follows:

- (2) n) The market use is to be limited to the operating hours of Monday to Sunday 8.00 am to 6.00 pm specifically for the baker and butcher only.

MOTION LOST 0/8

MOVED Clr K Allen SECONDED Clr S Pratt that Council defer this item for more information.

CARRIED 9/0

Background

The subject land comprises a 2.3ha portion of Lot 25 Acourt Road Treeby, located at the most eastern extent of the City. The City of Canning local authority is located to the north, the City of Gosnells to the north-east and the City of Armadale to the east and south (see Attachment 1 – Location Plan). It is a unique land area, situated mostly outside of the Rural Water Protection zone of the Jandakot Water Mound. That is, it is not subject to the same constraints which



'Resource' zoned land within Banjup and Jandakot are, according to the region and local schemes.

The subject land is mostly zoned 'Rural' under the Metropolitan Region Scheme ("MRS"), with only a minor sliver in the western portion within the Rural Water Protection zone of the MRS. This creates a requirement for the City's Scheme be consistent with the 'Rural' zoning of the MRS, over the majority of the land. The City's Scheme currently zones the land as 'Resource', despite it mostly not coinciding with the Rural Water Protection zone of the MRS. This has created opportunity for the landowner to request the City to bring its Scheme in to better conformity with the MRS, as per the requirements of the Planning and Development Act 2005 ("Act"). Also currently under the City's Scheme, the subject land is located within Additional Use 7 area which allows for the development of cattery and dog kennels, commonly referred to as the "kennel zone".

The proposed Scheme amendment seeks to introduce a new additional use to the rural zoned portion of the land under the MRS. It is recommended that Council initiate this Scheme amendment, based upon:

- the need to bring the local scheme into conformity with the region scheme;
- the additional use introducing what are considered to be compatible uses recognising the interfacing urban and rural setting, at this eastern extent of the city;
- no changes being contemplated within the Resource zoned sliver on the subject land.

Submission

N/A

Report

The proposed Scheme amendment request was lodged by Urbis on behalf of the landowner, Tillbrook Nominees Pty Ltd. The proposal seeks to introduce Additional Use 19 over the subject land to introduce a specific set of additional uses to be developed on site. Attachment 2 – Scheme Amendment Map illustrates the proposed changes to the Scheme Map.

The subject land is generally located on the corner of Warton Road, Nicholson Road and Acourt Road and is vacant of development. Vegetation at the subject land is generally degraded and consists of shrub regrowth following clearing of the site for agricultural purposes approximately 30 years ago.



CY O'Connor Village is located approximately 100m south of the subject land within the City of Armadale and incorporates several eateries, a medical centre, retail stores and various other community services. Land to the east within the City of Armadale consists of residential estates. Banksia Hill Detention Centre is located north-east within the City of Gosnells and land to the north within the City of Canning is reserved for 'Parks and Recreation'.

Zoning

The subject land is zoned 'Rural' under the MRS and thus provides a context for uses which are compatible with a rural setting as being able to be considered. The current zoning under the local scheme is 'Resource', and the applicant takes the position that the local scheme needs to be reflect the designation for the land under the region scheme.

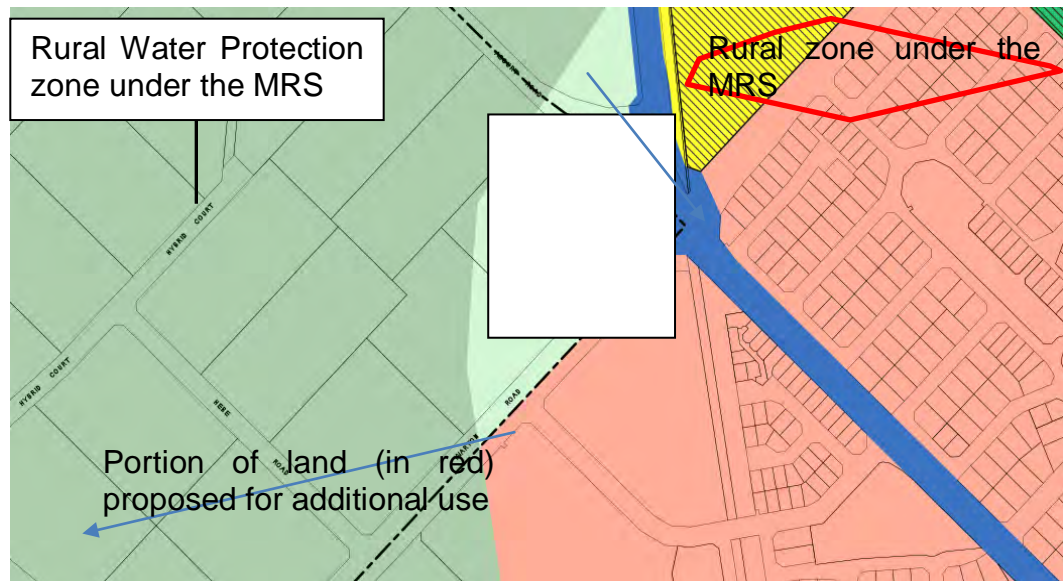
In taking this point further, the local scheme's zone objective for the 'Resource' zone is:

"To provide for the protection of the Perth Metropolitan underground water resource in accordance with the requirements of Statement of Planning Policy No. 6 published by the Western Australian Planning Commission on 12 June 1998."

This creates the issue that the current zoning of the land as Resource, being outside the Jandakot water mound, means that technically the Resource zone does not appropriately designate a local planning response to the Rural zone under the MRS.

Statement of Planning Policy No. 6 is the Jandakot Groundwater Protection Policy which is now referred to as State Planning Policy 2.3 ("SPP 2.3"). Lot 25 is zoned 'Resource' under the Scheme due to only a small portion of the lot being located within the Jandakot Groundwater Protection Policy area ("Protection area"). However, the subject land is located wholly outside of this area and thus does not fall under the requirements of SPP 2.3. This is shown following:





The MRS zonings over Lot 25 reflect the exclusion of the subject land from the Protection area, with the portion of land located within the Protection area zoned 'Rural – Water Protection' and the remainder of the lot (the subject land) being zoned 'Rural'. The 'Rural – Water Protection' zone imposes more onerous requirements on the development of land and restricts land uses in accordance with SPP 2.3. Since the subject land is zoned 'Rural' under the MRS these same restrictions do not and should not apply to development of this land.

Lots 24, 25 and 892 Acourt Road and Lot 13 Warton Road are the only lots zoned 'Resource' under the Scheme that are not entirely within the Protection area or zoned 'Rural – Water Protection' under the MRS. The City is required to bring the Scheme into conformity with the MRS, and thus development of the subject land should reflect the 'Rural' zoning of the MRS rather than the 'Rural – Water Protection' zoning that applies to all other land zoned 'Resource' under the Scheme. Thus, a wider range of land uses may be considered at the subject land in accordance with the 'Rural' zone under the MRS as opposed to land zoned 'Rural – Water Protection'.

Proposed Additional Uses

The subject land is located within a small pocket of 'Rural' zoned land under the MRS with land to the west and north zoned 'Rural – Water Protection'. Land to the south and east is zoned 'Urban' and land to the north-east is zoned 'Public Purpose – Prison' (see Attachment 3 – MRS Zoning).

To the south of the subject land, within the City of Armadale, land zoned 'Urban' under the MRS directly interfaces with 'Rural – Water Protection' zoned land, that is, 'Urban' zoned land directly follows the boundary of the Protection area. However, where the 'Rural – Water



Protection' zone boundary moves north across Warton Road into the City of Cockburn and traverses Lot 25, the 'Urban' zoning stops at Warton Road appearing to delineate Warton Road as the boundary for 'Urban' zoned land. This was likely done to 'round off' the urban area using logical road reserve boundaries and has resulted in a small, isolated pocket of 'Rural' zoned land, including the subject land, located between the Protection area and 'Urban' zoned land. Development of the subject land is thus required to manage the expectations of landowners within the 'Urban' zoned land to the south of Warton Road as well as the expectations of landowners to the west of the subject land located within the 'Rural – Water Protection' zone. These expectations need to be balanced and land uses at the subject land will need to appropriately transition from 'Rural – Water Protection' to 'Urban', while ensuring these uses are compatible with the 'Rural' zone.

The proposed Scheme amendment and additional uses appropriately address this balance. The Market and Veterinary Centre are low intensity rural uses, compatible with the existing rural development within the 'Resource' zone to the west of the subject land. The Veterinary Centre will be able to service the catteries and dog kennels in the area, as well as the wider residential community to the east. The Market is intended to give local farmers the opportunity to sell their produce and thus support rural pursuits while servicing urban areas. In order to ensure the Market is developed as a low intensity and small scale use to protect the amenity of nearby rural pursuits, the floor space of the Market is to be limited to a maximum of 3000m². Furthermore, operating times are to be limited from 8am to 3pm, Thursday to Sunday. This requirement has been included in the additional use conditions listed above. The Concept Plan prepared in support of the Scheme amendment and included at Attachment 4, proposes the Veterinary Centre and Market on the south-western portion of the site as an appropriate interface with the 'Rural – Water Protection' zoned land to the west.

The Service Station, Convenience Store and Restaurant are uses that are appropriate within the 'Rural' zone and are commonly found in rural areas throughout the metropolitan region. These uses are particularly appropriate at the subject land due to the close proximity of urban development south of Warton Road. CY O'Connor Village to the south of the subject land is planned to expand further north, with Mixed Use development proposed directly opposite the subject land. The proposed additional uses will act as a transition between the Mixed Use and rural uses while also contributing to a town centre environment. The Restaurant is not to be developed as a Fast Food Outlet which would compromise the rural character and amenity of the locality. This requirement is included within the additional uses conditions listed above. These uses are proposed to be located on the



north-eastern portion of the site, closest to existing urban development to minimise the impact of noise and light emissions on rural uses to the west. A vegetation strip will be required to be provided along the north-west and south-west boundaries of the subject land as a buffer between the rural land uses and proposed Additional Uses.

State Planning Policy 2.3 Jandakot Groundwater Protection Policy

The aim of SPP 2.3 is “to protect the Jandakot Groundwater Protection area from development and land uses that may have a detrimental impact on the water resource”. SPP 2.3 also states that land use planning is to be guided by priority areas and the principles of risk avoidance, risk minimisation and risk management.

Groundwater is a highly valued resource of the State, and the Protection area currently provides a significant volume of high quality water that needs to be protected into the future. It is understood groundwater protection is dependent on appropriate and integrated land use planning, water and health management processes. Thus, any land use that has the potential to impact the Protection area whether inside or outside the policy area should be investigated.

The subject land while not within the Protection area is located in close proximity to the Protection area and is thus required to demonstrate that proposed development will not increase risk of groundwater contamination. The proposed Scheme amendment includes a condition requiring that any future development at the subject land will be required to have due consideration to groundwater risk minimisation. This may include investigations demonstrating the proposed uses do not pose an unacceptable risk to groundwater quality. Any development application will also need to be supported by an appropriate water management plan, which will address groundwater management and contamination.

Noise

The subject land is in close proximity to Warton and Nicholson Roads, the kennel zone, and is also located within the Jandakot Airport Frame Area and thus may be impacted by noise from any or all of these sources. The proposed additional uses are also a source of noise that has the potential to impact surrounding landowners.

An Acoustic Assessment has been prepared and lodged with the City to support the proposed Scheme amendment and determine whether the impacts on the subject land, as well as emissions proceeding from the proposed additional uses, are acceptable under the planning and environmental legislative framework.



The Acoustic Assessment demonstrates that predicted noise emissions from the subject land are acceptable and can be managed to meet legislative requirements. Noise emissions impacting the subject land from Warton and Nicholson Roads and dog kennels were also assessed as acceptable.

However, the Acoustic Assessment and recommended management practices are based on additional uses that are no longer proposed by the Scheme amendment. The Acoustic Assessment also does not address potential noise from Jandakot Airport given the subject land is located within the Jandakot Airport Frame Area. For this reason, as per recommendation (1)1 above, the Acoustic Assessment is required to be updated. This is not expected to reveal an increase in noise emissions from or on the subject land or compromise the acceptability of the proposed Scheme amendment for initiation. It is recommended that the Acoustic Assessment be updated prior to advertising.

Further acoustic reporting will be required to support any future development application as detailed in the proposed additional use conditions. A more accurate and detailed noise assessment will be possible once the exact position of proposed uses on site is known.

Traffic and Access

The proposed additional uses are expected to attract relatively high volumes of traffic to the subject land, and internal access ways, turning lanes and crossovers will need to be constructed to accommodate expected traffic volumes safely. The subject land currently has no formal access to the surrounding road network so any future development application at the site will need to be supported by appropriate upgrades to the road network and intersection treatments.

The Traffic Impact Assessment ("TIA") prepared to support the proposed Scheme amendment demonstrates that additional traffic generated by the proposed additional uses can be accommodated within the existing road network. Crossovers and intersections are proposed along Acourt Road and Warton Road to provide access to and from the subject land. Internal access ways can be designed to service each of the proposed uses, and sufficient parking can be provided on site. However, the City will not support right-in access to the subject land from Warton Road as proposed by the TIA due to volumes of traffic along Warton Road and the proximity of this access point to the Warton Road / Nicholson Road roundabout making this manoeuvre unsafe. If traffic is congested south of the Warton Road / Nicholson Road roundabout, vehicles turning right into the subject land will be required to cross two lanes traffic, increasing the risk of collision if one lane of congested traffic obscures vision of moving vehicles in the other lane. A right-in turn from Warton Road will only be permitted if



it can be demonstrated that this access can be accommodated safely and will not create further congestion. This requirement is included within the additional use conditions listed above.

Furthermore, like the Acoustic Assessment, the TIA has been prepared based on additional uses that are no longer proposed by the Scheme amendment. Thus, as per recommendation (1)2 above, the TIA is required to be updated prior to advertising of the Scheme amendment to ensure the predicted traffic volumes generated by each use are consistent with the additional uses that are proposed.

