

## CITY OF COCKBURN

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**CITY OF COCKBURN****MINUTES OF ORDINARY COUNCIL MEETING HELD ON  
TUESDAY, 21 NOVEMBER 2000 AT 7:30 P.M.**

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**PRESENT:****COUNCIL MEMBERS**

Mr J F Donaldson	-	Chairperson of Joint Commission
Ms J L Smithson	-	Joint Commissioner
Mr M A Jorgensen	-	Joint Commissioner

**IN ATTENDANCE**

Mr R W Brown	-	Chief Executive Officer
Mr D M Green	-	Director Community Services
Mr A T Crothers	-	Director, Finance & Corporate Services
Mr S M Hiller	-	Director, Planning & Development
Mr B K Greay	-	Director, Engineering & Works
Mrs S Ellis	-	Secretary to Chief Executive Officer
Mr C Ellis	-	Communications Manager

**800. (AG Item 1) DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 7:30pm.

**801. (AG Item 2) APPOINTMENT OF PRESIDING MEMBER (IF  
REQUIRED)**

Nil

**802. (AG Item 3) DISCLAIMER (Read aloud by Presiding Member)**

Members of the public who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first



seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

**803. (AG Item 4.1) (Ocm1\_11\_2000) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)**

Cmr Donaldson advised that he had received written advice from:-

- (1) Cmr J. Smithson of a financial interest in Agenda Item 13.1 and 14.11;
- (2) Chief Executive Officer of a conflict of interest in Agenda Item 16.3;
- (3) Cmr J. Donaldson of a conflict of interest in Agenda Item 14.17

which will be read at the appropriate time.

**804. (AG Item 7.1) (Ocm1\_11\_2000) - PUBLIC QUESTION TIME**

Cmr Donaldson acknowledged receipt of a letter from Mr C. Crook which gave a number of questions on notice. Cmr Donaldson responded as follows:-

Q. *For the benefit of the ratepayers here tonight, would you confirm that at the OCM September 19th, the Commissioners added to the original recommendation to include a possibility of a rate rise to cover the cost of the Douglas Inquiry?*

A. That is correct.

Q. *Please explain how the \$800,000 internal loan for the Coogee Jetty was financed, and whether THAT required a rate rise, and how long it took to repay.*

A. The funds were taken from the Rubbish Development Reserve Fund in 1998/99 financial year. The \$800,000 may have contributed to the rate rise that year but cannot be considered the singular reason for the rate rise. A report was presented to



the April 2000 Council meeting and the repayments to the Reserve Fund have ceased.

- Q. *Why should a rate rise be contemplated for this latest loan?*
- A. The decision of a rate rise in the 2001/02 financial year will need to be considered by Council when the 2001/02 budget is being considered.
- Q. *For the benefit of the ratepayers here tonight, would you confirm that the interest earned on the City's investments in 1999 was \$1.4 million?*
- A. That figure is correct.
- Q. *Is the illegal payment of \$222,934 to be replaced in the 20C section of the Trust Account from interest monies? If this is so, how will the shortfall be contained in the years general revenue? In other words will innocent ratepayers again be called on to foot the bill for a failure in "good government"?*
- A. Yes. This has been done from money within the 20C account. It does not affect General Revenue.
- Q. *For the benefit of any future councillors who might be here tonight could you please explain the rationale used to defer the progress of the Gerald Road traffic management plan at the Budget Meeting on July 25th?*
- A. Commissioners were concerned with the extensive outlay (\$170,000) associated with re-opening the left turn from Phoenix Road into Gerald Street and sought further scrutiny to justify the expense. In this regard, they sought a further report to be presented to Council for consideration.
- Q. *Tonight, we are being told that the first installment for the Douglas Inquiry is to be paid. Was the decision at the Budget Meeting any different to those made by the previous Council, which has now forced draconian changes to be imposed on any new decisions by new councillors. In short are the Commissioners subject to the policies and provisions which they have passed for the alleged benefit of "good government" and the community?*



A. Yes.

Q. *Also in the affair of the "Spearwood Local Area Traffic Management Study" was it correct for Commissioner Smithson to take an active role in the decision making? Wasn't BSD an original tenderer and isn't BSD Council's permanent adviser on all matters concerning the Phoenix Park Precinct and traffic matters?*

A. Council has no permanent advisor/consultant for matters concerning the Phoenix Park Precinct. BSD Consultants did quote for the Spearwood Local Area Traffic Management Study, but were unsuccessful to Uloth & Associates. BSD Consultants have been successful in quoting for consultancies on the Phoenix Rd/Rockingham Rd traffic signal modifications, the Lancaster St/Rockingham Rd traffic signals and driveway traffic study of Rockingham Rd. Uloth & Assoc. undertook the Phoenix Rd/Grandpre Cresc. study and the Phoenix Plaza Study.

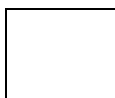
Q. *Finally, will the Commissioners be rescinding its decision to allow FREE agenda papers to certain "community groups"? This decision overrode a previous Council recommendation which forbade the practice as "unfair to all other ratepayers, especially those who might subscribe". My own personal efforts to follow Council affairs have not been helped by their decision and I consider it to be unfair, just as the previous Council regarded my application for the same benefit to be unfair.*

A. There is no Council decision to rescind. The papers were provided during the Commissioners' term. Unless Council determines to continue same, the provision of those papers ceases from tonight.

*P.S: My complaint about the lateness of the Budget Agenda, was that it precluded questions on notice. A courtesy of 48hrs notice means the questions need to be lodged before 4:30pm on the preceding Friday.*

No response necessary.

**Mrs Val Oliver**, Coolbellup was concerned about traffic calming measures on Waverley Road, Coolbellup which are not yet completed but since their commencement, there have been two accidents and buses have difficulty going around the devices. Mrs Oliver was critical





of the Engineering staff's planning of this work and considered Waverley Road to now be very dangerous.

Director, Engineering responded that the devices are installed to Australian Standards and current best practice however, Mr Greay agreed to have the matter investigated.

**Mr Laurie Humphreys**, Coolbellup asked if Council had received an itemised account with regards to the 'Douglas Inquiry' costs.

Cmr Donaldson advised that the Statement of Accounts from the Local Government Department was shown in the agenda attachments. Whilst it lists all the line items, Council was not completely satisfied with its detail.

Mr Humphreys queried if it would be in order for Council not to make the first payment until it is satisfied that it is paying for legitimate costs.

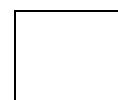
Cmr Donaldson responded that Council is not in a position to refuse an order from the Minister of the Government and it would not be doing anything illegal.

**Mr Kevin Allen**, Coogee regarding item 14.7, stated that the Coogee Progress Association had forwarded Council two motions from its last meeting which have not been mentioned in the agenda report. Those motions requested Council to reject the placement of the mobile phone tower at Rotary Lookout; and requested Council to place a moratorium on any further mobile phone tower applications until the newly elected Council was in place to review Council's policy.

Cmr Donaldson acknowledged the staff recommendation in regards to this item. With regards to the moratorium, he suggested that the community forward to the Council, through the CEO, a request for same which can be considered at a future meeting of the new Council. The CEO made a note of this and will ensure it appears on the first Ordinary Meeting of the new Council.

**Mr John Marston**, Yangebup referred to item 14.6's recommendation which lists as a basis for its approval, that the proposed location satisfies Council's co-location policy which calls for the co-location of transmission equipment of different service providers on a common tower wherever possible.

The Yangebup Progress Association appreciates that some concessions have been made on height and appearance from the initial design to limit visual impact of the tower. YPA's discussions with the



proponent's consultants revealed that the proposed antennae are at optimum minimum height and that any additional antennae would be mounted lower. With this in mind, one could infer that the proposed installation would not be attractive to a co-location service provider since the lower antennae height may give a less than satisfactory coverage.

Mr Marston therefore asked if Council had approached any other service provider to ascertain whether the proposed tower installation would be suitable for co-location? If so, what level of design did this company undertake and if not, how can the Council be confident that the proposed installation satisfies the co-location policy if this has not been determined?

Director Planning responded that Council are approving the proposal of a certain height. Any changes would need to go through a Council decision. Council is aware of others looking for a site to cover their service and this would be a suitable location for them. At this stage however, there is no commitment to going onto that tower.

Mr Marston asked how can the Council be confident that the proposed installation satisfies the co-location policy?

Mr Hiller responded that the co-location is one option under the policy. The proposal complies in most respects with Council's policy in relation to mobile phone towers.

AT THIS POINT THE TIME BEING 7:50PM, MR GREEN LEFT THE MEETING

**Ms Lyn Wright**, Yangebup regarding item 14.6, felt the recommendation is in contrast to submissions from the residents. She said that size needed to be addressed and that the other towers in the agenda, had reports that the photos were misleading and asked if the Commissioners had seen the photos or looked at the site.

Cmr Donaldson advised that the Commissioners have seen the photos and did an inspection of all the phone tower sites and their surrounding areas.

Ms Wright said that the photos she had for the site were misleading as the tower superimposed, is much lighter in the photos and is not a true indication of how it would be. Ms Wright stated that Vodaphone has altered its proposal to get it passed by Council and the site was still unacceptable as it is too close to homes.



**Mr Stephen Lee**, Beeliar commended staff on their recommendation to refuse the applications for items 14.5 and 14.7. He queried, with regard to item 14.7, an independent consultant report was sought. Because Council has a vested interest in the site, he queried whether Council doesn't have a vested interest in the wishes of its ratepayers.

AT THIS POINT THE TIME BEING 7:52PM, MR GREEN RETURNED.

Mr Lee also referred to page 40 of the agenda which referred to the site being on the edge of the industrial area. The site in Cocos Park is a mere 200m from residents and if Council is going to encourage people to co-locate, that matter of 200m has a potential impact in the future. Would that influence Council's decision regarding 14.6? Because of the location of the tower in Cocos Drive and its proximity to residents and the potential for more couriers to co-locate on this tower once established, would that impact on residents have a bearing on Council's decision making process?

Cmr Donaldson advised that the Commissioners would use their judgement when making their decision on this issue.

Mr Lee further added that he agreed with Mr Allen's comments that a moratorium be imposed.

**Ms Lisa Ness**, Wattleup Road, regarding item 14.2, referred to the 10 submissions and that one of the biggest concerns was noise. In the report, it stated that the coolers may operate 24 hours in October and November and queried why only two months were mentioned.

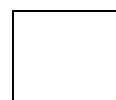
Director Planning did not know the answer.

Ms Ness stated that in the submission, there was concern for the impact on ground water but in the report, that was dismissed because no washing is proposed however within the additional use, the fruit and vegetable centre is for handling, processing, treating, packing etc and asked for clarification on those.

Director Planning could not respond to that query and advised that in terms of treating, the report is simply clarifying the way in which an approval which already exists, can be used. This proposal applies to the 900m<sup>2</sup> already approved. The produce that can go into the centre is from parts other than the local areas.

Ms Ness stated that the report mentioned that other service authorities had no objection and asked if Water and Rivers was approached.

Director Planning was not aware if Water and Rivers had been approached.



**Mr Paul Taylor**, Beeliar regarding item 17.5, referred to page 145 of the agenda relating to the Community Needs Survey. He stated that during the trial, there was a 50% decrease in crime and after the trial, a 50% increase. As the residents are prepared to pay for the service, he asked Council to consider supporting it as another trial could be important to the whole of Cockburn.

Mr Donaldson advised that it will be considered however, in terms of something being totally cost neutral, anything that Council does in terms of charging a levying fee, requires administrative support and a mechanism for Council to raise that money in the form of a fee or rate so there will be administration issues that are needed and must be considered.

**Mr Martin Reeve-Fowkes**, Yangebup regarding item 14.6, referred to page 45 of the agenda which mentioned that Council officers had previously had discussions regarding Miguel Road and queried why the owner was not proceeding with that development on Miguel Road.

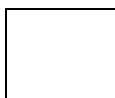
Director Planning was not sure but possibly because the site is not suitable or arrangements could not be made.

Mr Reeve-Fowkes asked how many other sites had been investigated. He felt that if this particular one was a further 100m away, it would not be an issue and he couldn't believe that there were no other sites in the industrial area that wouldn't be suitable and suggested that another location be found.

**Mr Ian Buitenhaus**, Beeliar in regards to the earlier comment about costs for the security patrol, felt that the cost to Council would be covered by the saving from using the police and rangers.

**Mr John Grljusich**, Coogee felt that the issue of all mobile phone towers has given many people great concern. Until these matters are resolved, he supported a moratorium on phone towers in this district. Mr Grljusich read a statement regarding mobile telephone towers and then tabled the document for consideration by the next Council.

**Mrs Mary Jenkins**, Spearwood regarding phone towers, asked if Council had explored what happened in other councils as this is happening around Australia.



Com Donaldson stated that the answer is yes - the staff do keep up with trends that are published on the impacts and scientific studies of towers as well as what other local authorities are doing on the issue.

**Ms Lesley Robson**, Coogee asked why the Commissioners had not responded to her letter with regard to research on impact of mobile phone towers in England and the rest of Europe.

Com Donaldson had not seen her letter but would investigate and respond in writing.

Com Jorgensen added that public information that is available on the effect of towers published is the Federal scientific reports on the matter.

Com Donaldson also added that when Council makes decisions, it draws attention to the information used. There is a body of information that the staff refer to in such matters and they will be included in the response to Ms Robson.

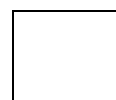
**Ms Jody Taff**, Banjup addressed Council regarding horses being locked out of the Denis De Young Reserve and felt it was not fair. They were notified that fencing would be erected due to 4wd's accessing the area and destroying the habitat. However responsible horse owners did not go through the bush, they stick to the tracks and feel it is unfair to be kept out and not notified that the gates would be locked. She therefore requested that Council provide bridle paths like in other areas for horse riders because it is a popular recreational activity. Riders are currently subjected to walking along Liddelow Road which is dangerous.

Com Donaldson responded that Council will look into her request. He could not guarantee it would happen immediately as Council would have to consider this in its budget. There needs to be some study and consideration.

The Chief Executive Officer advised that there was a Management Plan for the reserve and the Pony Club was being relocated so Council could protect the reserve but this could be looked at more closely.

Ms Taff stressed that horses can now only access the pony club area which is being relocated.

Director Planning added that there is a Management Plan and Council's attention was drawn to dieback as a problem. The need was to prevent 4wd's and horses through the area as well as the dumping of rubbish. The area is high in unique species. Council is committed to rehabilitate and it is trying to protect and conserve that area.



Ms Taff argued that horses do not spread dieback if they stay on the firebreak paths but that it was 4wd's and bikes that dig up the sand and spread dieback.

Director Planning believed that sticking to the tracks does also spread dieback through the bushland.

Cmr Donaldson assured Ms Taff that the issue was important and it would be considered.

**Mr Antonio DeJesus**, Atwell addressed Council on the possible closure of Freshwater Drive, Atwell and referred to a recent survey done and its reference to speeding. The survey mentioned a general consensus that Council should only assist with the modification of that road once vehicles travel in excess of 66kms. He stated that there were 14 accidents in the last two years including recently when a car lost control and landed in his garden.

Mr De Jesus stated that he had a petition for the closure of Freshwater Drive or other alternatives for speed calming which he will table at a later date once it was completed.

Director Engineering commented that this issue has been going for a long time and is currently being investigated by Monica Holmes, MLA. He believed the problem was that the whole of the Atwell subdivision has access using only two roads, Freshwater and Tapper. When there is mention of closing Freshwater Drive, the people in Tapper Road get concerned and that causes a conflict within the community. In regards to modifications however, there are things Council may be able to do to address the speeding problem. He will investigate and respond to Mr DeJesus in writing.

**Mr Bert Renner**, Spearwood wished to comment on the area next to trotting track. He believed that dieback was only a concern with Jarrah and that area is Banksia country so there could be no dieback.

Mr Renner also stated that as is the public's right to elect the Mayor and Councillors, it should also be their right to elect the Deputy Mayor. He was concerned about 'factions' developing and the potential for the Mayor to have the casting vote when voting with his 'group'. Mr Renner reiterated that he wanted a fresh Council and felt that the public should elect the Deputy Mayor.

Cmr Donaldson stated that this was not a matter for the Commissioners to address. Who votes for the Deputy Mayor is entirely at the discretion of the elected members and whether there are factions



on the night, is something the Commissioners will not comment on. However, it was the Commissioners hope that fair minded and independent characters will get a position on the Council.

Director Planning stated that with regard to dieback, it does relate to banksia and the Denis De Young Reserve Report published in '98 refers to that issue.

**Mr Taff**, Banjup wished to add that when the area was fenced off, some bridle paths could have been put in for training and exercising horses.

**Mrs Mary Jenkins**, Spearwood thanked Cmr Donaldson for being a skillful chairman during his term.

**805. (AG Item 8.1) (Ocm1\_11\_2000) - ORDINARY COUNCIL MEETING - 17/10/00**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the Minutes of the Ordinary Council Meeting held on Tuesday, 17 October 2000 be confirmed as a true and accurate record.

**CARRIED 3/0**

**DECLARATION OF FINANCIAL INTEREST**

**Cmr Smithson** declared an interest in agenda item 13.1 - Claim for Legal Expenses - Douglas Inquiry - Mr J. Gianoli. The nature being that her employer, BSD Consultants, is undertaking work for Mr Gianoli.

AT THIS POINT THE TIME BEING 8:25PM, CMR SMITHSON LEFT THE MEETING.

**806. (AG Item 13.1) (Ocm1\_11\_2000) - CLAIM FOR LEGAL EXPENSES - DOUGLAS INQUIRY - MR J GIANOLI (1335) (ATC)**

**RECOMMENDATION**

That Council advise Mr Gianoli that because he did not gain Council's prior approval to use independent legal advice, he does not qualify for reimbursement of legal expenses.



**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Donaldson, that Council reimburse Mr Gianoli, the amount of \$4,056.67 upon the production of supporting documents to the satisfaction of the Chief Executive Officer.

**CARRIED 2/0**

**Explanation**

Although the process (in accordance with the previous policy) was not observed, Council must consider each application on its merit. Considering that Mr Gianoli was exonerated in the Douglas Inquiry, Council considers it reasonable that it should meet his expenses.

**Background**

Mr Gianoli was a member of Council at the time it was dismissed. No findings were made against Mr Gianoli by the Douglas Inquiry.

**Submission**

A letter has been received from Mr J. Gianoli as follows:

*As an elected councillor at the time of the above Inquiry, I believe that I am now entitled to a full refund of my legal expenses associated with this Inquiry.*

*I now have been totally exonerated and no adverse findings have been found against me.*

*At a previous Inquiry with the City of Wanneroo, a precedent had been established with legal expenses being paid to their elected representatives and staff.*

*It is to my understanding that a number of former Councillors and staff members subject to this Inquiry have also had their expenses reimbursed.*

*Therefore, I formally request that consideration be given to my situation and a total refund of \$4,056.67 be made payable to me.*

**Report**

Mr J Gianoli has submitted a request for a full refund of his legal expenses incurred as a result of the Douglas Inquiry. The total of his





costs claimed is \$4,056.67 and copies of the accounts from his legal representative have been forwarded.

Mr Gianoli first submitted a request for assistance with legal costs associated with the Inquiry on 19 May 1999. He was advised at that time, that Council would consider a policy regarding legal representation at its meeting on 8 June 1999. Council subsequently adopted Policy A1.18 *Legal Representation*.

On 2 July 1999, Mr Gianoli wrote to Council applying for an amount of up to \$3,000 as set out in the Policy adopted by Council. He sought to have his own independent legal representation separate from representation by the City's Solicitors, McLeod & Co. He stated that he had been advised that there could be a conflict or perceived conflict of interest with the City's Solicitors representing him. He confirmed that if Council agreed to cover such independent representation, he would be subject to the general guidelines as set out in the policy document of 8 June 1999.

Clause 3 of Policy A1.18 stated:

*Without the express written authority of the Chief Executive Officer or the Council to the contrary, the legal services under this policy should be provided by the City's Solicitors. A person seeking financial support for legal services other than by the City's Solicitors may only do so with the prior written authority of the Chief Executive Officer or the Council.*

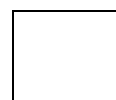
Clause 4 continues:

*No approach to a lawyer for the provision of legal services under this Policy should be made without the prior approval of the Chief Executive Officer or the Council.*

Clause 13 states:

*Financial support for legal services will not be provided under the Policy where application is not made to the Chief Executive Officer in advance, unless the applicant demonstrates to the satisfaction of the Chief Executive Officer or the Council, that there were exceptional circumstances justifying a departure from the application procedure therein.*

Following Mr Gianoli's application on 2 July, the Chief Executive Officer sought advice from Council's Solicitors, McLeod & Co, regarding the question of conflict of interest. On 12 July, the Chief Executive Officer advised Mr Gianoli that Council's Solicitors confirmed that *no conflict of interest is known at this point and therefore your request is not approved.*



The Chief Executive Officer also advised Mr Gianoli that Clause 15(b) of the Policy A1.18 required the person seeking financial support to provide full details of the nature and extent of the legal services anticipated to be required and when they are required. Once this information was received, the Chief Executive Officer would consider the request under the Policy through Council's Solicitors, McLeod & Co. He further advised that this decision had been made under delegated authority of Council and should Mr Gianoli be aggrieved by the decision, he could require the matter to be placed before Council.

In a letter dated 25 August 1999, Mr Gianoli forwarded details of the nature and extent of legal services anticipated to be required by him. He further advised:

*In relation to this matter, the reason I consider there would be a conflict or a perceived conflict of interest for me to be represented by the Council's Solicitors, Messrs Mcleod and Company, is that in the report dated 29 March 1999, there are a number of references to both written and oral legal advice received from the Council's Solicitors, McLeod and Company. On a number of occasions, the Council voted contrary to the advice. On this basis, I have significant difficulty with prospect of being represented and advised by the Council's Solicitors whose advice the Council did not follow.*

*At this stage, I have spent approximately \$1,400.00 on my solicitor reading the documents described above and giving me some preliminary advice.*

On 1 September 1999, the Chief Executive Officer again rejected the need for Mr Gianoli to have independent legal advice on the basis of information provided. He further advised that the expenditure incurred to date of \$1,400.00 was not claimable because no attempt had been made to demonstrate exceptional circumstances as required under Clause 13 of the Policy.

In the same letter the Chief Executive Officer advised that:

*Should you not be able to substantiate your concerns with regards to McLeod and Co representing your interests, I will also need your advice as to your preparedness for McLeod and Co to represent you.*

*I have enclosed a copy of Council's Policy A1.18 which requires your signature in accordance with Clause 20.*

*Please note that I am dealing with this matter under delegated authority of Council. Therefore an appeal right to Council does exist.*

No further contact with Council has been made by Mr Gianoli in respect of his claim until his letter dated 11 October 2000 was received.



Mr Gianoli did not comply with the terms of Policy A1.18 in respect of his claim for legal expenses. However, he has incurred legal costs in respect of the Douglas Inquiry and no findings were made against him. He received his own legal advice that he needed independent legal assistance and pursued that avenue despite being advised that under Council's Policy A1.18, he required the approval of the Chief Executive Officer or Council to do so in order to qualify for reimbursement of legal expenses. He did not exercise his right of appeal to Council to be given approval to use independent legal assistance.

The decision is therefore, whether Mr Gianoli should be reimbursed legal expenses incurred because no findings were made against him, or whether he should be disqualified from receiving reimbursement because he failed to fulfill the requirements of Policy A1.18.

Mr Gianoli was consistently advised by the Chief Executive Officer that, by seeking independent legal advice without the approval of the Chief Executive Officer or Council, he would not qualify for reimbursement of legal expenses. Mr Gianoli at no stage satisfied the requirements of the Chief Executive Officer for approval to seek independent advice and also, he did not ask for the matter to be placed before Council for decision although he had been advised on at least two occasions of his appeal rights. Mr Gianoli is therefore not entitled to reimbursement of legal expenses as claimed.

As a matter of equity however, it is open to Council to give an ex-gratia payment on the basis that Mr Gianoli incurred legal expenses because of the Inquiry and no findings were made against him.

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

Policy A1.18 was rescinded at the October 2000 Meeting of Council.

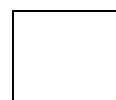
### **Budget/Financial Implications**

Funds are available in Council's Budget if the decision is made to reimburse Mr Gianoli.

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

Nil

AT THIS POINT THE TIME BEING 8:29PM, CMR SMITHSON RETURNED TO THE MEETING.



**807. (AG Item 13.2) (Ocm1\_11\_2000) - CITY OF COCKBURN INQUIRY COSTS - MINISTER FOR LOCAL GOVERNMENT (1335) (ATC) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) reimburse the Department of Local Government an amount of \$662,687, being the sum of \$722,494 for the first instalment of the Douglas Inquiry costs as directed by the Minister for Local Government, less \$59,807 for furniture and equipment purchased for the Inquiry but now held by the Department of Local Government;
- (2) transfer an amount of \$662,687 from the Rubbish Disposal Development Reserve Fund to cover the expenditure in (1) above; and
- (3) amend the Budget accordingly.

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

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

**Background**

The Minister for Local Government has directed Council to pay the full costs of the Douglas Inquiry over a period of three years with the first instalment of \$722,494 being due on or before 23 November 2000.

Council at its meeting on 19 September 2000, resolved to:

- (1) *give one months local public notice of its intention to use funds from the Rubbish Disposal Development Reserve Fund to pay the Department of Local Government, the first installment of the Douglas Inquiry costs;*
- (2) *note that should the final decision be made in November to utilise those funds for the payment of the costs, it will have a long term impact on Council's ability to provide for community infrastructure;*



- (3) *note that future year's budgets will require rate increases or redirection of funds to reinstate the payments from the Reserve Fund to ensure that in the long term, sufficient funds are available for the required Rubbish Disposal infrastructure works; and*
- (4) *request the Minister for Local Government's earliest response for answers to the outstanding issues which include the request for an extension of the repayment period from three years to four years, the request for an itemised account of the costs applicable to each issue investigated by the Inquirer and the request for capital items purchased by the Inquirer that form part of the costs to be paid by the Council, to be forwarded to Council for its use.*

**CARRIED 3/0**

### **Submission**

N/A

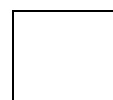
### **Report**

In accordance with Council's decision on 19 September 2000, an advertisement was placed in the Local Government Notices Section of The West Australian on Saturday, 23 September 2000. No public feedback was received as a result of the notice.

Under Section 6.11 of the Local Government Act 1995, Council is now able to use funds from the Rubbish Development Reserve fund to pay the legal costs of the Douglas Inquiry as directed by the Minister for Local Government.

The content of part 4 of the Council recommendation on 19 September 2000, was conveyed to the Minister who has responded as follows: (letter dated 17 October attached)

- (1) *In regard to the request for extension of time to pay, he states that his "direction to make the first payment on or before 23 November 2000 remains firm. Equally, he remains unconvinced that Council will be unable to make the 2001 payment due to financial hardship or other circumstances unless and until he receives a submission to such an effect. Obviously Council is unable to make such a submission until its budget parameters for 2001/02 become clear".*
- (2) *In regard to Council's request for an itemised account of the costs applicable to each issue investigated by the Inquirer, he advises that "itemised accounts for every item of expenditure will not be provided".*



- (3) In relation to Council's request for capital items purchased by the Inquirer that form part of the costs to be paid by Council to be forwarded to Council for its use, the Minister advises that *a small quantity of furniture is held by the Department of Local Government. He further advised that the Department of Local Government may be prepared to net the value of the furniture from the costs.*

The Director, Finance and Corporate Services contacted a representative of the Department of Local Government who agreed that the purchase price of the furniture and equipment (\$59,807) could be deducted from the costs due (see attached). This has been included in the recommendation.

Copies of the Ministers' letter dated 15 August 2000 which gives an itemised account for the cost of the Inquiry is attached to the Agenda, as well as copies of the Minister's letters of 19 September 2000 and 17 October 2000.

Council has received advice from the Premier, advising that he supports the Minister's approach and that Council continue to liaise with Mr Omodei (see attached).

A media release received from the Leader of the Opposition, Dr Geoff Gallop MLA, is that if Labor wins Government at the next State Elections, the Labor Government would pay the \$1.7 million cost incurred by the Inquiry. This would indicate that the first installment will be reimbursed.

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

N/A

### **Budget/Financial Implications**

The transfer of \$662,687 from the Rubbish Development Reserve Fund to pay the first instalment of the Inquiry costs, will require a budget amendment.

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

Nil



**808. (AG Item 13.3) (Ocm1\_11\_2000) - COUNCIL POSITION STATEMENTS (1054) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council notes the Manual of Council Position Statements as contained in the attachments to the Agenda, to be utilised by Council officers as guidelines or practice notes in responding to any relative issues.

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson, that this matter be deferred for the new Council to consider in detail.

**CARRIED 3/0**

**Explanation**

It is important that the newly elected members fully understand this matter and having the matter for consideration on a future agenda, will make them read and understand their implications immediately.

**Background**

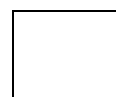
During the recent review of Council's Policy Manual, an opportunity was identified to further streamline this process by removing many previously considered Council "Policy" statements and renaming these Council "Position" statements. In other words, reference to these positions previously adopted by Council will remain, but rather than include these statements in a Manual of Council Policies, it is considered they are more suited to becoming guidelines or reference notes for Council staff to follow on occasions when it is appropriate to follow a consistent course of action, based on these decisions of Council, which have been adopted in the past.

**Submission**

N/A

**Report**

Many of the statements appearing in previous Council adopted Policy Manuals have been identified as reasonably clear, simple and concise statements of how Council wishes to deal with specific or individual issues.



While it is appropriate for some of these to remain within the definition of Council Policy, it is apparent that the majority of them are capable of being utilised by staff to administer as a uniform and consistent process as part of their ongoing role, without approving anything on behalf of Council, which would normally require a Council decision.

In these circumstances, Council's intentions are clear and it is not considered necessary for such statements to bear the title of Council "Policy". It would be much simpler to note these decisions as Council's Position Statement on that and similar matters and have them used by staff as guidance and reference notes to deal with relevant issues as part of their normal duties.

The benefit of adopting such a practice, is that such statements can be constantly reviewed for their effectiveness due to their continuous exposure to staff, therefore increasing the probability that changing circumstances will be noticed other than during a formal review of procedures, which could conceivably not happen for a number of years.

Consequently it is recommended that a Manual of Council Position Statements be noted and they be regularly monitored and reviewed by staff. It is not intended that these Policy Statements will be referred to Council annually as will Policies which are delegated. However, should changes, which are considered to impact against the communities wishes be evident, then they will be submitted to Council for examination.

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

Key Result Area "Managing Your City" refers.

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

Nil

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

Nil

### **809. (AG Item 13.4) (Ocm1\_11\_2000) - PROPOSED NEW POLICY MANUAL (1054) (DMG) (ATTACH)**

#### **RECOMMENDATION**

That Council adopts the Manual of Policy Statements, as contained in the attachments to the Agenda.





**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson, that this matter be deferred for the new Council to consider in detail.

**CARRIED 3/0**

**Explanation**

It is important that the newly elected members fully understand this matter and having the matter for consideration on a future agenda, will make them read and understand their implications immediately.

**Background**

It is Council practice to review its Policies on an annual basis in November each year, in conjunction with the statutory requirement to review the delegation of its functions.

**Submission**

N/A

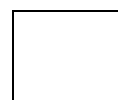
**Report**

The review of the Council Policy Manual has resulted in a departure in format from that of previous years. Although the Policy statements themselves are largely reflective of the intent of Council's current policies, in many cases, there have been adjustments made to the wording of the Policies to either clarify their intent or bring them into line with current practices or requirements.