Further investigations and requirements relating to parking and access will be undertaken at the development application stage when proposed scale and location of land uses on site is known.

A portion of Lot 13 to the south-west of the subject land is also partly located outside of the 'Rural – Water Protection' zone under the MRS and the City has been approached by the landowners of this lot expressing interest in developing this portion of the property. Due to the relatively high volumes of traffic along Warton Road, crossovers to Warton Road at both Lot 25 and Lot 13 are not preferred by the City. Thus, the proposed Scheme amendment includes a condition to provide a 15m setback to Warton Road to be protected by a public access easement which would allow future connection to Lot 13 through Lot 25. This will be further addressed at the development application stage.

In conclusion, the City has been requested by the applicant to bring its local scheme in to better conformity with the region scheme. The most optimal planning response to do this is through the introduction of an additional use, in order to provide the unique planning response needed to transition the expectations of urban residents, with the expectation of those residents within the Resource zone. It is recommended that Council initiate the Scheme amendment.

Strategic Plan/Policy Implications

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development
- Increase local employment and career opportunities across a range of different employment areas through support for economic development



- Sustainably manage our environment by protecting, managing and enhancing our unique natural resources and minimising risks to human health

Budget/Financial Implications

The applicant has paid the fees associated with the Scheme amendment.

Legal Implications

Under Section 123 of the *Planning and Development Act 2005*, it is required that local schemes be consistent with region schemes. It specifically states:

- (1) *A local planning scheme is not to be approved by the Minister under this Act unless the provisions of the local planning scheme are in accordance with and consistent with each relevant region planning scheme.*

The applicant has made the request to bring the local scheme in to better conformity with the region scheme. Under Section 124(4) of the Act, it states that:

- (4) *In preparing the local planning scheme or amendment the local government is to have due regard to the purpose and planning objectives of the region planning scheme or amendment to the region planning scheme*

The amendment proposed is considered to meet this requirement, and address the issue of conformity between the local and region schemes.

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 complex amendment (such as this) requires 60 days consultation in recognition that such proposals have a greater impact on the community. Whereas a basic amendment requires no consultation and a standard amendment is 42 days consultation.



Risk Management Implications

The proposed Scheme amendment presents an opportunity to develop the subject land with a range of land uses that would benefit the local and wider community. The proposed additional uses are appropriate within the 'Rural' zone and act as a transition between the rural land to the west and urban land to the east. The proposed additional use conditions and supporting technical reports demonstrate that development of the subject land will not have a detrimental impact on surrounding land uses and residents. The subject land is currently underutilised, being vacant of development. Given its strategic location and proximity to the neighbourhood centre on the south-east side of Warton Road, it is appropriately located for additional uses like that proposed to occur. If this proposed Scheme amendment is not initiated, there is a missed opportunity to consider the subject land for development of these uses and further investigate and receive feedback from the community on this proposal.

Attachment(s)

1. Location Plan
2. Scheme Amendment Map
3. Zoning
4. Concept Plan

Advice to Proponent(s)

The Proponent(s) has been advised that this matter is to be considered at the 14 September 2017 Council Meeting.

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

Nil.

NOTE: DURING THIS ITEM CLR C TERBLANCHE RETURNED TO THE MEETING, THE TIME BEING 8.45PM.

AT THIS POINT, CLR K ALLEN LEFT THE MEETING, THE TIME BEING 8.46PM.



15.6 (MINUTE NO 6159) (OCM 14/09/2017) - PROPOSED AMENDMENT TO CELL 9, YANGETUP AND CELL 10, BEELIAR STRUCTURE PLAN – LOCATIONS: LOTS 10-13 AND 101 (NO. 34, 36, 38, 40 & 46) TINDAL AVENUE, YANGETUP – APPLICANT: MW URBAN (110/174) (T VAN DER LINDE) (ATTACH)

RECOMMENDATION

That Council

- (1) adopts the Schedule of Submissions prepared in respect to the Proposed Structure Plan amendment;
- (2) pursuant to Clause 20 of the Deemed Provisions of City of Cockburn Town Planning Scheme No. 3, recommend to the Western Australian Planning Commission the Proposed Structure Plan Amendment for Lots 10-13 and 101 Tindal Avenue, Yangebup, be approved; and
- (3) advise the landowners within the structure plan area and those who made a submission of Council's recommendation accordingly.

COUNCIL DECISION

MOVED Cllr L Smith SECONDED Cllr S Pratt that the recommendation be adopted.

CARRIED 8/0

Background

The Cell 9, Yangebup and Cell 10, Beeliar Structure Plan ("Structure Plan") was originally endorsed by the Western Australian Planning Commission ("Commission") in October 2001 and has been modified multiple times since.

This Proposed Structure Plan Amendment seeks to re-code Lots 10-13 and 101 (Nos. 34, 36, 38, 40 & 46) Tindal Avenue, Yangebup ("subject land") from Residential R20 to Residential R30 and R40 (see Attachment 1) to facilitate future subdivision and development of these lots. A Location Plan is included at Attachment 2.

The purpose of this report is for Council to consider the Proposed Structure Plan Amendment following the advertising process and a detailed assessment by City officers as discussed below.



Submission

NA

Report

Site Context and Zoning

The subject land consists of five lots fronting Tindal Avenue, varying between 517m² and 643m² in area with the total area of all five lots amounting to 3009m². Four of the five lots (Lots 10-13) are vacant of development and have been vacant since the original dwelling spanning all four lots was demolished in 2005. Lot 101 contains a single dwelling.

The subject land is zoned 'Urban' under the Metropolitan Region Scheme ("MRS") and 'Development' under City of Cockburn Town Planning Scheme No. 3 ('TPS 3'). The subject land is located within Development Area 4 ('DA 4'). The Structure Plan currently designates a 'Residential R20' coding over the subject land. The subject land is also located within Developer Contribution Areas 5 ('DCA 5') and 13 ('DCA 13') and contributions towards these are required at the subdivision and/or development stage.

The subject land is 200m north of Beelias Drive and 250m west of Spearwood Avenue. Beelias Village and South Coogee Primary School are located approximately 850m south-west. Cockburn Central Gateway's Shopping Centre is located 4.3km east of the subject land and offers a wide range of retail, commercial, supermarkets and food and beverage establishments. Visko Park and Spinnaker Reserve are located 500m and 200m west of the subject land respectively and offer a variety of passive and active recreation opportunities. High frequency bus routes servicing Fremantle to Cockburn Central are located within 250m of the site along Beelias Drive and Spearwood Avenue. Thus, the subject land is well connected and located in relatively close proximity to a wide range of services and facilities in the surrounding locality.

Proposed Density

Directions 2031 and Beyond ("Directions 2031") and Liveable Neighbourhoods ("LN") promote 15 dwellings per hectare, as the standard density for new greenfield development in urban areas, and an overall target of 47% of all new dwellings as infill development. This percentage equates to 154 000 of the required 328 000 dwellings future dwellings for Perth forecast growth to 2031, being located within existing zoned areas. Perth and Peel@3.5million reinforces these



density targets and promotes urban consolidation and diversity in housing density.

The subject land comprises several of the last remaining vacant residential lots within Yangebup and is one of the largest agglomerations of vacant residential lots in the suburb. Thus, the proposed recoding presents a good opportunity to coordinate higher density development and contribute to the infill dwelling targets specified within the State planning framework. Furthermore, the majority of land within the Structure Plan area is coded R20 and so the proposed R30 and R40 densities provide greater diversity within the locality, translating into a range of future household types and responding to the objectives of the State and Local planning framework.

Land immediately to the south and east of the subject land is coded R40 and developed as single residential dwellings and grouped dwellings. Macrozamia Park is located approximately 20m south-east of the subject land and is 1870m². All residential lots surrounding and fronting this park are coded R40. The R40 coding extends further north of the park up to Salina Way, opposite the subject land. The proposed R40 coding over Lots 12-13 and 101 represents a logical 'rounding off' of R40 development along this portion of Tindal Avenue and surrounding Macrozamia Park, and ensures a consistency in streetscape and built form on either side of Tindal Avenue. Essentially it creates an R40 corridor of development along Tindal Avenue, ensuring consistencies in built form outcomes on either side of the road.

Lots 10-11 are proposed to be developed at an R30 density as a transition from the proposed R40 to the existing R20 to the north and east of the subject land on the northern side of Salina Way. The proposed R30 coding of these two lots is appropriate and ensures there is not a significant disparity in built form outcomes between these lots and the existing R20 development on the east side of Tindal Avenue.

A future park and local centre are to be developed 150m and 200m south-west of the subject land respectively, offering nearby services, amenities and recreation opportunities to future residents at the subject land. The subject land's close proximity to high frequency public transport and a wide range of services and facilities as discussed above is further justification for the increase in density coding in this location.

Furthermore, the vast majority of land within the Cell 9, Yangebup and Cell 10, Beeliar Structure Plan area has been underdeveloped, with R20 and R40 coded lots (developed as single dwellings) being of a



significantly larger size than the average required under the Residential Design Codes (“R-Codes”). For example, within the area containing the subject land bound by Bayview Terrace to the north, Tindal Avenue to the east, Yardie Crescent to the south and Spinnaker Heights to the west, the average R20 lot size is 563.8m², when the R-Codes allow a minimum of 450m². The average lot size of R40 lots developed with single residences in this same area is 319.3m², when the R-Codes allow a minimum of 180m². Thus, the proposed increase in density is an opportunity to recover the lost development opportunity resulting in the underdevelopment of land within the Structure Plan area.

Traffic

The proposal results in the number of dwellings permitted to be developed within the subject area increasing from 5 to 10. An additional 5 dwellings will have negligible impact on traffic generation within the locality and can easily be accommodated within the existing road network. Local Development Plans (“LDPs”) will be required to be prepared for any lots with less than a 12m frontage to address driveway and crossover requirements to ensure the number of crossovers is minimised.

Furthermore, as stated in the preceding report, due to the underdevelopment of the Structure Plan area, volumes of traffic within the locality are likely to be lower than those originally anticipated by the Structure Plan. Thus, the local road network designed as part of the Structure Plan is able to accommodate the minimal additional traffic generated by an increase in coding at the subject land.

It is recommended that this amendment to the structure plan be adopted, on the basis that it represents a more effective design response to the transition of density. It also helps to locate density within an area which has locational advantages in being able to accommodate higher density housing.

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



Budget/Financial Implications

The required fee was calculated on receipt of the Proposed Structure Plan Amendment and has been paid by the proponent. There are no other direct financial implications associated with the Proposed Structure Plan Amendment.

Legal Implications

Clause 20(1) of the deemed provisions requires the City to prepare a report on the Proposed Structure Plan Amendment and provide it to the Commission no later than 60 days following the close of advertising.

Community Consultation

In accordance with clause 18(2) of the deemed provisions, the Proposed Structure Plan Amendment was advertised for a period of 28 days commencing on 25 July 2017 and concluding on 22 August 2017. Advertising included a notice in the Cockburn Gazette and on the City's webpage, letters to landowners in the vicinity of the Proposed Structure Plan Amendment area, and letters to relevant government agencies.

In total Council received five submissions, two from landowners and three from government agencies. No government agencies provided objections to the proposal, with one landowner providing support and one landowner objecting to the proposal. The objection stated that the proposed recoding would devalue property values and cause congestion on local roads. There is no evidence that a relatively minor increase in density coding would decrease property values in the area and the minor increase in dwellings at the subject land would have negligible impact on the local road network.

Further analysis of the submissions has been undertaken within the Schedule of Submissions included at Attachment 3.

Risk Management Implications

If the subject land is not recoded, there will be a lost opportunity to address density targets under the State planning framework and provide a greater diversity of housing in the area in a logical location, adjacent and opposite existing R40 development and in close proximity to an existing park. This results in an underutilisation of land and lost opportunity for residents to live in strategic location in close proximity to a wide range of services and high frequency bus routes.

Attachment(s)

1. Structure Plan Amendment Map



2. Location Plan
3. Schedule of Submissions

Advice to Proponent(s)/Submitters

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 September 2017 Council Meeting.

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

Nil.

AT THIS POINT CLR K ALLEN RETURNED TO THE MEEETING, THE TIME BEING 8.48PM.

DECLARATION OF INTEREST

The Presiding Member read the Declaration of Interest from Clr Portelli for Item 15.7 at Item 4.

15.7 (MINUTE NO 6160) (OCM 14/09/2017) - JANDAKOT VISION PROCESS - PERTH AND PEEL @ 3.5 MILLION (103/004) (L SANTORIELLO) (ATTACH)

RECOMMENDATION

That Council note as follows:

- (1) the Jandakot visioning survey formally concluded advertising on 31 August 2017; and
- (2) the formal consideration of the Jandakot Vision survey is expected to be formally presented to Council at its 12 October 2017 meeting.

COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr S Portelli that the recommendation be adopted.

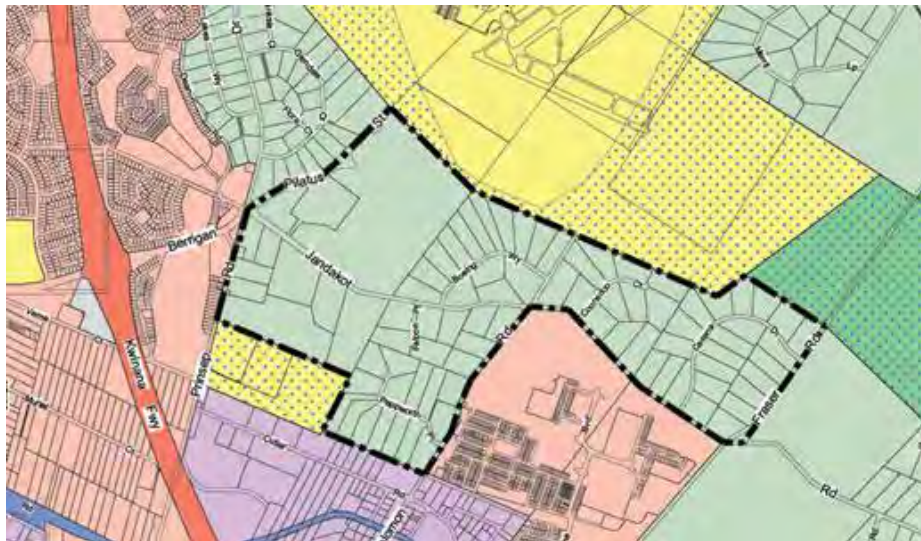
CARRIED 9/0



Background

On 8 June 2017 Council resolved to direct the Chief Executive Officer to prepare a 'Vision' survey for part of Jandakot.

The project area, as per Council's resolution, is identified as an area north of Jandakot Road, south up to Cutler Road, Fraser Road to Berrigan Drive, Solomon Road to Berrigan Drive. This is shown following for ease of reference:



The purpose of this report is to provide a project update to Council, noting the original Council resolution set a timeframe of 90 days for this to be completed (by 6 September). This was under Part (2)3 as follows: *Advise the WAPC that a connected plan and vision for the entire area will be provided within 90 days.*

Due to the process of designing the engagement, and ensuring Elected Members were able to review the proposed engagement, it has not been possible to report on the vision in September (this meeting). Instead, this will be undertaken in the October meeting.

It is recommended that Council note this update as provided in the report. As of late August, the visioning process has received 42 submissions, with further expected before the end of the process at 31 August.

Submission

N/A



Report

The Jandakot vision survey commenced formal advertising on 31 July 2017, with a community information session held to launch the process. The survey formally concluded advertising on 31 August 2017. As of the date of drafting this report, which was late August, 42 submissions had been received.

The issue of designing a successful process in which to obtain input to the vision was carefully done. It was recognised that a successful vision process needed to:

- Engage landowners to comprehensively think about the kind of place we want to create for our community into the future?
- Ensure landowners were given information to fully inform their views as to what potential there may be for a future place;
- Be built upon a thorough understanding of the current and future situation for the area;
- Recognise and respect that the ultimate decision on long term land use and development, rests with the State Government.

In understanding the context, both the online survey process and community launch event (held on 31 July), featured detailed information on:

- The planning context (Liveable Neighbourhoods; Perth and Peel Plan; State Rural Land Policy; State Bushfire Planning Policy; State Jandakot Airport Policy; Movement network issues);
- The environmental context (Bush Forever; Water issues; Bushland and wetland issues);
- Public health context (Sewer policy issues; noise issues).

It also portrayed the strong regional level of planning that currently existed for the area, particularly shaped by the presence of the public drinking water supply of the Jandakot water mound, and the presence of Jandakot airport. A vision for the future needed to be accountable in dealing with the relevant contexts, and why it was aimed to ensure landowners were fully informed. A fully informed community would provide the most optimal process in which to obtain feedback.

The contextual information was provided in the format of 10 separate maps. Each of these maps reflected existing State government site analysis data, with reference to the source of the specific State Government document from which the data originated.

The survey provides the community with the opportunity to be exposed to the relevant State government documents and provides the community with the opportunity to deliver input in respect to the WAPC's Strategic planning framework for Jandakot.



As covered in the Background section above, City officers intend to prepare a formal report to Council for the meeting of 12 October 2017 for Council's consideration on the feedback to the vision process. Upon Council deciding its position, communication will take place to ensure the WAPC are made aware of the vision with a request that they take this in to account in their deliberations on the Perth and Peel Plan.

Strategic Plan/Policy Implications

Economic, Social & Environmental Responsibility

- Create opportunities for community, business and industry to establish and thrive through planning, policy and community development
- Sustainably manage our environment by protecting, managing and enhancing our unique natural resources and minimising risks to human health

Leading & Listening

- Deliver sustainable governance through transparent and robust policy and processes

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

Community Consultation commenced on 31 July 2017 following a Community consultation workshop. The visioning survey concluded on 31 August 2017. A report will be presented to the October meeting.

Risk Management Implications

As this report provides an update on the current status of the Jandakot Vision Survey, this section is considered to be not applicable in this instance.

Attachment(s)

1. Survey maps
2. Survey Questions



Advice to Proponent(s)/Submissioners

As this is an update for Council, no submissioners have been made aware of this report. All submissioners will be made aware of the report to the October meeting.

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

Nil.

AT THIS POINT CLR P EVA LEFT THE MEETING, THE TIME BEING 8.48PM.

15.8 **(MINUTE NO 6161)** (OCM 14/09/2017) - **CONSIDER SUBMISSIONS – TREEBY DISTRICT STRUCTURE PLAN (110/141) (C CATHERWOOD) (ATTACH)**

RECOMMENDATION

That Council

- (1) adopts the Schedule of Submissions prepared in respect to the Proposed District Structure Plan;
- (2) adopt the Treeby District Structure Plan as a guiding document to coordinate future structure plans within the District Structure Plan area only, subject to:
 1. Clarification that the 'green linkage' shown on the Treeby District Structure Plan does not impinge on the Dollier Road and Biscayne Way lots, and their access arrangements are not changed.
 2. Updating the District Water Management Strategy to the most current version approved by the Department of Water and Environmental Regulation.
 3. Additional information being included within the District Structure Plan text that recognises that at the time of adopting the District Structure Plan, a separate vision process is being undertaken for land outside of the District Structure Plan area on the north side of Jandakot Road.
 4. Additional information being included within the District Structure Plan text that recognises that at the time of adopting the District Structure Plan, a separate process of considering a preferred design and timing for the Jandakot Road upgrade is being undertaken.

5. Update text and mapping to reflect the current zoning and current address of Lot 1 (east).
6. Include reference to City of Cockburn's Noise Attenuation Local Planning Policy and Guidelines (LPP 1.12).
7. Part One reference to "Transport Noise Assessment" be updated to read "Noise Impact Assessment".
8. Section 1.3.3.4 in Part Two addressing SPP5.3 Jandakot Airport Vicinity be updated to clearly identify that a Noise Management Plan addressing aircraft noise is required for all lots within the TDSP area.
9. Section 1.3.3.5 in Part Two addressing SPP5.4 to be broken into more than one paragraph to improve legibility.
10. Section 2.6 in Part Two addressing Context Analysis and Opportunities and Constraints correct "ANEAF" to read "ANEF" and include proximity to the Cockburn Fremantle Pistol Club on the list as any Noise Management Plan for Lot 4 Armadale Road would need to address noise emissions from the Pistol Club as a pre-existing land use in their Noise Management Plan under the City's LPP.
11. Figure 9 Opportunities and Constraints Plan – add reference to the Frame Area for Jandakot Airport.
12. Figure 9 Opportunities and Constraints Plan – add reference to the Dog Kennels Buffer (in a similar manner as the 20 ANEF is shown to demonstrate that it is outside the buffer) and annotate any proposal to rezone these lots would need to address proximity to the kennel zone.
13. The Skotsch Road precinct Resource lots being indicated as 'potential residential' (pending inclusion by the WA Planning Commission in the Perth and Peel @ 3.5 million documents), and if this eventuates Skotsch Road being appropriately connected and integrated with the broader TDSP area.

Should those landowners seek to rezone that precinct, then the school's capacity may not be sufficient. This would be an important consideration the Skotsch Road landowners would need to address, in liaison with the Department of Education as part of any potential rezoning if it were contemplated.



14. Include an annotation in the eastern node (in proximity to the centre, school and playing field for the potential to relocate the Banjup War Memorial (specific location to be determined at LSP stage).
 15. Updating the Appendix – Environmental Assessment Report to include:
 - a. Reference in Section 2.1.2 to State Planning Policy 5.3 Land Use Planning in the Vicinity of Jandakot Airport; Environmental Protection (Noise) Regulations 1997 and the future Public Health Act 2016; and
 - b. Noting in Section 4.11.2 concerning Jandakot Airport, to include information on or a reference to the N Contours which are also included in the Jandakot Airport Master Plan.
- (3) forward a copy of the endorsed Treeby District Structure Plan (as modified) to the Western Australian Planning Commission (“WAPC”) for information purposes only;
 - (4) advise the WAPC that in light of a finalised TDSP, the City requests that the WAPC expedite an amendment to the MRS to introduce the appropriate urban zone for the residential and potential residential areas depicted in the now adopted TDSP and;
 - (5) advise landowners within the Treeby District Structure Plan area, submitters, and affected public authorities of the adoption of the District Structure Plan as modified.

COUNCIL DECISION

MOVED Cllr S Portelli SECONDED Cllr B Houwen that the recommendation be adopted.

CARRIED 8/0

Background

In November 2015, Council supported the preparation of the Banjup (now Treeby) District Structure Plan and endorsed a Project Plan to prescribe how this work should be undertaken.



Since then, background work and analysis has occurred and a draft document was endorsed for advertising in May 2017 for a period of 60 days. This period extended from 13 June till 12 August 2017 and a total of 80 submissions were received.

It is recommended that, subject to a number of minor modifications, the draft Treeby District Structure Plan be adopted by Council as a guiding document to coordinate future structure plans within the District Structure Plan area.

There are some peripheral matters unrelated to the District Structure Plan, which have been raised in some submissions made during advertising of the District Structure Plan. Such peripheral issues are to be dealt with via future reporting to Council that deals specifically with those peripheral issues. These issues being the status of the Jandakot Road upgrade and the status of the Jandakot visioning.

Officers will ensure any points raised in submissions made on the Draft District Structure Plan, which relate to the peripheral issues of Jandakot Road upgrade and/or the Jandakot visioning, are dealt with in those respective reports to Council.

As mentioned, subject to minor modifications, it is recommended the Treeby District Structure Plan be adopted.

Submission

N/A

Report

The purpose of this report is for Council to consider submissions on the draft Treeby District Structure Plan ("TDSP") and whether adoption of the Plan as a guiding document is appropriate.

The TDSP will guide the form of future development of the locality, with a key aim to provide opportunities to enhance the qualities of this existing neighbourhood. The TDSP is seen as an important step for the Treeby urban precinct, considering how its strategic placement within the heart of the rapidly expanding south west corridor adjacent to Cockburn Central Station. At the same time, the constraints of the locality presents unique challenges, which demand careful study and reflection in terms of ensuring that planning for the area is suitable to enhancing opportunities for current and future residents of Treeby.

At the time of progressing the TDSP, and indeed reflecting the dynamic nature of planning, there are separate matters underway by Council which are peripheral to the TDSP. These peripheral issues have



understandably received some comment in the submissions received on the TDSP. The peripheral issues are specifically:

- The Jandakot Road upgrade planning;
- The Jandakot Resource Zone visioning

Officers have ensured that submissions raising points relevant to these peripheral issues have been appropriately captured such that they also be included for consideration as part of future reporting to Council on both of these matters. The officer recommendation of this report also modifies the TDSP to acknowledge the current status of these peripheral issues. This status is succinctly as follows:

Jandakot Road upgrading

The City is looking to construct a second carriageway for Jandakot Road (between Berrigan Drive and Fraser Road) as well as upgrade Solomon Rd (south of Jandakot Road).

The City has been undertaking community engagement with affected landowners to inform the design of the road widening to achieve the most optimal outcome for the community. The project consists of the following stages:

- *Stage 1:
Jandakot Road (between Solomon and Fraser Road)
Solomon Road (south of Jandakot Road)
(not including the Jandakot Road and Solomon Road intersection).*
- *Stage 2:
Jandakot Road (between Berrigan Drive and Solomon Road)
(including the Solomon Road and Jandakot Road intersection)
(External link)*

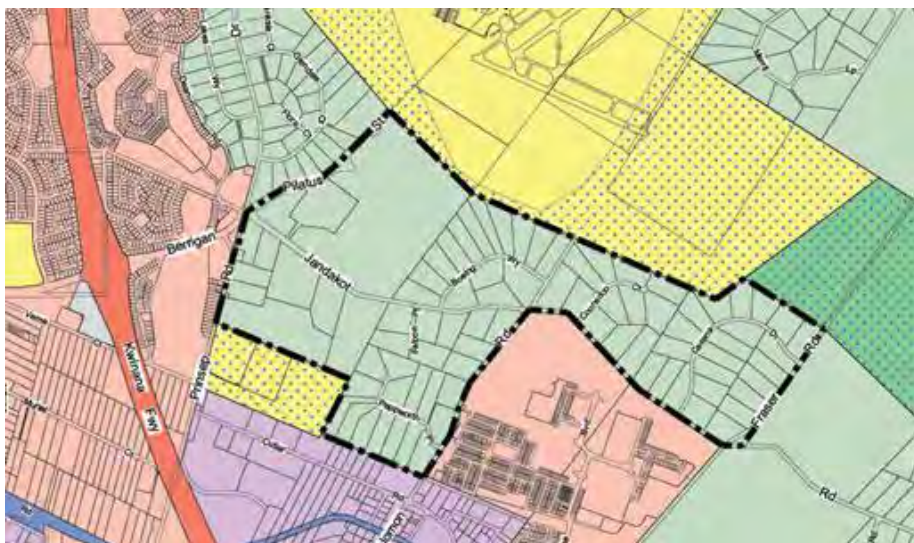
After a workshop with residents in April 2017, Council's engineers and planners met with relevant State authorities and produced three modified options for the road design, the key difference being the location and form of intersection control at Jandakot and Solomon Roads and the accommodation of drainage.

These were presented to residents at a follow-up workshop in July 2017 for their feedback. Feedback closes at the end of August 2017, with the results to be considered as part of an item to Council in the later part of the year (likely the November meeting). Jandakot Road is adjacent to, but separate from the TDSP area.



Jandakot Visioning – additional input into Perth and Peel @ 3.5 million

This matter relates to the land outlined in the map below.



A workshop was held (in conjunction with the TDSP workshop) in July 2017 to launch an on-line survey for landowners to have input into a vision for this land. The City proposes to give this input to the State Government who is trying to finalise a plan called 'Perth and Peel @ 3.5 million'.

This will guide how our City grows for many years to come. The State Government's draft plan does not give enough certainty for this area at the moment. Since the City's submission on this draft document was originally made in 2015, there have been many attempts by the City to engage with the Department of Planning to provide clearer direction for this area. This collaboration has not been forthcoming and now results in the City seeking to provide further input into the strategic vision.