The main reason for the proposed amendments to the Policy document format, is to separate those Council statements which are clearly of more strategic or corporate significance from those which serve a more administrative function.

In addition, there has been a conscious effort made for the Council Policies to remain at the forefront of the organisation by clearly relating each one to a functional service delivery area (service unit) of Council and, in the case of the Corporate Policies, ensuring there is a connection with these statements to Council's Corporate Strategic Plan.

Consequently, this review has resulted in the revamp of the Policy document format to firstly, clearly identify those statements of a corporate nature and separate those from the more practically applied Administrative Policies. The final outcome is a format which is



considered to be clear in its focus and easy to follow in its content. A new numbering system has been introduced to further enhance the clarity of the document and to more easily identify the responsibility areas of each Policy statement.

By separating the Policies into “Administrative” and “Corporate” and identifying the area of Divisional responsibility for each statement (i.e. Executive Services (ES), Community Services (CS), Council (C), Engineering and Works (EW), Finance and Corporate Services (FCS) and Planning and Development (PD)), it is then simply a matter of adding an individual number to each Policy to complete the system. Hence, the Manual can be further divided by the use of this alpha/numeric system; e.g. A (Administrative) ES (Executive Services Division) 1 (number) equates to Policy number AES1. Similarly, a Corporate Council area Policy number CC6 is identified as C (Corporate), C (Council), 6 (number). This trend is obviously repetitive throughout the document in a clear and consistent manner.

The major difference between the format of “Administrative” and “Corporate” Policies is that Administrative Policies make reference only to Business and Service Unit responsibility, while Corporate Policies include an additional section relating to the Key Result Area, Vision and Objective of the Corporate Strategic Plan to these statements.

Policies designated as being subject to Delegated Authority (DA) can easily be cross-referenced to the DA Register, as outlined in a separate report to Council on this matter.

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

Strategic Plan Key Result Area “Managing Your City” refers.

### **Budget/Financial Implications**

Nil

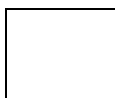
### **Implications of Section 3.18(3) Local Government Act, 1995**

Nil

## **810. (AG Item 13.5) (Ocm1\_11\_2000) - PROPOSED NEW REGISTER OF DELEGATED AUTHORITY TO OFFICERS (1054) (DMG) (ATTACH)**

### **RECOMMENDATION**

That Council adopts the Register of Delegated Authority to Officers, as contained in the attachments to the Agenda.



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

MOVED Cmr Jorgensen SECONDED Cmr Smithson, that this matter be deferred for the new Council to consider in detail.

**CARRIED 3/0**

**Explanation**

It is important that the newly elected members fully understand this matter and having the matter for consideration on a future agenda, will make them read and understand their implications immediately.

**Background**

Pursuant to Section 5.46(2) of the Local Government Act, 1995, Council is required to review all delegations made at least annually. As this review was last undertaken in November 1999, it is now necessary for the review to be considered again.

**Submission**

N/A

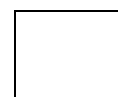
**Report**

During the most recent review of delegation of Council functions to officers, Council reduced the number of Policies requiring delegated authority to be performed, thus resulting in a significant streamlining of the process involved in administering the performance of delegated functions.

This outcome resulted in considerable time being saved by officers in having to conform with the onerous recording provisions which are administratively required as part of the delegation process.

However, it has been recognised that the numbering system attached to the delegations, particularly where they relate to the delegation of a Council Policy, is unwieldy and in many cases, confusing.

Therefore, it is considered appropriate to separate the Register of Delegated Authority into a more user friendly and easily identified format, particularly in relation to the Policies of Council, which are considered appropriate to delegate.



In order to achieve this, it is proposed to divide the Delegation Register into four distinct components, as follows:-

1. Delegations made under the Local Government Act, 1995 (including Council Local Laws), for which an annual review will be required;
2. Delegations made under other Legislative Heads of Power, for which no annual review is necessary;
3. Delegations made pursuant to Council's Administrative Policies, for which an annual review will be required; and
4. Delegations made pursuant to Council's Corporate Policies, for which an annual review will be required.

This methodology then enables the instrument of delegation in reference to Division (1) and (2) above, to be domiciled "as per the provisions of the (relevant legislative Head of Power)" under the heading of Legislative Requirements in each document of delegation.

This will then enable all delegations to be simply included in an alphabetical order (according to the first letter of the Head of Power), thereby deleting the requirement for a numeric system which could prove to be inconsistent and/or confusing as changes are made throughout the year.

In addition, Divisions (3) and (4) of the Register (relative to Council Policies) can be conveniently referenced to the appropriate Council Policy number and by domiciling the Instrument of Delegation, under the title of Council Policy, "Council Policy No (insert number and title of Council Policy) refers".

Subsequently, any amendments, deletions or inclusions to those Policies subject to delegation can be easily managed and eliminates any potential confusion caused by the previous numbering system.

The system allows for simple electronic control and management of the Register and hard copies can continue to be colour coded for simplification in identifying the Council areas responsible for administering the delegations.

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

Strategic Plan Key Result Area "Managing Your City" refers.



**Budget/Financial Implications**

Nil

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

Nil

**811. (AG Item 13.6) (Ocm1\_11\_2000) - PROPOSED CREATION OF NEW SUBURBS BY AMENDMENT TO BIBRA LAKE SUBURB BOUNDARY (1035) (DMG)**

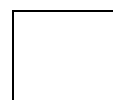
**RECOMMENDATION**

That Council:

- (1) circulate all property owners in that part of the suburb of Bibra Lake bounded by Stock Road, Phoenix Road, North Lake Road and Roe Highway Alignment, seeking the preferred option to name a newly created suburb for that area either:-
  - (i) St. Paul;
  - (ii) West Lakes; or
  - (iii) West Bibra Lake;
- (2) circulate all businesses operating in that part of the suburb of Bibra Lake bounded by Stock Road, Phoenix Road, North Lake Road and the railway line (between Yangebup) seeking the preferred option to name a newly created suburb for that area either:-
  - (i) West Lakes;
  - (ii) West Bibra Lake; or
  - (iii) Bibra Valley;
- (3) following a response period of four (4) weeks, recommend to the Geographic Names Committee (GNC), that two (2) new suburbs be created for the areas described in sub-recommendations (1) and (2) above, based on the majority response in favour of each of the alternatives provided; and
- (4) ensure that landowners and businesses are consulted on a basis of single opinion only (i.e. multiple land owners/occupiers are not entitled to submit more than one response).

**COUNCIL DECISION**

MOVED Cmr Donaldson SECONDED Cmr Jorgensen that the



recommendation be adopted.

**CARRIED 3/0**

### **Background**

Over the past 12 months, Council has consulted the community in an effort to determine the most preferred options for a number of electorally related issues.

One of the outcomes and subsequent recommendations of the Consultant commissioned by Council to undertake this research, was that there was a desire to have Ward boundaries aligned to coincide with suburb boundaries to eliminate the potential for confusion to be caused at Council elections where persons sharing the same suburb address, were sometimes allocated to adjoining Wards for Council elections.

It was recommended that this confusion be overcome by reallocating Ward boundaries to relate to suburb boundaries.

This was subsequently followed as far as possible when Council considered the Options presented to redistribute Ward boundaries earlier this year and was achieved with the exception of the suburb of Bibra Lake, which remains divided between East and Central Wards, with North Lake Road being the defining boundary.

In conjunction with Council's decision to redistribute Ward boundaries and create three new Wards, it was also decided that Council also seek community feedback on the possibility of creating a new suburb in the area bounded by Stock Road, Roe Highway Alignment, North Lake Road and the railway line.

This consultation was sought via an article in the Cockburn Soundings which created enough interest to further pursue the exercise.

### **Submission**

That, based on the original response to the Cockburn Soundings article, Council consider the creation of two new suburbs to replace that portion of Bibra Lake suburb currently located in Central Ward.

### **Report**

Eighty (80) responses were received as a result of Council seeking feedback to the proposal through its normal promotional channels (e.g. Cockburn Soundings, Cockburn Herald "Half Page").



Of these, 64 were in favour of a suburb name change while 16 disagreed.

Of those in favour of a name change, the majority submitted "St Pauls" or similar as a preference. Other names to feature prominently were West Lakes and West Bibra Lake.

In opposition to any name change were nine (9) residents, who either see the exercise as a waste of resources or simply prefer the name Bibra Lake for personal reasons.

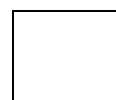
Additionally, seven (7) business proprietors in the industrial area provided lengthy submissions opposing the suggestion, mainly on the grounds that it would create additional expense to them in reprinting stationery and advertising material. Another reason quoted was that businesses felt that any change could be confusing to customers or potential clients who are currently familiar with the present arrangement.

In analysing the responses, it is considered that there is enough support for a change to occur in this instance and to progress the matter further.

Many residents of the area felt that the name "St Pauls" should be considered because the development already has this association through the marketing of the original sub-divided area, which was publicised as "St Paul's Estate" and truncated to become identified simply as "St Pauls". However, it is difficult to promote this truncated version of the title. Hence, some other suggestions such as "St Paul's Wood" or "St Paul's Heights" were put forward as alternatives. Without using such a suffix, the term St Pauls would not be acceptable to the G.N.C.. It is therefore suggested that the option of "St Paul" be adopted for consideration.

The other names which received support were "West Lakes" and "West Bibra Lake". These suggestions have merit, based on geographical description and should also be presented for consideration by those affected.

An interesting peripheral issue which has arisen as part of this exercise, is that there is a great desire from the residents of the area in question to separate their identity from the commercial activities which occur to the south of Phoenix Road. This seems a reasonable reaction given that there is little to link the areas from a "community of interest" perspective. One part of the defined area is entirely residential, while the other is entirely commercial or industrial.



Consequently, an alteration to this area which involves the creation of two suburbs seems supportable. While there is no support for a change from the commercial sector of Bibra Lake, the amount of opposition to the proposal could hardly be described as overwhelming and therefore, it is suggested that a change of name for that area should continue to be pursued.

Accordingly, three names which relate purely in a physical sense to the area are suggested for testing purposes of the businesses located in the area.

It is recommended that the consultation process ensure that multiple land owners/occupiers are not advantaged by having more than one opportunity to contribute to the exercise, otherwise the outcome could be distorted.

It is suggested that once a reasonable time period has elapsed for responses to be forwarded to Council, that the most supported system for each area be adopted as Council's preference and the matter be progressed with the Department of Land Administration.

Indications are that any changes of this nature will generally take 6-9 months to effect, which should allay the fears of the businesses which are concerned about reordering stationery and promotional material.

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

Key Result Area "Planning Your City" refers.

Council Policy CC2 "Strategic Consultation with Community Stakeholders" refers.

### **Budget/Financial Implications**

Postage and administration costs estimated at \$1,500 - \$2,000 available within Council's Community Consultation Budget (A/C 110310).

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

Nil





**812. (AG Item 13.7) (Ocm1\_11\_2000) - ADOPTION - CITY OF COCKBURN BUSH FIRE BRIGADES LOCAL LAW 2000 (1114) (LCD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) pursuant to section 3.12 (4) of the Local Government Act, 1995, adopt the City of Cockburn Bush Fire Brigades Local law 2000; and
- (2) adhere to all of the statutory procedures ensuring the promulgation of the City of Cockburn Bush Fire Brigades Local Law 2000.

**TO BE CARRIED BY A SPECIAL MAJORITY OF COUNCIL**

**COUNCIL DECISION**

MOVED Cmr Donaldson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

Council on the 19 September 2000, decided to proceed with the making of the City of Cockburn Bush Fire Brigades Local Law 2000. Notices were published in The West Australian as prescribed by the Local Government Act, 1995. The public comment period expired on the 6 November, 2000.

**Submission**

N/A

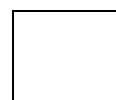
**Report**

No submissions were received in respect to the proposed City of Cockburn Bush Fire Brigades Local Law 2000. The Local Law is recommended for adoption.

**Strategic Plan/Policy Implications**

Key Result Area "Conserving and Improving Your Environment" refers.

**Budget/Financial Implications**



N/A

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

Nil

**813. (AG Item 13.8) (Ocm1\_11\_2000) - ADOPTION - CITY OF COCKBURN HEALTH (EATING HOUSES) LOCAL LAW 2000 (1149) (LCD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the advice provided by the Health Department of Western Australia by letter dated the 20 October 2000;
- (2) pursuant to section 3.12 (4) of the Local Government Act 1995, adopt the City of Cockburn Health (Eating Houses) Local Law 2000; and
- (2) adhere to all of the statutory procedures ensuring the promulgation of the City of Cockburn Health (Eating Houses) Local Law 2000.

**TO BE CARRIED BY A SPECIAL MAJORITY OF COUNCIL**

**COUNCIL DECISION**

MOVED Cmr Donaldson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

Council at its meeting held on the 19 September 2000, decided to make a local law entitled the City of Cockburn Eating Houses Local Law 2000. Notices were published in The West Australian as prescribed by the Local Government Act 1995 and copy of the local law was forwarded to the Health Department of Western Australia. The expiry date for public submission was the 6 November 2000.

**Submission**



N/A

## **Report**

No public submissions were received, however the Health Department of Western Australia provided comments in relation to the proposed City of Cockburn Eating Houses Local Law 2000.

The suggested amendments by the Health Department have been incorporated into the local law now being presented for adoption. The amendments include:

1. A new title for the local law;
2. A new preamble;
3. Minor amendments to section 8 (1) such as including inserting the words “in relation to an eating house which is not currently registered” at the commencement of paragraph (b) and inserting the words “from time to time” sections 8 (1) (a), 9 (1), and 9 (4) and inserting the words “under section 344C of the Act” after the word “Council” in the last line thereof.
4. Sections 11 and 12 have been deleted on the advice of the Health Department because the Joint Standing Committee on Delegated Legislation had ruled such to be *ultra vires* because Council cannot add to the reasons set out in subsections 165 (2) and (3) subsections 166 (2) and (3) of the Health Act 1911.

The local law is recommended to Council for formal adoption.

## **Strategic Plan/Policy Implications**

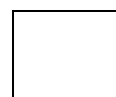
Key Result Area “Facilitating the Needs of Your Community” refers.

## **Budget/Financial Implications**

N/A

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

Nil



**814. (AG Item 13.9) (Ocm1\_11\_2000) - ADOPTION - CITY OF COCKBURN LOCAL LAW RELATING TO PEST PLANTS 2000 (1125) (LCD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) pursuant to section 3.12 (4) of the Local Government Act 1995, adopt the City of Cockburn Local Law Relating to Pest Plants as attached to the Agenda and which forms part of this report; and
- (2) adhere to all of the statutory procedures ensuring the promulgation of the City of Cockburn Local Law relating to Pest Plants.

**TO BE CARRIED BY A SPECIAL MAJORITY OF COUNCIL**

**COUNCIL DECISION**

MOVED Cmr Donaldson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

Council at its meeting on the 19 September 2000, decided to proceed with the making of a new local law regarding Pest Plants. Notices were published in The West Australian as prescribed by the Local Government Act, 1995. The forty-two day period for public comment expired on the 6 November, 2000.

**Submission**

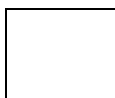
N/A

**Report**

No submissions were received in respect to the proposed City of Cockburn Local Law relating to Pest Plants and therefore, it is recommended that the local law be formally promulgated.

**Strategic Plan/Policy Implications**

Key Result Area "Conserving and Improving Your Environment" refers.



**Budget/Financial Implications**

N/A

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

Nil

**815. (AG Item 14.1) (Ocm1\_11\_2000) - ADOPTION OF TOWN PLANNING (LOCAL GOVERNMENT PLANNING FEES) REGULATIONS 2000 (9003) (SMH) (ATTACH)**

**RECOMMENDATION**

That :

- (1) Council receive the report;
- (2) Council adopt the attached Schedule of Planning Fees in accordance with Planning Bulletin No. 44 issued by the Western Australian Planning Commission "Town Planning (Local Government Planning Fees) Regulations 2000 and substitute them for the "Fees and Charges Planning Services" adopted by the Council under Section 6.16 of the Local Government Act on 25 July 2000;
- (3) Council adopt the 'Up-Front' fees for the purposes of Part 2 (Maximum Fees: Scheme Amendments) and Part 3 (Maximum Fees: Structure Plans) of the Regulations as follows:-

	<b>Minor</b>	<b>General</b>	<b>Major</b>	
Scheme Amendments	\$2,000	\$4,000	\$6,000	}
Structure Plans	\$2,000	\$4,000	\$6,000	

excluding sign and advertising costs.

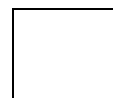
- (4) the Schedule of Planning Fees adopted in (2) and (3) above to be advertised in accordance with the procedures of Section 6.19 of the Local Government Act and to apply from 19 December 2000.

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

**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that :

- (1) Council receive the report;



(2) Council adopt the attached Schedule of Planning Fees in accordance with Planning Bulletin No. 44 issued by the Western Australian Planning Commission "Town Planning (Local Government Planning Fees) Regulations 2000 and substitute them for the "Fees and Charges Planning Services" adopted by the Council under Section 6.16 of the Local Government Act on 25 July 2000;

(3) Council adopt the following fees for the purposes of Part 2 (Maximum Fees: Scheme Amendments) and Part 3 (Maximum Fees: Structure Plans) of the Regulations as follows:-

	Minor	General	Major	
Scheme Amendments	\$2,000	\$4,000	\$6,000	}
Structure Plans	\$2,000	\$4,000	\$6,000	

(4) the Schedule of Planning Fees adopted in (2) and (3) above to be advertised in accordance with the procedures of Section 6.19 of the Local Government Act and to apply from 19 December 2000.

**CARRIED 3/0**

**Explanation**

It was considered that the term 'Up-Front' could be confusing. Also, that costs must show that GST is excluded from the fees.

**Background**

In September 2000, the WAPC published Planning Bulletin No. 44 - "Town Planning (Local Government Planning Fees) Regulations 2000" to establish a standard set of fees and charges for planning services for local government across the State.

The background is contained in the attachment to the Agenda.

**Submission**

The WAPC has requested that local governments adopt the Schedule of Planning Fees by 19 December 2000, which is the date on which the Regulations will be introduced.

If the Council does not adopt the new fee schedule, then it will not have the legal power to charge fees for planning services.



**Report**

To enable the Council to continue charging planning fees, the Council has no choice but to adopt the schedule published in the Planning Bulletin.

The Bulletin forms the attachment to the Agenda.

The Council's current set of Planning Fees and Charges adopted as part of the 2000/01 Budget was based on the new fee proposal.

The main difference is in the way Scheme Amendments and Structure Plan Assessments are charged for.

According to the Bulletin, the Council must adopt the Schedule as published, but may choose to charge a lesser fee or no fee at all.

The proposed fee collections are not straight forward and contain a number of anomalies, particularly in respect to Parts 2 and 3.

Here the Council must collect a fee for service prior to initiating or assessing an Amendment or Structure Plan, but at that stage in the process has not completed the time spent calculations. Therefore there is a need to establish a best guess as follows:-

	Minor	General	Major	
Scheme Amendments	\$2,000	\$4,000	\$6,000	}
Structure Plans	\$2,000	\$4,000	\$6,000	

excluding sign and advertising costs.

This reflects the Council's existing charges for mixed and general, but has been increased for major. The Council must calculate officer's time and if necessary, refund any excess monies collected. There is no provision to collect additional monies from the applicant.

The Fee Regulations will be trialled for 12 months.

The up front Amendment and Structure Plan fees may need to be reviewed depending upon their appropriateness during the trial.

**Strategic Plan/Policy Implications**

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



1. Managing Your City

- *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*

**Budget/Financial Implications**

The expected revenue from the fees contained in the Planning Bulletin should be similar to that derived from the current set of planning fees and charges.

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

The Council is complying with a Town Planning Regulation.

816. (AG Item 14.2) (Ocm1\_11\_2000) - PROPOSED AMENDMENT NO. 219 - ADDITIONAL USE - FRUIT AND VEGETABLE DISTRIBUTION CENTRE - LOT 81 WATTLEUP ROAD, WATTLEUP - OWNER/APPLICANT: POWERWIDE CORPORATION (92219) (CC) (MAP 17) (ATTACH)

**RECOMMENDATION**

That Council:

- (1) adopt the recommendations in the Schedule of Submissions attached to the Agenda;
- (2) adopt Amendment No. 219 subject to the following modified wording;-
  1. Adding to the Second Schedule of the Scheme Text under the heading the following:-

Street	Particulars	Additional Use Permitted
Wattleup Road	Lot 81 on Plan 8190 Being on Certificate of Title Volume 1313 Folio 552	Fruit and Vegetable Warehouse and Distribution Centre for the handling, processing, treating, packing and carrying of fruit and vegetables limited in floor area to that in plans approved by Council at its meeting of 18 <sup>th</sup> June 2000.

2. Adding to the Scheme Map the additional use symbol and annotation 'Fruit and Vegetable Warehouse and Distribution Centre' over Lot 81 Wattleup Road, Wattleup.
- (3) in anticipation of the Hon. Minister for Planning granting final





approval, the modified amendment documents be signed and sealed and forwarded to the Western Australian Planning Commission.

### **COUNCIL DECISION**

MOVED Cmr Donaldson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

### **Background**

ZONING:	MRS:	Rural
	DZS:	Rural
LAND USE:	Approved-Fruit and Vegetable Packaging Facility (local produce)	
LOT SIZE:	2.6 ha	
AREA:	7000m2	
USE CLASS:	N/A	

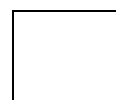
Council at its meeting of 18 January 2000, resolved to conditionally approve a fruit and vegetable packaging facility (local produce) on Lot 81 Wattleup Road, comprising 900m2 floor-space.

To consider the owner's desire to allow for the packaging of non-local produce (esp. potatoes from Manjimup) for export, Council at its meeting of 18 April 2000, resolved to adopt Amendment 219 for advertising for an Additional use of Fruit and Vegetable Warehouse and Distribution Centre on the site.

### **Submission**

10 submissions of objection were received from landowners on Wattleup Road including a 33-signature petition against the proposal. The nature of objections are:

- increased noise from equipment, fork-lift, trucks and coolers 24 hrs in summer;
- land will be devalued especially adjacent urban deferred land;
- increased truck traffic will reduce safety on Wattleup Road;
- proposal not in keeping with rural zone resulting in loss of rural lifestyle and amenity;
- washing of vegetables and use of chemicals will impact on ground-water quality; and



- development should be located in industrial type zone.

*See Agenda Attachments for details of submissions.*

Servicing authorities raised no objections to the proposal.

### **Report**

As mentioned, the landowner already has an approval to develop a 900m<sup>2</sup> packaging facility, including parking and loading areas and a house for caretaker/employees. This development was approved as a permitted use under TPS No. 2.

The landowner has advised of his intention to proceed with the approved development. Potential amenity impacts raised in the submissions (i.e. increased traffic and noise), would eventuate to some degree as a result of this development.

The effect of Amendment 219 may be to intensify the use and expansion of the facility to its ultimate development potential as shown on development plans (possibly 1600m<sup>2</sup> floor area) with an associated increase in potential amenity impacts.

In respect to concerns regarding the scale of development, the proposed ultimate floor area (1600m<sup>2</sup>) would still be less than the combined floor area of the three(3) hydroponic sheds on nearby Lot 77 Wattleup Road (3840m<sup>2</sup>), and 1/10<sup>th</sup> the size of the fruit and vegetable distribution centre on Mandogalup Road. In context, the ultimate development is not out of scale with nearby developments, although on site parking for employee vehicles may give the facility an industrial look.

Further to this, any comparisons between the proposed facility on Lot 81 and the facility on Mandogalup Road are dismissed on the grounds that the Mandogalup facility is a much larger facility servicing metropolitan needs and the Lot 81 proposal is to package produce for export only.

Latest traffic data (1998) indicates an average of 152 trucks (class 4 and greater-delivery) per week day using Wattleup Road. The landowner estimates that 10 trucks per month will deliver produce to the facility. A further 10 trucks will deliver sea containers (2 per truck) for packing of produce. A total of 40 truck movements per month (possibly more) would result in an increase of about 2 percent in truck traffic on Wattleup Road. Employee parking may ultimately result in 20 vehicle movements per day.

These increases are not significant and may only be noticeable by nearby residents, especially the 2 residences on the western lot and



the residence on the opposite side of Wattleup Road. Beyond nearby properties, additional truck and car traffic from the site may be indistinguishable from regular traffic.

The extent of noise impact from machinery (ie: fork lifts, conveyor belts and coolers), is also likely to be confined to nearby residents. With the exception of the coolers, which may operate 24hrs in October and November to preserve stored produce, the current development approval limits activity to the hours of 6am to 7pm Monday to Saturday. Noise levels would be required to comply with the requirements of the Noise Regulations (1997). It should be noted that the use of machinery (i.e. tractors and the like) in rural areas, is an inevitable requirement of agricultural production.

The proponent of the development has advised that no washing of produce or use of chemicals is to take place at the facility. Ground-water contamination is therefore considered unlikely.

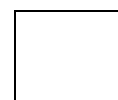
In respect to land values, it is considered unlikely that the establishment of the facility would be a major consideration in the valuation of adjacent land and nearby Urban Deferred land is unlikely to be developed for residential purposes for at least 15 - 20 years.

A fundamental objection is that the proposal represents an encroachment of a quasi-industrial use in the Rural zone. The perception of encroachment is heightened by the proposal occurring centrally in an area dominated by horticulture where development improvements to the land - sheds and the like - are directly related to production occurring on site.

It should be noted however, that in contrast to TPS No. 2, no distinction is made between the packaging of local and non-local produce under the 'Rural Industry' definition proposed in TPS No. 3. This new definition is derived from the Model Scheme Text, to which Council must comply in formulating the new Scheme, TPS No.3.

In summary, approval to Amendment 219 may allow for the expansion of the facility to its ultimate development potential of approximately 1600m<sup>2</sup> which would increase potential for amenity impacts (i.e. noise and traffic) and a resultant loss of rural lifestyle for nearby residents. The issue of whether local or non-local produce is packaged at the facility is not a concern raised by objectors and is a less significant planning consideration.

In view of the above, it is considered that Amendment No. 219 be modified to the extent that the packaging of non-local produce be allowed, but that development (floor area) be limited to that of the existing development approval.



**Strategic Plan/Policy Implications**

1. Planning Your City

- *‘To ensure that the development will enhance the levels of amenity currently enjoyed by the community.’*

**Budget/Financial Implications**

N/A

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

Nil

**817. (AG Item 14.3) (Ocm1\_11\_2000) - ENVIRONMENTAL PROTECTION (SWAN COASTAL PLAINS WETLANDS) POLICY, GUIDE AND ADMINISTRATIVE PROCEDURES (9003) (KS)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) advise the Minister for the Environment that:-
  1. The proposal to include seasonally inundated wetlands including sumplands and damplands in the EPP is supported;
  2. The proposal to enable the nomination of wetlands for inclusion on the EPP register is supported;
  3. The policy should more clearly define the issue of buffers to remove uncertainty for the following reasons:
    - Whilst the guide infers that a buffer should be 50 meters from dependant vegetation, the requirement for a buffer is not mentioned in the policy;
    - Given the extent of clearing around many wetlands, it is preferable that the Policy states that a prescribed buffer zone should be added to the determined wetland dependant vegetation or the highest known annual average high water level of the wetland, whichever is the greatest;



- Revegetation of wetland areas (edge of water body through to the outer extent of the buffer) with appropriate species should be considered during proposal application, to promote wetland functional value and reduce nuisance problems;
  - The notion that water levels are often raised after urban development around wetlands should be taken into consideration when buffer zones are being determined, to ensure that potential changes in vegetation structure around wetlands are accounted for.
4. Photographic records and mapping of registered wetlands is supported however;
- All maps of registered wetlands need to be consistent so that all wetland boundaries are delineated on these maps to the extent of their highest known annual high water level.
  - It would then be the responsibility of the developer to adequately identify (to the satisfaction of the appropriate decision making authorities) the extent of dependent vegetation and the prescribed buffer.
5. The Policy should clarify the three categories of wetlands on the register and the definition of protected wetlands to remove uncertainty for the following reasons:
- The Policy identifies 'protected wetlands' as conservation category wetlands recorded in Table C of the register or coloured green on the Department of Land Administration plan 1815.
  - The register will record wetlands under three categories C, R and M. These categories are currently used by the Water and Rivers Commission where C = Conservation, R = Resource Enhancement and M = Multiple Use.
  - All control Measures outlined in Part 5 of the Policy apply to protected wetlands.
  - If the Categories C, R and M on the Register are based on current wetland categories, any wetlands listed on the register as R or M and not coloured green on the Department of Land Administration plan 1815, will have

no protection under part 5 of the policy.

6. The Policy needs to clarify the reference made in 7.1 (a)

- 7(1) paragraph 'd' of the policy makes reference to 7(2) however; there is no 7(2). It is assumed that 7(1) paragraph 'd' should make reference to 6(2).

**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen, that Council:

- (1) receive the report;
- (2) advise the Minister for the Environment that:-
  1. The proposal to include seasonally inundated wetlands including sumplands and damplands in the EPP is supported;
  2. The proposal to enable the nomination of wetlands for inclusion on the EPP register is supported;
  3. The policy should more clearly define the issue of buffers to remove uncertainty for the following reasons:
    - Whilst the guide infers that a buffer should be 50 meters from dependant vegetation, the requirement for a buffer is not mentioned in the policy;
    - Given the extent of clearing around many wetlands, it is preferable that the Policy states that a prescribed buffer zone should be added to the determined wetland dependant vegetation or the highest known annual average high water level of the wetland, whichever is the greatest;
    - Revegetation of wetland areas (edge of water body through to the outer extent of the buffer) with appropriate species should be considered during proposal application, to promote wetland functional value and reduce nuisance problems;
    - The notion that water levels are often raised after urban development around wetlands should be taken into



consideration when buffer zones are being determined, to ensure that potential changes in vegetation structure around wetlands are accounted for.

4. Photographic records and mapping of registered wetlands is supported however;

- All maps of registered wetlands need to be consistent so that all wetland boundaries are delineated on these maps to the extent of their highest known annual high water level.
- It would then be the responsibility of the developer to adequately identify (to the satisfaction of the appropriate decision making authorities) the extent of dependent vegetation and the prescribed buffer.

5. The Policy should clarify the three categories of wetlands on the register and the definition of protected wetlands to remove uncertainty for the following reasons:

- The Policy identifies 'protected wetlands' as conservation category wetlands recorded in Table C of the register or coloured green on the Department of Land Administration plan 1815.
- The register will record wetlands under three categories C, R and M. These categories are currently used by the Water and Rivers Commission where C = Conservation, R = Resource Enhancement and M = Multiple Use.
- All control Measures outlined in Part 5 of the Policy apply to protected wetlands.
- If the Categories C, R and M on the Register are based on current wetland categories, any wetlands listed on the register as R or M and not coloured green on the Department of Land Administration plan 1815, will have no protection under part 5 of the policy.
- The policy should contain a map which clearly locates and identifies the different categories of wetlands and be designed for ease of use and interpretation.

6. The Policy needs to clarify the reference made in 7.1 (a)

- 7(1) paragraph 'd' of the policy makes reference to 7(2)

however; there is no 7(2). It is assumed that 7(1) paragraph 'd' should make reference to 6(2).

**CARRIED 3/0**

### **Explanation**

It is difficult for people to interpret what is meant by wetlands and often, the mapping that is provided is poor in terms of being a useful resource for applicants, staff and the community, hence the inclusion of the last dot point in point 5.

### **Background**

On the 21<sup>st</sup> September 2000, Council received a copy of both “A Guide to the Environmental Protection (Swan Coastal Plain Wetlands) Policy 2000” and the “Environmental Protection (Swan Coastal Plain Wetlands) Policy 2000 Administrative Procedures”. A copy of the “New Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 1999” was received in March 2000. The Minister for the Environment has invited the City of Cockburn to comment on these documents by the 15<sup>th</sup> December.

### **Submission**

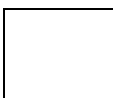
NA

### **Report**

#### The Current Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 (Lakes EPP)

The Current Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 is designed to protect lakes. The objective of the current policy is “to declare under the Environmental Protection Act, the beneficial uses of lakes on the Swan Coastal Plain and to establish a consistent regulatory framework for the protection of these uses.” The lakes identified for protection under the existing EPP were selected on the basis that, in most cases, they exhibited 1000m<sup>2</sup> or more of standing water in the first week of December 1991. Accordingly, many sumplands and virtually all damplands on the Swan Coastal Plain are currently not protected under the existing Lakes EPP.

The Existing Lakes EPP





- Establishes the activities which may degrade or destroy lakes – ie filling, excavation, mining, discharge of effluent and drainage of water into or out of lakes;
- Prohibits the carrying out of “unauthorised” activities which may cause the destruction and degradation of lakes; and
- Establishes offences for breaches of the policy and penalty provisions.

Since the proclamation of the Current EPP in December 1992, there has been only one successful prosecution under the Lakes EPP. This was for contravention of clause 11 of the policy relating to the unauthorised excavation of a lake at Forrestdale in 1995. Yet a study conducted by the Waters and Rivers Commission between 1996 and 1998, found that:-

- 51 wetlands in the Perth Metropolitan area appeared to have experienced minor change;
- 28 wetlands appeared to have been subjected to significant change; and
- 2 wetlands had experienced severe modification and likely no longer existed.

Accordingly, the EPA has proposed that the new draft Swan Coastal Plain Wetlands EPP should protect the environmental values and functions of all wetlands on the Swan Coastal Plain. This is not to say that all wetlands should be conserved per se, but rather that the functions and values of these wetlands must be considered when making decisions likely to result in both on-site and off-site impacts on wetlands and inter-related ecosystems and their functions.

#### The Proposed New Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy

The proposed new EPP (Environmental Protection (Swan Coastal Plain Wetland) Policy 1999) is a revised version of the current Environmental Protection (Swan Coastal Plain Lakes) Policy 1992. The purpose of the proposed new EPP is “to declare and protect the beneficial uses of wetlands on the Swan Coastal Plain.” The EPA has recognised that the current lakes policy needs to be extended to incorporate the protection of seasonally inundated wetlands including sumplands and damplands.

The guide to the Environmental Protection (Swan Coastal Wetlands) Policy 2000 indicates that the proposed EPP will give additional protection to the lakes recognised in the 1992 lakes policy from clearing. It also allows for additional wetlands with significant attributes or values



to be included on a register of protected wetlands under the policy. Under the proposed EPP, a wetland must be nominated, recommended for registration by the EPA and approved by the Minister for the Environment before it is included in the register and therefore protected under the policy.

The EPA has developed a set of wetland registration criteria, to enable the identification of wetlands with significant values and in need of protection. Only nominated wetlands that meet the criteria will be considered for protection by the EPA.

#### Impacts to the City of Cockburn

Many development proposals received at the City, involve wetlands and one of the major difficulties is determining the extent of the wetland and the wetland buffer. The City of Cockburn has a large number of wetlands and hence the Swan Coastal Plain Wetland EPP is referred to on numerous occasions.

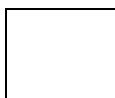
The effectiveness of the EPP in helping both the City of Cockburn with its development approval process as well as community groups with their expectations and with developers and their requirements and limitations, is therefore very important for the City of Cockburn. In the 1987 Water Authority of Western Australia "Wetlands of the Perth to Bunbury Region", it was found that 2231 ha of the City of Cockburn was defined as wetland areas. There are 14 Lakes, 47 Sumplands and 39 Damplands mapped in the City.

The Existing Lakes EPP does not protect the listed lakes from land clearing or the destruction or degradation of wetland vegetation (generally). These aspects are viewed as key weaknesses of the Existing Lakes EPP and provide the basis for the wetlands protection framework contained within the new draft Swan Coastal Plain Wetlands EPP.

#### Comments on the new draft policy, Guide and Administrative Procedures

The following comments are made about the New Draft Policy, Guide and the Administrative Procedures.

One of the key issues for Cockburn is that the Policy itself makes no mention of a predetermined buffer around wetlands, whilst the Guide infers that a wetland buffer should be 50 meters from dependant vegetation as distinct from the edge of the water body. To allow the City to process development proposals in a more consistent manner, it would be preferable that the policy proposes a predetermined recommended buffer.



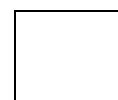
The DEP will develop and maintain a map/photo record of the registered wetlands and their boundaries. The documents fail to indicate if the boundaries, which will be delineated on these maps, are determined by the high water level of the wetland and whether the delineated boundaries include the dependent vegetation plus the 50 meter buffer.

The City of Cockburn has found that the lake delineation on current maps is not reflective of the true extent or location of many of the wetlands. It is also apparent that they do not include all features of a functional wetland as outlined on page two of the guide. The map of registered wetlands needs to be consistent so that all wetlands are mapped/delineated to the highest known annual average high water level. It would then be the responsibility of the developer to adequately identify (to the satisfaction of the appropriate decision making authorities) the extent of the dependent vegetation and the 50 metre buffer.

Page 2 of the guide suggests that if the vegetation is removed or degraded, the remaining vegetation can be used to determine the boundary of the wetland. It is considered acceptable that the highest known annual average high water level is used and a reasonable estimate of the dependent vegetation is established with the 50 metre buffer being measured from here. Where dependant vegetation is degraded or has been cleared, revegetation with adequate species should be considered. This will promote wetland functional value and help to control nuisance problems such as midge, which currently cost over \$100,000 per annum in the City of Cockburn to control.

It should be noted that previous development around wetlands has had an impact on the water levels, with the water levels in some wetlands being raised after development. This rise in water levels has an impact on the extent of wetland dependant vegetation and the structure of vegetation moving up slope away from the wetland. It is considered that these issues should be taken into consideration when determining boundaries to ensure that potential changes in vegetation structure around the wetland due to developmental impacts, are accounted for.

All control measures in part 5 state that these controls apply to protected wetlands. Part 1 defines 'protected wetlands' as conservation category wetlands recorded in Table C of the register or coloured green on Department of Land Administration Plan 1815. There is no indication of the protection that other EPP (Resource Enhancement and Multiple Use) wetland categories afford. This limits Council's ability to protect them. It is stated in the guide that wetland registration means that the wetland is protected from the activities defined in part 5 of the policy, unless a stakeholder has been given special authorisation by the EPA, however the policy states that part 5 applies to protected wetland.



Wetlands are currently mapped by the Water and Rivers Commission under three categories C, R and M where C = Conservation, R = Resource Enhancement and M = Multiple Use. If the wetland categories for the EPP register are based on the categories currently used, then wetlands categorised as R or M will be afforded no protection under part 5 of the policy which applies to protected wetlands.

In 7.1 (a), it makes reference to 7(2) however there is no 7(2) – It is assumed that this is a typing error and 7.1 (a) should make reference to 6(2).

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

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

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

### **Budget/Financial Implications**

N/A

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

Nil

818. (AG Item 14.4) (Ocm1\_11\_2000) - PROPOSED HOME OCCUPATION (TRAVEL AGENCY) - LOT 63; 3 LUPIN WAY, COOGEE - OWNER/APPLICANT: M & L CARLUCCI (3317537) (SA) (MAP 8) (ATTACH)

#### **RECOMMENDATION**

That Council:

- (1) approve the proposed Home Occupation (travel agency) at Lot 63; 3 Lupin Way Coogee, subject to the following conditions:



1. Standard conditions contained in Council Policy PD 17 as determined appropriate to this application by the delegated officer under clause 7.6 of the Town Planning Scheme - District Zoning Scheme No.2;
- (2) issue an MRS Form 2 Notice of Approval valid for a period of 24 months; and
- (3) advise those who made submissions of Council's decision accordingly, advising them that a Home Occupation approval can be withdrawn by the Council upon receipt of substantiated complaints from neighbours.

**COUNCIL DECISION**

MOVED Cmr Donaldson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

ZONING:	MRS:	URBAN
	DZS:	RESIDENTIAL R30
LAND USE:	SINGLE DWELLING	
LOT SIZE:	521 m2	
AREA:	N/A	
USE CLASS:	AA	

**Submission**

Council received an application, dated 18 August 2000, for a proposed home occupation (travel agency). The applicant/owners (husband and wife) wish to operate a travel agency through a home office in one room of the residence.

The business will operate five and a half days a week, Monday to Friday 9am to 5pm and on Saturdays 9am to 1 pm. The applicants estimate that on average, there would be two (2) vehicles parked in the driveway (which has a four (4) car capacity) at any one time. Most business is generated by phone and computer, with most documents being delivered by the applicants to their clients. A courier will deliver documents once or twice a day.

In accordance with the requirements of Council's District Zoning Scheme No.2 , the proposal was advertised for public comment for a



period of twenty one (21) days. Nine (9) neighbouring landowners were advised of the proposal and two (2) submissions were received, both objecting to the proposal. Refer to the Schedule of Submissions in the Agenda Attachments for further details.

### **Report**

The proposed home occupation complies with the requirements of Council's District Zoning Scheme No.2. The objections raised in the submissions were:

1. the increase in traffic which will endanger young children in the area;
2. the increase in noise levels due to increased traffic;
3. a quiet residential street should not be used for business which attracts traffic; and
4. the approval of business of this kind in the residential area may cause other businesses to follow suit.

The issues relating to increased traffic and the associated noise and the impact of the proposed home occupation on the amenity of the street, are valid planning concerns. However, the proposed home occupation should have little impact on the volume of traffic or the amenity of the street as the number of clients that can be served by the applicants is limited and the clients will park in the driveway of the residence.

Each application for Home Occupation is addressed on a case-by-case basis and will only be permitted if it will not, in the opinion of the Council, prejudice the amenity of the area. However, there is a condition of approval which states that a Home Occupation approval can be withdrawn by the Council upon receipt of substantiated complaints from neighbours. Therefore if issues relating to traffic or residential amenity or any other planning issues become problematic, Council Officers will investigate and take the necessary action. It is therefore recommended that the proposed Home Occupation be approved, subject to approval conditions.

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

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

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



The Planning Policies which apply to this item are:-

PD17\* Standard Development Conditions and Footnotes

**Note: The policies mentioned in this item, relate to those policies prior to the adoption of Council's Policy Manual as contained in item 13.4 of this agenda.**

### **Budget/Financial Implications**

N/A

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

Nil

- 819. (AG Item 14.5) (Ocm1\_11\_2000) - PROPOSED MOBILE PHONE TOWER (OPTUS) - LOT 103, 7 EMPLACEMENT CRESCENT, HAMILTON HILL - OWNER: FREMANTLE STEAM LAUNDRY PTY LTD - APPLICANT: THE PLANNING GROUP (2212218) (SA) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) refuse the proposed application for a mobile phone tower and base station on Lot 103, 7 Emplacement Crescent, Hamilton Hill for the following reason/s:
  1. the proposal will have detrimental impact upon the visual amenity and aesthetics of the locality and its surroundings;
- (2) issue an MRS Form 2 Notice of Refusal;
- (3) advise those who made submissions of Council's decision accordingly;
- (4) advise the applicant of Council's Policies in regard to mobile phone towers and investigate co-location on the existing towers in the area, such as the Telstra Tower;
- (5) advise the Western Australian Planning Commission of Council's decision accordingly.



**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Donaldson that Council:

- (1) approve the proposed application for a mobile phone tower and base station on Lot 103, 7 Emplacement Crescent, Hamilton Hill subject to standard conditions;
- (2) issue an MRS Form 2 Notice of Approval;
- (3) advise those who made submissions of Council's decision accordingly; and
- (4) advise the Western Australian Planning Commission of Council's decision accordingly.

Amendment to Motion

MOVED Cmr Smithson SECONDED Cmr Donaldson that the following be added:

- (5) review its policy, in light of community opposition, and try to identify exclusion zones or appropriate locations to confine mobile phone towers to.

**AMENDMENT CARRIED 3/0**

**AMENDED MOTION CARRIED 3/0**

**Explanation**

Council has an appropriate policy which refers to the height, location etc. This application complies with Council's policy and is approved by the WAPC without any conditions. Therefore Council has no grounds on which to refuse the application. However, it is appropriate for Council to review its mobile phone tower policy.

**Background**

ZONING:	MRS:	INDUSTRIAL
	DZS:	LIGHT INDUSTRY
LAND USE:	LAUNDRY	
LOT SIZE:	6428m2	
AREA:	N/A	
USE CLASS:	"Use not Listed"	





The proposed development is located within a Clause 32 Area relating to the North Coogee Master Plan Review Study. As a result, the application was referred to the Western Australian Planning Commission for determination, in accordance with the MRS Clause 32 - Resolution No. 57 (North Coogee). The Commission granted Unconditional Approval to the proposal on 15 September 2000.

It should be noted that Council previously advised the applicant that only one approval (the WAPC approval) was required at the time of applying (March 2000). The applicant was then advised in October of the requirement for approval from both the Council and WAPC.

### **Submission**

The submitted plans indicate the construction of a 37.6 metre high slimline monopole with twelve (12) antennas attached, a mixture of panel and parabolic antennas, with the ancillary equipment shelter. The monopole will be carrying two carriers, Optus and One.Tel.

The application was referred to 48 landowners within 400 metres radius of the tower for public comment. A total of 23 submissions were received, all objecting to the proposal in the following form:

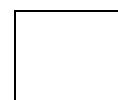
- 12 standard letters, copies, signed and sent in;
- a petition with 335 signatures; and
- 10 written submissions.

The main reasons for objection included the unknown long term health effects from the Mobile phone towers, the negative impact the tower will have on the aesthetics and amenity of the locality and its surroundings, land values will decrease as views are disrupted and its proximity of residential areas.

### **Report**

The issue of mobile phone towers has become a very emotive one in the community. Applications provoke a vocal response from landowners. As carriers are upgrading their network in the City and there has been a proliferation of applications for mobile phone facilities. It is important that the City establish a clear and consistent practice when dealing with new mobile phone towers. It should be noted that most telecommunications infrastructure is exempted from requiring Local Authority approval by the Telecommunications Act 1997 as it deems many types of facility 'low-impact'.

One of the major concerns in relation to this application, is unknown long term health risks associated with emissions of electromagnetic energy (EME). There has been some publicity recently in newspapers



concerning the perceived health effects of EME. Residents would rather 'be safe than sorry' in this matter.

In making a decision, we should be led by the opinion of the relevant government authorities. The Committee on Electromagnetic Energy Public Health Committee, part of the Federal Department of Communications and the Arts, has put out a facts sheet which states the following:

- The weight of national and international scientific opinion is that there is no substantiated evidence that living near a mobile phone tower causes adverse health effects;
- The Australian Standard AS2772.1 has established exposure limits to EME and EME from a tower is far below that limit;
- EME has been around for 100 years or more, when wireless telegraphs were developed.

On currently available evidence, it cannot be held that phone towers are a health risk however, this is not a guarantee that evidence of health risks will not become available in the future as research is ongoing into the long term effects. As it stands, Council's decision should be based on current available evidence.

Another major reason for opposition to this tower, is the detrimental impact of the proposal on the visual amenity of locality and its surroundings. Carriers need to maintain the line of site between facilities, in order to create the linkage and coverage required for phone usage. This is why carriers prefer prominent locations to maintain "the line of site" and improve network coverage. As the number of sites increases, the City must manage the location of new towers to minimise their impact on the skyline. Clearly the preference is for the towers to be in industrial or rural areas, where visual amenity is not such a concern. Council Policy PD32 "Location of High Voltage Overhead Power Lines and Microwave Towers" states:

"The siting of mobile telephone towers is to be located where possible within industrial, commercial or other non-residential zoned land within the district and as far as possible from any residences."

This proposal in Emplacement Crescent is located in a "Light Industry" zone. It is however, on the edge of the industrial area, separated from the residential area by the proposed Fremantle Rockingham Highway and Regional Reserve area. The topography is such that the tower will be highly visible from residences throughout Hamilton Hill and the properties in the Robb Jetty Industrial Area. Although the structure is a slimline pole with flush mounted antenna and is far less visually



obtrusive than the traditional lattice tower and large antennas, the height and location of the tower will detrimentally affect the surrounding area.

Council also has a policy of co-location of telecommunication facilities wherever possible - Policy PD32, 4.2

"Mobile telephone tower facilities are to be co-located with existing or future tower where opportunity exists".

A site inspection of the proposed site revealed that there is an existing Telstra telephone tower located south of the proposal, which would provide the line of site to link with the Coolbellup facility. The applicant states in their application, that co-location on the Telstra site is "considered inappropriate as the Telstra facility is required to be decommissioned in conjunction with the construction of the Regional Road." (Fremantle Rockingham Highway).

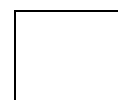
The timing and construction of the Regional Road is yet to be determined, due to complications resulting from the Eastern Bypass issue. Also the detailed design of the proposed Regional Road has not yet been finalised and the Telstra tower may not need to be decommissioned.

Council officers requested further information regarding co-location, however the information received from the applicant related to a non-existing Vodaphone tower.

Further investigation should be undertaken by the applicant in regard to co-location on the Telstra tower to avoid the visual impact and aesthetic damage to the locality by construction of the Optus tower.

Furthermore, in relation to the visual impact, the submitted photo simulations are incorrect. They indicate a 30 metre tower on the southern side (the lower side) of the site. The tower will actually be 37.6 metres high and located on the northern aspect (the higher elevated side). This will further impact upon the visual amenity of the area. The applicant states, "...the proposal will not have a significant impact on the visual amenity of the area given the following factors:

- *the visual appearance of the slimline monopole and its 'compatibility' with the surrounding 'industrial' land uses;*
- *the context of existing vertical elements;*
- *there will be a limited viewshed, especially from residential area; and*
- *the proposed treatment of the equipment shelter to minimise visual impact."*



However, in the opinion of the Council Officers, the proposed tower will:

1. detrimentally affect the visual amenity of the coastal ridgeline, creating "visual clutter";
2. be highly visible from the residential areas due to the height and location of the proposed tower; and
3. not be in context with existing vertical elements.

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

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

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

The Planning Policies which apply to this item are:-

- PD31\*      Telecommunications Policy - High Impact Facilities  
PD32      Location of High Voltage Overhead Power Lines and  
            Microwave Towers

**Note: The policies mentioned in this item, relate to those policies prior to the adoption of Council's Policy Manual as contained in item 13.4 of this agenda.**

### **Budget/Financial Implications**

N/A

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

Nil



820. (AG Item 14.6) (Ocm1\_11\_2000) - PROPOSED MOBILE PHONE TOWER (VODAPHONE) - LOT 2, 8 COROKIA WAY, BIBRA LAKE - OWNER: M & J MILLAR - APPLICANT: MASTER PLAN - TOWN PLANNING CONSULTANTS (4413321) (SA) (ATTACH)

**RECOMMENDATION**

That Council:

- (1) approve the application for a mobile phone tower and base station on Lot 2, 8 Corokia Way Bibra Lake, subject to the following conditions:-

Standard Conditions:

1. Standard Conditions contained in Council Policy PD17 as determined appropriate to this application by the delegated officer under Clause 7.6 of Council's District Zoning Scheme No. 2;

Special Conditions:

1. The proposed tower to be designed to allow for other telecommunications carriers to co-locate on this facility;
2. The proposed tower and equipment shelter to be colour matched to their backgrounds;
3. The Proposed two 600mm R.T. dishes are to be coloured in non-reflective grey.

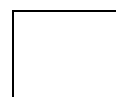
- (2) issue an MRS Form 2 Notice of Approval valid for 24 months; and

- (3) advise those making submissions of Council's decision accordingly.

**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Donaldson that the recommendation be adopted.

**CARRIED 3/0**



## Background

ZONING:	MRS:	Industrial
	DZS:	Light Industry
LAND USE:	Office/Warehouse	
LOT SIZE:	5457m2	
AREA:		
USE CLASS:	Use Not Listed	

The applicant had previously submitted an application (dated 24 May 2000) indicating the construction of a 49.5 meter high lattice mobile phone tower which contained 14 antennas, with the adjoining equipment shelter. The application was advertised for public comment and 40 submissions and one petition (with 331 signatures) were received, all objecting to the proposal. The main reasons for the objection were the unknown health risks from mobile phone towers, the visual impact of the tower and the effect of the tower on property values in the area.

The applicant withdrew the proposal until such time as they were able to provide further information and advice in relation to the application.

## Submission

The applicant submitted revised modified plans (October 2000) which indicated the construction of a steel monopole mobile phone tower, 43.9 m in height, containing 6 cross polar panel antennas and 2 R.T. dishes. Details of the proposal are contained in the Agenda Attachments.

The revised application was advertised for public comment and ten submissions were received. Details of these submissions are included in the Agenda Attachments. Nine of the submissions object to the proposal and one had no objection. The main reasons for the objections are:

- the unknown health risks associated with Mobile phone towers,;
- the proximity of location of the tower adjacent to the Yangebup residential area;
- the visual impact of the tower upon the area; and
- the negative impact the tower will have on property values.

## Report

The issue of mobile phone towers has become a very emotive one in the community. Applications provoke a vocal response from



landowners. The major carriers are upgrading their networks in the City and there has been a proliferation of applications for mobile phone facilities. It is important that the City establish a clear and consistent practice when dealing with new mobile phone towers. It should be noted that many telecommunications infrastructure are exempt from requiring Local Authority approval under the Telecommunications Act 1997, which deems many types of facility 'low-impact'.

One of the major reasons for objection to the proposal is the landowners concern at the health risks associated with emissions of electromagnetic energy (EME). There has been publicity concerning the health effects of EME and residents would rather 'be safe than sorry' in this matter.

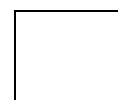
In making a decision, Council should be led by the opinion of the relevant government authorities. The Committee on Electromagnetic Energy Public Health Committee, part of the Federal Department of Communications and the Arts, has put out a facts sheet which states the following:

- The weight of national and international scientific opinion is that there is no substantiated evidence that living near a mobile phone tower causes adverse health effects;
- The Australian Standard AS2772.1 has established exposure limits to EME and EME from a tower is far below that limit ;
- EME has been around for 100 years or more, when wireless telegraphs were developed.

On currently available evidence, it cannot be held that phone towers are a health risk. However, this is not a guarantee that evidence of health risks will not become available in the future as research is ongoing into the long term effects of EME. As it stands, Council's decision is based on available current evidence.

Another reason for opposition is the visual amenity of mobile phone towers. Carriers often prefer prominent locations for reasons of network coverage. The preference is for the towers to be located in industrial or rural areas, where visual amenity is not such a concern. Council Policy PD32 "Location of High Voltage Overhead Power Lines and Microwave Towers" states:

*"The siting of mobile telephone towers is to be located where possible within industrial, commercial or other non-residential zoned land within the district and as far as possible from any residences."*



The proposed application is located in the 'Light Industry' zone. It is however, on the edge of the industrial area separated from residential area by the railway line. The topography is such that the tower will be visible from Yangebup Residential area. The slimline pole with flush mounted antenna, is much less visually obtrusive than the previous application for a traditional lattice tower.

The proposed location is within an industrial area, where the level of amenity is not what it might be in a commercial or residential area, therefore it is considered that the proposal will not negatively affect the amenity of the locality.

Council's officers previously had discussions with the applicant about co-locating on the approved Optus tower on Part Lot 202 Miguel Road Bibra Lake however, the landowner and applicant of the Optus tower application are not proceeding with that development.

Another concern raised in the submissions, was the proximity of tower to the adjacent Yangebup Residential Area and why the tower couldn't be located further away from the residential area.

The applicant has advised Council that the proposed location is required to provide coverage to the Yangebup Area where coverage is lacking. The existing and proposed coverage are detailed in the plan included in the Agenda attachments. This tower will provide coverage to Yangebup Residential Area to the south east and also coverage to the future Yangebup areas.

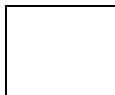
### **Strategic Plan/Policy Implications**

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

#### 2. Planning Your City

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

PD17\* Standard Development Conditions and Footnotes  
PD31\* Telecommunications Policy - High Impact Facilities  
PD32 Location of High Voltage Overhead Power Lines and Microwave Towers





**Note: The policies mentioned in this item, relate to those policies prior to the adoption of Council's Policy Manual as contained in item 13.4 of this agenda.**

**Budget/Financial Implications**

N/A

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

Nil

- 821. (AG Item 14.7) (Ocm1\_11\_2000) - PROPOSED MOBILE PHONE TOWER (ONE.TEL) - LOT 38 KING STREET, COOGEE - OWNER: WA PLANNING COMMISSION (LEASED TO COUNCIL) - APPLICANT: RIZZO ASSOCIATES (3309867) (SA) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) refuse the proposed mobile phone tower on Lot 38 King Street, Coogee for the following reasons:
1. the proposal will have a detrimental impact upon the amenity and aesthetics of the locality and its surroundings;
  2. if the proposal is approved and constructed, other carriers are likely to locate on the same site, thus further damaging the amenity of the locality;
  3. the proposal does not comply with Council Policy PD 32 "Location of High Voltage Overhead Power Lines and Microwave Towers";
  4. the application has not sufficiently addressed the following areas:
    - Minimisation of the impact on users of the reserve;
    - The effect of co-location by other carriers on the impact of the proposed facility;
    - Alternative locations for the tower in the area;
    - Appropriate colours of the tower; and
    - Provision of accurate photo simulations.

- (2) advise the applicant, the Rotary Club, the WAPC and those who made submissions of Council's decision accordingly.

**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Donaldson that Council:

- (1) refuse to sub-lease land for the proposed mobile phone tower on Lot 38 King Street, Coogee for the following reasons:
1. the proposal will have a detrimental impact upon the amenity and aesthetics of the locality and its surroundings;
  2. if the proposal is approved and constructed, other carriers are likely to locate on the same site, thus further damaging the amenity of the locality;
  3. the proposal does not comply with Council Policy PD 32 "Location of High Voltage Overhead Power Lines and Microwave Towers";
  4. the application has not sufficiently addressed the following areas:
    - Minimisation of the impact on users of the reserve;
    - The effect of co-location by other carriers on the impact of the proposed facility;
    - Alternative locations for the tower in the area;
    - Appropriate colours of the tower; and
    - Provision of accurate photo simulations.
- (2) recommend to the WAPC that the application not be approved for the reasons outlined in the report; and
- (3) advise the applicant, the Rotary Club, and those who made submissions of Council's decision accordingly.

**CARRIED 3/0**

**Explanation**

Council has not got the ability to refuse the application because it is a regional reserve under the control of the State Government. All it can do is refuse the lease.



## Background

ZONING:	MRS:	Regional Reserve - Parks and Recreation
	DZS:	Regional Reserve - Parks and Recreation
LAND USE:	Rotary lookout site	
LOT SIZE:	36,523m <sup>2</sup>	
AREA:	N/A	
USE CLASS:	USE NOT LISTED	

As the land is owned by the Western Australian Planning Commission and leased to the Council, it was decided that the proposal would be advertised for public comment and feedback, prior to a formal application being lodged and signed, or any lease agreement being signed with the applicant.

As the Council has a "vested interest" in this site, as the leaseholder, an independent consultant was employed to assess the application on behalf of Council, to provide an objective view point. A report, written by John Cleary Planning, is the basis of this report.

## Submission

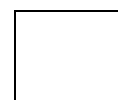
The submitted plans indicate the construction of 10.85 metre high telecommunications monopole, to be erected 3 metres from the Rotary Tower Lookout, with 3 panel antenna, 1.3 meters in length and a 30 cm microwave dish. The equipment cabinet, 7.5 metres in area, is to be mounted flush to the base of the limestone wall on the eastern side and planted out. For further details, refer to the Agenda Attachments.

It is proposed to relocate the existing solar powered light pole to the car park and incorporate a lighting feature on the proposed monopole. This will aid in minimising visual clutter in the area.

The proposal was advertised for public comment and a total of 212 submissions were received, with 211 objecting to the proposal and one submission supporting the proposal. It should be noted that almost all submissions were from Coogee residents and these submissions took the form of a standard letter, copied, signed and sent in by 184 people; 27 written submissions and a petition with 924 signatures.

The main reasons for objection were mainly:

- the unknown long term health risk from mobile phone towers, especially on children;
- the effect the tower would have upon the amenity and aesthetics of the area, especially as the area is a valuable Regional Reserve and significant landmark;



- the location of the tower so close to a residential area;
- the effect of co-location by other carriers; and
- the effect the proposal would have on property values.

Refer to the Agenda Attachments for details of all the submissions.

## **Report**

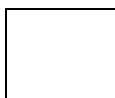
A report was written by a Consultant, John Cleary Planning. Council has a vested interest in the site as the leaseholder. The consultant addressed the following issues:

1. Visual Impact - including the surrounding areas, within the lookout site, public preference and ancillary facilities;
2. Accuracy of the photo simulations;
3. Purpose and use of the reserve;
4. significance of the reserve;
5. precedence and incremental development;
6. co-location;
7. consolidation of structures;
8. "net balance" approach to impact;
9. electromagnetic energy; and
10. alternative to proposal - including siting and structure design.

The assessment and conclusive report concluded the following in relation to the proposal:

## **Conclusion**

*The proposed facility will have a detrimental visual impact on the reserve and surrounding areas. Statements in the application such as 'the pole will have minimal, if any, visual impact' are misleading. The application has not sufficiently addressed a number of key considerations (minimisation of the impact on users of the reserve, the effect of co-location by other carriers on the impact of the proposed facility, alternative locations for the tower in the vicinity of the lookout; appropriate colours for the tower). In addition, the photo-simulations of*



*the proposal are inaccurate. These matters need to be addressed prior to a decision by council.*

### **Recommendations**

1. *That a sub-lease for the facility as described in the current application be refused.*
2. *That council not refer the current application to the WAPC.*
3. *That, should the applicant submit another application, the application should address the matters highlighted in this report, in particular:*
  - 3(a) *minimisation of the impact on users of the reserve;*
  - 3(b) *the effect of co-location by other carriers on the impact of the proposed facility;*
  - 3(c) *alternative locations for the tower in the vicinity of the lookout;*
  - 3(d) *appropriate colours for the tower;*
  - 3(e) *the provision of accurate photo-simulations of the proposal.*
4. *That, in any subsequent application, the concept of lowering and relocating the existing light towers be supported.*
5. *That a landscape design plan be prepared for the site, taking into consideration the objectives and future use of the reserve;*
6. *That any subsequent application should:*
  - 6(a) *not be considered by the council until a landscape design plan is prepared; or,*
  - 6(b) *include a commitment by the proponent to relocate the tower if required by the design.*

For the detailed report, refer to the Agenda Attachments and the report titled "Landscape Evaluation (Visual Impact) Proposed Mobile Phone Facility Application – Rotary Lookout", prepared by John Cleary Planning.

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

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

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



- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"To conserve the character and historic value of the human and built environment."*
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Planning Policies which apply to this item are:-

PD31\* Telecommunications Policy - High Impact Facilities  
PD32 Location of High Voltage Overhead Power Lines and Microwave Towers

**Note:** The policies mentioned in this item, relate to those policies prior to the adoption of Council's Policy Manual as contained in item 13.4 of this agenda.