The survey closes at the end of August, with the results to be considered as part of an item to Council in the later part of the year (likely the October meeting). This land is also adjacent to, but separate from the TDSP area.

These peripheral issues are not revisited as part of this report.

Planning Framework and how this facilitates the Treeby District Structure Plan

To realise the vision of Directions 2031 and beyond and the State Planning Strategy 2050, the Western Australian Planning Commission has created a series of proposed planning frameworks.



The Perth and Peel@3.5million strategic suite of documents has been developed to engage the community in open discussion on expectations of what our city should look like in the future, on how we can maintain our valued lifestyle and how we can realistically accommodate a substantially increased population over the next 35 to 40 years.

The South Metropolitan Peel Sub-Regional Planning Framework is one of three frameworks prepared for the outer sub-regions of Perth and Peel, which along with the Central Sub-Regional Planning Framework establishes a long-term and integrated framework for land use and infrastructure provision.

The framework builds upon the principles of Directions 2031 and will provide guidance for:

- the preparation of amendments to the Perth Metropolitan Region Scheme, local planning schemes, local planning strategies/scheme, and district, local and activity centre structure planning; and
- the staging and sequencing of urban development to inform public investment in regional community, social and service infrastructure.

Importantly the Planning Framework, amongst other things, endeavours to develop a consolidated urban form that limits the identification of new greenfield areas to where they provide a logical extension to the urban form, and that places a greater emphasis on urban infill and increased residential density.

The following map excerpt highlights the area of Treeby which the TDSP will apply. Noting the logical extensions of the existing urban form, in what is now close proximity to transit, jobs and major activity centres. The TDSP will provide a boundary that is comprised of land within Solomon Road, Armadale Road, Warton Road and Jandakot Road. This is unique to the area that the TDSP deals with, and why it has been advanced to reflect the regional planning undertaken by the State Government.

To ensure the City's planning framework is sufficiently advanced to reflect the future finalisation of the Southern Sub-Regional Framework, the TDSP was prepared.





Design Principles

The TDSP responds to the WAPC's Structure Plan Framework and the key district level coordination issues the proposed development of the precinct presents. These include:

- Broad land-use arrangement, buffers and any relevant targets (e.g. density targets);
- Coordination of major infrastructure including:
 - Schools;
 - District water management;
 - District movement networks;
 - Regional & District level Open Space / Conservation areas;
 - District recreation facilities;
- Broad funding arrangements for improvements, potentially including the principles of a Development Contribution Plan (DCP).

Skotsch Road precinct

As a result of the community forums, the need to clarify the position of Skotsch Road precinct landowners became apparent.

The current draft TDSP indicates retention of this land in the Resource zone, and no further subdivision taking place. This was chosen to reflect the State Government's recent draft Perth and Peel @ 3.5 million documents, which did not indicate this area being a future 'urban' area.

Letters were sent to all Skotsch Road precinct landowners (all those shown as 'Resource' zone within the TDSP boundary) asking them to nominate which of the scenarios they prefer:



- Remaining in the Resource zone and not undertaking any further subdivision (this implies no vehicular connections into the new urban area of Treeby); or
- Rezoning to Urban to become part of the future urban community (this implies full vehicular connection and no separation from the new urban area of Treeby).

There are a total of 15 of these 'Resource' zoned lots, one of which is isolated to the east of the Skotsch Road precinct. Four of the lots have no direct frontage to Skotsch Road itself and front Jandakot Road only. There are a total of 23 people and two companies which own these 'Resource' zoned lots. One of the companies owns two lots. There has been no disparity in views between owners of the same property, so with this in mind, the following is noted on a 'per lot' basis.

Area	Remain Resource	Rezoned to Urban	Did not respond	Total
All Resource zoned lots	0	12	3	15

From the information collected above, it is clear the majority of landholdings in the Skotsch Road precinct would prefer the option of rezoning to urban.

Given this, it is recommended the plan be modified to reflect the Skotsch Road precinct being considered for urbanisation. An important consideration is the ability for this land to be serviced by government agencies, including the Department of Education. Further comment and recommendation is discussed in relation to this in the Community Consultation section of this report.

Modifications to draft Treeby District Structure Plan

In addition to the above, as a result of customer queries during the advertising process, it is clear some other minor modifications would be needed and these are reflected in the officer recommendation.

Clarification is needed about the issue of noise and how the City expects this to be managed in line with its adopted Local Planning Policy and to ensure the same successful approach applied in Calleya is continued. A number of recommendations relate to this and will make this clear to all parties. This is particularly important where the City's expectations go further than State Planning Policy and are in the interests of our future residents.

It needs to be clarified the 'green linkage' shown on the TDSP does not impinge on the Dollier Road / Biscayne Way lots and their access arrangement are not changed. The 'green linkage' at the western end of the TDSP has been fulfilled within the Calleya development already.



An updated water management strategy is still being undertaken in liaison with the Department of Water and Environmental Regulation and this should replace the advertised version (September 2016).

There was a logical suggestion to relocate the Banjup War Memorial into Treeby's urbanised area. While specification of the exact location could be prejudicial to the consideration of matters such as Bush Forever and the best opportunities for local public open space, an annotation is included as a modification.

Also, as already mentioned, annotations within the structure plan text should also acknowledge the two key peripheral issues currently being advanced.

Given the minor nature of all these modifications, it is clear that the Draft District Structure Plan represents an effective response to the planning and structure of district issues to guide the future of the area. In its own right, the TDSP will not simply open to prospect for urbanisation to occur. Instead, it places the City's local planning framework in a way which is ready to respond once the State Government decide to undertake formal amendments to the Metropolitan Region Scheme to introduce an urban zoning over the relevant land. It is recommended that Council adopt the plan on this basis.

To ensure that development is progressed in a timely way, it is also recommended that Council seek the WAPC to progress rezonings under the MRS as such relates to the residential and potential residential areas depicted in the TDSP area.

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 Treeby (then known as Banjup) District Structure Plan was a City project identified within the previous Corporate Business Plan to be undertaken by the Strategic Planning Department in 2015/2016. In this regard, a major landowner sought to assist in this process by undertaking the preparation of the draft TDSP, with oversight of this by City of Cockburn officers. Upon completion of the draft, it was



transferred to the City to consider it for advertising, and (in respect of this report) for final adoption post advertising.

Legal Implications

Ultimately it would be proposed this plan be adopted by resolution of Council as a guiding document, but not under the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015), which refers to a 'structure plan' as:

'Structure plan means a plan for the coordination of future subdivision and zoning of an area of land'.

With the above in mind, it would prudent to maintain Council's practice with previous district structure plans, to only adopt them by resolution of Council and not under the relevant structure planning provisions. This acknowledges a degree of flexibility and assists with affected landowners being unlikely to consider themselves injuriously affected by the plan.

Community Consultation

The proposal was advertised for a period of 60 days, ending 12 August 2017. Advertising consisted of a newspaper advertisement in the Cockburn Gazette and letters to affected government agencies, all landowners within the TDSP area as well as a substantial area of properties surrounding. The community groups; Calleya Culture Club and Banjup Resident Group were also notified and offered individual briefings, which were not taken up. A community forum was hosted by the City which took the community through the key plan elements and allowed the opportunity to ask questions.

A total of 80 submissions were received. Detailed responses are in the Schedule of Submissions; some of the main issues are covered in brief below. Many of the submissions raised issues which are peripheral to the Treeby DSP. As explained in detail above, these peripheral issues will be addressed in future reporting to Council.

With this in mind, the relevant related issues (not relating to peripheral issues) are discussed as follows:

The Department of Education has made very clear their designation of school needs relates to the residential area as shown in the advertised plan. If this were to change, for example if Skotsch Road precinct was also allowed to be urbanised, then the schools as shown may already be at capacity. It is imperative that this be addressed as part of any potential future rezoning given it may alter matters such as school catchments. A modification within the text of the Treeby DSP is



included to highlight this issue is an important matter for those landowners to address should they look to lodge an amendment to the zoning in the future. Liaison with the Department of Education will be required early to prove that the land is capable of being serviced by the Department of Education.

The District Water Management Strategy (“DWMS”) requires modifications which are in the process of being undertaken. The modifications are not considered to materially affect the Treeby DSP, but it is prudent they are made. It is appropriate to condition the updated DWMS to be provided.

Issues of security due to urbanisation arose a number of times; this was primarily from landowners within the Skotsch Road precinct. Also the concerns they were being surrounded by residential development. This appears to have been a major driver in the majority response to have the option of urbanisation for their precinct also.

Risk Management Implications

Adoption of the District Structure Plan is particularly critical in this area for key structural features, such as school and oval locations as well as major movement connections for both vehicles and pedestrians. To have district guidance on these matters minimises the risk these key features (which often consume large parcels of land) end up located in sub-optimal locations.

As also discussed in the Legal Implications section of this report, this document should only be adopted by resolution of Council, not under the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015). This is particularly important in this case given the very large area of Bush Forever the site contains. As Council noted in its submission on the Green Growth Plan some time ago, the mechanisms for landowner compensation had not been resolved so Council must not inadvertently assume responsibility for this or ‘lock in’ landowners to the boundaries of that Bush Forever when it is known those landowners are proposing the review the boundary through the formal (State government) process.

Attachment(s)

1. Draft Treeby District Structure Plan
2. 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 14 September 2017 Council Meeting.

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

Nil.

16. FINANCE AND CORPORATE SERVICES DIVISION ISSUES**16.1 (MINUTE NO 6162) (OCM 14/09/2017) - LIST OF CREDITORS PAID - JULY 2017 (076/001) (N MAURICIO) (ATTACH)****RECOMMENDATION**

That Council adopt the List of Creditors Paid for July 2017, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr S Portelli 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 July 2017 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.



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 list of accounts for July 2017 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.

Attachment(s)

List of Creditors Paid – July 2017.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.2 (MINUTE NO 6163) (OCM 14/09/2017) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JULY 2017 (071/001) (N MAURICIO) (ATTACH)

RECOMMENDATION

That Council

- (1) adopt the Statement of Financial Activity and associated reports for July 2017, as attached to the Agenda;



- (2) amend the 2017-2018 Municipal Budget in accordance with the detailed schedule in the report as follows:

Revenue Adjustments	Increase	32,971
Expenditure Adjustments	Decrease	416,617
Net change to Municipal Budget Closing Funds	Increase	449,588

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Clr B Houwen 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. At the August 2017 meeting, Council adopted to continue with a materiality threshold of \$200,000 for the 2017/18 financial year.

Detailed analysis of budget variances is an ongoing exercise, with any required budget amendments submitted to Council each month in this report or included in the City's mid-year budget review as deemed appropriate.

Submission

N/A

Report

Opening Funds

The City has budgeted for \$2.5M in opening funds from the previous year. But until the 2016/17 financial accounts have been finalised and audited, the final result cannot be confirmed. Once the audit process is complete, this matter will be addressed in a future report to Council, also dealing with the carried forward works and services from the previous year.

Closing Funds

The City's actual closing funds position of \$96.19M was \$3.11M higher than the budget forecast for the end of July. This result reflects net favourable cash flow variances across the operating and capital programs as detailed in this report.

The 2017/18 revised budget reflects an EOFY closing position of \$0.46M, up from the \$14k included in the adopted budget. This is due to reduced insurance premiums adjusted in the budget. However, it is proposed that this saving be moved into the Insurance Reserve next month.



Operating Revenue

Consolidated operating revenue of \$103.58M was ahead of the YTD budget target by \$0.11M. The majority of the City's operating revenue is recognised in July upon the issue of the annual rates notices.

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

Nature or Type Classification	Actual Revenue \$M	Revised Budget YTD \$M	Variance to Budget \$M	FY Revised Budget \$M
Rates	96.31	96.10	0.21	99.98
Specified Area Rates	0.37	0.33	0.04	0.33
Fees & Charges	5.16	5.49	(0.34)	26.71
Operating Grants & Subsidies	1.24	1.11	0.12	9.45
Contributions, Donations, Reimbursements	0.18	0.08	0.10	1.15
Interest Earnings	0.33	0.36	(0.03)	4.74
Total	103.58	103.48	0.11	142.36

The significant variances at month end were:

- Rates income was \$0.21M ahead of the YTD budget setting as a result of part year rating processed during the month.

Operating Expenditure

Operating expenditure of \$9.92M (including asset depreciation) was under the YTD budget by \$2.61M.

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	Revised Budget YTD \$M	Variance to Budget \$M	FY Revised Budget \$M
Employee Costs - Direct	3.55	4.20	0.66	52.60
Employee Costs - Indirect	0.06	0.08	0.02	1.57
Materials and Contracts	2.09	3.71	1.62	41.11
Utilities	0.31	0.46	0.15	5.23
Interest Expenses	0.00	0.00	0.00	0.82
Insurances	0.95	1.00	0.06	1.70
Other Expenses	0.61	0.74	0.13	9.01
Depreciation (non-cash)	2.40	2.36	(0.04)	28.30

Nature or Type Classification	Actual Expenses \$M	Revised Budget YTD \$M	Variance to Budget \$M	FY Revised Budget \$M
Amortisation (non-cash)	0.09	0.09	0.00	1.12
Internal Recharging-CAPEX	(0.12)	(0.11)	0.01	(1.29)
Total	9.92	12.53	2.61	140.16

The significant variances at month end were:

- Material and Contracts - were collectively \$1.62M under the YTD budget with the significant variances being:
 - IT & IS projects under by \$0.45M
 - Parks maintenance spending under by \$0.30M
 - Cockburn ARC under by \$0.22M
 - Waste Collection costs under by \$0.21M.
- Direct Employee Costs – were collectively \$0.66M under YTD with no individual significant variances recorded.

Capital Expenditure

The City's total capital spend at the end of the month was \$89.2M, representing an under-spend of \$14.5M against the full year budget.