**Budget/Financial Implications**

N/A

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

Nil

**822. (AG Item 14.8) (Ocm1\_11\_2000) - FINAL ADOPTION OF PROPOSED AMENDMENT NO. 196 TO DISTRICT ZONING SCHEME NO. 2 - PORTION OF RESERVES 39455, 39584 AND NORTH OF RESERVE 39455 - OWNER: LANDCORP AND CITY OF COCKBURN - APPLICANT: CITY OF COCKBURN (MAP 10) (92196) (SA) (ATTACH)**

**RECOMMENDATION**  
That Council:



- (1) adopt the amendment without modification;
- (2) in anticipation of the Hon. Minister's advice that final approval will be granted, the amendment documents be signed, sealed and forwarded to the Western Australian Planning Commission and
- (3) advise the applicant of Council's decision.

### **COUNCIL DECISION**

MOVED Cmr Donaldson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

### **Background**

LOCATION:	PORTION OF RESERVES 39455 & 39584 COCKBURN ROAD, HENDERSON, AND PORTION OF VACANT CROWN LAND NORTH OF RESERVE 39455 COCKBURN ROAD, HENDERSON
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The Western Australian Planning Commission has recently updated the Metropolitan Region Scheme (MRS) for the proposed Jervoise Bay Infrastructure Project. The MRS Omnibus Amendment No. 1001/33, which is subject to Section 38 Assessment by the Environmental Protection Authority, was finalised earlier this year.

The purpose of the MRS Omnibus Amendment is to incorporate changes to zones and reservations arising from decisions made by the WAPC or Government proposals for the use of land, more detailed studies of specific proposals and generally, to ensure the MRS is kept up to date as the statutory regional plan for Perth.

As a result of MRS Omnibus Amendment 1001/33 (No. 3A), a section of land was left unzoned. Amendment No.196 will rezone Portion of Reserves 39455 and 39584 Cockburn Road, Henderson and Portion of Vacant Crown Land north of Reserve 39455 from Unzoned to General Industry (Restricted Use - Marine Engineering).

### **Submission**

The amendment was advertised in accordance with the Western Australian Planning Commission's requirements for a period of 42 days. One submission was received, with no objection or comment.



Refer to Schedule of Submissions in the Agenda Attachments for further details.

### **Report**

The proposal has enabled the construction of a southern link road between Cockburn Road and the Fremantle-Rockingham Highway along the southern boundary of the Marine Related Heavy Industry precinct. The proposal provides for a 20 metre road reservation width with appropriate intersection truncations at the existing Cockburn Road and the Fremantle-Rockingham Highway.

The link road is designed to accommodate local traffic only and does not provide for local access to the Marine Related Heavy Industry precinct. Regional traffic will be encouraged onto Stock Road.

Reserve 39455 is vested in the City of Cockburn with the power to lease. The land in question forms a small part of the Beeliar Regional Park and lies between the existing cleared industrial estate to the north and the Go-Kart track to the south. The portion of Reserve 39455 affected by this proposal is very small in area, degraded and of no significant environmental value. The transfer of this land to General Industry will not affect the integrity of the Beeliar Regional Park.

The alignment of the southern link road also offers the opportunity to transfer a portion of the General Industry zoned land, which has been isolated through the creation of the road, to Parks and Recreation reservation. This was completed as a part of MRS Omnibus Amendment 1001/33 No. 3A) This gain in Parks and Recreation reservation offsets the loss of a small portion of Reserve 39455.

It is recommended that the Amendment be adopted for final approval, without modification.

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

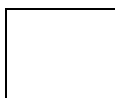
N/A

### **Budget/Financial Implications**

Council to pay all costs associated with the Amendment.

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

Nil





**823. (AG Item 14.9) (Ocm1\_11\_2000) - PROPOSED MRS AMENDMENT - SOUTH WEST TRANSIT (9635) (AJB)**

**RECOMMENDATION**

That Council advise the Western Australian Planning Commission that the advertising of the proposed South West Transit Amendment to the Metropolitan Region Scheme in accordance with the draft plans and report provided, is supported.

**COUNCIL DECISION**

MOVED Cmr Donaldson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Submission**

The Western Australian Planning Commission has requested Council's comments on the draft MRS Amendment to the Metropolitan Region Scheme (MRS) which makes necessary adjustments to the railway reserve included in the MRS. The Amendment will be advertised for public comment early 2001.

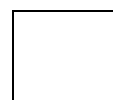
**Report**

In early planning of the Perth Mandurah rail system, it was proposed to locate the railway down the east side of the Kwinana Freeway between the freight line and Prinsep Road crossing to the west side approximately 1 Km north of Beeliar Drive. In the main, the railway was accommodated within the Freeway reservation and only where additional land was required, was there any land reserved specifically for Railway purposes in the MRS.

The South West Metropolitan Railway Masterplan report announced in March 1999, proposed that the railway be located within the median of the Freeway. This has now been adopted by the State Government.

As a consequence of the changed alignment and the definition of station requirements, the Commission is preparing an MRS Amendment which;

- returns surplus reserved land to the appropriate zone;
- reserves land required for the stations;
- reserves additional land required for the combined purpose of the railway and Freeway.

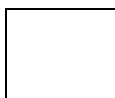


Within the City of Cockburn, the proposed changes are as follows;

- Reservation of Lot 8 Hope Road Jandakot (east of Berrigan Drive) for a future station and carpark. This land is an old quarry owned by Transport and is currently reserved for Public Purposes in the MRS.
- Reserve land in the SW quadrant of the Kwinana Freeway/Berrigan Drive interchange for the proposed South Lake station and car park. The land is the subject of a current Planning Control Area for station planning purposes.
- Deletion of the railway reserve down the east side of the Freeway between Berrigan Drive and Prinsep Road and zoning the land Urban and Industrial in keeping with the adjoining zoning.
- Reservation of land north of Beeliar Drive located between North Lake Road and the Kwinana Freeway for the Thomsons Lake station, transit interchange and car park. The land is currently reserved Parks and Recreation and was included in the draft Bushplan. The proposal is consistent with the Thomsons Lake Masterplan agreed to in principle by Council.
- Deletion of the railway reserve on the west side of the Freeway between Beeliar Drive and Russell Road with the exception of land required for the future station north of Russell Road and two small areas of land required for Freeway requirements in the vicinity of the Gateways Shopping Centre.

The position of the Russell Road station is further north than the site shown in the Southern Suburbs District Structure Plan. However our initial assessment shows that the alternative position provides better opportunities for integration and access particularly off the freeway on ramp. The station is still located on land owned by Gold Estates and is already reserved for railway purposes. Surplus land is to be zoned urban in keeping with the adjoining zoning.

- Deletion of the railway reserve on the west side of the Freeway between Russell Road and Rowley Road. The land is to be zoned urban and urban deferred in keeping with the adjoining zoning.
- Reserve a 2000m<sup>2</sup> site on the north side of Gaebler Road and adjacent to the Western Power Transmission Corridor area for Public Purposes to accommodate an electricity feeder station.
- Reserve land north of Rowley Road within the Western Power Transmission Corridor area for a future station and carpark.



The proposed changes are in the main, straightforward and formalising previously identified requirements on mainly government land and returning surplus land to appropriate development zones.

It is anticipated that when the amendment is advertised for public comment, most comments are likely to focus on the Thomsons Lake station site due to its current reservation for Parks and Recreation (restricted use) and nomination as a BushPlan Site in the draft report. In its submission on BushPlan, Council stated that this site could be removed from BushPlan in exchange for a replacement area.

It is understood that the final BushPlan report is proposed to be released before Christmas and well in advance of this MRS Amendment being advertised. This will enable Council and the public, to see how the BushPlan issue has been resolved and make appropriate comments during the advertising period of the MRS amendment.

The proposed amendment is consistent with Council's planning for the area and accordingly, should be supported for advertising.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*



- *"To conserve the character and historic value of the human and built environment."*
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

**Budget/Financial Implications**

N/A

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

Nil

824. (AG Item 14.10) (Ocm1\_11\_2000) - PROPOSED SUBDIVISION - LOT 24 ROCKINGHAM ROAD, SPEARWOOD - OWNER: S & T GALATI - APPLICANT: JOHN GUIDICE & ASSOCIATES (114832) (AJB) (ATTACH)

**RECOMMENDATION**

That Council:

- (1) receive the report prepared by Coffey Geosciences Pty Ltd;
- (2) advise the owners that development or subdivision of Lot 24 Rockingham Road Spearwood for residential purposes, cannot be supported unless and until the residential portion of the site has been remediated by the removal of all peat and other deleterious materials and filled with clean sand material of suitable quality, with all remediation work being supervised and certified by a Consulting engineer;
- (3) advise the Western Australian Planning Commission that:-
  1. the proposed subdivision should be refused on the basis that the land is not suitable in its current form for residential development due to the presence of peat and that the owners are not prepared to remediate the land by removing the peat as required by Council;
  2. subject to the site being remediated by the removal of peat and other deleterious material, the proposed subdivision layout is generally acceptable but will require modification to reflect the 50m buffer associated with Market Garden Swamp No 1;



- (4) provide the Western Australian Planning Commission with a copy of the Agenda report and report by Coffey Geosciences Pty Ltd in support of Council's recommendations; and
- (5) advise the applicant of Council's decision and provide a copy of the Agenda report and report by Coffey Geosciences Pty Ltd.

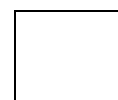
### **COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Donaldson that Council:

- (1) receive the report prepared by Coffey Geosciences Pty Ltd;
- (2) advise the owners that development or subdivision of Lot 24 Rockingham Road Spearwood for residential purposes, cannot be supported unless and until the residential portion of the site has been remediated by the removal of all peat and other deleterious materials and filled with clean sand material of suitable quality, with all remediation work being supervised and certified by a Consulting engineer;
- (3) advise the Western Australian Planning Commission that:-
  - 1. the proposed subdivision should be refused on the basis that the land is not suitable in its current form for residential development due to the presence of peat and that the owners are not prepared to remediate the land by removing the peat;
  - 2. subject to the site being remediated by the removal of peat and other deleterious material, the proposed subdivision layout is generally acceptable but will require modification to reflect the 50m buffer associated with Market Garden Swamp No 1;
- (4) provide the Western Australian Planning Commission with a copy of the Agenda report and report by Coffey Geosciences Pty Ltd in support of Council's recommendations; and
- (5) advise the applicant of Council's decision and provide a copy of the Agenda report and report by Coffey Geosciences Pty Ltd.

### **Explanation**

The words "as required by Council" were deleted as Council cannot require the owners to remove the peat.



## Background

ZONING:	MRS:	Urban
	DZS:	Residential R30
LAND USE:	Vacant	
LOT SIZE:	1.8925	
AREA:		
USE CLASS:		

The land has been the subject of numerous applications and proposals since 1982. These include agricultural machinery display and sales business, farm supply centre, plant nursery and associated garden supplies, medical centre and R30 group housing, aged persons and group housing, group housing and single residential lots. The issue of site conditions has been an integral part of the applications and approvals.

A summary of the applications is included in the Agenda attachments.

## Submission

The subdivision application has been referred to Council for comment by the Western Australian Planning Commission. Consultants for the owners have submitted Geotechnical reports for the site.

## Report

The proposed subdivision is to create 20 single residential lots ranging between 270 and 341 m<sup>2</sup> (av 333.35 m<sup>2</sup>), a group housing site for 9 units, a balance lot fronting Rockingham Road and 2493 m<sup>2</sup> for open space/drainage. A copy of the plan of subdivision is included in the Agenda attachments (Plan No 1).

## Subdivision Layout

The subdivision is located opposite the Cable Ski Park and Saint Jeromes Primary School which are located on the south side of Troode Street. The layout proposes that all lots will have access off the internal road system or service road to Troode Street, in recognition of the traffic issues associated with these two activities.

The development is located in close walking distance to one of the Fremantle-Rockingham System 21 bus stops in Rockingham Road. The proposal to develop this site to a higher density as proposed, is therefore supported.



A main sewer has been constructed through the property and is protected by an easement. The sewer severely restricts development options for the site. The layout satisfactorily accommodates the sewer and associated easement. The width of lots incorporating the sewer have been increased to ensure their buildability.

Public open space is located at the western end of the lot adjacent to Market Garden Swamp No 1. The POS also relates to adjoining Lot 23 to the north which has been developed in part, as a neighbourhood park including a BMX track. Market Garden Swamp No 1 and portion of Lot 23 are included as a site of regionally significant bushland in the draft Perth BushPlan. Waters & Rivers and DEP policies require the provision of a 50 metre buffer to wetlands. The Western Australian Planning Commission has recently required the modification of a subdivision around Market Garden Swamp No 2 to comply with this requirement. The proposed subdivision layout will require modification to comply with this requirement (see Agenda attachments, Plan No 2).

Wood & Grieve engineers have advised that drainage will be investigated further at the design stage. Private lot drainage is to be accommodated within soakwells which the Geotechnical engineers have confirmed as being feasible. Wood and Grieve have acknowledged the requirement to store and nutrient strip runoff on site. It is proposed that the drainage area be incorporated with the POS area. This is acceptable subject to the area required for drainage being in addition to the normal 10% POS requirement.

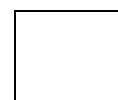
#### Ground Suitability

Aerial photographs show that portion of the subject land was part of Market Garden Swamp No 1 and was subsequently filled. It is understood that the site was regraded and filled to its present levels in 1992.

When the land was filled, the underlying peat was not removed. Recent geotechnical investigations undertaken by MPA Williams and Associates, confirms the presence of 1.5 –2.0 m thickness of organic deposits (peaty clays and peat) beneath the fill. The peat overlies 0.6 to 2.0 m of very loose sand which rests on relatively intact limestone bedrock.

The owners and their consultants have advised that they are not prepared to remediate the site by removing the underlying peat, claiming that it is not economic or necessary.

In June 2000, MPA Williams and Associates Geotechnical Engineers undertook a geotechnical assessment of the site on behalf of the landowners, which included testing of materials from test pits and electric friction cone penetrometer tests. The site surveys confirm the



existence of peat materials and that the fill includes occasional limestone cobbles and boulders up to 0.8 m in size and bricks. This confirms anecdotal evidence that the site was originally filled with builders rubble and the like which was not completely removed before additional sand/limestone was placed on site in 1992.

The report acknowledges that some differential settlement should be anticipated over the site due to the variation in the organic (peat) materials and their thickness. This is estimated to be in the order of 15 mm over the next 15 years and 10mm over the subsequent 25 years.

The report concludes that the peat has substantially consolidated and there is no need to undertake further works on the central portions of the site, whilst the eastern and western extremities which require additional fill, should not be developed for some 2.5 years after additional filling and testing is undertaken. MPA Williams conclude that the mid portion of the site land should be considered as Class S with the areas to be filled initially being Class P immediately after filling and could be considered Class S after 1-2 years. (Australian Standard 2870-1996 specifies conditions relating to the foundations of any proposed building – the best being Class A with Class S being second).

In terms of foundation design for dwellings, MPA Williams consider that conventional shallow foundations would be suitable with allowable bearing pressures limited to 100 kPa or less to maintain total settlements to within the stated range.

In response to the Geotechnical report on 26 July 2000, Wood and Grieve were requested to provide additional information including examples of where housing has been developed on land underlain with peat and whether the consultants were prepared to indemnify Council against any future claims if, for example, it is later demonstrated that a particular lot or lots did not meet Class S conditions.

Wood & Grieve, by letter dated 9 August 2000, advised there is no requirement to and they are unable to indemnify Council against any future claims as the Geotechnical report is a document prepared by experts (MPA Williams) and stands in its own right. Wood & Grieve advised that most of the developments in the eastern suburbs they have been involved with, are classified Class S due to the high clay content of the soil. A number of examples are given. None of the examples involved peat which was the question that was asked.

By letter dated 10 August 2000, Wood & Grieve were again asked to advise of any examples of development of residential areas where underlying peat has not been removed and if MPA Williams are prepared to indemnify Council. A response has not been received.



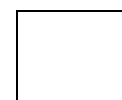


Inquiries with several other consulting Engineers, established that to the best of everyone's knowledge, there is no approved development in Perth where residential development has been allowed on land underlain with peat, without its complete removal and filling with clean sand. Examples quoted included Gwelup, Floreat Lakes Herdsman and Packham including land adjacent to the subject land. Some of these sites had been previously filled without prior removal of peat and therefore, were similar in nature to the subject land. Due to the scope of works, the removal of peat is undertaken as a subdivision work rather than at the time of development. Reference was also made to well known problems of ongoing subsidence experienced with peat areas along the Mitchell Freeway and Narrows Bridge area, which were subjected to surcharging with larger volumes and for longer periods than for the subject land.

As a result of further inquiries, Council sought independent advice from Coffey Geosciences Pty Ltd. A copy of Coffey's advice is included in the Agenda attachments.

Coffey's have advised that ;

- It is preferable to assess settlement potential under footing loads on the basis of uniformly distributed loads, as well as on the basis of individual strip/pad loads, to assess which results in the worst load conditions. MPA Williams have only addressed the issue of consolidation under earthworks.
- Settlement analysis for such development should allow for the interaction effects of development on individual lots and for the possibility of future dewatering and other dynamic loadings.
- Large total and large differential settlements will be experienced due to the compressibility of the peat.
- The whole of the site should be classified "P" not "S" recommended by MPA Williams and houses would need to be designed to that standard.
- There is a significant risk that residences built in accordance with "S" classification requirements as recommended by MPA Williams, will experience significant structural damage over a 50 year life on the site.
- The solution normally adopted on uncontrolled fill and peat sites requires dewatering, excavation of unsuitable soils and placement of fill under engineering conditions. Other options such as construction of residences on piles founded in limestone, can be considered but are less frequently adopted.



- Coffey Geotechnical are not aware of any recent subdivisions on similar ground conditions in Perth where geotechnical works have not been required as part of the development plan.
- The proposal represents an unacceptable level of risk of severe structural damage over the life of residences built over this site and therefore presents an unacceptable level of risk to the City of Cockburn as the approving authority.

The advice provided by Coffey Geotechnical is consistent with that provided for adjoining Lot 23 which lead Council to the view that it should be developed as a park rather than subdivided.

As previously highlighted, Wood and Grieve and MPA Williams have advised that they are not prepared to remediate the site by removing the underlying peat, claiming that it is not economic or necessary. However this is contrary to previous advice provided by consultants on this project, previous commitments and general practice. Further, the report by Coffey's raises significant issues in respect to the MPA Williams recommendations as to the classification and requirements for development.

Based on the advice available, it is considered that subdividing Lot 24 as proposed without requiring the removal of peat, represents an unacceptable and unnecessary risk to Council and future land owners.

### Options

Options open to Council are as follows;

1. Recommend refusal of the subdivision on the basis of the unsuitability of the land in its current condition.
2. Recommend approval subject to the land being remediated by removing the peat and other unsuitable fill. However the owners and their consultants have rejected the requirement to remediate the site.
3. Approval of the subdivision subject to the subdivider entering into a legal agreement to ensure that Council is indemnified against any future loss arising as a result of soil instability and /or the provision of a bank guarantee. The problem with this option is that structural problems may not surface for some time and that the owner/ developer may or may not still be in existence or have the capacity to pay.



## Conclusions

Given the high risk of potential structural problems that could be experienced if the site is not remediated by removing the peat and the owners rejection of the remediation proposal, it is recommended that Council advise the Western Australian Planning Commission that the application be refused (option 1 above).

## **Strategic Plan/Policy Implications**

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

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

Planning Policies which apply to this item are:-

PD11*	Packham Urban Development Area
PD13*	Public Open Space
PD14*	Guidelines for Development Applications for the Filling of Land
PD16*	Standard Subdivision Conditions and Reasons for Refusal
PD51*	Design Principles for incorporating natural management areas in open space and/or drainage areas.

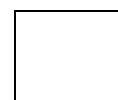
**Note:** The policies mentioned in this item, relate to those policies prior to the adoption of Council's Policy Manual as contained in item 13.4 of this agenda.

## **Budget/Financial Implications**

Potential future liabilities if the land is not remediated and structural problems are experienced.

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

Nil



**DECLARATION OF FINANCIAL INTEREST**

**Cmr Smithson** declared an interest in agenda item 14.11 - Proposed Structure Plan and Subdivision Proposals - Cell 9, Yangebup. The nature being that her employer, BSD Consultants, acts for some land owners within Cells 9 & 10.

AT THIS POINT THE TIME BEING 8:48PM, CMR SMITHSON LEFT THE MEETING.

**825. (AG Item 14.11) (Ocm1\_11\_2000) - PROPOSED STRUCTURE PLAN AND SUBDIVISION PROPOSALS - CELL 9, YANGEBUP (9620/114493/ 115060/115265) (SOS) (MAP 8/9) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the proposed Structure Plan;
- (2) adopt the Schedule of Submissions as included in the Agenda Attachments;
- (3) advise those persons who made a submission and the Western Australian Planning Commission of Council's decision;
- (4) in respect of Subdivision 114493, advise the Western Australian Planning Commission that the proposal is recommended to be deferred until such time as the Structure Plan for the Cell 10 area is adopted. Should the Commission resolve not to defer the application, then it should be refused.
- (5) in respect of Subdivision 115060, advise the Western Australian Planning Commission that the proposal is recommended for approval subject to:
  1. Modification of the Plan in accordance with the Cell 9 Structure Plan prepared by the City of Cockburn, particularly in terms of POS distribution and detailed road treatment.
  2. Conditions of Subdivision deemed appropriate by the Delegated Officer under PA-DA 8.



- (6) in respect of Subdivision 115265, advise the Western Australian Planning Commission that the proposal is recommended to be deferred until such time as the Structure Plan for the Cell 10 area is adopted. Should the Commission resolve not to defer the application, then no subdivision of the Cell 10 area should be approved. Subdivision of the Cell 9 area can be supported subject to Conditions of Subdivision deemed appropriate by the Delegated Officer under PA-DA 8.

### **COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Donaldson that Council:

- (1) adopt the proposed Structure Plan subject to the plan including a minimum area of 10% of the net subdivisible area for public open space;
- (2) adopt the Schedule of Submissions as included in the Agenda Attachments;
- (3) advise those persons who made a submission and the Western Australian Planning Commission of Council's decision;
- (4) in respect of Subdivision 114493, advise the Western Australian Planning Commission that the proposal is recommended to be deferred until such time as the Structure Plan for the Cell 10 area is adopted. Should the Commission resolve not to defer the application, then it should be refused.
- (5) in respect of Subdivision 115060, advise the Western Australian Planning Commission that the proposal is recommended for approval subject to:
  1. Modification of the Plan in accordance with the Cell 9 Structure Plan prepared by the City of Cockburn, particularly in terms of POS distribution and detailed road treatment.
  2. Conditions of Subdivision deemed appropriate by the Delegated Officer under PA-DA 8.
  3. The provision of a minimum of 10% public open space being provided for on the plan of subdivision;
- (6) in respect of Subdivision 115265, advise the Western Australian Planning Commission that the proposal is recommended to be deferred until such time as the Structure Plan for the Cell 10

area is adopted. Should the Commission resolve not to defer the application, then no subdivision of the Cell 10 area should be approved. Subdivision of the Cell 9 area can be supported subject to Conditions of Subdivision deemed appropriate by the Delegated Officer under PA-DA 8.

- (7) advise the WAPC that the Council does not consider that the Structure Plan nor the subdivision as submitted by Urban Focus, demonstrates that it has been prepared in accordance with the requirements of the Liveable Neighbourhoods Policy Edition 2 - June 2000.

**CARRIED 2/0**

### **Explanation**

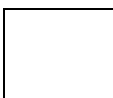
Council considered that a minimum of 10% public open space should be provided.

### **Background**

The Cells 9 and 10 area has a considerable planning history. The critical events were summarised in an Agenda report presented to Council on 18 July 2000 (refer to Minute 653 Item 13.14) in respect of a proposed Structure Plan submitted by Urban Focus. At this meeting, Council refused to adopt the Urban Focus plan, as the proposal was not backed by the signatures of all those whose land was included in the Plan area and failed to attract clear landowner support during the public comment period.

Council, in refusing to adopt the Plan, indicated it was prepared to review the structure planning of Cells 9 and 10, in terms of what had previously been approved for subdivision as part of the Chapman Glendinning plans and the recent proposals of Urban Focus. The review had to account for issues that had become relevant since the original planning of the area, such as the advent of Liveable Neighbourhoods principles and its impact on urban structure and design and the manner in which landowner "groups" are distributed throughout the Plan area. Other matters requiring review, were the alignment of lots within the Kwinana Air Quality Buffer Zone, the deletion of the primary school from Cell 10, bus route planning, the need to reflect the desire of some owners to continue existing horticultural activities and the need to reduce potential land exchanges between the landowner groups.

Council's Strategic Planning Department, in conjunction with representatives of Cells 9 and 10 landowners (Urban Focus and



BSD/Evans & Gianoli), has prepared a revised Structure Plan for Cell 9. This Plan was advertised for public comment during October 2000. The Department is currently progressing the production of a revised Structure Plan for Cell 10 with a view to circulating it for public comment prior to the end of the year.

### **Submission**

Land within Cells 9 and 10 is zoned Urban in the Metropolitan Region Scheme and Residential R20 in District Zoning Scheme No.2. It is part of the Yangebup/Munster Urban Development Area and is proposed for inclusion in the Development zone in Town Planning Scheme No.3.

This Agenda report is principally concerned with the proposed Cell 9 Structure Plan, but it should be noted that three subdivision applications have been lodged for the Cell 9 and 10 area in recent times. It is therefore opportune to also deal with these proposals.

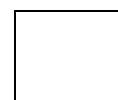
#### *Cell 9 Structure Plan*

The revised Structure Plan has been prepared in order to guide the future development of the Cell 9 area and has been based on the principles of the Liveable Neighbourhoods Design Code. The Plan as drafted, will enable subdivision applications to be made under Liveable Neighbourhoods Code as proposed by Urban Focus and the conventional process being pursued by BSD/Evans & Gianoli.

The Structure Plan has been designed to incorporate a range of planning principles to achieve a distinct identity, high level of amenity and legible and permeable environment. The road layout has been amended, with the most significant changes being the use of an interconnected modified grid-type arrangement and a revision to the intersections on Beeliar Drive.

The Plan is sympathetic to the physical features the land possesses and where possible the natural contour of the land is to be retained. Similarly, vegetation within areas of open space is to be preserved. The Plan also incorporates sustainable principles such as solar orientation of lots and an interconnected street layout and takes account of existing residences, road layout and servicing considerations.

A variety of densities are proposed aimed at producing a diversity of housing types. A base coding of R20 has been proposed for the area. Medium density of R40 is generally proposed in locations close to neighbourhood nodes such as the local retail centre, POS and public transport routes. A large active POS area is proposed in the south-west corner of Cell 9.



The proposed areas of POS have been distributed on the basis that Cell 9 will be self-sufficient in terms of POS provision (that is, not requiring any adjustments with owners of Cell 10) and also having regard to the two groups of owners who are represented by Urban Focus and BSD/Evans & Gianoli. The POS has been deliberately distributed to ensure each group will be responsible for making arrangements with their participating owners and thus eliminating the need for any cash adjustments between the two parties. Whilst the Plan has been prepared in line with Liveable Neighbourhoods principles, POS provision has been calculated on the basis of 10% as opposed to the 8% (2% discount) provided for by the Liveable Neighbourhoods Code.

The local commercial centre has been relocated to a more central location and reconfigured. It is envisaged that the centre will be local in nature and most likely house small supermarket/super deli and several support shops. Its ultimate floorspace limit is to be determined upon the conclusion of the Local Commercial Strategy review presently being undertaken.

A copy of the proposed Structure Plan is included in the Agenda Attachments.

*Subdivision 114493 – BSD Consultants – Various lots in Cell 10*

The proposal indicates subdivision of approximately 75% of the Cell 10 area. The subdivision design matches that which was approved in 1997.

*Subdivision 115060 – BSD Consultants – Lot 29 Tindal Ave & Lots 69-72 Birchley Rd – Cell 9*

The proposal indicates subdivision of 6 lots within the Cell 9 area, representing approximately 20% of Cell 9. The subdivision design matches that which was approved in 1997.

*Subdivision 115265 – Urban Focus – Various lots in Cells 9 and 10*

The proposal indicates subdivision of land within both Cells 9 and 10. Urban Focus already has approval for Stage 1 of Cell 9 and is awaiting subdivision clearances for the subdivisional works undertaken. The land included in the new application is essentially the balance of land outside of the BSD applications and Stage 1 area, with the exception of four lots to which none of the three new proposals relate. Curiously, several lots are included in both the Urban Focus proposal and one of the two BSD applications.

Urban Focus has lodged the subdivision proposal for assessment under Liveable Neighbourhoods. Accordingly 8% POS provision is proposed.





## Report

### *Cell 9 Structure Plan*

Advertising of the proposed Structure Plan concluded on 27 October 2000. A total of 14 submissions were received. No objections have been received. Servicing authorities indicate no impediment to the adequate servicing of the development. The Schedule of Submissions is included in the Agenda Attachments.

Two of the submissions have raised matters of detail requiring comment.

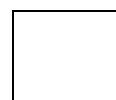
#### 1. POS Distribution.

As mentioned above, Urban Focus has lodged an application for subdivision under the Liveable Neighbourhoods Code. It advises that 8% of the subdividable area will be provided for POS and has calculated this across the "Urban Focus" landholdings in both Cells 9 and 10. Effectively, POS from Cell 9 will be in excess of 8% to compensate for provision of less than 8% in Cell 10. As the total POS provision from Urban Focus owners is slightly in excess of 8% under the Structure Plan, it is seeking to have an area of POS relocated from an Urban Focus owner (Pt Lot 60) to adjust Urban Focus's owners' POS obligation to 8%.

This raises several issues. Firstly, the intent to have Cells 9 and 10 "self-sufficient" in terms of POS provision appears to be impossible if the Urban Focus suggestion is accepted. Secondly, if Urban Focus manage to obtain approval for 8% POS provision, BSD would be entitled to seek the same. This may lead to a smaller than anticipated area of POS, particularly in Cell 10 however this can be addressed to some degree as part of the preparation of the Cell 10 Structure Plan.

Urban Focus has included its Stage 1 area (10.19ha) in its calculations of the 8% requirement across all their landholdings in Cells 9 and 10 (59.3ha). Stage 1 is covered by a subdivision approval that requires an area equivalent to 10% of the stage to be made up elsewhere in Cell 9. This approval condition cannot be amended. As Stage 1 is 10.19ha in area, the difference between 8% and 10% POS provision for this stage is 2050m<sup>2</sup>. Urban Focus's submission seeks to provide effectively 2638m<sup>2</sup> less POS than that shown on the Structure Plan. Clearly this is not acceptable and indeed may require an additional area of approximately 600m<sup>2</sup> to be made up elsewhere from within their landholdings. This is a matter of detail to be addressed through the subdivision approval and clearance process.

The more specific concern is that the suggestion to relocate the POS to Lots 58 and 59 would result in the owner of Lot 59 (who is not party to any of the three subdivision applications) having an excessive area of POS on their property. In the absence of their participation in a POS



equalisation arrangement, the owner would carry an inequitable burden in terms of POS.

The submission should be dismissed and the Structure Plan remain as proposed.

2. Road reserve – east/west road between Tindal Ave/Birchley Rd

BSD Consultants advocate that the road reserve for the east-west road proposed between Birchley Road and Tindal Avenue need not be 18 metres wide. It submits that a 15 metre reserve will be adequate for the traffic volumes likely to use it.

The road reserve in question is to sit over an existing 20 metre wide trunk sewer easement. The Structure Plan indicates a 20 metre wide road reserve for this road. The Water Corporation has advised that it accepts what the Structure Plan shows in terms of the treatment of the sewer main within a road reserve.

Urban Focus has shown the road in question as a 20 metre wide road reserve on its subdivision proposal.

The road reserve should remain as shown on the proposed Structure Plan.

In conclusion, the Structure Plan should be adopted as proposed.

*Subdivision 114493 – BSD Consultants – Various lots in Cell 10*

Notwithstanding that the subdivision proposal is essentially a request for approval of a design previously approved in 1997, it is not appropriate to support the proposal. The planning of the Cell 10 area requires review on a number of levels and a Structure Plan will soon be circulated for public comment to address the issues that have arisen since the original planning was undertaken. The submitted proposal does not account for changes that are required, nor does it gel with what Urban Focus has proposed. Clearly the Structure Plan needs to be progressed to the adoption stage before Council should support any subdivision proposals within Cell 10. It is recommended that the Commission be requested to defer consideration of subdivision applications for Cell 10 until such time as an approved Structure Plan is in place. If the Commission is not prepared to defer consideration, then Council should advocate that the proposal be refused.

*Subdivision 115060 – BSD Consultants – Lot 29 Tindal Ave & Lots 69-72 Birchley Rd – Cell 9*

The subdivision design submitted for these Cell 9 lots shows some conformity with the Cell 9 Structure Plan. The road layout is generally



the same, though the detailed design of road treatments would require fine-tuning to provide the level of permeability envisaged by the Structure Plan. The subdivision is however deficient in terms of POS. The POS areas proposed by the Structure Plan are not shown on the subdivision plans.

Given the recommendation to adopt the Structure Plan, it is recommended that the Commission be advised that Council supports Subdivision 115060 subject to modifications which include the provision of POS and the adjustment of detailed road treatments in accordance with the Structure Plan. The support for the proposal should also be subject to conditions determined appropriate by the Delegated Officer (PD-DA8).

*Subdivision 115265 – Urban Focus – Various lots in Cells 9 and 10*

The proposal in respect of the Cell 9 land is generally consistent with the proposed Cell 9 Structure Plan. The adjustment to the location of the proposed POS area on Lots 58/59 Tindal Avenue, as advocated in Urban Focus's submission on the Structure Plan, is the only departure from the Plan.

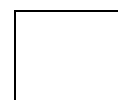
To be consistent with the recommended responses to the BSD applications, the subdivision proposed for land within Cell 10 should not be supported until the Structure Plan is adopted. Ideally the proposal should be deferred. However if the Commission is of the view that it should not be deferred, then it would be acceptable to deal with the subdivision proposed for Cell 9 land only. In this case a list of approval conditions should be provided to the Commission, including a requirement for the proposal to be in conformity with the Structure Plan.

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

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

2. Planning Your City

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



3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
  
5. Maintaining Your Community Facilities
  - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

- PD8\* Bushland Conservation Policy
- PD13\* Public Open Space
- PD25\* Liveable Neighbourhoods - Community Design Codes

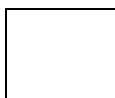
**Note: The policies mentioned in this item, relate to those policies prior to the adoption of Council's Policy Manual as contained in item 13.4 of this agenda.**

### **Budget/Financial Implications**

Lot 76 Birchley Road is owned by the City of Cockburn. It was acquired for the future construction of Beeliar Drive. There is land that is surplus to requirements for Beeliar Drive that can be developed for residential purposes. The Urban Focus application indicates subdivision on Lot 76. No financial or administrative arrangements have been made with Urban Focus in respect to this land, except the signing of a consent for the subdivision proposal 115265 to include Lot 76.

The City will be responsible for administering cost sharing arrangements in respect of the construction of Beeliar Drive. The Developer Contribution Plan is being progressed through Amendment No.210/TPS 3.

The City will be responsible for the maintenance of all public open space areas two years after development.



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

Nil

AT THIS POINT THE TIME BEING 8:50PM, CMR SMITHSON RETURNED TO THE MEETING.

**826. (AG Item 14.12) (Ocm1\_11\_2000) - CITIES FOR CLIMATIC PROTECTION (9132) (PS) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Draft Regional Community Greenhouse Strategic Plan;
- (2) agree to a regional approach to the implementation of the Regional Community Greenhouse Strategic Plan;
- (3) support the development of a regional coordinator position to implement the Regional Community Greenhouse Strategic Plan;
- (4) agree to provide proportional funding of a regional coordinator, subject to all the other member councils committing to the position..

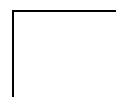
**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

**Background**

The City of Cockburn has been progressing towards the implementation of the Cities for Climatic Protection program. This program is being funded by the Federal Government and aims to assist local government authorities with establishing Local Action Plans to provide long term reductions in greenhouse emissions within council operations and across the community.



There are 370 councils across the world participating in the CCP program. At present, 93 local governments (representing over 44% of Australia's population) have joined the program.

The program involves each council developing and implementing a Local Greenhouse Action Plan in 5 stages or milestones, which are as follows:

- Milestone 1 - conduct an emissions inventory of current Council and community activity and a forecast of greenhouse emissions growth in the future.
- Milestone 2 - establish an Emissions Reduction Goal.
- Milestone 3 - develop a Local Action Plan.
- Milestone 4 - implement the Local Action Plan.
- Milestone 5 - monitor and report on the implementation of the Local Action Plan.

In September 1998, Council agreed to participate in the Cities for Climate Protection Program as an initiative of the Southern Metropolitan Regional Council. In agreeing to participate, Council committed to undertaking the completion of the above milestones as part of the program.

Milestone 1 was completed in late 1999, with Commissioner Julian Donaldson accepting an Award recognising the City of Cockburn's completion of Milestone 1 on the 19 August 1999.

Milestone 2 was completed in December 1999, with the Council accepting a recommendation for a 20% reduction on 1996 levels by 2010, on both corporation and community targets.

The next stage of the program requires council to complete a Local Action Plan for both the community and the corporation to complete milestone 3. The purpose of this report is to endorse a regional approach to the community component of the Local Action Plan. This will then be followed by the completion of the Corporation Local Action Plan by the City of Cockburn staff.

### **Submission**

N/A



## Report

### ***A Regional Approach to the CCP™ Community Local Action Plan***

Milestone 3 requires Council to put together a set of effective and practical measures to reduce greenhouse gas emissions generated from the municipality.

The City of Cockburn is at the stage where it must now consider how to progress the strategic requirements of this milestone, at both the corporate and the community sectors.

The Southern Metropolitan Region of Councils (SRMC) which includes the City of Cockburn, City of Rockingham, City of Fremantle, Town of East Fremantle, City of Canning, Town of Kwinana and City of Melville, have been working through the development of the Cities for Climatic Protection program.

In a recent meeting of SMRC councils, represented by their Cities for Climatic Protection Officers, it was decided a regional approach to the Community component of Milestone 3 would provide many advantages for council. The meeting gave in principle support to progress the community plan on a regional basis.

At the 27/9/00 SMRC Board of Management meeting a report was accepted by the group, which outlined a regional approach towards the completion of milestone 3. A copy of the report submitted to the meeting is included in the Agenda attachments.

### ***Milestone 3: The Advantages of a Regional Action Plan***

A demonstrated commitment to Milestone 3 provides Council with further funding opportunities, as Council becomes eligible for funding from the Australian Greenhouse Office (AGO). The sooner Council reaches this stage, the sooner we can access these funding sources.

There are many advantages to progressing Milestone 3 on a regional basis by combining efforts with the SMRC councils. These include:

- Opportunities in resource sharing and economies of scale – by working collectively, council staff will share information and expertise and save time in developing possible future activities for implementation;
- SMRC councils have demonstrated a collective approach works and these examples have provided a good working model;
- Financial incentives - by working together in developing joint initiatives, councils can then apply for AGO funding on a regional



scale. This will provide greater opportunities to access large funding sources such as the 'Greenhouse Gas Abatement Program' and Greenhouse Challenge.

- A collective voice also provides a stronger negotiating basis to approach State Government to work with the City in implementing change in sectors such as transport and streetlighting.

Chris Wiggins from the SMRC also made a commitment to assist in coordinating across councils in this regional approach.

Other councils have also taken a regional approach with CCP™ due to the collective advantages this provides. The Northern Adelaide regional grouping, SA, is proceeding along these lines and in WA, the councils of Serpentine/Jarrahdale, Gosnells and Armadale are finalising their regional plan.

The CCP and South West Groups members have compiled the Regional Community Greenhouse Strategic Plan which addresses the community component of the Local Action Plan. A copy is included in the Agenda attachment.

The report outlines approaches to deal with the greenhouse emissions from a range of community sectors eg residential, commercial, industrial, transport and waste. The current and forecasted greenhouse emission amounts are shown in the following table, and demonstrate the expected increase in greenhouse gases if no action is taken.

***Greenhouse emissions for the community***

	Equiv CO 2 (tonnes) 1996	Equiv CO 2 (tonnes) 2010
Residential	127,802	227,750
Commercial	75,607	91,257
Industrial	539,340	717,265
Transportation	484,986	587,318
Waste	11,357	15,361

The report outlines a number of strategies the regional council could undertake to reduce community greenhouse emissions.

On the residential level this includes actions such as promoting and encouraging energy saving devices within the regional community, ensure energy efficiency in new housing. On the commercial and industrial level the objective is to encourage industry and commercial businesses to participate in the Commonwealth related programs such as the Greenhouse Challenge and Greenhouse Allies. These programs assist with energy management and reduction in greenhouse emissions.





The community greenhouse emissions produced by transportation will also be tackled through education, use of appropriate technology, lobbying for improved transit services. The Southern Metropolitan Regional Council's Regional Resource Recovery Centre (RRRC) tackles the objectives of waste management within the region, and so encompasses the waste sector objectives of the report. These actions include encouraging recycling.

The RRRC demonstrates the feasibility of the regional approach, in tackling a community wide issue.

Many of these initiatives will require funding and it is understood that the plan would be implemented subject to the availability of Commonwealth funds. A major objective of the plan is to utilise available assistance and resources provided by the Commonwealth government. These include grants and technical assistance.

### ***Funding of a Regional Coordinator***

In regard to a funding commitment, there was strong support within the "Regional Community Greenhouse Strategic Plan" for a Regional Coordinator to be employed by the SMRC to implement this strategy on behalf of the member councils. The funding required for this was approx \$65,000 with contributions (based on council size) from each council and it was anticipated that the largest contribution from a single council would be no greater than \$18,000. Cockburn's proportional contribution is estimated as \$11,683. A copy of the cost breakdown is included in the Agenda attachments.

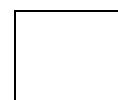
The proposal by SRMC to undertake a regional approach to the implementation of the Regional Community Greenhouse Strategic Plan, and the appointment of a regional coordinator, is considered the most practical and cost effective way for Council to complete the community component of milestone 3, and is strongly supported.

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

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

#### 2. Planning Your City

- *"To foster a sense of community within the district generally and neighbourhoods in particular."*



3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"To conserve the character and historic value of the human and built environment."*
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

**Budget/Financial Implications**

Requires budget allocation of \$12,000 in 2001/2002 and 2002/2003.

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

Nil

**827. (AG Item 14.13) (Ocm1\_11\_2000) - NON APPROVED LAND USE - STOCK PILING OF MATERIALS - LOT 16, 10 SUDLOW ROAD, BIBRA LAKE - OWNER: LORRIAN NOMINEES PTY LTD (GARY SKEWES) (1117499) (PT) (MAP 8) (ATTACH)**

**RECOMMENDATION**

That Council resolve in the event that an application is not received by Council by the 13 December 2000 for the unlawful use currently being carried out on the yard:-

- (1) to instruct its solicitors to initiate legal action against the owner and/or operator of Lot 16, 10 Sudlow Road, Bibra Lake for contravening Council's District Zoning Scheme No. 2. and the Town Planning and Development Act; and
- (2) if an application is received by the 13 December, 2000, the Chief Executive Officer defer legal proceedings for the matter to be settled.

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**



## Background

ZONING:	MRS:	Industrial
	DZS:	General Industry
LAND USE:	Bitumen paving and paving material recycling	
LOT SIZE:	3275 M <sup>2</sup>	
AREA:	N/A	
USE CLASS:	To be determined	

Council's records reveal that the above mentioned property received planning approval for an office warehouse/shed. No approval has been issued for the actual use of the building or land. The owner operates a business called Industrial Road Pavers WA Pty Ltd. The site is very untidy and there are numerous stockpiles of materials such as limestone and sand that is recycled and used as car park paving. Further, there are several wrecked motor vehicles on the site and the storage of machinery used for the laying of bitumen. This machinery includes steam rollers, graders, trucks and tractors. There is no approval in place for the land use currently being conducted on the site..

## Submission

The owner contends that no Planning Approval is required and will not submit an application as he believes the use is all part and parcel of an industrial zoned property. He has said that Council is harassing him and that Council's depot site is just as untidy as his property.

## Report

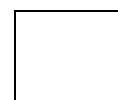
The owner has been repeatedly requested to submit an application for the use so we could implement conditions to screen the materials in the yard from view along Sudlow Road and a condition to put into practice, a dust management strategy to prevent the dust from the stockpiles causing a hazard to motorists in the summer months.

The land is highly visible, being near the corner of Spearwood Avenue and Sudlow Road.

Council should consider the fact that the matter could take some time before it goes to court and if significant progress is made with an application to Council for the use, legal action can be halted.

## Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Area which applies to this item is:



2. Planning Your City

*"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

**Budget/Financial Implications**

N/A

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

Nil

**828. (AG Item 14.14) (Ocm1\_11\_2000) - BEELIAR REGIONAL PARK, HENDERSON - VESTING AND MANAGEMENT (9509) (AJB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) advise the Department of Conservation and Land Management that;
  1. the transfer of the reserves nominated in CALM's letter dated 7<sup>th</sup> August 2000, including Lot 3000 Rockingham Road (unallocated crown land) to the National Parks and Nature Conservation Authority to enable CALM to manage the area for conservation and other related activities, is supported.
  2. Council's concerns regarding leases and future landuse proposals identified at its meeting held on 19 September 2000, should be addressed as part of the Management Plan.
- (2) note that the Naval Base Caravan Park Reserve No 24308 will not be transferred to the National Parks and Nature Conservation Authority; and
- (3) advise current leaseholders including the Naval Base Caravan Park of Council's decision.



**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

**Background**

Council at its meeting held on 19 September 2000 (item 13.5), considered a request from the Department of Conservation and Land Management (CALM) to formally consider the proposal for that portion of the Beeliar Regional Park area located between the coast and Rockingham Road which is under Council control, to be transferred to the National Parks and Nature Conservation Authority (NPNCA) so that the area can be managed by CALM as a single entity in accordance with the Beeliar Regional Park Management Plan.

Council resolved to advise that the proposal was acceptable subject to various conditions relating to existing leases. Council also recommended that the Naval Base Caravan Park Reserve No 24308 be vested in CALM. Leaseholders were advised of Council's decision.

**Submission**

N/A

**Report**

Correspondence has been received from CALM responding to the items detailed in Council's resolution of 19 September 2000. A copy of the letter is included in the Agenda attachments.

CALM advises that:-

- The Beeliar Regional Park will be managed in accordance with the Beeliar Regional Park Management Plan. Issues such as leases and future land use proposals should be addressed through the Management Plan.
- Given that the Management Plan is a statutory document, it may be appropriate for the lease issues raised in the Council response, to be included in the Plan.
- The City of Cockburn will continue to have representation on the planning team charged with the responsibilities of preparing the Management Plan.



- It is not considered appropriate for the Naval Base Caravan Park to be included in the land transferred to the NPNCA.

It is not clear from the letter, if CALM is prepared to take over the current leases within the reserves nominated for transfer. CALM officers have verbally advised that all existing leases will be taken over ie: Coastal Motorcycle Club, Tiger Kart Club, Sea Search & Rescue and WA Radio Modellers Club.

It is considered that the suggested approach of addressing Council's requirements for the existing lease areas through the Management Plan, is acceptable. Accordingly, it is recommended that Council advise CALM that the transfer should proceed on that basis.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - *"To conserve the character and historic value of the human and built environment."*

### **Budget/Financial Implications**

Loss of income from the leases which, based on 1999/00 rates, is \$10,085

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

Nil



**829. (AG Item 14.15) (Ocm1\_11\_2000) - PROPOSED REZONING - LIGHT INDUSTRY TO MIXED BUSINESS (ADDITIONAL USE) - LOT 52, 8 BOYD CRESCENT, HAMILTON HILL - OWNER: G TEO (92224) (SR) (ATTACH)**

**RECOMMENDATION**

That Council:

(1) adopt the following amendment:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME CITY OF COCKBURN - DISTRICT ZONING SCHEME NO. 2.

AMENDMENT NO. 224

Resolved that Council, in pursuance of section 7 of the Town Planning and Development Act 1928 (as amended) to amend the above Town Planning Scheme by:-

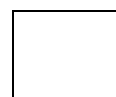
1. Rezoning Lot 52 Boyd Crescent from 'Light Industry' to 'Mixed Business - Additional Use - Grouped Dwellings, Multiple Dwellings'.
2. Amending the Scheme Text in the Second Schedule - Additional Use as follows:

Street	Particulars of Land	Additional Use Permitted
Boyd Crescent	Lot 52 on Diagram 50562	<ul style="list-style-type: none"> <li>• Grouped Dwellings</li> <li>• Multiple Dwellings</li> </ul> <p>Any residential development shall incorporate design elements to minimise the potential for noise nuisance from nearby industrial properties.</p>

3. Amending the Scheme Maps accordingly.

Dated this                      day of                      2000.

CHIEF EXECUTIVE OFFICER



- (2) upon preparation of the amending documents, sign the amending documents, and forward a copy to:-
  1. The Environmental Protection Authority in accordance with Section 7A(1) of the Act; and
  2. The Western Australian Planning Commission for information;
- (3) following receipt of formal advice from the Environmental Protection Authority that the Scheme or Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the proposed amendment in accordance with the Town Planning Regulations 1967 (as amended);
- (4) notwithstanding (3) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to Council for further consideration following formal advice from the Environmental Protection Authority that the Scheme or Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act;
- (5) advise the applicant of Council's decision.

**COUNCIL DECISION**

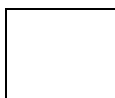
MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

**Background**

ZONING:	MRS:	Urban
	DZS:	Light Industry
LAND USE:	Factory/Office	
LOT SIZE:	3033m <sup>2</sup>	
AREA:		
USE CLASS:	N/A	

A request for rezoning has been submitted on behalf of the landowner to rezone Lot 52 Boyd Crescent from 'Light Industry' to 'Mixed Business - Additional Use, Multiple Dwellings'.





A description of the site, its surrounding land use context and servicing is included in the Planning Consultant's report attached to the Agenda.

### **Submission**

The purpose of the Amendment is to enable the development of 18 studio units at a density of R60 as depicted on the plan attached to the Agenda.

The arguments in favour of the rezoning proposal are outlined in the Planning Consultant's report attached.

### **Report**

The rezoning proposal is generally consistent with the decision already taken by Council to rezone this site and surrounding land from 'Light Industry' to 'Mixed Business' under proposed Town Planning Scheme No. 3.

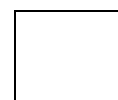
The Mixed Business zone under Town Planning Scheme No. 3 provides the discretion for Council to approve single houses, grouped dwellings and multiple dwellings (apartments).

The proposal is also broadly consistent with the previous Council decision supporting the zoning change from General Industry to Urban (residential) in the case of the Wesfarmers/Bradken land to the north of Rollinson Road. More specifically, the land immediately abutting the subject site was rezoned by Council from Commercial to Residential R60 in 1995 (Amendment No. 134).

The plan attached to the Agenda showing the preliminary intersection configuration for planned regional roads near the site, indicates the potential for an area of approximately 2 hectares of surplus Main Roads WA land to the east to be developed for Urban (residential) purposes in the future.

Existing industrial land uses in the locality may present some potential for adverse amenity impacts for the residential proposal in the interim. Given that there is no significant complaint history from existing residents in the immediate locality, it is considered that any impacts can be managed.

On balance, the preferred land use for the subject site is considered to be residential. It can be expected that, over time, the adjacent industrial premises which are ageing will be redeveloped for either commercial and service industrial uses more compatible with residential or, alternatively, be redeveloped for residential use. The topographic and locational attributes of the locality favour residential use and land values will also encourage this land use versus industrial uses.



## Strategic Plan/Policy Implications

### 2. Planning Your City

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

The Planning Policies which apply to this item are:-

PD49 Town Planning Scheme No. 2 - Amendments following Final Adoption of Proposed Town Planning Scheme No. 3.

**Note: The policies mentioned in this item, relate to those policies prior to the adoption of Council's Policy Manual as contained in item 13.4 of this agenda.**

## Budget/Financial Implications

N/A

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

Nil.

830. (AG Item 14.16) (Ocm1\_11\_2000) - PUBLIC OPEN SPACE - CASH IN LIEU FOR STAGE 12 THOMSONS LAKE ESTATE, SUCCESS - OWNER: GOLD ESTATES OF AUSTRALIA (1903) PTY LTD (110259) (AJB) (ATTACH)

### RECOMMENDATION

That Council:

- (1) accept the valuation of \$210,000 for the cash in lieu of stage 12 Atwell as determined by Brian Zucal and Associates;
- (2) endorse the schedule of works for the Atwell Sports Reserve, Freshwater POS Lydon Boulevard and Pt lot 7 Brenchley Way;
- (3) confirm that Council is prepared to support an allocation of \$40,000 to Gold Estates Pty Ltd for works within the POS area being developed as part of Stage 6 Success;
- (4) seek the approval of the Hon Minister to expend the cash in lieu funds by the payment of \$40,000 to Gold Estates for works



within the stage 6 POS area with the balance being generally expended in accordance with schedule for Atwell Sports Reserve, Freshwater POS (Lydon Boulevard) and Lot 7 Brenchley Way/Beenyup Road;

- (5) upon approval from the Hon Minister for Planning and receipt of \$210,000 from Gold Estates, authorise the Director of Finance to withdraw \$40,000 from the Public Open Space Trust Account in favour of Gold Estates;
- (6) advise Gold Estates of Council's decision; and
- (7) amend Council's budget to facilitate the payment of \$40,000 from the Public Open Space Trust Account to Gold Estates.

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

#### **COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

#### **Background**

At its meeting held on 18 July 2000, Council considered a request from Development Planning Strategies on behalf of Gold Estates, that part of the cash in lieu from the subdivision of Stage 12 Atwell be expended on works within the POS area being developed within stage 6 Success (item 13.11).

Council resolved to;

- *support in principle the prioritisation of cash in lieu expenditure and in order of importance to Atwell Reserve, Lydon Boulevard POS and Success POS.*
- *support in principle a minimum allocation of \$40,000 to the stage 6 POS area by way of a payment to Gold Estates subject to Gold estates committing to the scope of works provided to Council.*
- *consider the matter further upon finalisation of the valuation and definition of the scope of works within each area with a view to seeking the approval of the Hon Minister for Planning for the expenditure of the Cash in lieu funds.*



## **Submission**

N/A

## **Report**

A valuation of the land prepared by Brian Zucal & Associates for Gold Estates Pty Ltd valued the open space at \$210,000. This has been reviewed by the City's Land Officer who advises that the valuation is in line with others in the area and should be accepted. The valuation is considerably more than the original range of \$102,000 to \$123,000 estimated by Gold Estates.

Gold Estates have committed to the scope of works for the development of the stage 6 POS area and works are well advanced.

A schedule of works and preliminary costs have been prepared for the Atwell Reserve and Freshwater POS Lydon Boulevard. In addition, it has identified that there is a small area located between Brenchley Way and the Freeway which has not been developed and should be landscaped. This area includes Pt lot 7 and portion of the old alignment of Beenyup Road. Whilst this land was not mentioned in the earlier report and resolution, it is opposite land that was developed by Gold Estates and accordingly, it is appropriate that some of the funds be expended on this area.

The schedule of works and preliminary costs is included in the Agenda attachments. Other works such as a bore were considered but exceeded the amount available.

The total value of the proposed works is \$170,000 which is the balance funds allowing for the minimum committed of \$40,000 to stage 6.

Western Australian Planning Commission Planning Bulletin PB 21 "Cash In Lieu Of Public Open Space" states that with the approval of the Hon. Minister for Planning, cash-in-lieu funds may be used for the improvement or development of parks, recreation grounds or open space generally of any land in the said locality vested in or administered by the local government for any of these purposes. The proposed expenditure is consistent with PB 21.

It is recommended that Council confirm its commitment to Gold Estates for \$40,000 for the development of stage 6 open space and seek the approval of the Hon. Minister for Planning, to the expenditure of the cash in lieu funds as outlined.



## Strategic Plan/Policy Implications

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

1. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
2. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
3. Maintaining Your Community Facilities
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

PD13\*          Public Open Space

**Note:** The policies mentioned in this item, relate to those policies prior to the adoption of Council's Policy Manual as contained in item 13.4 of this agenda.

## Budget/Financial Implications

Cash in lieu funds to be expended by Council including the payment of \$40,000 to Gold Estates following the receipt of the cash in lieu payment.

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

Nil



**DECLARATION OF FINANCIAL INTEREST**

**Cmr Donaldson** declared a Conflict of Interest in agenda item 14.7 - Proposed Structure Plan and Subdivision - Lot 61 Cnr Beenyup and Bartram Roads Atwell. The nature being that his employer, JDA, is currently tendering to provide a marketing consultancy to Peet & Co for this project.

AT THIS POINT THE TIME BEING 8:51PM, CMR DONALDSON LEFT THE MEETING. CMR SMITHSON ASSUMED THE PRESIDING MEMBER POSITION.

**831. (AG Item 14.17) (Ocm1\_11\_2000) - PROPOSED STRUCTURE PLAN AND SUBDIVISION - LOT 61 CNR BEENYUP AND BARTRAM ROADS, ATWELL - OWNER: PEET & CO - APPLICANT: MASTERPLAN CONSULTANTS (9640/115032) (SOS) (MAPS 20/21) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the proposed Structure Plan for Lot 61 Beenyup Road, Atwell subject to the following modifications:
  1. The proposed controlled access place/service road treatment on the southern segment of Tapper Road to be used for the entire length of Tapper Road.
  2. The laneway road reserve shown parallel to Beenyup Road to be widened to 14 metres in the section adjacent to the rear of the parkland lots.
  3. The entry road leading from Beenyup Road to central parkland area to be shifted approximately 15 metres to the south to match the location of the similarly located road from the proposed Landcorp development. This road is to be widened to a 14 metre road reserve.
  4. The 12 metre wide road reserve adjacent to the central parkland area to be increased to 16 metres.
- (2) advise the applicant of the following:
  1. A minimum of 1.97 hectares of public open space will be required. Any increase in land requirements for drainage purposes resulting from the completion of the Drainage Management Plan shall not result in any reduction of the



minimum public open space requirement.

2. Detailed Area Plans are to be prepared for the small lot precinct. The Western Australian Planning Commission's Draft Model Text Provisions for Structure Plans and Liveable Neighbourhoods provide guidance on the matters to be addressed.
  3. Given previous recordings of Declared Rare Flora on the site, a flora survey will be required to identify the existence of any significant vegetation that may be worthy of protection.
  4. A requirement for the preparation of a native fauna management plan will be recommended as a condition of subdivision approval. The presence of bandicoots in particular has been observed on site. The plan will need to identify fauna present and provide commitments for their protection and possible relocation.
  5. Other minor modifications may be required to the detailed structure of the development to address traffic and engineering requirements.
- (3) advise the Western Australian Planning Commission that Subdivision 115032 is supported subject to it being modified to comply with the Structure Plan and such conditions as deemed relevant by the Delegated Officer under PD-DA 8:
- (4) adopt the Schedule of Submissions as contained in the Agenda Attachments; and
- (5) advise those persons who made a submission of Council's decision.

#### **COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that Council:

- (1) adopt the proposed Structure Plan for Lot 61 Beenyup Road, Atwell subject to the following modifications:
  1. The proposed controlled access place/service road treatment on the southern segment of Tapper Road to be used for the entire length of Tapper Road.
  2. The laneway road reserve shown parallel to Beenyup Road to be widened to 14 metres in the section adjacent

to the rear of the parkland lots.

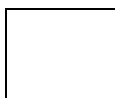
3. The entry road leading from Beenyup Road to central parkland area to be shifted to match the location of the similarly located road from the proposed Landcorp development. This road is to be widened to a 14 metre road reserve.
4. The 12 metre wide road reserve adjacent to the central parkland area to be increased to 16 metres.

(2) advise the applicant of the following:

1. A minimum of 1.97 hectares of public open space will be required. Any increase in land requirements for drainage purposes resulting from the completion of the Drainage Management Plan shall not result in any reduction of the minimum public open space requirement.
2. Detailed Area Plans are to be prepared for the small lot precinct. The Western Australian Planning Commission's Draft Model Text Provisions for Structure Plans and Liveable Neighbourhoods provide guidance on the matters to be addressed.
3. Given previous recordings of Declared Rare Flora on the site, a flora survey will be required to identify the existence of any significant vegetation that may be worthy of protection.
4. A requirement for the preparation of a native fauna management plan will be recommended as a condition of subdivision approval. The presence of bandicoots in particular has been observed on site. The plan will need to identify fauna present and provide commitments for their protection and possible relocation.
5. Other minor modifications may be required to the detailed structure of the development to address traffic and engineering requirements.

(3) advise the Western Australian Planning Commission that Subdivision 115032 is supported subject to it being modified to comply with the Structure Plan and such conditions as deemed relevant by the Delegated Officer under PD-DA 8:

(4) adopt the Schedule of Submissions as contained in the Agenda Attachments; and





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

**CARRIED 2/0**

### **Explanation**

Peet & Co requested that the points not be so specific in relation to the entry road leading to the central parkland area.

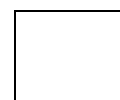
### **Background**

This report has been prepared in respect of proposed structure plan and subdivision application for land at the corner of Bartram and Beenyup Roads, Atwell.

The subject land was formerly part of Lot 209 Beenyup Road. A large proportion of Lot 209 was reserved in the Metropolitan Region Scheme for Parks and Recreation in 1995 as part of the planned creation of the Jandakot Botanical Park. Following the Government's redefinition of priority groundwater protection boundaries in 1996, the Parks and Recreation area was also reserved in the MRS for Water Catchment. The remnant western portion was recently isolated on its own lot (Lot 61) and is the focus of the structure plan proposal.

The critical events leading up to the submission of the proposal are as follows:

- May 1998 – Several landowners promote the rezoning of large tracts of land extending south from Bartram Road for urban development. In an effort to provide a framework to coordinate and progress the proposals, Council and the Ministry for Planning in conjunction with Consultants acting on behalf the landowners, commence the preparation of a district level structure plan – later titled the Southern Suburbs District Structure Plan (SSDSP).
- September 1998 – Council initiates Amendment 192. The Amendment seeks to formalise the procedures involved in the preparation and consideration of structure planning proposals. Amendment 192 also identifies 15 separate Development Areas in the district including the Atwell South Development Area, of which the subject land forms a part.
- June 1999 – The draft SSDSP is advertised for public comment. Council initiates Amendment 211 to rezone portion of the Atwell South Development Area including the subject land, from Rural to the



Development zone. Amendment 211 also specifies the requirements to apply to the detailed structure planning of the area.

- October 1999 – Council adopts the SSDSP subject to minor modifications.
- November 1999 – The Western Australian Planning Commission approves the SSDSP and resolves to lift the Metropolitan Region Scheme Urban Deferment affecting the Southern Suburbs area.
- January 2000 – Amendment 211 is advertised for public comment.
- June 2000 – Council adopts Amendments 192 and 211 for final approval.
- August 2000 – Masterplan Consultants, on behalf of Peet & Company Limited, submit proposed structure plan for Lot 61 Beenyup Road. Council officers, under delegated authority, require modifications to the plan prior to consenting to its advertisement.
- September 2000 – Revised structure plan advertised for public comment.
- October 2000 – Subdivision application received.