The following table details the budget variance by asset class:

Asset Class	YTD Actuals \$M	YTD Budget \$M	YTD Variance \$M	FY Revised Budget \$M	Commit Orders \$M
Roads Infrastructure	0.1	0.8	0.7	15.3	2.1
Drainage	0.0	0.1	0.1	1.7	0.0
Footpaths	0.1	0.1	0.0	1.3	0.0
Parks Infrastructure	0.2	0.9	0.7	12.5	1.4
Landfill Infrastructure	0.0	0.2	0.2	1.1	0.1
Freehold Land	0.0	0.1	0.1	0.8	0.0
Buildings	0.3	2.6	2.3	20.4	6.6
Furniture & Equipment	0.0	0.2	0.2	0.9	0.3
Information Technology	0.1	0.2	0.1	3.0	0.5
Plant & Machinery	0.0	0.5	0.5	4.2	0.6
Total	0.8	5.6	4.8	61.1	11.7

These results included the following significant project variances:

- Roads Infrastructure under YTD budget by \$0.66M with no significant variances recorded against any individual project.



- Parks Infrastructure – the capital program was behind YTD budget by \$0.70M with Coogee Beach master plan (at \$0.22M) the only project with a significant variance.
- Buildings – collectively \$2.33M behind YTD budget with Cockburn Bowling & Recreation Facility contributing \$1.68M to the variance and Cockburn ARC \$0.30M.
- Plant & Machinery – the replacement program was \$0.45M behind YTD budget, although there are outstanding orders totalling \$0.61M.

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:

- Capital grants were collectively \$0.14M behind YTD budget primarily due to the final milestone payment outstanding for the ARC (\$0.5M).
- Developer Contribution Area (DCA13) contributions for community infrastructure assets were behind YTD budget by \$0.36M.

Reserve Transfers

- Transfers from Reserve were \$1.64M below the YTD budget setting because of the low capital spend for the month.
- Transfers to financial reserves were \$0.55M below the YTD budget, primarily due to the DCA13 budgeted revenue shortfall of \$0.36M.

Cash & Investments

The closing cash and financial investment holding at month's end totalled \$118.03M (down from \$120.15M the previous month).

\$112.63M of this balance represents the current funds held for the City's financial reserves. The remaining balance of \$5.4M was available to meet operational liquidity needs (down from \$17.67M last month). The City's liquidity position will improve dramatically in August due to the flow of rates payments.



Investment Performance, Ratings and Maturity

The City’s investment portfolio made a weighted annualised return of 2.73% for the month, unchanged from 2.73% last month and 2.72% the month before. This continues to compare favourably against the UBS Bank Bill Index (1.82%) and the FIIG Term Deposit - All Maturities Index (1.94%). The cash rate was most recently reduced at the August 2016 meeting of the Reserve Bank of Australia (by 25bp to 1.50%).

The City’s interest revenue from investments for July was only slightly behind the YTD budget target by \$28k.

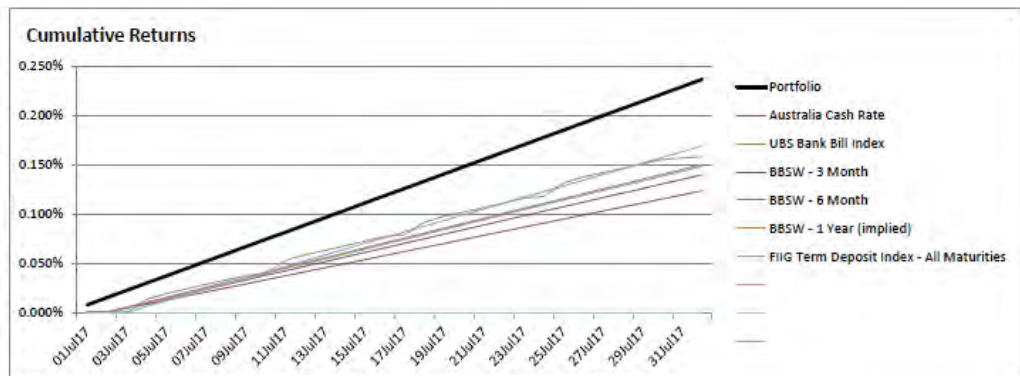


Figure 1: COC Portfolio Returns vs. Benchmarks

The majority of investments were held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian and foreign owned banks. These were 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. The A-1+ investment holding increased marginally from 29% to 32% during the month, whilst the A-1 holding decreased from 19% to 17%. The amount invested with A-2 banks decreased from 48% to 47%, comfortably below the policy limit of 60%.



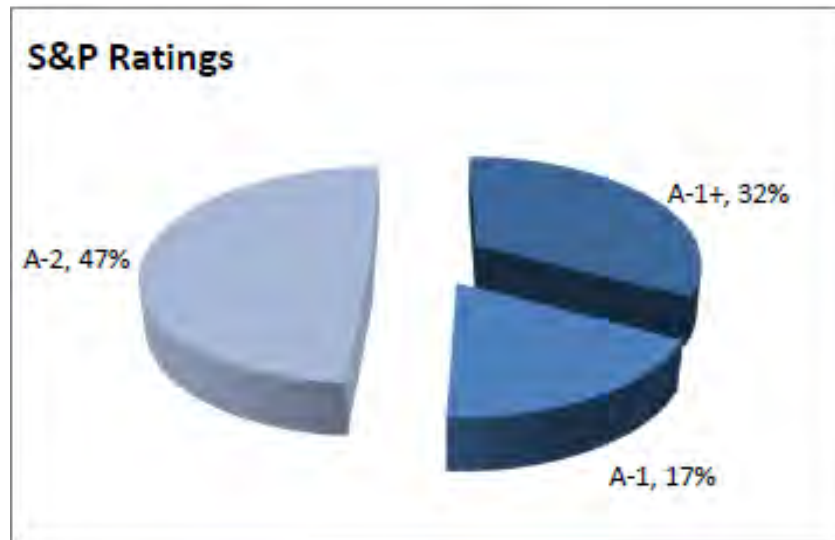


Figure 2: Council Investment Ratings Mix

The current investment strategy seeks to secure the highest possible rate on offer (up to 12 months for term deposits), subject to cash flow planning and investment policy requirements. Value is currently being provided within the 3-12 month investment range.

The City's TD investment portfolio had an average duration of 99 days at 31 July or 3.3 months (reduced from 115 days last month) with the maturity profile graphically depicted below:

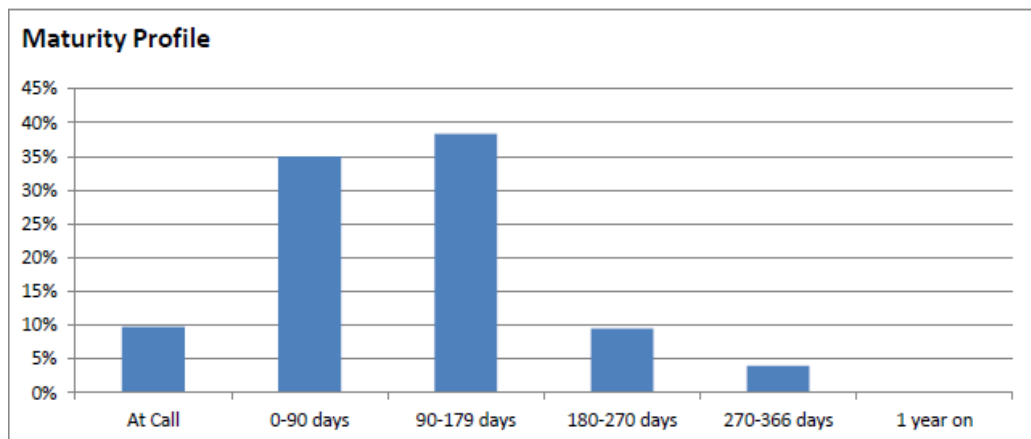


Figure 3: Council Investment Maturity Profile

Investment in Fossil Fuel Free Banks

At month end, the City held 54% (\$61.65M) of its TD investment portfolio of \$114.05M with banks deemed free from funding fossil fuel related industries. This was up from 51% the previous month.



Budget Revisions

Budget amendments identified during the month and requiring Council adoption are as per the following schedule:

PROJECT/ACTIVITY LIST	USE OF FUNDING + increase (-) decrease		FUNDING SOURCES + decrease (-) increase		
	EXP \$	TF to RESERVE \$	TF FROM RESERVE \$	REVENUE \$	MUNI \$
Reduced Insurance Premiums (TF part savings to Insurance Reserve next month)	(490,416)				490,416
Corporate copy costs adjustment	(140)				140
Reduce FAGS grant budget to allocated amount				40,968	(40,968)
HACC Growth funding	73,939			(73,939)	
MCCC – end of year event	2,500				(2,500)
Budget Contingency	(2,500)				2,500
Totals	(416,617)			(32,971)	449,588

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).



Trust Fund

At month end, the City held \$11.32M within its trust fund. \$5.95M was related to POS cash in lieu and another \$5.37M in various cash bonds and refundable deposits.

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

The 2017-2018 budget surplus is showing an increase of \$449,588 in July to \$464,075, due to the budget amendments recommended in this report. This primarily reflects savings on the City's insurance premiums charged through LGIS. However, it is planned for most of this saving to be transferred into the City's Insurance Reserve, ensuring any calls under the City's performance based workers compensation scheme can be met.

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 City's budget is not adopted.

Attachment(s)

Statement of Financial Activity and associated reports – July 2017.

Advice to Proponent(s)/Submissioners

N/A



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

Nil.

17. ENGINEERING AND WORKS DIVISION ISSUES

17.1 (MINUTE NO 6164) (OCM 14/09/2017) - COOGEE BEACH ECO SHARK BARRIER (064/030) (D VICKERY) (ATTACH)

RECOMMENDATION

That Council agrees to authorise the City to enter into a lease purchase agreement with Eco Shark Barriers Pty Ltd for retention of the eco shark barrier at Coogee Beach at a cost of \$90,000 (ex GST) per annum (includes maintenance) for a 5 year period, with the maximum cost over the 5 year lease period time being \$450,000 (ex GST).

COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

Council approved the installation and trial of the Eco Shark Barrier at Coogee Beach from September 2013 until the end of March 2014, subject to a number of conditions including placement, engineering certification, approvals and insurances.

The Eco Shark Barrier was installed on an initial trial in December 2013 and removed (with the exception of the anchor pylons and seabed components) on the 26 April 2014. The trial was deemed successful. There were no marine entrapment issues, the barrier did not fail and it proved to be very popular with beachgoers.

When the Eco Shark Barrier was initially deployed for the first trial period it was considered a prototype, with potential for further development and improvement in the future. It was untested in winter conditions and in surf and swell, thus the recommendation at that time was that Council lease the barrier for 3 years.

Given the success and popularity of the first trial, Council then approved the installation and entered into a lease agreement with Eco



Shark Barriers Pty Ltd to trial the barrier for the longer trial period of three (3) years, subject to a number of conditions similar to those of the first trial.

The trial and lease agreement commenced on the 24 November 2014 and is due to expire on 24 November 2017. The fee to lease the barrier was \$85,000 inclusive of GST per annum. This included all maintenance on the barrier.

Council now needs to decide if the barrier is to remain in place or if it is to be removed at the end of this second trial period.

Submission

N/A

Report

The trial and lease of the Eco Shark Barrier is due to end on 24 November 2017. At this time, if a further arrangement has not been put in place, Eco Shark Barriers Pty Ltd as per the original agreement, are required to remove the barrier and all associated infrastructure including the pylons. All State Government agency licenses and approvals will also lapse.

The barrier has proven to be very popular with the local community as well as those from other Perth metropolitan areas, with schools from other regions visiting the barrier to attend swimming lessons.

Although there have not been any reported shark attacks at Coogee Beach, the barrier allows people to experience the joys of swimming in the ocean with some piece of mind.

As per the existing agreement, Eco Shark Barriers have been required to submit regular reports outlining any public issues and maintenance concerns, as well as any details relating to marine life captures. To date the only major issue was that the barrier broke apart in a period of wild weather in January 2017 due to a problem with the chain and the attachments on the bottom of the barrier. The barrier has since been modified to prevent a similar occurrence from happening again.

There have been no reports of marine life being harmed or injured by the barrier and there have only been two reports of entrapment within the confines of the barrier (not in the barrier itself). Both of the creatures were captured and released without harm. The issues with the barrier that allowed them to enter have been addressed.



The trial of the Eco Shark Barrier was initiated to determine if there were going to be any long term issues with the positioning of the barrier at Coogee Beach, the nature of the barrier itself and for the owners of the barrier (Eco Shark Barriers Pty Ltd) to address any issues that did arise. During the three year lease period of the second trial the barrier has received a number of modifications by the proprietors and is now more robust than when it was first installed. In this regard and because of its popularity the second trial is considered a success.

To determine the support for the barrier the City recently commissioned a survey via comment on Cockburn. The results of the survey demonstrated overwhelming support for the continued deployment of the barrier at Coogee Beach with 3,606 respondents in support of retention and just 43 opposed. A summary of the consultation is included in Attachment 1.

Based on the survey results a decision to remove the barrier at the end of the current term would likely not be a popular decision with the community.

The barrier at Coogee Beach compliments the Coogee Marine Trail with each being a popular attraction. Both help to support Councils vision to make Cockburn the most attractive place to live, work, visit and invest in within the Perth Metropolitan area.

State Government Agency Licenses and Approvals

All relevant State Government departments or agency approvals are currently in place and held in the name of the City of Cockburn. Only two are required.

1. The Department of Transport – Coastal Infrastructure Branch issue an annual jetty license for the structure. Currently the City holds Jetty License number 4332. The license is required to be renewed each year in November with an annual fee of \$87.
2. The Department of Lands have issued a Section 91 License (a licence to occupy crown land) for the Eco Shark Barrier. The licence is valid until 24 November 2017. Given the success of the barrier the Department of Lands have indicated they would continue to support the license approval. There is no annual fee on this licence.

Each license would be extended to accommodate any continued deployment of the Eco Shark Barrier.



Pricing Options

Eco Shark Barrier Pty Ltd has provided a number of fixed pricing options for continued deployment of the barrier. There is no escalation of costs during the terms. The options are shown in Table 1.