The proposal is the first detailed structure plan to be submitted for Council's consideration for the SSDSP area. The proposal has been submitted in advance of the finalisation of Amendments 192 and 211, however the Ministry for Planning advise that final approval of these Amendments is imminent. Notwithstanding that the provisions of these Amendments are yet to be formally introduced into the District Zoning Scheme, the procedures and requirements that the Amendments establish in considering a proposed Structure Plan, are to be followed and there is no impediment to Council considering the proposal.

### **Submission**

The proposed Structure Plan lodged in August 2000 indicated the subdivision and development of the 19.63 hectare site for a 229 lot residential estate. A subdivision proposal was lodged with the Commission soon after. The proposals requested assessment under the Liveable Neighbourhoods Design Code.

The Structure Plan proposal was advertised for public comment for a period of 21 days. Owners of property near the subject land were provided with a copy of the proposal and invited to comment. The two local newspapers circulating in the Atwell locality, carried advertisements with details of the proposal. Various government agencies and servicing authorities were invited to comment. At the close of advertising, a total of



10 submissions had been received. A Schedule of Submissions containing submission summaries and the recommended responses is included in the Agenda Attachments.

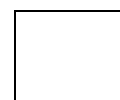
## Report

Since the conclusion of the advertising period, Masterplan has submitted a revised plan. The modifications were completed principally to address concerns of the Ministry for Planning's Urban Design Unit, who were of the view that the proposal failed to comply with the Liveable Neighbourhoods Design Code and thus, would be unlikely to illicit the Commission's support for the provision of 8% public open space.

The modifications are matters of detail, such as an increased public open space area and minor road adjustments. The modifications are not significant enough to warrant readvertising the proposal for public comment.

The key features of the revised proposal are as follows:

- The plan reflects the triangular shape of the subject land with internal roads focussed around a central public open space and drainage area. The POS area has been enlarged on the revised plan to represent an area of 10% of the lot in line with conventional Commission requirements.
- 165 "standard" residential lots are proposed averaging approximately 621m<sup>2</sup> in area. 59 "small" lots averaging 363m<sup>2</sup> are proposed. A 4226m<sup>2</sup> grouped development site is also proposed. The lot yield has been reduced only marginally on the revised plan.
- Significant stands of mature Melaleuca trees (paperbarks) line both sides of Beenyp Road. The tree coverage is quite dense and forms a unique vegetated corridor. Amendment 211 requires the protection of this vegetation in the context of the proposed development. The proposal seeks to protect the avenue of vegetation within the road reserve and capitalise on the views it offers by having dwellings fronting towards it. A small lot precinct is proposed adjacent to Beenyp Road. As direct lot access from Beenyp Road would result in the loss of much of the vegetation and is difficult due to differences in the height between the road surface and the ultimate building pads, each of the lots are to be serviced by a rear laneway. 22 of the small lots front onto the central public open space area. The proponent intends to prepare detailed area plans for the small lot precinct to expand upon the level of detail shown on the proposed structure plan. The detailed area plans are to address matters such as building envelopes, fencing, private open space and access prior to lodging applications to subdivide.



- Tapper Road is to extend southwards to intersect with Beenyup Road and will be constructed at the cost of the developer. Tapper Road forms the eastern boundary of the subject land and a division between the development area and the Jandakot Botanical Park. A controlled access place/service road is proposed on the southern portion of the Tapper Road extension, with shared crossovers proposed on the northern portion.

The supporting structure plan report states that the land can be adequately serviced, however it notes that stormwater drainage is a significant issue requiring further assessment through detailed management plans in accordance with the requirements of the Environmental Management Programme for the South Jandakot Drainage Scheme.

The Agenda Attachments contain additional information in respect of the proposal.

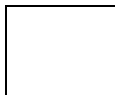
There are several issues raised in the submissions and through the detailed assessment of the proposal that require comment:

#### ***Remnant Wetland Vegetation***

The Department of Environmental Protection has drawn attention to the fact that the site is in an environmentally sensitive area. It falls within a Priority 3 Groundwater Source Protection area and is subject to environmental conditions set by the Minister for the Environment as part of the Thomsons Lake Urban Structure Study (that is, drainage requirements as noted above).

The Department submits that the entire site falls within a conservation category wetland, which should ordinarily be protected for conservation purposes. However, the Department failed to note that the Water and Rivers Commission has amended its wetland classifications for the site and now has only the north-eastern corner as a Resource Enhancement wetland. Water and Rivers recommend that the north-eastern corner of the site be protected from development and included in a public open space reserve.

Several site visits by the Strategic Planning Department noted that the remnant vegetation in the north-eastern corner of the site is an area of approximately one-hectare of good quality low-lying dampland bushland. It was originally suggested to the proponent that this area may be worthy of retention for inclusion within a public open space reserve. However, the proponent strongly objected to this suggestion. In assessing the proposal, further consideration was given to the north-east corner's protection. It was found that the area contained no vegetation that wasn't already well represented in the Jandakot Botanical Park immediately to the east and would be likely to, given its size and configuration, quickly



degrade and be difficult to manage in the context of the development planned around it. It also presented difficulties in terms of the structure plan design for the layout of the residential component of the development.

Whilst Council Policy PD 8 recommends protection of native vegetation where possible in the context of development areas, for the reasons detailed above, it is recommended that the public open space arrangement as shown on the proposed Structure Plan be supported subject to the completion of a flora survey on the entire site and the protection of all reasonable quality remnant vegetation within the central public open space area.

The future of the bushland area and the comments of the DEP and WRC will ultimately fall to the Western Australian Planning Commission to resolve.

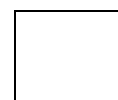
### ***Stormwater Management***

As noted above, the subject land falls within the catchment of the South Jandakot Drainage Scheme. Ministerial conditions dictate compliance with the adopted drainage management plan for the Scheme. The Department of Environmental Protection strongly recommend that a detailed Water and Nutrient Management Plan is prepared before the detailed layout is finalised and that best management practices in line with the Water and Rivers Commission's Manual for Managing Urban Stormwater Quality be followed.

It is agreed that the completion of detailed drainage design may affect the development layout and result in the need for land requirements for drainage to be further defined. It should be noted that the conceptual drainage area shown on the proposal is an arbitrary one of 4000m<sup>2</sup>. It is reasonable that the detailed drainage design including nutrient management for the subject development, is completed as a condition of the adoption of the structure plan. Any adoption of the structure plan or approval of subdivision, should be conditional upon the requirement for the full extent of the public open space/drainage area to be defined based on the approved drainage design. A minimum public open space figure should be specified such that any increase in land required for drainage does not reduce the area to be provided for public open space.

### ***Protection of Beenyup Road Vegetation***

Several submissions were concerned about the potential loss of the Melaleuca species within the Beenyup Road reserve. As mentioned above, the protection of this vegetation is one of the specific structure planning requirements to be introduced to the Scheme by Amendment 211. Whilst it is inevitable that some trees will be lost due to the construction of the entry roads from Beenyup Road into Lot 61, the



proposed treatment of the development abutting Beenyup Road is considered to adequately address the Scheme requirement.

### ***Tapper Road***

The proposal shows the extension of Tapper Road southwards to intersect with Beenyup Road. The proposed alignment of Tapper Road is presently within the MRS Parks and Recreation Reserve, which is a Bushplan site. This matter has been drawn to the Commission's attention on several occasions. The Commission has previously given a commitment to rationalise the MRS/Urban zone boundary to facilitate the construction of the road. It has therefore come as some surprise, that the Department of Conservation and Land Management and the Water and Rivers Commission have raised an objection to Tapper Road being within the Parks and Recreation Reserve.

Tapper Road is required on its planned alignment and will form a strong edge to the Jandakot Botanical Park and will clearly set the boundary between the Park and the residential development. There is considered to be little scope to amend the alignment.

With regard to the treatment of Tapper Road and the lots that will abut it, the Strategic Planning Department has consistently advised the proponent (and other prospective purchasers before Peet & Co. became involved) that it considers that direct lot access onto Tapper Road is unacceptable. Further, it has advised that the alternative of backing lots onto Tapper Road and bounded by an estate wall would not be accepted. The concerns with direct lot access are as follows:

- The existing stretch of Tapper Road between Armadale and Bartram Roads has been developed with no direct lot access from lots in the Beelii Parklands development.
- Through traffic should be encouraged to bypass Beenyup Road (and create a more pedestrian/cyclist friendly environment along it) and use Tapper Road, thus further confirming Tapper Road's role as a Local Distributor. The amount of district and sub-regional traffic likely to use Tapper Road from the (expanding) Special Rural development and surrounds, should not be underestimated.
- The Tapper Road extension will be a long and straight stretch of road, bounded by development on only one side. Motorists are likely to travel along it at an elevated speed.
- The future development of the Thomsons Lake Town Centre and associated proposed land use and road changes, in addition to continued urban expansion southwards, are likely to increase traffic demand on Tapper Road above the level previously estimated.



The use of a controlled access point/service road is proposed along the southern length of Tapper Road. Shared crossovers are proposed on the northern segment however, this fails to meet planning and engineering objectives. For the reasons listed above, a CAP/service road system should be put in place for the entire length of Tapper Road along Lot 61.

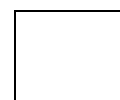
### ***Small Lot Precinct/Rear Laneways***

A modification to the original Structure Plan has seen the small lot precinct amended. The small lots are to front to either Beenyup Road or the central parkland, but will all be serviced by a rear laneway. The length of the laneway has been broken into two by a new entry road and “walkability” has been improved with some modifications to the road network.

There were previously concerns with the length of the laneway, the number of lots it would service and its 8 metre width which was considered to be too narrow, particularly in terms of accommodating visitor parking and underground services and the potential for traffic conflict. The proponent has attempted to address this, however there are still concerns with what is proposed.

Laneways are currently being explored as a solution for some of the problems experienced with small lot development. The street frontage of dwellings on small lots with narrow frontages, tends to be dominated by double carports and garages which has a detrimental impact on the streetscape. By having garages accessed by a rear laneway, a better streetscape can result. Whilst there are few examples of laneway development in Cockburn, those in other localities tend to be used only in circumstances where there are a limited number of lots which rely on the laneway for vehicle access and where there is ample street parking available for visitors.

The Lot 61 development has a large number of lots that will rely on the laneway for access. The use of a laneway in this development has merit as it avoids the need for direct lot access from Beenyup Road and thus ensures the protection of the bulk of the Beenyup Road vegetation. However as 22 of the small lots directly front onto the central parkland area, there is no scope for on-street parking other than in the three visitor parking areas proposed on the edges of the central parkland area. Whilst this has gone some way to address concerns with the laneway, the proposal will still result in a distance of up to 70 metres from the visitor carpark to the farthest dwelling. This is considered to be too excessive a distance for the majority of visitors and is likely to result in the laneway being used for parking. Having examined a number of solutions, it is recommended that laneway be widened from 8 metres to 14 metres. A 14 metre reserve will allow an adequately wide pavement and verge area on either side for parking and containment of services.



It is also essential that the central entry from Beenyup Road into the development, line-up with a similar road proposed for the Landcorp development to the west of Beenyup Road. This is critical in terms of traffic safety, but also important from a design aspect, to ensure the two developments “gel”. In this regard, the Landcorp Structure Plan has fixed the location of its roads running perpendicular to Beenyup Road based on the location of existing stands of vegetation it wishes to protect within two linear public open space areas. Therefore, its road layout is fixed and modifications should be made to the Lot 61 plan. With the exception of the central road, the two developments gel well with good linkages between the two.

### ***Grouped Housing Site***

Several submissions raised concern with the 4000m<sup>2</sup> grouped housing site on the corner of Beenyup Road and Bartram Road. The concern raised was with what type of development was proposed and what residents might live in the development.

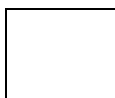
The site is considered to have merit as a grouped housing site by virtue of its location opposite a local home store proposed by Landcorp and on a proposed bus route. It will also be in close proximity to the future Atwell High School. At 4000m<sup>2</sup> and at its nominated R40 Code, up to 16 units could be approved. The detailed design is not known at this time, but it will be subject to planning approval and the issue of a building licence.

Peet & Company advises that it is likely to sell the grouped housing lot as a vacant development site. To whom Peet & Co. might sell the site to and who might ultimately live in the dwellings, is not a planning consideration.

In conclusion, it is recommended that the proposed Structure Plan be adopted subject to the modifications outlined above. It is also recommended that the Western Australian Planning Commission be advised that subdivision is recommended for approval, subject to compliance with the modifications required to the Structure Plan and conditions of subdivision deemed relevant by the Delegated Officer under DA-PD 8.

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

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





2. Planning Your City

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

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"To conserve the character and historic value of the human and built environment."*
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

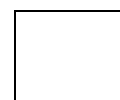
5. Maintaining Your Community Facilities

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

The Planning Policies which apply to this item are:-

PD8*	Bushland Conservation Policy
PD13*	Public Open Space
PD16*	Standard Subdivision Conditions and Reasons for Refusal
PD25*	Liveable Neighbourhoods - Community Design Codes
PD42	Native Fauna Protection Policy
PD45	Wetland Conservation Policy

**Note: The policies mentioned in this item, relate to those policies prior to the adoption of Council's Policy Manual as contained in Item 13.4 of this agenda.**



**Budget/Financial Implications**

Council will be responsible for the maintenance of all public open space areas two years after development.

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

Nil

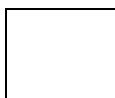
AT THIS POINT THE TIME BEING 8:53PM, CMR DONALDSON RETURNED TO THE MEETING AND RESUMED THE PRESIDING MEMBER'S POSITION.

- 832. (AG Item 14.18) (Ocm1\_11\_2000) - PROPOSED STRUCTURE PLAN - ATWELL SOUTH - LOTS 209, 210, PT 212 AND PT 214 LYON ROAD, ATWELL - OWNER: LANDCORP - APPLICANT: ROBERTS DAY GROUP (9640) (SOS) (MAP 20/21) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the proposed Structure Plan for Lots 209, 210, Pt 212 and Pt 214 Lyon Road Atwell, subject to the following modification:
  1. The area surrounding the future railway station (from the southern edge of the ridgeline to Gibbs Road – including the village centre) to be indicated as an “Area subject to further detailed investigation”, given that the final location of the station is under review. The final location will impact upon the structure plan design as convenient access to the station will be required.
- (2) adopt the Schedule of Submissions as included in the Agenda Attachments;
- (3) advise the applicant of the following:
  1. Agreement needs to be reached with the Department of Environmental Protection for the proposed reduction of the buffer around the piggery on Lot 15 Lyon Road prior to Council support for any subdivision application.
  2. The approval of the wetland management plan by the DEP is required, given it involves the modification of wetlands covered by the Environmental Protection (Swan Coastal Plain Wetlands) Policy. Additional information is required

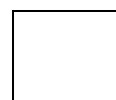


- from the City's point of view in respect of detailed engineering design, basin design, landscaping and the protection of water quality;
3. In the event of the Western Australian Planning Commission endorsing the Structure Plan on the basis of Liveable Neighbourhoods, a minimum of 8% of the net subdividable area for public open space is required. The detailed drainage design should result in the clear delineation of what areas are required for drainage and what can be classified as public open space. Any increase in land requirements for drainage should not result in a reduction of the minimum public open space area. Should the proposal be deemed to not comply with Liveable Neighbourhoods, the minimum public open space area shall be 10% of the net subdividable area.
  4. Additional detail in terms of proposed traffic management measures will be required. There are some concerns with the number of four-way intersections and some road reserve widths, which will require fine-tuning through the detailed design process in consultation with Council's Engineering Department;
  5. It is recommended that the proponent liaise with the Water and Rivers Commission and Water Corporation in respect of development proposed within close proximity to the two production bores located on Lyon Road.
- (4) advise the Western Australian Planning Commission and those persons who made a submission of Council's decision.

#### **COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that Council:

- (1) adopt the proposed Structure Plan for Lots 209, 210, Pt 212 and Pt 214 Lyon Road Atwell, subject to the following modification:
  1. The area surrounding the future railway station (from the southern edge of the ridgeline to Gibbs Road – including the village centre) to be indicated as an "Area subject to further detailed investigation", given that the final location of the station is under review. The final location will impact upon the structure plan design as convenient access to the station will be required.
- (2) adopt the Schedule of Submissions as included in the Agenda



Attachments, subject to the inclusion of "Noted" as the Council's recommendation to submission no.2;

- (3) advise the applicant of the following:
1. Agreement needs to be reached with the Department of Environmental Protection for the proposed reduction of the buffer around the piggery on Lot 15 Lyon Road prior to Council support for any subdivision application.
  2. The approval of the wetland management plan by the DEP is required, given it involves the modification of wetlands covered by the Environmental Protection (Swan Coastal Plain Wetlands) Policy. Additional information is required from the City's point of view in respect of detailed engineering design, basin design, landscaping and the protection of water quality;
  3. In the event of the Western Australian Planning Commission endorsing the Structure Plan on the basis of Liveable Neighbourhoods, a minimum of 8% of the net subdividable area for public open space is required. The detailed drainage design should result in the clear delineation of what areas are required for drainage and what can be classified as public open space. Any increase in land requirements for drainage should not result in a reduction of the minimum public open space area. Should the proposal be deemed to not comply with Liveable Neighbourhoods, the minimum public open space area shall be 10% of the net subdividable area.
  4. Additional detail in terms of proposed traffic management measures will be required. There are some concerns with the number of four-way intersections and some road reserve widths, which will require fine-tuning through the detailed design process in consultation with Council's Engineering Department;
  5. It is recommended that the proponent liaise with the Water and Rivers Commission and Water Corporation in respect of development proposed within close proximity to the two production bores located on Lyon Road.
- (4) advise the Western Australian Planning Commission and those persons who made a submission of Council's decision.

**CARRIED 3/0**



**Explanation**

The Schedule of Submissions attached to the Agenda, omitted a response to submission no. 2 and the response "noted" should be inserted.

**Background**

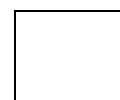
The Roberts Day Group has lodged a proposed Structure Plan for Landcorp's 115 hectare Atwell South landholding. The Plan has been prepared in respect of land situated east of Kwinana Freeway between Bartram, Beenyup and Gibbs Roads. The land lies to the west of Lot 61 Beenyup Road, to which a separate report in this Agenda relates. Therefore, the background to the Landcorp proposal is similar to that for the Peet & Company proposal for Lot 61 Beenyup Road. That is, the land falls within the Southern Suburbs District Structure Plan area and is part of the area being rezoned to the Development zone by Amendment 211. Please refer to the Agenda Report in respect of Lot 61 included in this Agenda for additional background.

**Submission**

The proposed Structure Plan has been prepared on the basis of Liveable Neighbourhoods principles. It should be noted that no development is proposed for land south of Gibbs Road, as this land is still being considered by the Western Australian Planning Commission for inclusion in the final Bushplan.

The proposed Structure Plan seeks to address the following site characteristics:

- Two degraded Environmental Protection Policy wetlands exist in the centre of the site. These are to be upgraded and revegetated and linked by a vegetated swale to form a linear spine of public open space. These areas will also perform a drainage function for the development.
- Three areas of remnant vegetation are to be retained within public open space areas. The site is otherwise largely devoid of native vegetation principally due to the previous use of the site for stock holding and grazing.
- A narrow ridge traversing the site is to be retained and established as a prominent feature within the development.
- Land included in the MRS Rural-Water Protection zone is proposed to be developed for rural-residential subdivision.



Other key design elements of the proposal are as follows:

- A highly interconnected street pattern, providing a legible and permeable environment for all modes of transport. Provision is made for access to the future passenger rail station to be located near the intersection of Kwinana Freeway and Gibbs Road.
- A centrally located primary school is proposed in between the two wetland/open space areas.
- The creation of approximately 1000 single residential lots of various sizes to provide a range of housing types.
- A Village Centre is proposed at the intersection of Gibbs and Lyon Roads to include retail and commercial uses and integrated aged care facilities designed according to “main street” principles. A home store for convenience goods is proposed for the north-east corner of the site.

The Structure Plan proposal was advertised for public comment for a period of 21 days. Owners of property near the subject land were provided with a copy of the proposal and invited to comment. The two local newspapers circulating in the Atwell locality carried advertisements with details of the proposal. Various government agencies and servicing authorities were invited to comment. Advertising closed on 3 November 2000. At the time of writing this report a total of 6 submissions had been received. A Schedule of Submissions containing submission summaries and the recommended responses is included in the Agenda Attachments.

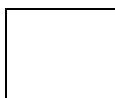
## **Report**

There are no issues arising from the submissions to suggest there is any concern held by referral agencies or the local community in respect to the proposal.

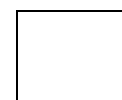
The proponent has made some minor modifications to the proposed Structure Plan since lodging it with Council. The changes are limited only to a reshuffle and reduction of the small lot precincts and an adjustment to the configuration of two of the public open space areas. The modifications are considered minor and do not warrant readvertising of the proposal.

The proposed Structure Plan is considered to adequately address the planning requirements pertaining to the subject land.

There are still a number of detailed considerations to be addressed as part of the subdivision process that may have an effect on the final layout of development. These include:



- Agreement needs to be reached with the Department of Environmental Protection for the proposed reduction of the buffer around the piggery on Lot 15 Lyon Road. The recommended buffer is a considerable reduction from the previous generic buffer, however given the small size of the piggery and the good management practices evident there, the fact that environmental consultants suggest it can be reduced is not surprising. No residential uses are proposed within the recommended buffer.
- The approval of the wetland management plan by the DEP is required, given it involves the modification of wetlands covered by the Environmental Protection (Swan Coastal Plain Wetlands) Policy;
- Agreement to be reached on the areas required for drainage, ensuring that a minimum public open space figure is maintained. The manner in which the drainage areas will be developed will provide some opportunity for passive recreational use, but there still needs to be some definition of the public open space area from that purely required for drainage for calculation of the minimum area required. At this stage, 9.75% of the net subdividable area is to be set aside for public open space and drainage, with 8.5% for public open space. Provided the proposal is deemed to comply with Liveable Neighbourhoods, this figure, in conjunction with the planned expenditure on developing the POS, should be adequate provided the detailed drainage management plan doesn't result in a significantly increased area required for drainage.
- Additional detail in terms of proposed traffic management measures will be required. There are some concerns with the number of four-way intersections and some road reserve widths, which will require fine-tuning through the detailed design process in consultation with Council's Engineering Department;
- Advice has recently been received that the location of the proposed passenger rail station near the intersection of Kwinana Freeway and Gibbs Road is under review. This station is part of the planned Perth to Mandurah rail line. Recent announcements by the State Government indicate it will be operational by 2005. This is a considerable advancement of previous construction estimates and will provide added impetus to the growth of the Southern Suburbs development area. It is a requirement of Amendment 211 that a direct connection be provided between the station and the development. The station is likely to move several hundred metres further north than originally planned. The Structure Plan therefore requires a minor modification to indicate a precinct around the rail station as an area requiring further review. This precinct will include the proposed village centre, a mixed-use area, small lot precinct and



R40/integrated aged care facility and its final layout will be shaped by the need to ensure direct access to the station is provided.

It is recommended that the Structure Plan be adopted subject to the modification suggested in terms of the rail station precinct and with the advice notes based on the above.

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

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

2. Planning Your City

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

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

5. Maintaining Your Community Facilities

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

The Planning Policies which apply to this item are:-

- |       |  |
|-------|--|
| PD8*  | Bushland Conservation Policy                     |
| PD13* | Public Open Space                                |
| PD25* | Liveable Neighbourhoods - Community Design Codes |





PD43\* Rural - Water Protection Zone (MRS) Jandakot  
PD45 Wetland Conservation Policy

**Note: The policies mentioned in this item, relate to those policies prior to the adoption of Council's Policy Manual as contained in item 13.4 of this agenda.**

**Budget/Financial Implications**

N/A

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

Nil

**833. (AG Item 15.1) (Ocm1\_11\_2000) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for October 2000, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

**Background**

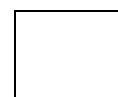
It is a requirement of the Local Government (Financial Management) Regulations 1996, that a List of Creditors be compiled each month and provided to Council.

**Submission**

N/A

**Report**

N/A



**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil

**834. (AG Item 15.2) (Ocm1\_11\_2000) - REPORT ON FINANCIAL STATEMENTS (5505) (NM) (ATTACH)**

**RECOMMENDATION**

That Council receive the Report on the Financial Statements for the first 2000/01 triennial period ending 31 October 2000, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

**Background**

Section 6.4 of the Local Government Act 1995 requires Council to prepare Financial Reports. Section 34 (1) of the Local Government (Financial Management) Regulations 1996 prescribes that a local government is to present reports ending 31 October, 28 February and 30 June.

**Submission**

N/A

**Report**

Attached to the Agenda is a Report on the Financial Statements for the period ending 31 October 2000.



Any significant variations between the year to date income and expenditure totals and the relevant Annual Budget provisions, have been identified and addressed through the Budget Review submitted to Council.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil

835. (AG Item 15.3) (Ocm1\_11\_2000) - PURCHASE OF LOT 4 ROCKINGHAM ROAD AND LOT 6 MOYLAN ROAD, HENDERSON - B M CARATTI - HENDERSON LANDFILL SITE (3411103; 3412267) (KJS) (ATTACH)

**RECOMMENDATION**

That Council, for the purpose of expanding the landfill site;

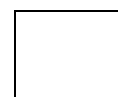
- (1) offer Mrs B M Caratti \$392,500 for Lot 4 Rockingham Road, Henderson;
- (2) offer Mrs B M Caratti \$541,000 for Lot 6 Moylan Road, Henderson; and
- (3) authorise the Chief Executive Officer to negotiate and finalise an increased offer subject to any such offer being supported by a valuation from a Licensed Valuer and within Budget.

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

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**



## **Background**

The City of Cockburn operates a landfill site on adjoining Lots 2 and 52. Stage 1 of the landfill operation is within lot 2 and is anticipated to have reached its capacity by May 2001. Stage 2 which is within Lot 52, has been designed and currently tenders have been called for the construction of two lined cells. These cells will be completed by May 2001.

The location of these cells have been recommended by the City's Consultants to minimise impact on the two houses situated on Lots 4 and 6 respectively. The Department of Environmental Protection, who issues Works Approvals for development of Council's landfill operation, has indicated that the current situation with the houses being within the 500 metre buffer zone as being less than ideal. The purchase of Lots 4 and 6 will allow the orderly progression of subsequent cells within Stage 2.

## **Submission**

N/A

## **Report**

Land is required for the expansion of the Henderson Landfill Site.

Lot 4 and 6 are owned by Mrs B M Caratti. Mrs Caratti lives in the house on Lot 6 whilst her daughter lives in the house on Lot 4. The City purchased Lot 52 from Swan Portland Cement P/L in 1989 for use as a landfill site. Swan Portland had purchased the land from Mrs Caratti for a limestone quarry many years previous. At the time of the purchase of Lot 52 by Swan Portland from Mrs. Caratti, an easement was established between Lots 4 and 6. This easement was a right of carriageway that allowed convenient access between the now severed landholdings. This easement travels with the land and is therefore a burden on the City's land (Lot 52). The purchase of Lot 4 and 6 will effectively eliminate this impediment to the City's free Title.

In the past, unsuccessful negotiations have taken place to withdraw the right of carriageway. Mrs. Caratti has recently indicated via her daughter, that she is interested in selling the properties. A valuation report has been obtained from Licensed Valuer, Jeff Spencer and forms the basis of the recommended offer.

Council at its meeting of 20 May 1997, resolved to offer Mrs B Caratti \$10,000 to extinguish a right of carriage way that burdened the City's Lot 52. Protracted negotiations since this time, have not resulted in a settlement of the issue.



### Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Area which applies to this item is:

1. Managing Your City
  - *To deliver services and to manage resources in a way that is cost competitive without compromising quality;*
  - *To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.*

### Budget/Financial Implications

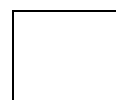
Funds have been allocated in the current Budget.

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

Nil

### 836. (AG Item 15.4) (Ocm1\_11\_2000) - VARIOUS DEBTS - WRITE-OFF (5651) (KL)

<b>RECOMMENDATION</b>	
That Council resolve to write-off the following debts:	
<b>Debtor</b>	<b>Amount \$</b>
Goodchild Management Committee	901.05
Clinton Andrew Clark	150.00
Homemaker Investments	415.30
Brambles Holdings	9,204.06
B J Hornidge	40.00
Robs Total Landscapes	326.94
Budget Demolitions	100.00
Tae Kwon Do, Yangebup	196.00
	<b>11,333.35</b>
<b><u>TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL</u></b>	



**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that:-

- (1) Council resolve to write-off the following debts:

<b>Debtor</b>	<b>Amount \$</b>
Goodchild Management Committee	901.05
Clinton Andrew Clark	150.00
Homemaker Investments	415.30
Brambles Holdings	9,204.06
B J Hornidge	40.00
Robs Total Landscapes	326.94
Budget Demolitions	100.00
Tae Kwon Do, Yangebup	196.00
	<b>11,333.35</b>
<p>(2) a policy be prepared for Council's consideration requiring that Council does not undertake works until an adequate bond is provided to cover costs.</p>	
<b><u>CARRIED 3/0</u></b>	

**Explanation**

The significant amount being written off as non-recoverable from Brambles Holdings, could be overcome in future if Council adopted a policy of ensuring an adequate bond was required to be paid in advance of private works being undertaken.

**Background**

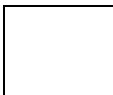
Debts which are non-recoverable require Council's authorisation under the provisions of the Local Government Act S6.12.1.c.. Council's Auditors have completed the audit of the 1999/00 financial period and has suggested that the above accounts be removed from the Debtors Ledger to the non-recovery of the debts.

**Submission**

N/A

**Report****Goodchild Management Committee – Electricity Usage - \$901.05**

A request was received from the Recreation Officer advising that this debt is to be written off. The debt relates to a cricket club who was using



Goodchild Reserve and the changerooms. The cricket club left the premises without settling the debt. All efforts in attempting to recover the debt have been unsuccessful.

Clinton Andrew Clark – Verge Clean-up - \$150.00

The recovery of this debt was referred to McLeod and Co who suggests that recovery of the debt is unlikely without further legal action being taken. This would result in legal costs being incurred which would have been unlikely to have been recovered.

The costs relate to a verge clean-up and was undertaken by Council as a result of complaints by neighbours. No agreement to undertake the works was completed, therefore making any legal action difficult.

Homemaker Investments – Firebreak Construction and Infringements - \$415.30

The above Company went into liquidation in 1997. The Liquidators, KPMG has stated that mortgagees of the properties received first preference after settlement occurred.

The debt relates to firebreak construction costs (\$175.70) and fines of (\$240.00).

Council received \$235.30. Legislation at the time of the infringement did not permit Council to charge the works against the Property System.

Brambles Holdings – Private Works - \$9,204.06

Council undertook a private works contract on the corner of Carrington and Dodd Streets, Hamilton Hill for road widening, right of way and truncations. Brambles obtained consent from the City to commence development on the land, subject to these works being carried out. The City at the request of Brambles Holdings provided a quotation to carry out the work required for the widening of Carrington Street being part of the work required pursuant to the conditions of the approval.

The works were quoted at \$10,550, which was accepted by Brambles Holdings by letter. Council's Works Crew proceeded with the works upon receipt of the letter from Brambles. Unfortunately, no formal contract was entered into with Brambles for the work. Only after the works had been completed and Accounting Services were having difficulty in recovering the debt, moves were taken to formalise any acknowledgement of the debt. At the request of the City, Brambles agreed to enter into an agreement to be secured by a Caveat over the land to ensure payment of the \$10,550. Legal costs amounted to \$696.77 for this work.

Brambles Holdings entered into an agreement with Council to make monthly payments of \$500 each month to settle the account. The works relating to this account commenced in February 1997.



In June 1999 Council was advised by Price Waterhouse Coopers that it had been appointed Receiver and Manager of the property at 346 Carrington Street. The property was later sold by Auction in August 1999. Council's Solicitors, McLeod and Co who were acting on behalf of Council were advised that there were insufficient funds from the sale of the property to satisfy the amount owed to the Creditors. Sufficient funds were available to satisfy the amounts owed to the second Creditor being St. George Bank. Advice was received from McLeod and Co that it would not be open to the City to require the purchaser of the land to enter into a Deed with the City to secure payment of the costs of performing the road widening works.

The relevant condition of the planning approval in respect of the land refers only to the applicant and not prospective owners.

In total Council received \$2,500.00 from Brambles in relation to this debt.

Council's Works Division has been instructed not to proceed with any future private works without firstly obtaining a signed agreement with the third party and receiving a 50% bond towards the works concerned.

B J Hornidge – Water Sampling - \$40.00

The Health Department undertook water sampling for the abovenamed party. The officer who arranged for the works to be undertaken no longer works for the City. The background information relating to the account is unavailable. With the small amount of the debt legal action is not warranted. Future requests for this type of service will be directed to consultants who will undertake tests for ratepayers.

Robbs Total Landscapes – Tip Fees - \$326.94

Robbs Total Landscapes were using the Henderson Landfill Site for disposal purposes. All efforts in trying to locate the owner of the business have failed. The Debtor has been traced to three separate addresses, but recovery of the debt has not been successful.

Budget Demolitions – Henderson Landfill Site Usage - \$100.00

Budget Demolitions was a regular user of the Henderson Disposal Site. A dispute between Council and the Debtor arose regarding incorrect charging of this particular invoice.

Attempts to recover the outstanding debt has been unsuccessful. Budget Demolitions has not used the Disposal Site since the dispute arose.

Tae Kwon Do, Yangebup – Hall hire charges - \$196.00

The operator of Tae Kwon Do, Yangebup, Mr. Chris Lee hired the Yangebup Hall on a monthly basis. Attempts by the Debtors' Clerk to recover the outstanding amount has failed.





Mr. Lee has moved address since ceasing to use the facility, and has since been unable to be located.

### Strategic Plan/Policy Implications

N/A

### Budget/Financial Implications

Loss of potential revenue of \$11,333.35

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

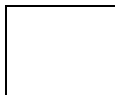
Nil

## 837. (AG Item 15.5) (Ocm1\_11\_2000) - BUDGET REVIEW - PERIOD ENDING 31 OCTOBER 2000 (5402) (ATC) (ATTACH)

<b>RECOMMENDATION</b>			
That Council amend the Municipal Budget for 2000/01 as follows:			
<b>A/c No.</b>	<b>Description</b>	<b>Current Budget</b>	<b>Proposed Budget</b>
500102	Development Application Fees	-50,000	-65,000
500105	Zoning Amendment Fees	-20,000	-15,000
500100	Zoning Statement Fees	-47,000	-37,000
195460	Immunisation Expenses	14,000	9,800
NEW	Syringe Safe Clearance & Disposal	0	2,000
200200	Salaries	-293,000	-306,200
195030	HIC Immunisation Subsidy	-5,000	-3,000
505479	Computer Model Retail Study	5,000	0
505478	Computer Model Coastal Strip	6,445	11,445
355741	Purchase Bus	70,000	88,000
115200	Customer Service Salaries	179,456	151,351
115461	Cockburn Soundings	65,000	89,113
555468	Lotteries Grant—Promoting Excellence	0	4,000
520260	Atwell Community Centre—Cleaning	16,000	14,500
520262	Atwell Community Centre—Activities	0	4,900
520090	Atwell Community Centre	-40,000	43,408
180240	Staff Uniforms	3,500	4,500
165464	Dog Pound	4,214	5,084
180230	Communication	18,000	20,000
165467	Dog Tags	2,000	2,630
165469	Cat Sterilisation Program	5,000	4,000
165060	Dog Food Recoup	-100	-2,000
165202	Impounding Dogs	-8,000	-9,600
160350	Promotion and Advertising	3,000	4,200
160460	Bush Fire Prevention	24,830	27,546
160467	Fire Hydrants	4,800	14,000
160231	Jandakot VFBF Telephone Costs	1,600	2,500

160471	Refurbish FCU	0	5,000
160233	South Coogee VFBF Telephone Costs	1,600	2,600
160290	Training 4WD/First Aid	4,000	7,500
8283	8CZ147 Toyota – South Coogee	6,100	0
8281D	1AKF694 Pajero Wagon	17,416	0
575870	Council Contribution–L14 Progress Dve	196,857	146,857
575193	From Community Facilities Reserve	-197,031	-147,031
105030	General Roads Grant	-676,000	-706,000
105031	General Financial Assistance Grant	-930,000	-956,000
100015	Interim/Back Rates	-100,000	330,000
105032	National Competition Payment	-6,500	-12,500
670731	Purchase 3 Isuzu Trucks	511,000	771,500
670731	Purchase Hino Road Sweeper	771,500	793,500
670123	From Plant Reserve Fund	0	-100,000
670120	Sale of 3 Trucks	-170,000	-294,000
485740	Purchase Plant	631,000	391,000
485740	Purchase Plant	391,000	440,000
485464	Henderson Disposal Site	473,926	510,126
485191	From Rubbish Development Res. Fund	-1,303,000	-1,112,000
485090	Rubbish Tip Fees	-2,571,000	-2,414,794
NEW	Road Safety Signs	0	6,650
695301	Azelia Rd/Manning Park – Shoulders	20,000	5,300
695314	Hamilton Rd (north of Mell)-Pedestrian	3,000	4,200
695319	Wattleup Rd/Pearse Rd–Upgrade intersection	30,000	60,000
695333	Prinsep Rd/Cutler Rd – Establish drainage	40,000	30,000
695530	Ely St/Hynes St – Channelisation	41,098	22,100
695533	Grassbird Loop – Install TMD	3,815	700
695535	Lydon Blvd/Hawkesbury Rt–Install TMD	73,688	29,900
695551	Poletti Rd – Widening	37,00	40,600
695888	Resurfacing	768,401	853,544
695963	Fawcett Rd/Albion Avenue – Upgrade intersection	51,767	9,500
NEW	Berrigan Dr/Prinsep Rd – Passing lane/pedestrian crossing	0	45,000
NEW	Wellard St/Howson Way – Upgrade intersection	0	10,000
680517	Doherty Rd (Waverley/Winterfold)	17,189	3,100
680521	Homestead Ave (Hope/Parkway)	12,795	8,400
680559	Deller Dr (Provincial/Phoenix)	7,239	300
680565	Barrett St (Huxley/#44)	1,152	0
680801	East Churchill Ave (cul-de-sac/#88)	15,500	11,000
680809	Bitton St (Healy/Bucat)	19,500	13,000
680815	Malcolm St (Dubove/Freeth)	10,000	8,000
680816	Glendower Way (Gerald/#19)	10,500	9,500
680818	Motril St (Cranberry/Hayward)	35,000	39,000
680830	East Churchill Ave (Stock/#88)	28,500	22,000
680839	Glendower Way (Lancaster/#19)	11,500	12,500
510460	Bus Shelter Maintenance	4,556	8,000

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



**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

**Background**

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

**Submission**

N/A

**Report**

A report on the review of the Municipal Budget for the period 1 July 2000 to 31 October 2000 is attached to the Agenda.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

A number of amendments to the Budget are recommended.

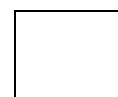
**Implications of Section 3.18(3) Local Government Act, 1995**

Nil.

838. (AG Item 15.6) (Ocm1\_11\_2000) - REQUEST FOR PART-PAYMENT OF COSTS AND WAIVING OF PENALTY FOR LOT 18 BARFIELD ROAD, BANJUP - MR & MRS HOWELL AND MR & MRS PHILLIPS (5513101; 5230) (ATC) (ATTACH)

**RECOMMENDATION**

That Council advise Mr & Mrs Howell and Mr & Mrs Phillips that while it is sympathetic to that situation in regard to Lot 18 Barfield Road, it will not make any contribution to the costs of selling the land or waive any of the penalty interest due.



**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

**Background**

Council has, for a number of years, been pursuing Mr Colin David Sullivan for outstanding rates, penalties and other charges regarding properties he owned in Coolbellup and Lot 18 Barfield Road, Banjup. The Coolbellup property was recently sold and all outstanding rates and charges paid.

The Barfield Road property has been taken over by the Mortgagees, Mr & Mrs Howell and Mr & Mrs Phillips because of non-payment by Mr Sullivan and is being sold by them with settlement due on 15 November 2000.

**Submission**

A copy of a detailed submission received from the Mortgagees of Lot 18 Barfield Road is attached to the Agenda. In summary, the Mortgagees have requested that Council give consideration to paying half the settlement costs on the property plus waive the penalty interest accrued. Full settlement costs are estimated at \$6,275.72 and rates penalty is currently \$5,359.73 ie. their request is for Council to contribute/waive a total of \$3,137.86 (half of \$6,275.72) plus \$5,359.73 - a total of \$8,497.59.

**Report**

Council's problems with collecting rates from Mr Sullivan in respect of Lot 18 Barfield Road have continued for a period over ten years. Mr Sullivan avoided Summonses issued on behalf of Council for several years. In February 1999, a Summons was successfully served on Mr Sullivan and he took Council to Court to defend the action. His appeal was dismissed and Council was awarded judgement against him. The Bailiff was given instruction to proceed to sell Lot 18 Barfield Road.

In October 1999, Godfrey Virtue, Solicitors acting on behalf of the Mortgagee, requested that the sale action be deferred as they were of the opinion that the Mortgagees in possession, would realise a higher price than Council was likely to obtain. This was agreed to as the



money owing to Council would be paid at settlement. Subsequently, it was learned that another warrant to sell the land was in force.

Unfortunately, it appears that at no time, did the firms acting on behalf of the Mortgagees, (the Financial Advisor and Mortgage Broker) inform them of the rates debt outstanding on the property, even at the time the mortgage was renegotiated. As a result of high legal costs in pursuing Mr Sullivan and the outstanding rates debt, the Mortgagees indicate that they will jointly lose \$30,000 on the mortgage.

The reason given for seeking a Council contribution is that the Mortgagees have made substantial efforts to bring the matter to a close and wish Council to recognise their efforts.

It must be noted that had the Bailiff continued with the successful sale of the property in 1999, Council would have recovered the full amount due to it with all costs associated with the sale being deducted from the sale price. However, informal advice from the Bailiff is that the property would have been difficult to sell in view of the costs outstanding against the property. A Supreme Court Writ was required in the end to obtain possession of the property.

There does not appear to be any reason to make any contribution to the costs incurred by Mr & Mrs Howell and Mr & Mrs Phillips in respect of Lot 18 Barfield Road. On the other hand, they have by their ongoing legal action, brought the matter to a conclusion and Council will recover the outstanding rates and charges.

Council has the authority however, to waive all or part of the penalty interest if it so chooses.

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

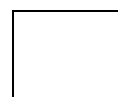
N/A

### **Budget/Financial Implications**

N/A

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

Nil



**839. (AG Item 16.1) (Ocm1\_11\_2000) - REPORT ON SCAVENGING AT THE HENDERSON LANDFILL SITE (4900) (BKG)**

**RECOMMENDATION**

That Council permit the plant operators at the Henderson Landfill Site to remove a maximum of one utility load or 1.8 metres by 1.2 metres trailer load of recyclable material from the site per week.

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council not approve or support any/all scavenging from the site.

**CARRIED 3/0**

**Explanation**

Council is concerned at the potential liability from anyone scavenging at the site, whether an employee or contractor.

**Background**

At the Council meeting held on 17 October 2000, Cmr Smithson referred to an issue that was raised at Public Question Time at the Ordinary Council Meeting held on 15 August 2000, in relation to scavenging at Council's Henderson Landfill Site. She requested that a report be prepared and presented to Council at the November meeting, on what the practices are with regard to scavenging.

**Submission**

N/A

**Report**

Council went out to tender for the salvage rights at the Henderson Landfill Site and four tenders were received from contractors for the collection of scrap metal and other material from the site. However, Occupational Health & Safety advice was that the practice should not be allowed because it would be too dangerous and a risk to health, to allow unsupervised and untrained personnel to search through the rubbish whilst tipping and disposal operations were being carried out.

Consequently, on this basis and particularly due to the uncontrollable nature of the activity, Council resolved that nobody from the public be permitted to scavenge at the site. They also resolved that a separate



transfer station be constructed so that the trailers will go to that facility. No trailers or members of the public will be allowed to go to the tipping face and it is anticipated this will occur in 2001.

Staff employed as plant operators, who are fully trained and experienced with the operations and dangers of Council's landfill site, may remove items from the waste stream in a safe and controlled manner that does not cause a disruption to the orderly disposal of waste at this site.

The proceeds of the sale of the recyclable material is kept by the employees. This practice allows for material to be recycled in a controlled manner and is a reward for the difficult working conditions encountered by staff.

The one staff member who is regularly involved in this practice, states that he usually takes about one utility load per week. It will also establish the limits for relief drivers who may wish to recover recyclable material.

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

One of the objectives of the Corporate Plan is to minimise the amount of waste going to landfill.

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

There is no cost to Council in staff being permitted to scavenge recyclable material from the landfill site.

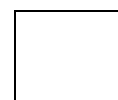
#### **Implications of Section 3.18(3) Local Government Act, 1995**

Nil

#### **840. (AG Item 16.2) (Ocm1\_11\_2000) - TENDER NO. 78/2000 - SUPPLY AND DELIVERY OF 240L RECYCLING BINS FOR THE CITIES OF COCKBURN & FREMANTLE (6109) (BKG)**

##### **RECOMMENDATION**

That Council accept the submission for Tender 78/2000 - Supply and delivery of 240 litre recycling bins from United Crate Cooperative Ltd, for the supply of 240 litre bins at the rate of \$36.54 per bin (GST included) and deliver a bin to approximately 25,000 properties in Cockburn at the rate of \$2.20 per bin (GST included).



**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

**Background**

In December 1998, Council resolved to participate in the Southern Metropolitan Regional Council's recycling facility in Canning Vale.

The Regional Council has now awarded a contract for a Materials Sorting Facility to be constructed. It is due to be completed and operational by 28 May 2001.

To participate in the recycling programme, each property that currently has a 240 litre mobile bin for collection of domestic waste, will be supplied with a 240 litre recycling bin.

A tender was prepared for the supply and delivery of 25,000 bins for Cockburn and 13,000 for Fremantle.

**Submission**

N/A

**Report**

Five (5) tenders were received for the supply and delivery of 240 litre mobile recycling bins.

	Per Bin			Total Value		
	Supply	Delivery	Total	For 25,000 bins	GST	Nett Value
Brickwood Holdings	53.35	4.07	57.42	1,435,000	139,750	1,295,250
Nylex Huntingdale	44.11	4.34	48.45	1,211,250	119,750	1,091,500
Scharfer System	40.70	5.17	45.69	1,142,250	115,500	1,026,750
Sulo MGB (a)	44.00	4.95	48.95	1,223,750	111,250	1,112,500
MGB (b)	44.55	4.95	49.50	1,237,500	112,500	1,125,000
United Crate Cooperative	36.54	2.20	38.74	968,500	88,000	880,500

The assessment criteria outlined in the tender document were:

Price	60%
Technical Conformance	10%
Demonstrated Safety Management	5%
Quality Management	5%





Experience	10%
References	10%

On this basis, the scores for each company were:

United Crate Cooperative	4.35
Schaefer Systems	4.10
Sulo MGB (a)	3.65
Nylex Huntingdale	3.38
Brickwood Holdings	2.10

It is recommended that United Crate Cooperative be awarded the contract for the supply and delivery of 25,000 mobile rubbish bins.

Sinclair Knight Merz were appointed as consultants to prepare the documentation for this tender and assist in the evaluation and recommendation.

The tender was advertised in *The West Australian* on 7 October 2000 and closed on 24 October 2000.

The City of Fremantle requested that they be included in the tender to see if a greater volume would lead to a lower price.

The same price was quoted for Cockburn and Fremantle.

Each Council will have a separate contract for the supply and delivery of bins.

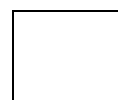
United Crate Cooperative is the contractor based in WA.

The manufacturer of the bins is F & T Industries located in Moorabbin in Victoria.

The bins are known as ICO plastic and are manufactured under licence from ICO International, a large Italian company. A representative from Sinclair Knight Merz Melbourne office, visited the factory and saw the bins being manufactured.

The bins have not been used by other local governments in WA, but they are being used by local governments in Victoria. Two Councils were contacted: City of Nullumbik and Shire of Campaspe. They both gave positive reports on the performance of the bins but the bins have not been in service for more than 3 years.

In their tender submission, they stated the bins have a 10 year guarantee for durability.



The bins are made from virgin material, there is no recycled material used.

**Strategic Plan/Policy Implications**

One of the objectives of the Corporate Strategic Plan is to reduce the amount of waste going to landfill.

By collecting paper, aluminium, glass, steel and plastic containers and then sorting and reusing them, about 25% of waste from households will be diverted from landfill.

**Budget/Financial Implications**

There was \$1,260,000 placed on the budget for the purchase and delivery of 240 litre recycling bins. The cost of purchasing and delivering the 25,000 bins will be \$880,500.

It is recommended that the balance of the funds remain in reserve to pay for future replacement of bins.

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

Nil

**DECLARATION OF FINANCIAL INTEREST**

**Chief Executive Officer** declared a Conflict of Interest in agenda item 16.3 - Gerald Street Traffic Management Treatment. The nature being that he and his wife, reside and own property within the area subject to the traffic management treatment.

AT THIS POINT THE TIME BEING 9:00PM, MR BROWN LEFT THE MEETING.

**841. (AG Item 16.3) (Ocm1\_11\_2000) - GERALD STREET TRAFFIC MANAGEMENT TREATMENT (450037) (WEST) (JR) (ATTACH)**

**RECOMMENDATION**

That Council approve the re-opening of the left turn movement from Phoenix Road into Gerald Street and the implementation of traffic management treatments in Gerald Street utilising funds set aside in the current Budget.



**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson, that Council acknowledge the Uloth Study and request the Director Works to provide a report, detailing priority of works to the next Council Meeting.

**CARRIED 3/0**

**Explanation**

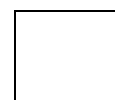
Cmr Jorgensen referred to the Community Needs Study which indicated that the community considered there to be higher priorities than traffic management measures. He believed it was an issue of priority, whether there were other areas which could use these funds for traffic management.

**Background**

Following local community representations and petitions presented to Council regarding traffic concerns related to the speed and through-volume of traffic in the area of Gerald Street, Freeth Road and Doolette Street, Uloth & Associates, who are traffic consultants, were engaged to undertake a traffic study of the area.

Following extensive field survey modelling, a public questionnaire, consultation and a workshop with residents, Uloth & Associates presented a report on their findings. This was considered at the Ordinary Meeting of Council held on 21 December 1999 and it was resolved that:

- (1) the Spearwood Local Area Traffic Management Study dated June 1999 and Addendum dated October 1999, prepared by Uloth & Associates Pty Ltd, be received;
- (2) the Recommended Traffic Management Plan contained in the Study, which allows for the re-opening of the left turn movement from Phoenix Road into Gerald Street, be adopted in principle as the preferred traffic management treatment option for the Spearwood Local Area;
- (3) the treatment and modification concepts identified in the Recommended Traffic Management Plan be utilised as a guideline for undertaking future traffic management treatments in the area, including the traffic signal recommendations for Rockingham Road and Lancaster Street, subject to design, funding and further consultation considerations;



- (4) the opening of the left turn movement from Phoenix Road into Gerald Street, together with the associated traffic management treatments to be identified for Gerald Street, be noted for possible inclusion in the 2000/2001 Budget;
- (5) other treatments identified in the Study be programmed to be undertaken as a matter of priority as future Budget funding dictates; and
- (6) affected residents be advised of Council's decision.

The adopted traffic treatment concept is shown schematically on the attachment to the Agenda.

### **Submission**

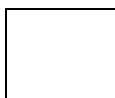
At the Council Budget Meeting held on 25 July 2000, consideration was given to allocating \$170,000 towards roadworks in Gerald Street to accommodate the adopted traffic treatment concept. It was decided that these funds be left in the Budget, but only as a contingency measure and the matter being subject to further scrutiny with further information to be presented to Council.

### **Report**

No extreme traffic flows or extreme potential traffic hazards were identified in the Study with the current street system. Consequently, the aim of the recommended traffic treatment concept that was adopted by Council, was to more equitably distribute the through and local traffic whilst encouraging a lower prevailing traffic speed.

The adopted traffic treatment concept, which advocates the re-opening of the left turn movement from Phoenix Road into Gerald Street, involves the following broad treatments to the local residential streets as well as some major road treatments:-

- Treatments (roundabouts, speed plateau) in Gerald Street to reduce the prevailing traffic speed and direct traffic. Indicative cost of \$170,000 includes re-opening the left turn from Phoenix Road.
- A treatment in the Graham Street bend to improve traffic safety. Indicative cost \$15,000.
- Treatments (speed plateau, traffic island) in Freeth Road to reduce the prevailing traffic speed and direct traffic. Indicative cost of \$20,000.



- Treatments (speed plateau, painted median islands) in Doolette Street to reduce the prevailing traffic speed and direct traffic. Indicative cost of \$70,000.

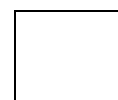
These treatments are expected to reduce traffic in all the local streets except in Gerald Street between MacMorris Way and Phoenix Road. Traffic flow in this section would increase by some 250 - 430 vehicles per day to a total of 1080 - 1480 vpd. This traffic volume increase should be acceptable as there were about 2000 vpd using this section of Gerald Street in 1986, just prior to the prevention of the left turn from Phoenix Road.

The following table indicates the anticipated effect of the adopted traffic treatment concept in more equitably distributing traffic flows on the local streets:-

Road Section	Existing Weekday Traffic, vpd	Anticipated Extra Weekday Traffic, vpd
<b>Gerald Street</b>		
- north of Glendower Way	<b>1,050</b>	<b>+ 430</b>
- north of Freeth Road	<b>830</b>	<b>+ 250</b>
- south of MacMorris Way	<b>2,350</b>	<b>- 10</b>
Leo Place		
- north of Dubove Road	620	- 160
<b>Doolette Street</b>		
- south of Phoenix Road	<b>3,030</b>	<b>- 800</b>
- south of Freeth Road	<b>1,650</b>	<b>- 350</b>
Glendower Way		
- west of Gerald Street	620	- 120
MacMorris Way		
- west Gerald Street	1,460	- 40
Dubove Road		
- west of Leo Place	550	- 160
<b>Freeth Road</b>		
- east of Gerald Street	<b>1,730</b>	<b>- 600</b>
- west of Doolette Street	<b>1,360</b>	<b>- 420</b>

Although the total existing traffic volumes are not significant in terms of the intended function of the roads, the treatments would more equitably balance the traffic volumes in Gerald Street, Doolette Street and Freeth Road. Unfortunately, the trade-off for re-opening the left turn from Phoenix Road into Gerald Street, is the anticipated high cost of encouraging a lower prevailing traffic speed in Gerald Street.

Consequently, in view of the foregoing, it is considered that the traffic treatments for Gerald Street be undertaken, subject to design, funding, priorities and further consultation considerations.



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

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

### **Budget/Financial Implications**

Funds have been set aside in the current Budget to undertake traffic management treatments in Gerald Street, in conjunction with the re-opening of the left turn from Phoenix Road.

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

Nil

AT THIS POINT THE TIME BEING 9:02PM, MR BROWN RETURNED TO THE MEETING.

### **842. (AG Item 16.4) (Ocm1\_11\_2000) - TENDER NO. 79/2000 - KERBSIDE COLLECTION AND TRANSPORT OF RECYCLABLES FOR THE CITIES OF COCKBURN AND FREMANTLE (6109) (BKG)**

#### **RECOMMENDATION**

That Council accept the submission from Cleanaway for Tender No. 79/2000 for the kerbside collection and transport of recyclables for the City of Cockburn for:

- (1) the period 28/5/2001 to 27/5/2002 at a price of \$358,600 (GST included);
- (2) the period 28/5/2002 to 27/5/2005 at the price of \$358,600 plus the additional number of services in the preceding year, at the rate of \$0.561 (GST included) per service with the annual CPI (index for All groups (Perth)) adjustment with the adjustment being made on 28 May each year; and
- (3) the period 28/05/01 to 27/05/02 at a price of \$13,763 if Fremantle Council participates and \$21,252 if Fremantle Council does not participate, for the provision of a customer call centre as an optional extra to the contract.



**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

In December 1998 Council, resolved to participate in the Southern Metropolitan Regional Council's recycling facility in Canning Vale.

The Regional Council has now awarded a contract for a Materials Recovery Facility to be constructed. It is due to be completed and operational by 28/5/2001.

To participate in the recycling programme, a second bin has to be supplied and delivered to each property. This is being accomplished under Tender No. 78/2000.

Tenders were called to empty the contents of each recycling bin and transport the recyclables to the MRF at Canning Vale. The tender is for a 4-year period commencing 28/5/2001.

**Submission**

N/A

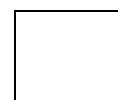
**Report**

Six (6) tenders were received for the Collection and Transport of Recyclables.

	28/5/01 to 28/5/02	Without GST 28/5/01 to 28/5/02	(incl GST) Service Fee	Call Centre
Cleanaway	\$358,600	\$326,000	\$0.561	\$21,252
City of Cockburn	\$524,081	\$476,437	\$0.83	\$70,155
Koast Corporation	\$587,811	\$534,373	\$0.93	\$20,000
PWM Australia Pty Ltd	673,200	612,000	\$1.07	\$40,000

Collex Pty Ltd submitted a tender for both councils of \$827,180 (GST included)

Trum Pty Ltd also submitted a tender but it was for the City of Fremantle only.



The assessment criteria outlined in the tender documents were:

Price	60%
Technical performance	10%
Demonstrated safety management	5%
Quality management	5%
Experience	10%
References	10%

On this basis the scores for each company were:

Cleanaway	6.00
City of Cockburn	4.50
Koast Corporation	4.00
Collex Pty Ltd (for combined tender)	4.00
PWM Australia	2.70

It is recommended that Cleanaway be awarded the contract for the kerbside collection and transport of recyclables from 25,000 properties in Cockburn.

Cleanaway are part of the Brambles group. They have contracts with Kalamunda and Bayswater, Armadale, Gosnells and Canning.

All of these Councils are satisfied with Cleanaway's performance.

It is recommended their offer of a call centre also be accepted for one year.

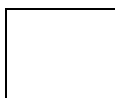
This will allow the complete responsibility for delivering the services to be with Cleanaway. There will be minimal involvement by Council staff. The call centre is accessed by the advertising of a hotline number. It is answered by customer service officers who are solely employed to deal with recycling enquiries.

Sinclair Knight Merz were appointed as consultants to prepare the documentation for this tender and assist in the evaluation and recommendation.

The tender was advertised in *The West Australian* newspaper on 7 October 2000 and closed on 3 November 2000.

The City of Fremantle requested they be included in the tender to see if a more economical price could be obtained by combining the tenders. Each Council will have a separate contract for the collection and transport of the recyclables.

The City of Cockburn in-house waste services unit also put in a tender submission.





### Strategic Plan/Policy Implications

One of the objectives of the Corporate Strategic Plan is to reduce the amount of waste going to landfill.

By collecting paper, aluminium, glass, steel and plastic containers and then sorting and reusing them, about 25% of waste from households will be diverted from landfill.

### Budget/Financial Implications

In the Principal Activities Plan the estimated cost of collection was \$599,000 per annum. This was to be covered by an increase in rubbish rate in the 2001/02 financial year. With this competitive price from Cleanaway, the rubbish rate increase should be less than predicted.

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

Nil

843. (AG Item 16.5) (Ocm1\_11\_2000) - TENDER NO. 86/2000 - LINED LANDFILL CELL CONSTRUCTION, HENDERSON LANDFILL (4900) (BKG)

#### RECOMMENDATION

That:

- (1) Council accept the submission from A.T.A. Constructions for Tender No. 86/2000 Lined Landfill Cell Construction, Henderson Landfill for the sum of \$2,097,000 (GST included) including an estimated cost of \$417,900 for the earthworks to be carried out under a schedule of rates payment system subject to receipt of Works Approval from Department of Environmental Protection; and
- (2) funds be drawn from the Rubbish Development Reserve to meet the costs associated with the contract and the Budget be amended accordingly.

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



**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**

**Background**

The City of Cockburn owns and operates a landfill site in Rockingham Road, Henderson. The landfill commenced operation in 1990.

Stage One, comprising 3 cells, is nearing completion. Approximately 1.0 million tonnes of waste have been deposited.

A further cell is required to be constructed.

Preliminary work on obtaining approval from DEP, commenced in November 1999 and it is expected that formal works approval will be received by 21 November 2000.

Tenders were advertised on 14 October 2000 for the construction of one or two cells.

The tenders closed on 7 November 2000.

**Submission**

N/A

**Report**

Four (4) tenders were received for the construction of 2 lined landfill cells.

	<b>Cell 1</b>	<b>Cells 1 &amp; 2</b>
Brierty Contractors	\$2,671,464	\$5,153,348
Scott Construction & Development	\$1,680,118	\$3,367,221
A.T.A. Construction	\$2,097,000	\$4,034,110
Merit Lining Systems	\$2,395,288	\$4,504,325

Merit Lining Systems did not allow for the B.C.I.F. levy and their price would be \$4,800 higher.



The assessment criteria outlined in the tender documents were:

Price	50%
Technical performance	10%
Demonstrated safety management	5%
Quality management	5%
Experience	20%
References	10%

On this basis, the scores of each company were:

A.T.A. Construction	77
Merit Lining Company	70
Brierty Constructions	69

Scott Construction & Development did not submit a price for the earthworks component and their tender was not considered.

It is recommended that A.T.A. Constructions be awarded the contract for the construction of the lined landfill cell at Henderson.

Halpern Glick Maunsell were appointed as consultants to carry out the design, obtain the approvals, prepare the documentation for the tender and assist in the evaluation and recommendation.

The project comprises carrying out earthworks, installing a synthetic impervious liner, covering the liner with subsoil drainage pipes and aggregate, providing outlet pipes for the leachate and a pumping station to remove the leachate from the cells.

The earthworks component of the contract is to be carried out on a schedule of rates basis.

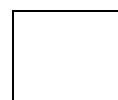
The area on which the cells are to be constructed has been backfilled with topsoil.

Soil tests need to be undertaken as the work proceeds, to ensure the soil is compacted to the required densities.

As the amount of compaction is difficult to ascertain before work commences, it is proposed to pay the contractor on an agreed measurement basis for the work they carry out.

This is a common method of payment in an earthworks contract.

The contract sum however for this component, is an estimate. If more work is required resulting in greater expenditure, a report will be provided.



A.T.A. Constructions is a medium size civil engineering contracting company. They have been operating for the past 30 years and have carried out a large range of projects.

The nominated subcontractor for the supply and laying of the heavy duty polyethelene liner is Jaylon Industries.