Table 1. ECO SHARK BARRIER RENEWAL OPTIONS						
Option	Proposal	Lease term (Yrs)	Cost per year ex GST (\$)	Maintenance ex GST (\$)	Extra Cost to purchase ex GST (\$)	Total ex GST (\$)/Annualised cost
1	Lease for 3 years at the end of 3 years Cockburn will own it.	3	130,000	Included in lease terms		390,000/ 130,000
2	Lease for another 3 years. At the end of 3 years Cockburn buy it for \$160k	3	85,000	Included in lease terms	160,000	415,000/ 138,333
3	Lease for another 1 year. Then buy for \$250k	1	85,000	Included in lease terms	250,000	335,000/ 111,666
4	Continue leasing for 5 years \$90 k per year Cockburn own it at the end of 5 years	5	90,000	Included in lease terms		450,000/ 90,000
5	Buy outright (3 year minimum maintenance)	3		3 X 40,000	250,000	370,000/ 123,000

The annual leasing cost also includes the cost of maintenance which will include weekly inspections, regular cleaning and materials.

With all leasing options Eco Shark Barrier P/L will:

- a) maintain the appropriate insurances including public liability insurance to the value of \$20m during the period of the lease;
- b) maintain the Eco Shark Barrier over the term of the lease which includes required upgrades and repairs at no additional cost; and



- c) provide a report in March and September each year detailing the maintenance undertaken and any issues that have been identified and how they have been addressed.

If and when a decision is made to purchase the barrier outright there would then be a requirement for maintenance and the current quoted cost is \$40,000 (ex GST) per annum. This could be negotiated depending on when the barrier was purchased. Additionally the City would be required to pay the cost of any materials required to repair the barrier if the barrier was owned by the City.

With all the leasing options Eco Shark Barriers would continue maintenance responsibilities at no extra cost, including any reinstatement should it be damaged by storm events or vandalism.

Attachment 2 is a Net Present Value Calculation of the options over a 5 year period, including annual maintenance costs. It assumes that interest rates are 3.21% and the annual consumer price index is 1.5% per annum. The calculation shows that if it is intended to retain the barrier long term then purchasing the barrier outright at the end of the current lease period and entering into a maintenance servicing arrangement (Option 5) is the least expensive of the options available, however the annualised cost is higher than Option 4.

Should in the alternative a lease option is selected, the barrier is expected to be in good condition after the end of any further 5 year lease period as it will undergo constant maintenance and upgrades during the lease. Attachment 3 provides some additional information in relation to the current and expected condition.

It is not envisaged that the City would incur any additional significant cost with any of the options over the (up to 5 year) time frame. There would only be some minor additional costs for administration and for the license fees. The total of these costs would not be expected to exceed \$1,000 per annum.

The costs are reflective of the pylons, anchor chains, navigation markers and management plans having already been installed and developed.

Additional Considerations

The Eco Shark Barrier attracts users from the metropolitan area at large and on that basis some contribution might be warranted from the State Government to support the continued retention of the barrier. However initial enquiries to the State Government when the Eco Shark Barrier was initially deployed did not result in any State Government



funding contribution and it is not expected that anything has changed since that time.

The barrier has proven to be very popular with beach goers, so much so that, any decision to remove the barrier would not be very popular with the local community.

There is a similar product, the Bionic Barrier, which has been developed primarily by copying the Eco Shark Barrier design. Our understanding is that this other product has a number of issues and has failed on a number of occasions. It has not been as thoroughly tested as the Eco Shark Barrier.

In discussions with the Proprietors of Eco Shark Barriers Pty Ltd, they have agreed to offer a number of options should the City choose to take up Option (4) of a 5 year lease purchase of the current barrier. At the end of the 4 year Council can choose from one of the following options for implementation at the end of the 5 year lease:

- a) Choose to own the barrier at the end of the 5 year lease period in its "as is" maintained condition with the City taking responsibility for the barrier's maintenance and repair cost beyond this 5 year term;
- b) The City forgoes taking ownership of the current barrier and instead Eco Shark Barriers Pty Ltd will install a completely new barrier at the end of the 5 year lease term and the City enters into a new lease of this barrier for a further 5 years at a renegotiated fee (expected to be in the vicinity of \$95k (ex GST) per annum); or
- c) The City forgoes taking ownership of the current barrier and instead continues to lease the existing barrier in its "as is-where is" maintained condition beyond the 5 year term for a further negotiated term at a rate of \$90k (ex GST) plus CPI.

A report with recommendations would be prepared and presented to Council after the fourth year of a new lease taken out under Option 4, i.e. around November 2021.

Recommendation

It is recommended that the eco shark barrier remain in place, not be removed in November 2017 at the end of the current lease period.

The most cost effective option, long term, is to purchase the barrier outright. However given that the City has no experience maintaining the barrier and given that no funds have been allocated to purchase the barrier in the 17/18 budget, a continuing lease option is seen as the most favourable path at this time.



The recommendation is to take up Option 4 and enter into a lease purchase agreement with Eco Shark Barriers Pty Ltd for a five year period at a cost of \$90,000 (excl GST) per annum inclusive of maintenance. After 4 years, a review would be made to determine as to whether to continue to lease the current or a new barrier or assume ownership of the barrier and take ongoing responsibility for maintenance after the end of the 5 year lease.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

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

Economic, Social & Environmental Responsibility

- Sustainably manage our environment by protecting, managing and enhancing our unique natural resources and minimising risks to human health.

Budget/Financial Implications

There is a funding allocation of \$95,000 this financial year which would allow Council to continue to lease the barrier for a further year. No funds have been allocated in the 17/18 budget to purchase the barrier outright at a cost of \$250,000 (ex GST) as per Option 2. The unused \$5,000 will be transferred to the contingency fund at the mid-year budget review.

Legal Implications

A continued Section 91 Licence with the Department of Lands plus an annual Jetty Licence with the Department of Transport will be required, under the name of the City of Cockburn, to enable the barrier to remain.

Community Consultation

A community survey was undertaken, the report from which is appended at Annexure 1.

Risk Management Implications

There has not been any reported shark attacks or shark encounters at Coogee Beach. There has however been sightings with a report on the shark watch website of a large unknown species of shark 20 metres offshore of Coogee Beach on 13 February 2017 and on 27 May 2017 a 3 metre shark 700 metres offshore from the shark barrier.



The removal of the shark barrier has the potential to increase the risk of shark encounters in the area.

Consideration should be given to the potential for Council to be blamed, although unfairly, if a shark attack were to occur at Coogee Beach after the barrier is removed.

There is also the risk that the removal of the shark barrier will reduce the number of people visiting the area which may impact on the local economy.

Given the popularity of the barrier there is also a risk of community backlash if the barrier is removed.

Attachment(s)

1. Survey Report
2. 5 Year Net Present Value Calculation
3. Current and Expected Condition 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 14 September 2017 Council Meeting.

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

Nil.

17.2 (MINUTE NO 6165) (OCM 14/09/2017) - PORT COOGEE STREET TREE REMOVAL AND REPLACEMENT PROGRAM (148/003) (J REIDY) (ATTACH)

RECOMMENDATION

That Council

- (1) undertake consultation with the impacted residents in order to ascertain a suitable replacement tree, in accordance with the City of Cockburn's Street Tree Master Plan, environmental and road infrastructure constraints;
- (2) amend the Port Coogee Tree Master plan to align with the City's Street Tree Master Plan 2016;
- (3) commence a staged removal and replacement program of the *Casuarina equisetifolia*; and



(4) inform the property owners who will be affected.

COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

In 2011 Port Catherine Developments designed a tree master plan for the entire Port Coogee development to ensure the creation an aesthetically pleasing street environment.

At the September 2015 OCM, a petition was lodged by five residents at the Ocean Edge Apartments on Socrates Parade in Port Coogee. This petition requested the removal of five (5) Casuarina equisetifolia street trees from the verge adjacent to their apartment based on health and safety concerns. The 9 June 2016 OCM, Council moved to relocate the five trees at the petitioner's expense. Following consultation with the impacted residents, there was not majority support and the trees were retained.

On 27 June 2017 a letter was received on behalf of seventeen property owners on Socrates Parade, Draper Street, Madras Link and Ceylon Turn regarding the suitability of the Casuarina equisetifolia as a street tree adjacent to the houses on Socrates parade.

A number of onsite discussions were held with the residents explaining the City's street tree policy, specifically tree removals and officers limit of authorisation outside the policy. The residents where familiar with the City's previous decision, their requirements set out in the Design Guidelines for the Port Coogee Development and the City's Removal and Pruning of Trees policy. (PSEW15)

In order to resolve the ongoing enquiries about this particular tree species a comparison of the Port Coogee Street Tree Master Plan and the City of Cockburn Street Tree Master Plan 2016 was carried out as the mechanism to determine a resolution and subsequent report to Council on the outcome.

Submission

Copy of 27 June 2017 property owner's letter



Report

The tree master plan developed by Port Catherine Developments and approved by the City of Cockburn, selected tree species to be used throughout the Port Coogee development to create a harmonious and consistent theme. When the tree master plan was developed, the focus was to select species of trees which would withstand the climatic and environmental conditions experienced on the coastal frontage. In addition the trees selected would provide shade to the footpath and car parking bays whilst allow permeability for residents to appreciate the coastal view, specifically for those lots directly on the coast.

In 2016, a Citywide street tree master plan was developed with a recommended species based on a selection criterion which investigated the suitability of a species to be used as a verge tree. The master plan evaluated existing street trees based on a number of criteria including their growth habits and avenue themes among others.

A comparison of the two master plans identified the citywide plan with a broader scope to include environmental as well as functional requirements to ensure a verge species would not create an undue financial and maintenance burden on the City's resources and residents. The selection criteria for the suitability of a tree species to be planted on a verge in the City of Cockburn are based on the following criteria;

Environmental considerations:

- Climate
- Geology and soils
- Hydrology
- Hardscapes
- Atmospheric pollution
- Drought conditions
- Pests and diseases
- Wildlife habitat

Functional requirements

- Proven performance
- Tree litter
- Limb failure
- Canopy size and structure
- Tempering of climate
- Root damage
- Crown pruning and leader removal
- Solar passive



A comparison of the Port Coogee Tree Master Plan and the City of Cockburn Street Tree Master Plan has been conducted to identify the differentials, specifically to the street tree realm. The table below compares the two master plans and indicates which species are no longer recommended to be used as a street tree in Port Coogee.

2011 Port Coogee Tree Master Plan – street tree species list	City of Cockburn Street Tree Master Plan 2016	Location in Port Coogee	Recommend removal based on selection criteria
Agonis flexuosa	Yes	Verge	No
Angophora costata	Yes	Verge	No
Delonix regia	Yes	Verge	No
Eucalyptus gomphocephala	Yes	Verge & POS	No
Erythrina indica	Yes	Verge	No
Hibiscus tiliaceus Rubra	Yes	Verge	No
Olea europaea 'Tolley's upright'	Yes	Verge	No
Araucaria columnaris 'Cook'	No	Median Island – Landmark trees	No
Eucalyptus platypus	No	Verge	Yes
Casuarina equisetifolia	No	Verge & POS	Yes
Melaleuca lanceolata	No	Verge	Yes

The chart below indicates the three species identified in the Port Coogee Tree Master Plan, which are no longer included in the City of Cockburn Street Tree Master Plan 2016 and how they respond to the selection criteria.

	Casuarina equisetifolia	Eucalyptus platypus	Melaleuca lanceolata
Climate	✓	✓	✓
Geology and soils	✓	✓	✓
Hydrology	✓	✓	✓
Hardscapes	✓	✓	✓
Atmospheric pollution	✓	✓	✓
Drought conditions	✓	✓	✓
Pests and diseases	✓	✓	✓
Wildlife habitat	X	X	X
Proven performance	X	X	X
Tree litter	X	✓	✓
Canopy size and structure	X	X	X
Tempering of climate	X	✓ *	✓ *
Root damage	X	✓	✓
Crown pruning and leader	X	✓	✓



removal			
Solar passive	X	X	X

*Indicates trees which only remain an acceptable size for location with regular pruning.

The *Casuarina equisetifolia* was initially recommended in the Port Coogee Tree Master Plan as it grows to mature heights of approximately 15m and 5-6m in width. Its structural integrity facilitates the tolerance of strong winds and has needle like foliage allowing wind to pass through without damage. The *Casuarina equisetifolia* can grow in coastal environments; tolerate impoverished soil and restricted water supply. The majority of trees located within the Socrates Parade streetscape were planted seven years ago.

The *Casuarina equisetifolia* are now proving to be an extra maintenance burden within the streetscape as their fibrous root system is lifting the paving within the car bays and associated kerbing. The growth habit of the *Casuarina equisetifolia* does allow it to be successfully pruned to keep the tree at a lower height. Attempts to prune to date have resulted in unsightly shaped trees. Additionally this species has been proven to provide very little by way of food and habitat to wildlife. These functional aspects were not fully apparent when the Port Coogee Tree Master Plan was initially developed.

Currently two hundred and nine *Casuarina equisetifolia* are recorded on the street tree inventory with sixty one listed in the suburb of North Coogee, in which Port Coogee is located.

Whilst the *Eucalyptus platypus* and the *Melaleuca lanceolate* do not meet the all the selection criteria of the City of Cockburn Street Tree Master Plan 2016, it is not significant enough to justify removing these species from the verges within the Port Coogee development or throughout the City. No further trees of these species will be planted in any future verges of the Port Coogee development or throughout the City. The Port Coogee Tree Master Plan will be altered to reflect this decision.

In addition to the analysis it is necessary to reflect on PSEW15 Removal and Pruning of Trees policy. This policy provides guidance to officers when requests for removal or pruning of trees throughout the City are received in order to retain the values of our tree inventory. In applying the policy to any healthy living trees at Port Coogee there would be no room for removal based on their current status.

The Policy does; however, enable the removal of trees subject to a tree replacement program which is supported by evidence that the species has bearings on the City's current and future maintenance liabilities. In addition the policy does permit the removal of a tree based on a loss of



amenity, which is the foundations of the current request, subject to the cost being borne by the resident with the City bearing the cost of a replacement tree.

Options

A number of options have been considered in response to these findings:

1. Do not remove any trees in accordance with PSEW15 Removal and Pruning of Trees as each individual tree doesn't breach all of the criteria. Acceptance of this option would support Council's resolve to maintain its street tree network in order to meet the criteria set out on the Urban Forest Pan.
2. Resolve to remove the Casuarina equisetifolia trees based on the evaluation of the selection criteria in the City of Cockburn Street Tree Master Plan 2016. Commence a staged removal and replacement program for the Casuarina equisetifolia throughout the City with the Port Coogee development being the starting point from 2018/19. This would provide the opportunity to liaise with the impacted residents of the estate to determine a suitable replacement tree in accordance with the City of Cockburn Street Tree Master Plan and identify a provisional cost to be incorporated into future budgets for consideration.
3. Resolve to permit the removal of the Casuarina equisetifolia based on the loss of amenity provision in the policy with each adjacent property owner paying for the removal and the City supplying and installing a new 45Lt tree. Consultation with effected property owners will be required to establish the process for removal, number interested in progressing this resolution and determining a suitable replacement tree species in accordance with the City of Cockburn Street Tree Master Plan.
4. The Port Coogee Street Tree Master Plan should be revised to incorporate the recommended species list from the City of Cockburn Street Tree Master Plan and in the process remove the Casuarina equisetifolia, Eucalyptus platypus and Melaleuca lanceolata species.

Recommendation

The continued enquiries regarding the street trees selected for the Port Coogee development has provided the impetus to evaluate it against the City's Street Tree Master Plan 2016. It is evident that the selection of trees at Port Coogee is in contradiction to the species listed in the City of Cockburn Street Tree Master Plan 2016 and requires a



realignment to ensure the City can address the issues whilst the trees are at a young age and mitigate future maintenance implications. In addition, the previous consultation on the trees along Socrates Parade demonstrated the property owner's reluctance to contribute to the costs of removal thereby limiting our options to address the situation. An evaluation of the City of Cockburn Street Tree Master Plan has identified the following four tree species that would be suitable replacements; *Agonis flexuosa* (peppermint tree), *Hibiscus tiliaceus* Rubra (hibiscus), *Olea europaea* 'swan hill' (non-fruiting olive tree) and *Callistomen* species (bottlebrush). It would be recommended that one of these species is selected through community consultation as the replacement tree.

It is recommended Council commence a staged removal and replacement program for the *Casuarina equisetifolia* throughout the Port Coogee development from 2018/19. Undertake community consultation with those residents impacted in the first stage of the program and liaise with Fraser Properties to amend the Port Coogee Tree Master plan to align with the City's Street Tree Master Plan 2016.

Strategic Plan/Policy Implications

Economic, Social & Environmental Responsibility

- Improve the appearance of streetscapes, especially with trees suitable for shade.

Budget/Financial Implications

To be advised following consultation with residents on appropriate tree species for consideration in 2018/2019 and future budgets. Initial estimates to remove a 3m – 6m tree, stump removal, supply and install a new 45Lt trees is approximately four hundred and eighty five dollars each.

Legal Implications

N/A

Community Consultation

There has been two meeting onsite with a small number of residents and Cities officers to discuss the tree issues. On the 10 April 2017 the discussion focused on the City's tree removal and pruning policy, street tree master plans, draft urban forest plan and the Port Coogee design guidelines. The meeting of the 24 May 2017 reiterated the previous meetings points and reviewed the process required to apply to have the trees removed and a potential list of replacement trees



Risk Management Implications

If the recommendation is not supported the property owners will continue to submit requests for tree removal and undertake pruning of the trees without approval. In addition by requiring property owners to pay for the removal of the tree, some trees may not be removed with the City having to bear the cost for damaged infrastructure, future removals when the trees are large and lose the avenue effect of a harmonious tree canopy of the same size and form.

Attachment(s)

1. Copy of 27 June 2017 property owners letter
2. Port Coogee Tree Master Plan
3. City of Cockburn Street Tree Master Plan

Advice to Proponent(s)/Submissioners

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

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

N/A.

18. COMMUNITY SERVICES DIVISION ISSUES

18.1 (MINUTE NO 6166) (OCM 14/09/2017) - FRANKLAND PARK SPORTS AND COMMUNITY FACILITIES DEVELOPMENT (162/024) (T MOORE) (ATTACH)

RECOMMENDATION

That Council

- (1) submit an application totalling \$2.0M to the State Government's Community Sport and Recreation Facilities Fund for the construction of clubroom/community facilities and playing fields at Frankland Park, Hammond Park; and
- (2) considers allocating \$2.98M from the Municipal fund as part of the 2018/19 annual budget deliberation process for the construction of facilities outlined in (1) above should the Community Sport and Recreation Facilities Fund application be successful.



COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr S Portelli that the recommendation be adopted.

CARRIED 9/0

Background

In 2016-2017, the City undertook the development of the Draft Community Sport and Recreation Facilities Plan. The Draft Plan identified a short fall of active open space and community facilities in the Hammond Park area, with one of the key recommended projects being the development of Frankland Park.

The Community Sport and Recreation Facilities Fund (CSRFF) is the primary avenue for the City to seek external funding for the development of sport and recreation facilities.

The Annual Forward Planning Grants Program provides funding of up to \$2M, with submissions closing at the end of September and funds being available the following financial year should the application be successful.

Submission

N/A

Report

The proposed project is to develop community sport and recreation facilities at Hammond Park. A preliminary concept design has been developed for the purposes of the funding application (*Attachment 1*).

An opportunity exists for the City of Cockburn to apply to the CSRFF, administered by the Department of Local Government, Sport and Culture (DLGSC), for funding towards the development of the Frankland Park Sports and Community Facilities. Applications close on 30th September 2017.

To ensure that an application is submitted on time, and to be compliant, a decision of Council committing to the project is required.

The project budget for a CSRFF application would estimate the capital cost of the new development at \$9.6M (ex-GST). This does not include potential environmental set-offs, which have not yet been determined.



A CSRFF application would propose the capital cost is shared by the City of Cockburn and DLGSC.

The construction of this clubroom facility, community centre, two AFL size ovals would align with the stated objectives of Draft Community Sport and Recreation Facilities Plan in increasing the level of open space and facility provision in Hammond Park.

As part of the development, the City has also been approached by the WA Football Commission (WAFC) to base their Metro South Regional Office at the site. This would involve the provision of 100-120 square metre floor space. Negotiations with the WAFC are ongoing; however, at this stage the space has been included in the preliminary concept. Should this partnership not evolve, this space may be able to be removed from the development, which would provide Council with an approximate saving of \$300k to \$400k off the total project cost. If an arrangement were successful with the WAFC, it would be expected a suitable lease fee would apply to cover the cost of the floor space (approximately \$350 per square metre plus variable outgoings). The City would also welcome a capital contribution instead of a lease fee.

Strategic Plan/Policy Implications

City Growth

- Ensure planning facilitates a desirable living environment and meets growth targets.
- Ensure growing high density living is balanced with the provision of open space and social spaces.

Community, Lifestyle & Security

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

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

Within the 2017-18 annual budget, Council included \$400,000 to complete conceptual and detailed designs, together with construction documentation for the Frankland Park development.



The proposed funding breakdown for the balance of the project is as follows:

City of Cockburn	\$2.98M
Developer Contribution Plan 13.....	\$4.62M
CSRFF	\$2.00M
Total	\$9.60M

It is proposed the City's contribution of \$7.6M is comprised of \$4.62M from Developer Contribution Plan (DCP) 13 funds and \$2.98M from municipal funds. This funding mix will be re-examined once the CSRFF application has been determined and suitable municipal funds are sourced to co-fund the DCP 13 contributions.

Legal Implications

N/A

Community Consultation

Through the development of the Draft Community Sport and Recreation Facilities Plan a significant amount of consultation was undertaken to determine the needs of the broader Cockburn community including Hammond Park.

Through this process it was identified that there was a significant lack of active open space and community facilities within Hammond Park.

A Master Plan of the site has been developed for the purposes of the CSRFF application and will be further developed in liaison with the Sporting Clubs.

Risk Management Implications

Should the CSRFF application not be successful, Council may be required to source an additional \$2.0M in municipal funds to allow the project to proceed. However, should this be the case, staff will investigate opportunities to value engineer the proposed design to reduce the additional funds required.

Attachment(s)

Preliminary Master Plan of Frankland Reserve.

Advice to Proponent(s)/Submissioners

N/A



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

Nil.

19 (OCM 14/09/2017) - EXECUTIVE DIVISION ISSUES

Nil.

AT THIS POINT, CLR P EVA RETURNED TO THE MEETING, THE TIME BEING 8.51PM

NOTE: DURING DISCUSSION ON ITEM 20.1 IT WAS:

(MINUTE NO 6167) (OCM 14/09/2017) - EXTENSION OF TIME

COUNCIL DECISION

MOVED Cllr K Allen SECONDED Deputy Mayor C Reeve-Fowkes that Council extend the meeting for one hour, the time being, 8.57 p.m. in accordance with Council's Standing Orders Local Law Clause 14.4.

CARRIED 9/0

20. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

20.1 (MINUTE NO 6168) (OCM 14/09/2017) - JUNIOR SPORTS AND PERFORMING ARTS HALL OF FAME (G BOWMAN) (152/009)

RECOMMENDATION

That Council

- (1) initiates development of a policy for nominations for the City's Sports Hall of Fame to be presented to a future Delegated Authorities, Policies and Position Statements Committee (DAPPs) meeting;
- (2) Policy considers the expansion of the recognition criteria to allow for people of all ages to be considered for nomination; and
- (3) as part of the City's consideration to developing a future Performing Arts Centre consideration be given to establishing a similar Wall of Fame for persons that deserve recognition for



their efforts in the performing arts sector. Accordingly a policy for nominations needs to be presented to a future DAPPS meeting.

COUNCIL DECISION

MOVED Mayor L Howlett SECONDED Clr S Pratt that the recommendation be adopted.

CARRIED 9/0

Reason for Decision

Essentially, while the City has a process in place recognising people 18 years and above in the sporting area; it does not have a Policy that covers people younger, so this excludes them from being nominated. This goes to the essence of saying we should allow people of all ages, and ability, who have represented this State and or Australia to be included for consideration in the awards, but also goes to the performing arts area where there are no nominations available at all in that particular area. We are saying a new Policy should be considered that takes into account people in the performing arts area of any age to be considered to be inducted into a future performing arts hall of fame.

Background

Mayor Howlett provided the following under 'Motion of Which Previous Notice Has Been Given':

That Council:

- (1) *seeks development of a policy for nominations for the City's Sports Hall of Fame to be presented to a future DAPPS meeting;*
- (2) *the policy considers the expansion of the recognition criteria to allow for people of all ages to be considered for nomination; and*
- (3) *as part of the City's consideration to developing a future Performing Arts Centre consideration be given to establishing a similar Wall of Fame for persons that deserve recognition for their efforts in the performing arts*



sector. Accordingly a policy for nominations needs to be presented to a future DAPPS meeting.

Reason for Decision

While the City has recently established its Hall of Fame at the Cockburn ARC for residents that have achieved sporting success at State, National, and International level, there is no Council policy on this matter. As the City also has junior sports champions in its midst, any policy should look to include people of all ages. There is also no process to readily allow for future nominations outside of Council initiating this. A more simplified process should be considered for future nominations.

Additionally, while the ARC is an appropriate location to recognise sporting achievement, the City should seek to recognise those that achieved similar levels of success in the performing arts field. Given there is no Council policy on this matter, like the City's Sports Hall of Fame, a policy needs to be developed to allow for the recognition of persons of all ages in the performing arts. The process can commence upon Council's adoption of the policy to allow those recognitions to occur not with-standing the consideration of a Performing Arts Centre at some time in the future.

The City of Cockburn's Sports Hall of Fame was developed in 2004 to celebrate the achievements of local athletes and sports personnel who have competed at an elite sporting level.

Eligibility Criteria

- Person can be deceased or living
- Be or have been a participant in sport or involved in sports administration at the highest level
- Must have been involved in senior sport (over eighteen years of age)
- Must have been a long-term resident of the City of Cockburn
- Consistent high standard of senior sports performance at a national or international level.
- Long term outstanding commitment to and achievement in a sport(s).

The Hall of Fame includes athletes and sports media personalities from a range of sports including AFL to sailing and also acknowledges the junior Cockburn Clubs in which these athletes came from. In 2004, eleven(11) athletes were inducted into the City's Sports Hall of Fame, to be the inaugural inductees. In 2011, the call for nominations went



out for the second time and in 2012, six(6) additional athletes were inducted into the Sports Hall of Fame.

In December 2016, Council resolved the following:

MOVED Clr L Sweetman SECONDED Clr C Terblanche that Council:

- (1) supports the development of a new Sporting Wall of Fame at Cockburn ARC, inclusive of an interactive kiosk as per Option 2 outlined in Attachment 2;*
- (2) considers \$20,000 as part of the 2016/17 mid-year budget review process to install the plaques as part of the Sporting Hall of Fame;*
- (3) place on its 2017/18 budget for consideration \$8,500 for the installation of an interactive kiosk as part of the Sporting Hall of Fame;*
- (4) retains the existing Sports Wall of Fame currently at the City of Cockburn Administration external walkway; and*
- (5) calls for nominations for City of Cockburn Sporting Hall of Fame in January/February 2017.*

Since this time, the Sports Hall of Fame, at the new location Cockburn ARC, has been installed, with the opening scheduled for 13 September 2017.

Submission

N/A

Report

A review of the policy for The City's Sports Hall of Fame will enable the City to create a more defined selection criterion for nominations. The City already has the Junior Sports Travel Assistance program which provides financial assistance to our local Junior Athletes. This program also celebrates the achievement of these junior athletes through two award ceremonies each year. In the last financial year the City awarded over 100 junior athletes with funding, each one of the athletes either represented the State and/or Nation in their chosen sport. Given the number of juniors receiving travel assistance the removal of the age level will require the maintenance of strict selection criteria so that the hall of fame is not overwhelmed with eligible nominees. The policy review will be cognizant of this requirement.



Currently the City does not have any recognition of elite level performing arts individuals, eg. Performing Arts Hall of Fame. It is proposed that a new policy with selection and eligibility criteria be prepared for consideration by Council through the DAPPS process.

Strategic Plan/Policy Implications

Community, Lifestyle & Security

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

Budget/Financial Implications

There is minor cost for the expansion of the Sports Hall of Fame to include Junior Sports and Performing Arts recognition. The costs can be considered as part of the annual municipal budget process.

Legal Implications

N/A

Community Consultation

Call for nominations would go out every three(3) years. This will be advertised in local newspapers, the City's website and direct mail outs to sporting clubs and other relevant groups.

Risk Management Implications

Should Council resolve to expand the Hall of Fame to include junior sports and performing arts individuals, a clear policy needs to be developed to ensure that there is no suggestion of bias or prejudice in the selection process. There needs to be a high standard required to be achieved by nominees to ensure that the Halls of Fame maintain a high level of prestige and the number of individuals who meet the criteria is not overwhelming.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



20.2 (MINUTE NO 6169) (OCM 14/09/2017) - AUSTRALIA DAY EVENTS (G BOWMAN) (027/009)

RECOMMENDATION

That Council

- (1) reaffirms its commitment to hold its Australia Day events on Australia Day; and
- (2) continue the Australia Day events to include citizenship ceremonies and activities that recognise the importance of Indigenous people within the community.

COUNCIL DECISION

MOVED Clr C Terblanche SECONDED Clr S Portelli that the recommendation be adopted.

MOTION LOST 4/5

Clr C Terblanche asked that all names be recorded.

For: Clr C Terblanche, Clr C Reeve-Fowkes, Clr S Portelli, Clr K Allen

Against: Clr S Pratt, Clr B Houwen, Clr P Eva, Clr L Smith, Mayor Howlett.

Background

Cr Terblanche provided the following under 'Motion of Which Previous Notice Has Been Given':

That Council:

- (1) *reaffirms its commitment to hold its Australia Day events on Australia Day (i.e. 26 January), and*
- (2) *The Australia Day events continue to include our citizenship ceremony and activities that recognise the importance of Indigenous people within our community.'*

Reason for Decision

There has been recent media reports that the City of Cockburn is seeking to change its Australia Day date. This is untrue and



should be formally corrected to avoid speculation or discord in our community.

Council has, however, recognised the need to provide more acknowledgement for Indigenous people about their preferred activities on the day, which is why a consultation process has occurred with a report expected to come to Council in October 2017; as per Council's resolution of 9 March 2017.

Submission

N/A

Report

Council previously considered a number of Australia Day recommendations from the Aboriginal Reference Group at its Ordinary Council Meeting held on 9 March 2017, and the following decision was made:

MOVED Clr C Terblanche SECONDED Clr P Eva that Council:

- (1) receive the Aboriginal Reference Group Consultation Report;*
- (2) allocate up to \$10,000 from the 2016/17 Grants and Donations Budget for an extended Aboriginal Reference Group and Aboriginal Community consultation process regarding the nature and type of cultural activities for future Australia Day events;*
- (3) allocate \$2,000 from the 2016/17 Grants and Donations Budget for additional Nyungar cultural activities at the Australia Day Citizenship Ceremony in 2018;*
- (4) approve the appropriate use of Nyungar language in the Acknowledgement of Country at Council Meetings and public events;*
- (5) require that the Reconciliation Action Plan (RAP) Review process consider the extended consultation findings and other recommendations contained in the Aboriginal Reference Group Consultation Report.*

In accordance with the decision, the Consultant appointed to assist in reviewing the Reconciliation Action Plan has now completed the Aboriginal Reference Group and broader Aboriginal community consultation about the nature and type of cultural activities for future Australia Day activities.



The City intends to hold the Australia Day 2018 Breakfast and Citizenship Ceremony events and has contractual commitments with suppliers and performers for the events. The consultation findings of the nature and type of cultural activities in regards to the 9 March Council decision will be incorporated into the events programming.

The consultant and staff will also consider the extended consultation findings and the original recommendations from the Aboriginal Reference Group Consultation report as part of the Reconciliation Action Plan review process.

In summary, the Aboriginal Community survey results identified that:

- 77.9 percent of respondents said yes, saying they would support reconciliation themed cultural activities;
- 20 percent of respondents were not supportive of the City hosting indigenous cultural activities on Australia Day, suggesting the date should be changed as it was an unhappy day for Aboriginal people, or that local residents went to the Survival Day Concert event in the City of Perth.
- 2.1 percent of respondents did not answer these questions

In accordance with the Council decision, other Australia Day recommendations from the Aboriginal Reference Group including whether Council will consider advocating for a date change will be considered as part of the Reconciliation Action Plan Review.

The Draft Reconciliation Action Plan 2017-2022 and community consultation findings report is planned to be considered at the November 2017 Ordinary Council Meeting.

Strategic Plan/Policy Implications

Policy SC2 'Community Engagement' refers.

Economic, Social & Environmental Responsibility

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

Leading & Listening

- 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

Council received a report regarding the Aboriginal Reference Group community consultation at the OCM in March 2017, and has required an extended Aboriginal community consultation about the nature and type of cultural activities to be held at future Australia Day events. The full community consultation results are being collated and analysed and are planned to be presented to Council for consideration as part of the Reconciliation Action Plan Review report in November 2017.

In summary, an online survey on Comment on Cockburn was part of a wider consultation by consultants Keogh Bay. It was handed out in hardcopy format at NAIDOC Week events and with a survey box in Council's foyer. A total of 216 surveys (180 community and 46 staff) were completed. A total of 99 respondents identified as Aboriginal. Not all Aboriginal people responded to the questions about Australia Day.

When asked whether they would like the City of Cockburn to host Aboriginal cultural activities on Australia Day, 77.9 percent of respondents said yes, saying they would support reconciliation themed cultural activities. Whereas 20% respondents were not supportive of the City hosting Aboriginal cultural activities on Australia Day, suggesting the date should be changed because it was an unhappy day for Aboriginal people, or that local residents went to the Survival Day Concert event in the City of Perth.

The summary and analysis of the nature and type of cultural activities is not yet available.

Risk Management Implications

If the recommendation is adopted without considering the related consultation findings with the Aboriginal Community, there is a risk of reputational and relationship damage with the Aboriginal Reference Group, Aboriginal Elders, and the broader Aboriginal community.

If the recommendation is not adopted there is a risk of ambiguity about whether Council will be holding its Citizenship ceremony and other events on 26 January 2018.

Attachment(s)

N/A



Advice to Proponent(s)/Submissioners

N/A

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

Nil.

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

Nil

22. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY MEMBERS OR OFFICERS

Nil

23 (OCM 14/09/2017) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Mayor Howlett requested that the following items be brought to future Council Meetings.

23.1 Advanced technology and drones in our community

Provide a report to a future Council meeting that addresses the value adding capacity that advanced technology and drones can contribute to service delivery within our community.

23.2 Working area of land to showcase market garden, flower garden, orchard and vineyard history of Cockburn.

Provide a report to a future Council meeting that identifies a 'working' area of land that could be purchased to enable the extensive market garden, flower garden, orchard and vineyard history of Cockburn to be showcased.

23.3 The activation of the former South Fremantle Power Station for a museum, art gallery, café, restaurants, water playground and more.

Provide a report to a future Council meeting on how the City can influence the activation of the former South Fremantle Power Station justifying a light rail system from Fremantle into Cockburn Central.



23.4 Establishing a working relationship with a WA Local Government or Shire

Provide a report to a future Council meeting on the opportunity for the City to be involved in establishing a working relationship with a WA rural Local Government (Shire).

23.5 Approving the design of local roads, road signage, line markings etc to be transferred to Local Government from Main Roads

Provide a report to a future Council meeting on the opportunity for the responsibility for approving the design of local roads, road signage, line markings etc. to be transferred to Local Government from Main Roads WA. Consideration also to be given to recommending an 'opt in system' for Local Governments in Western Australia, for the consideration of WALGA.

Clr Allen requested that the following be brought to a future Council Meeting.

23.6 Management and Operation of 136 Healey Road Hamilton Hill

That a report be prepared for a future Ordinary Council Meeting on the management and operations of the lodging house at 136 Healy Road, Hamilton Hill.

Clr Terblanche requested that the following be brought to the October Ordinary Council Meeting

23.7 That a report be prepared and tabled at a future Ordinary Council Meeting into what measures would be required to retain the Rural zoning and maintain the rural amenity of the locality of Banjup.

Clr Smith requested the following to be brought to the October 2017 Ordinary Council Meeting.

23.8 That a report be prepared and tabled at a future Ordinary Council Meeting into measures the City of Cockburn could undertake to make Council meetings more accessible to ratepayers and residents.

24. CONFIDENTIAL BUSINESS

Nil



25 **(MINUTE NO 6170)** (OCM 14/09/2017) - RESOLUTION OF COMPLIANCE

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 Deputy Mayor C Reeve-Fowkes SECONDED C/r B Houwen the recommendation be adopted.

CARRIED 9/0

26 (OCM 14/09/2017) - CLOSURE OF MEETING

The meeting closed at 9.15 p.m.



DA	LOCAL GOVERNMENT ACT, 1995 – FUNDING ASSISTANCE – COMMUNITY ASSOCIATIONS – PUBLICATION & DISTRIBUTION OF NEWSLETTERS	LGACS7
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DELEGATED AUTHORITY CODE:	LGACS7
DIRECTORATE:	Governance & Community Services
BUSINESS UNIT:	Community Development
SERVICE UNIT:	Family & Community Development
RESPONSIBLE OFFICER:	Manager, Community Development
FILE NO.:	086/003
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	8 June 2017
ATTACHMENTS:	N/A
VERSION NO.	7

Dates of Amendments / Reviews:		
DAPPS Meeting:	24 May 2012	2 June 2015
	23 May 2013	26 May 2016
	22 May 2014	18 May 2017
OCM:	9 June 2011	12 June 2014
	14 June 2012	11 June 2015
	13 June 2013	9 June 2016

FUNCTION DELEGATED:

~~The authority to approve To authorise payment of funding and donations available in Council's Municipal Budget to incorporated for Progress and Community Associations to assist in the publication and distribution of newsletters for their locality or suburb.~~

CONDITIONS/GUIDELINES:

Publication & Distribution of Newsletters

Resident Associations are eligible for a subsidy under this program if the following conditions are met:

- (1) A draft copy of the publication ~~is provided for approval with quotes for the cost of the production and where applicable, the distribution of the newsletter is provided with the funds requested from Council clearly identified;~~
- (2) The newsletter must be widely available and free of charge to those who live in the area;
- (3) The newsletter must not promote the individual interests or platform of a Councillor or an individual who is seeking election to Council;
- (4) Articles must be accurate and factual to the best of their ability and provide a balanced view of the issue considered.

DA	LOCAL GOVERNMENT ACT, 1995 – FUNDING ASSISTANCE – COMMUNITY ASSOCIATIONS – PUBLICATION & DISTRIBUTION OF NEWSLETTERS	LGACS7
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- (5) No singleThe publication and including distribution cost (printed or electronic) will be subsidised by an agreed amount proportionate to the number of households in the specific area but no greater than \$600 on more than on six occasions per annum.
- (6) All transactions utilising this delegation are to be recorded in the Recording of Delegated Decisions Register by the officer responsible for initiating the action taken, or by another officer under the direction of the initiating officer.

Cockburn Community Insurance Program

Community Associations are eligible for a subsidy under this program if the following conditions are met:

- (1) Cover available for Public Liability and Volunteer Accident Insurance for \$10 million
- (2) Cover increase to \$20 million is only available for groups leasing a City facility
- (3) Insurance period covers 1st October – 30th September annually
- (4) All participating groups must complete an insurance application form, including member groups
- (5) Groups must inform Community Development of any changes to information provided on the application form as well as any new events/activities
- (6) Insurance information must be updated annually to ensure insurer has correct information
- (7) Update should be undertaken by the group in July/August annually – with information provided by the City to the insurer by August
- (8) Participation in the Cockburn Community Insurance Program will be reviewed annually
- (9) Membership to this program is open to Cockburn Resident Associations, Cockburn Seniors Groups and other community groups where:
 - The group is affiliated with (member of, or relationship with) a local Resident Association
 - The group has no more than \$3,000 in annual net profit generated from (a) core business or (b) donations or sponsorships for operational costs
 - The group does not have the option to affiliate to a peak body or State/National organisation with insurance provisions, and/or cannot access insurance cover by other means
 - The group is not a religious body or a political interest group or party

Hire of Council Community Centres & Halls

Resident Associations are eligible to apply for:

- (1) Funds to cover the cost of hall hire for up to 12 meetings per financial year for Cockburn Resident Association meetings
- (2) Funds to cover costs for storage if required and available
- (3) Funds to cover cost of facility hire when running community events up to a maximum of 3 events per financial year

Resident Association Support

DA	LOCAL GOVERNMENT ACT, 1995 – FUNDING ASSISTANCE – COMMUNITY ASSOCIATIONS – PUBLICATION & DISTRIBUTION OF NEWSLETTERS	LGACS7
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Resident Associations are eligible to apply for:

- (1) Funds to cover costs for PO Box hire each financial year
- (2) A once off donation of \$1,000 for the establishment of a resident association for the purpose of a facility bond, float, signage, logo, stationary

AUTONOMY OF DISCRETION:

As provided in conditions above.

LEGISLATIVE REQUIREMENTS/COUNCIL POLICY:

Local Government Act, 1995, Section 5.42 and 5.44.

DELEGATE:

Chief Executive Officer

Note: The Chief Executive Officer will sub delegate this authority to:-

SUB-DELEGATE/S:

Manager, Community Development
Community Development Co-ordinator