Their product is well known and has been used extensively in Australia.

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

It is recommended that only one cell be constructed at this stage.

Cell one will have an estimated capacity of 300,000 tonnes which will be adequate for two years.

There were no significant cost savings in constructing the second cell at this stage. It will need to be constructed in approximately two years time.

One of the objectives of the Corporate Strategic Plan, is "to maximise alternative revenue sources."

The Henderson landfill site is a major commercial business. The revenue generated from the site is important in providing additional income to the City of Cockburn.

### **Budget/Financial Implications**

There are funds provided in the Rubbish Development Reserve Account to fund development at the Henderson landfill site. There will be further funds required for the fencing contract, estimated to be \$50,000.

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

There is a private enterprise company that owns and operates a landfill site in Byford.

844. (AG Item 16.6) (Ocm1\_11\_2000) - TENDER NO. 2/2000 (RECALLED) - PUBLIC ABLUTION FACILITY AT NORTH COOGEE (2200418) (2213420) (JR) (WEST) (ATTACH)

#### **RECOMMENDATION**

That Council:

(I) accept the tender from Dalcon Construction Pty Ltd for Tender



No. 2/2000 (Recalled) - Public Ablution Facility at North Coogee in the sum of \$110,196 plus GST, which includes a septic tank and leach drain system; and

- (2) approve the re-allocation of \$35,000 from the Budget item *Replace Manning Park Toilets* (account no. 580755) to the item *Robb Jetty Beach Park Toilet Block* (account no. 580820) and the Budget be amended accordingly.

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

#### **COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

#### **Background**

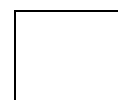
There is a total allocation of \$93,816 on the current Budget for the establishment of toilet/ablution facilities at Catherine Point Reserve, North Coogee. This allocation includes all consultant and other fees. Plans had previously been prepared and tenders called in February 2000, for the construction of a 26m<sup>2</sup> aluminium and steel toilet/changeroom area, including 16m<sup>2</sup> of verandah, plus a timber shower deck, waste disposal system, landscape and other associated works.

However, only one tender was received at that time for \$143,000 and it was decided to re-call tenders later in the year, with the expectation of a greater degree of post-GST interest from builders and more competitive pricing. Council's consultant was to also re-appraise the design and estimate for re-tendering in a less pressurised construction climate.

Accordingly, the design was re-assessed with less expensive construction elements, including options of deleting certain features and tenders were re-called.

#### **Submission**

At close of the tender period, five (5) submissions were received, details of which are included in the Agenda attachment.



## Report

The tenders have been assessed by Council's consultant (Bernard Seeber Architects) under the following criteria, which were clearly outlined in the tender documents:

### • Compliance Criteria

1. Compliance with Tender Conditions.
2. Submission of Occupational Health and Safety policies, procedures and training program documents and evidence of attendance by supervisory staff at relevant Occupational Health and Safety training.
3. Evidence of financial capacity to perform the contract.
4. Evidence of certificates of currency for public liability and workers' compensation insurances and proof of compliance with employee superannuation requirements.

Extent of failure of a tender to address any criteria would leave that tender open to elimination from consideration.

### • Qualitative Criteria

a	Price	40%
b	Evidence of company stability and experience	15%
c	Demonstrated past and current experience of work of a similar nature	15%
d	Demonstrated ability to manage projects requiring: <ul style="list-style-type: none"> <li>• a high level of on site management</li> <li>• a high level of finish</li> <li>• an interface with the public using existing associated facilities</li> </ul>	25%
	<ul style="list-style-type: none"> <li>• sound practices regarding environmental protection</li> <li>• provision of a safe working environment through an approved safety management plan</li> <li>• delivery within time required</li> </ul>	
e	Achievement of, or progress toward Quality Assurance certification	5%
		<b>100%</b>

Tenderers were required to provide adequate information in their tender submission to allow for scoring against each criteria. Lack of information would reflect in the allotted scoring.



The lowest tenderer (Shelford Constructions) did not provide any of the details requested in the Compliance Criteria and Qualitative Criteria, although they have been satisfactorily involved in Council building projects in the past. Consequently, their assessment has accordingly been marked down extensively.

Notwithstanding the shortfalls in Shelford's submission, it was included in the qualitative assessment in being the lowest tender. The two highest tenderers also failed significantly to meet the Compliance Criteria and were eliminated from further consideration.

The consultant's assessment of the Qualitative Criteria scored the following for the three lowest tenderers:

Dalcon Construction Pty Ltd.	80%
Brodun Construction	75%
Shelford Constructions Pty Ltd	40%

Consequently, with consideration given to the Qualitative Criteria and the information supplied, the submission from Dalcon Construction is the most advantageous to Council.

The installation of a septic tank treatment rather than a bio-cycle treatment is recommended by the consultant as it is:

- suited to the low use facility proposed
- a passive system requiring little maintenance and ongoing cost
- less costly to supply and install

Utilising the recommended tenderer's price, the total cost of the project is estimated as follows:

• building cost	\$110,196
• professional fees	\$14,500
• administration cost	\$1,450
• ancillary work	\$2,670
	<u>\$128,816</u>

The allocated Budget shows a shortfall of \$35,000. Possible savings of \$5,298 in deleting the aluminium screens for the outside showers and stainless steel handrailing, together with \$13,500 in deleting fabric sail sunshade, but this is not recommended as it would detract from the concept and functionality of the facility.

The Department of Commerce and Trade, who were instrumental in developing the public facilities at Catherine Point Reserve, have verbally



indicated that they will contribute significantly to the public ablution facility. However, a formal response has not been received as yet.

So that the project is not delayed, it is proposed to re-allocate the additional funds required from the Budget project *Replace Manning Park Toilets*, for which \$70,000 has been allocated. A detailed assessment of the existing toilet at Manning Park indicates that it can be substantially modified, extended and re-roofed for \$35,000 to provide the intended facilities and toilets for the disabled. Should funding be formally received from the Department of Commerce and Trade, then overall surplus funds will become available.

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

A Council Corporate Objective is "To construct and maintain community buildings which are owned or managed by the Council."

### **Budget/Financial Implications**

The project can be funded should the recommended Budget re-allocation be approved.

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

Nil

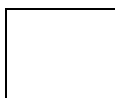
## **845. (AG Item 17.1) (Ocm1\_11\_2000) - COCKBURN BASKETBALL ASSOCIATION (8000) (RA)**

### **RECOMMENDATION**

That Council:

- (1) extend the Cockburn Basketball Association loan repayments for a period of six months provided that the Association pays the outstanding amount of \$16,736 owed to Council prior to the 1<sup>st</sup> of June 2001 under arrangements agreed to by the Director of Finance and Corporate Services; and
- (2) advise the Cockburn Basketball Association that if an agreement with the In Line Skate Association cannot be reached to the satisfaction of Council for the joint use and cost sharing of the Wally Hagan Facilities the current lease terms and conditions will continue to apply as of the 1<sup>st</sup> of June 2001.

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





**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

**Background**

Council resolved in August 1998, to provide \$45,000 toward the cost of replacement of a portion of the roof of the Wally Hagan Stadium provided that the Cockburn Basketball Association entered a new lease agreement with the City. Under the terms of the then lease, the replacement of the roof was a matter for Council to fund. The new lease requires the Cockburn Basketball Association to repay a self-supporting loan deferred from 1990. The deferred loan was for \$172,065 over 10 years at the rate of \$11,368 each 6 months.

**Submission**

The Cockburn Basketball Association has written to Council and met with officers seeking Council consideration of two options concerning the repayment of the loan.

*Option 1*

“Monies owing to Council to be rolled back into a new lease agreement and payments to be reduced by 50% per month to be paid to Council by direct debit on a weekly basis.”

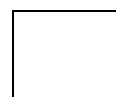
*Option 2*

“Monies owed to Council to be rolled back into a new lease agreement and the first payment not to be paid to Council until the 1<sup>st</sup> July 2001. The new lease terms be at a reduced payment of 50% per month and to be paid to Council by direct debit on a weekly basis.”

In support of their request, the association have furnished a copy of their Audited Statement of Financial Position as at the 30<sup>th</sup> June 2000, which shows a difficult financial position in which they have a negative cash situation of \$17,802.

**Report**

There has been a steady decline in the popularity of basketball across Perth which, combined with the competition provided by the Lakeside Basketball Stadium, South Lake Leisure Centre, Leeming Recreation Centre and Willetton Centre, has resulted in a significant decline in the



income generated. It is understood that a number of the centres that rely substantially on the income generated from basketball, are also suffering from substantially reduced income.

Administration has indicated to the association, its concern about its ongoing viability and in particular, the difficulty it is having in meeting its loan repayments and general operating expenses. The Cockburn Association has advised that agreement has been reached with other local centres to allocate a number of local schools to each centre to create a recruitment area. The Association has placed a lot of faith in this providing new playing members and appeal of the sport. Given that all local centres are suffering from loss of income, it is difficult to imagine that even promotion to the allocated schools will make a substantial difference to the income generated by the centre.

The In Line Skating Association has been using the Joe Cooper Recreation Centre for a number of years and paying a regular rent of \$25,000 pa. In line skating is a very rapidly growing sport and this Association has put to Council that it needs to upgrade the Joe Cooper Recreation Centre or find a more suitable venue to meet the growing demand in the sport. The Joe Cooper Recreation Centre is very dated and will require approximately \$100,000 to bring it up to a modest standard. The association has had discussions with administration on the upgrading of the Joe Cooper Recreation Centre and canvassed the possibility of Council contributing in the vicinity of \$150,000 toward a total project cost of \$450,000 for the establishment of a new stadium within the centre.

It is administration's view that there seems little point in Council putting substantial funds in to a poorly located Joe Cooper Recreation Centre when nearby, there is already a substantial quality facility which is under utilised. A joint meeting between the Basketball Association and In Line Skating Association has been held and agreement reached on exploring the means by which the two organisations can share the facilities. Whilst there is a long way to go on the sharing of the facilities, it does provide the clear opportunity for an increase in usage of the Wally Hagan Facility and to improve the viability of both the Basketball and In Line Skating Associations.

Council has recently reviewed the lease agreement (1998) for the Cockburn Basketball Association and once again, it has been unable to meet its obligations to Council. It must be acknowledged that the association has historically been relatively self-sufficient and provides an important community service. Never-the-less, Council does have an obligation to ensure that its facilities usage is maximised and that financial commitments to it from external organisations are met. It is proposed that Council require that the Cockburn Basketball Association meet all current commitments and the loan repayment fee only of \$11,368 be deferred until 1<sup>st</sup> June 2000, on the understanding that best



endeavours be made for a joint usage arrangement between the Cockburn Basketball Association and the In line Skating Association for the Wally Hagan Stadium. If such an arrangement cannot be reached, then the Cockburn Basketball Association will be required to continue with the current lease agreement.

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

Managing Your City

*“To deliver resources and manage resources in a way that is cost competitive without compromising quality.”*

Facilitating The Needs Of Your Community

*“To facilitate and provide an optimum range of community services.”*

### **Budget/Financial Implications**

The Cockburn Basketball Association currently has an outstanding debt to Council for loan repayments of \$16,736. The 6 monthly loan repayment is \$11,368 which is payable each June and December. The Council budget will have a short fall for 2000/01 of \$11,368 should the loan repayment be deferred until 1<sup>st</sup> June 2001. The budget will be adjusted at the February 2001 review.

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

Nil

- 846. (AG Item 17.2) (Ocm1\_11\_2000) - TENDER NO. 84/2000 - CUSTOMER SATISFACTION SURVEY CONSULTANCY (9621) (DMG)**

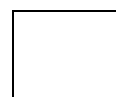
#### **RECOMMENDATION**

That Council accept the Tender of \$40,920 submitted by Research Solutions Pty Ltd for Tender No. 84/2000 to undertake the Customer Satisfaction Survey.

#### **COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.

**CARRIED 3/0**



## Background

Fundamental to Council's commitment to continuous improvement is the ongoing assessment of the level of customer satisfaction with Council services and activities.

The Customer Satisfaction Survey questionnaire will be developed in the initial four months of the consultancy, with an initial survey to establish benchmark data completed within six months of the start of the consultancy. There will be follow up surveys using the same questionnaire annually for the following two years.

## Submission

Submissions were received from six (6) service providers in response to Council's call for Tenders to undertake this project.

## Report

The six tenders received have been assessed under the following criteria, which were outlined in the invitation to tender:

- |   |             |
|---|-------------|
| • A description of the qualifications and experience of the study leader and key personnel.           | 15%         |
| • An outline of the study approach and proposed methodology and statistical techniques to be used.    | 25%         |
| • A firm fixed price quotation and schedule of payments inclusive of all outgoings and contingencies. | 30%         |
| • A proposed schedule for the project.  | 10%         |
| • Experience of the firm in carrying out a project of this nature.                                    | 10%         |
| • References.   | <u>10%</u>  |
| Total   | <u>100%</u> |

Tenderers were required to provide adequate information in their tender submissions to allow for scoring each criteria.

The assessments made under these criteria, as determined independently by the Director and Manager of Community Services, are as follows:



	<u>Assessment</u>	<u>Tender Price</u>	
1.	Research Solutions Pty Ltd	78%	\$40,920
2.	Right Marketing	77%	\$49,214
3.	Telgrove Holdings	70%	\$13,878
4.	Colman Brunton Research	69%	\$46,950
5.	Market Equity	67%	\$87,244
6.	Data Analysis Australia	62%	\$91,036

Each tender price indicated is for a three (3) year contract and is inclusive of GST.

Although Research Solutions have not tendered the lowest price, it is considered their tender will do most to advantage Council in the future, when considering its implementation strategy and study approach.

Key personnel involved in the company are familiar with Council's requirements, as they were part of the team which undertook the inaugural 1997 Community Needs Survey (Marketing Centre) and are currently finalising the 2000 survey results. It is considered those consultancies were successfully and professionally undertaken and the quality of this submission, amply demonstrates their capabilities.

Therefore, it is recommended that this tender be supported, despite the pricing inequity, on the grounds of recent relevant projects performed for local government which have been positively received and utilised by those councils for the planning and development of their organisation.

The consultant will be required to carry out the following tasks:

- 1) Develop and refine the study methodology in consultation with the City.
- 2) Design the questionnaire surveys in consultation with Council management representatives and other relevant staff.
- 3) Integrate the survey approach with the interpretation and consultation methodology.
- 4) Conduct and manage the initial benchmark survey.
- 5) Collate and analyse the results.



- 6) Provide a study report outlining methodology adopted results and interpretation as a reference document – 20 copies.
- 7) Repeat the survey and report results and provide an interpretation of the results annually for an additional 2 years (total of 3 years).

**Strategic Plan/Policy Implications**

Key Result Area “Meeting the Needs of Your Community” refers.

**Budget/Financial Implications**

Funds provided for in 2000/2001, Budget for Community Consultation.

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

Nil

**847. (AG Item 17.3) (Ocm1\_11\_2000) - EXCISE PORTION OF THE SUSSEX ROAD RESERVE TO ESTABLISH THE CITY OF COCKBURN RSL MEMORIAL PARK (8406) (LCD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) establishes The City of Cockburn RSL Memorial Park within the Sussex Street road reserve as depicted in the diagram attached to the Agenda and which forms part of this report;
- (2) approaches the Department of Land Administration to ascertain the views of the Department in relation to the proposal; and
- (3) that consideration be given during the February 2001 budget review to allocate the sum of \$4,000 to cover administration and survey costs regarding the proposal.

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**



**Background**

The Cockburn Branch of the Returned and Services League of Australia wrote to Council in June 2000, requesting that the Memorial located on land at the end of Sussex Street be established as "The City of Cockburn RSL Memorial Park." The request was investigated and it was determined that the land in question, formed part of the Sussex Street road reserve. The request also asked that Council provides a flag and garden seats. The Returned and Services League of Australia (Cockburn Branch) were informed of the position and were advised that an approach should be made to Council, to allocate funds to undertake the survey to, in the first instance, establish the park.

**Submission**

N/A

**Report**

A formal request was received from the Returned and Services League of Australia (Cockburn Branch) on the 10 October 2000, to have sufficient funds allocated during the February 2001 budget review to cover the administration and survey costs of the proposal.

The land in question is vacant and is hatched on the diagram attached to the Agenda and, it needs to be delineated by survey to show the boundaries of the Park. Once this has been done, a request can be made to the Department of Land Administration to create a reserve having the purpose of "memorial park."

It is submitted that the proposal is achievable and it is recommended to Council.

**Strategic Plan/Policy Implications**

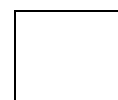
Key Result Area "Facilitating the Needs of Your Community" refers.

**Budget/Financial Implications**

A determination is required during the February 2001 budget review to allocate the sum of \$4,000 to undertake the proposal.

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

Nil



**848. (AG Item 17.4) (Ocm1\_11\_2000) - ESTIMATE OF ENVIRONMENTAL AND FINANCIAL COSTS FOR LOT 14 PROGRESS DRIVE, BIBRA LAKE (1100231) (LCD)**

**RECOMMENDATION**

That Council acknowledges its position in respects to the Business Plan for Lot 14 Progress Drive, Bibra Lake.

**COUNCIL DECISION**

MOVED Cmr Smithson SECONDED Cmr Jorgensen that Council defer the matter pending the advice from the DEP as to whether the environmental commitments imposed on the Council as the proponent, can be transferred to the Western Australian Croatian Association as lessee.

**CARRIED 3/0**

**Explanation**

Council is concerned with regard to the requirement for Council to have to be the proponent for the environmental management in the future and that potential cost and the total cost commitment to the Council of this project.

**Background**

At the Council meeting held on the 19 September 2000, it was decided that a detailed estimate of environmental and financial costs for the Lot 14 Progress Drive project be provided so that it is clear what the community is expected to bear. A group of concerned North Lake residents had previously met with Commissioners, seeking clarification of Council's position with regard to the costs which may be attributable to Council, as the owner of the land.

**Submission**

N/A

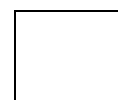
**Report**

Council on the 3 June 1998, adopted a Business Plan pursuant to section 3.59 of the Local Government Act 1995, in relation to the subdivision of Lot 14 Progress Drive, Bibra Lake. The Business Plan is reproduced below and depicts the sums allocated for the various activities to secure the finalisation of the subdivision and the issuing of the Certificate of Titles.



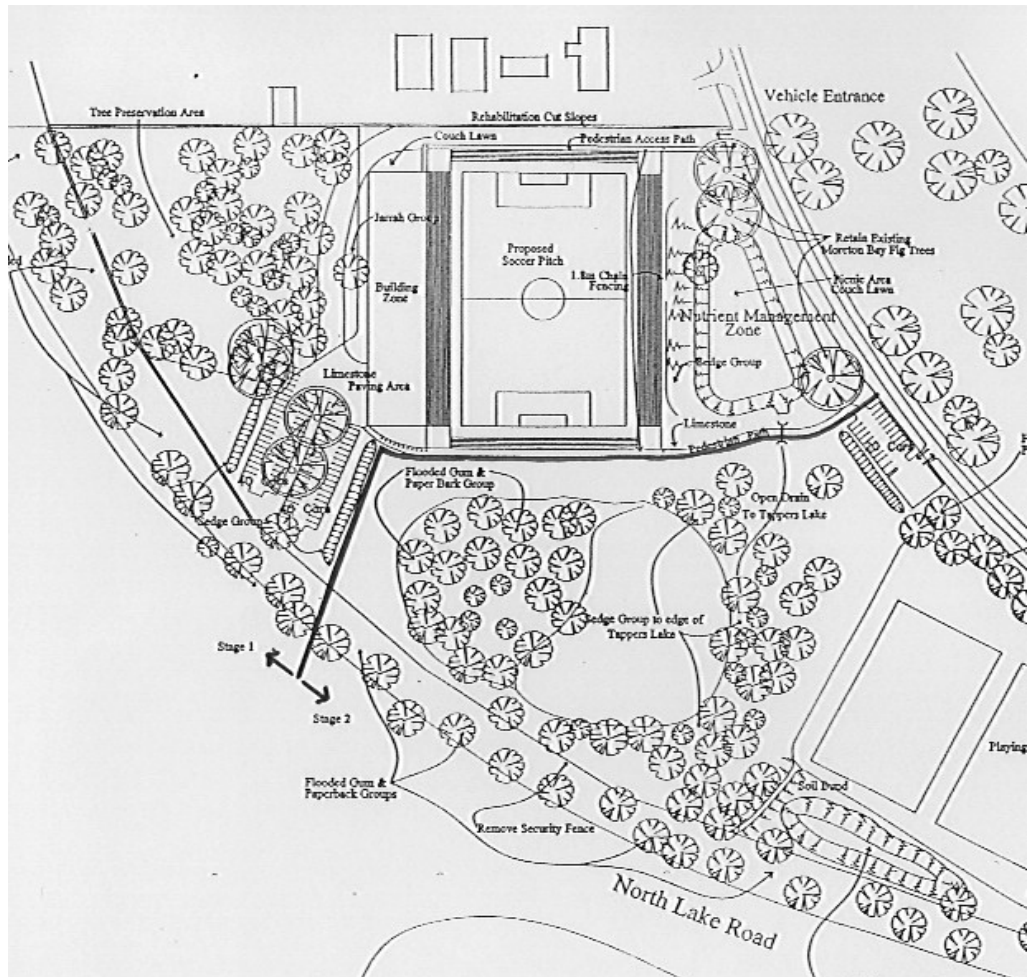


	WACA COSTS	COUNCIL PRESENT COSTS	BUDGET 1998/99	FUTURE COSTS
	\$	\$	\$	\$
Land Acquisition	220,000			
Stamp Duty	7,000			
Electricity	12,000		6,000	
Sewerage	34,000		66,000	
Water	65,000			
Landscaping	44,000			
Consultants' Fees		30,000	8,000	
CER	4,307	4,308		
Heritage Survey	5,159	5,159		
Survey Costs	1,800	1,800		
NIMP	1,308	1,307		
Concept Additional Work	1,050	1,050		
Engineering Plan	1,800			
Landscape & Site Access Plan	1,500			
Contingency	1,700			
Lot 3 Earthworks				50,000*
Site Cleaning			20,000	
Revegetation	87,100		38,700	
Conveyancing Fees		400		
Legal Costs	1,000	556		
Valuation Fees		804		
Project Management		19,000	10,000	
Bores	32,000			32,000
Reticulation	32,500			73,000
Construct Playing Fields				203,200
Car Park				20,000
Changerooms				250,000
Construct Drainage Swail				5,000
Pine Bollards			5,000	
Goal Posts				4,000
Headworks Charges	4,000		8,000	
Drainage Headworks Charges	750		750	
Lease Costs	3,000			
Contingency			10,000	30,000
<b>TOTAL</b>	<b>560,974</b>	<b>64,384</b>	<b>172,450</b>	<b>667,200</b>



\* By decision of Council 17 September 1998, this amount was transferred from the 1998/99 budget column to the Future Costs column.

The diagram below depicts stage 1 of the project, which relates to Business Plan.



In addressing the question so posed by Council, it is submitted that the business plan provides a detailed estimate of the environmental and financial costs for Lot 14 Progress Drive, which Council is responsible for in relation to the project.

Council is not responsible for any environment issues concerning Lot 21, which will be sold to the WA Croatian Association (Inc.). The stormwater run off from the beforementioned lot, will be collected in swales and the overflow will follow the natural contours of the land down the battleaxe access leg and into the nutrient management basin on Pt Lot 14, which is owned by Council. Council will be responsible to maintain this parcel of land just as it is responsible for the management of its other land holdings. The transfer of the stormwater from Lot 21 to Pt Lot 14, will



involve an easement-in-gross, which will permit the stormwater to flow from Lot 21 into Pt Lot 14 and such satisfies a condition of subdivision.

The run off from Lot 22 (the soccer pitch), will be treated in the same way. The nutrient management basin will collect the stormwater run off and the excess stormwater will follow the natural ground contours and flow into Tapper's Lake. This process was approved under the Consultative Environmental Review. The leasing of Lot 22 to the WA Croatian Association will involve certain conditions being written into the lease such as, the Association will be responsible to manage the soccer pitch in accordance with the nutrient irrigation management plan (NIMP). Also, there will be conditions specifically stating how, in regards to the compliance audit, Council's liability is limited to \$3,000.

The lease, when drafted, will provide various conditions and those conditions will be embodied in what is termed as the Essential Terms of the Lease. If the Club breaches any of the Essential Terms, a notice will be served upon the Club to rectify the breach. Failure to rectify the breach, whatever it may be, will provide Council with the capacity to serve a notice on the Club under the terms and conditions to show reason why the lease should not be terminated. If no satisfactory reason is provided to Council, the lease may be terminated.

In any case, a letter from the North Lake Residents Assoc. detailing concerns was received by Council and responded to, as a means of demonstrating Council's initial commitment was, and remains, restricted to that as contained in the Business Plan. Commissioners have been provided with a copy of this correspondence.

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

Key Result Area "Facilitating the Needs of Your Community" refers.

### **Budget/Financial Implications**

N/A

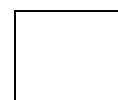
### **Implications of Section 3.18(3) Local Government Act, 1995**

Nil

849. (AG Item 17.5) (Ocm1\_11\_2000) - BEELIAR HEIGHTS/PANORAMA GARDENS PRIVATE SECURITY PATROL TRIAL SURVEY REPORT (9519) (JJ)

### **RECOMMENDATION**

That Council advise the Property Resource Group (PRG) that it is not



prepared to instigate a Security Patrol Program for the Beeliar (Panorama Gardens) area, nor establish a rates levy for this purpose at this stage, pending further consideration of the Community Needs Survey results.

**COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council advise the Property Resource Group (PRG) that it supports the concept of a twelve(12) month trial Security Patrol Program, subject to Council receiving a report on financial options at the next meeting which may include options on a security patrol levy.

**CARRIED 3/0**

**Explanation**

The Community Needs Survey made it very clear that security is an issue of high priority for Cockburn. There is already some momentum and goodwill in that area, the residents are prepared to pay for the program and it has had results.

**Background**

Council's decision of December 1999 indicated to the Property Resource Group, that if there were a majority of residents willing to support financially, Security Patrols in Beeliar (Panorama Gardens), Council would be prepared to further investigate the request.

In late 1999, a survey of residents by the Property Resource Group in the area about crime and safety, gave rise to the issue of private security patrols being employed and the cost of such activities being administered by Council and levied against all the residents in the area via the rates.

The results of that survey concluded that a minority (12.5%) of residents was willing to contribute financially to the scheme.

Council's decision was that it was not prepared to instigate a Security Patrol Program for the area, nor establish a levy for the purpose, due to insufficient support by the residents however, Council was prepared to have the matter further investigated if a majority of residents were prepared to financially participate.



**Submission**

N/A

**Report**

As a result of Council's decision, the Property Resource Group (PRG) and with the support of a community group (BRAG), embarked upon a three month trial of limited security patrols using Panther Security. The patrols operated for 30 hours per week during the trial and targeted crime 'hot spots' and patrol generally. It was decided that Police/NHW crime statistics and Ranger statistics from the corresponding period the previous year, would be used to benchmark the trial, with an allowance made for the increase in residents in the area.

Monthly meetings were held with all the stakeholders to monitor the effectiveness or otherwise of the trial.

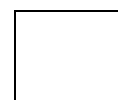
In response to the Council decision of December 1999, it was decided that on completion of the trial, a survey of all the residents in the target area would be undertaken and Council staff agreed to conduct the survey so as to ensure no bias was introduced. The questions on the survey were arrived at by consent of all stakeholders with questions designed to deal not only with actual crime and safety issues, but also the perceptions of crime and safety of the residents.

It was agreed by the stakeholders that the distribution of the survey would be done in conjunction with Australia Post, each letter containing an explanation of the survey questionnaire, the questionnaire and a pre paid return envelope, each being delivered to every house in the target area (a map was supplied to Australia Post indicating the area to which they were to be delivered). Australia Post indicated that at their last count, there were some 388 residences (this was confirmed by PRG) in the target area and as such, 400 were supplied in case of any increase. Australia Post indicated that approximately 12 were undelivered and in accordance with their protocol, destroyed.

A further 12 were provided to a member of the BRAG community group to distribute to some members who claimed not to have received one via Australia Post. An extension was granted to allow those who received them late, time to complete and return them.

The final count of responses numbered 144 or 36% of residents; this is a very high response. The WA Police statistics when conducting crime surveys, shows an average response being somewhere between 5-10%.

Whilst the response to the survey was three times better than the last one, it still falls well short of a majority as requested by Council



however, of those 36% who responded, it is clearly evident that the vast majority (Question 1 - 82.5%) believe in the benefit of security patrols making them 'feel' safer, also that they were responsible for the reduction of crime in the area over the period of the trial.

The pre-trial crime figures when compared post trial, indicates a reduction of 50% (43 incidents down to 22 in 3 months), which does indicate that the patrols were having a downward effect upon the general crime statistics. It would however be unfair to say that security patrols were entirely the sole cause of the reduced crime. Other factors have to be taken into account including an increase in Police activity in the general area and relocation of a small number of active offenders.

It is clear that the community group still believe that it was a successful trial and that Council should approve their request. The group pointed out that as an indicative response, the number of people surveyed was similar to that of the Crime & Security Audit. However, the Crime & Security Audit survey targeted a broad group of residents from a number of areas.

If Council is to consider the use of Security Patrols to meet the requests of its citizens, it needs to be a holistic approach that caters for the whole City and not just suburbs or parts of suburbs in isolation.

**OF THOSE WHO RESPONDED:**

**To Q1 -** As a result of the trial security patrol operating in Panorama Gardens/Beeliar over the last three months, have you felt safer?  
**82.5%** said they felt safer.  
**12.5%** said they did not feel safer.  
**5%** had no response.

**To Q2 -** Do you support the provision of an ongoing security patrol at Panorama Gardens/ Beeliar?

**Part 1**      **46.5%** said yes to 35 hrs per week.  
**33.25%** said yes to 60 hrs per week.  
**14.5%** said yes to 24 hrs per day.  
**4%** said not at all.

**Part 2**      The Council should actively pursue an increase in police staffing for  
More Police patrols in crime hotspots?  
**84.75%** said Yes.  
**2.75%** said No.



12.5% Had no comment.

**To Q3 -** If you support the provision of an ongoing service, would you be prepared to financially contribute to the cost of this service based on the current residential levels and when the suburb is fully developed?

**Part 1** 88% said Yes  
 7.5% said No  
 0.75% said Maybe  
 3.75% had no response

Of those who answered yes, the following responses were recorded.

**Part 2** At 35 hrs per week **54.75%**  
 At 60 hrs per week **41.75%**  
 At 24 hrs per day **16.75%**

} some people ticked more than 1 box

**To Q4 -** What has been your rate of personal contact with the security patrol over the 3 months?

<b>Zero</b>	43.50	11.20	<b>6%</b>
<b>1-5</b>	30.5	21>	<b>9%</b>
<b>6-10</b>	9.50	don't know	<b>2%</b>

**To Q5 -** What has been your rate of sightings of the security patrol over the last 3 months?

<b>Zero</b>	<b>4.25%</b>
<b>1-5</b>	<b>14.5%</b>
<b>6-10</b>	<b>16.0%</b>
<b>11-20</b>	<b>27.75%</b>
<b>21&gt;</b>	<b>35.5%</b>
<b>Don't know</b>	<b>0.75%</b>
<b>No comment</b>	<b>1.25%</b>

**To Q6 -** How useful do you believe the security patrol has been in reducing Crime?

<b>Not useful in reducing crime:</b>	<b>2.75%</b>
<b>Of little use in reducing crime:</b>	<b>3.5%</b>
<b>Of some use in reducing crime:</b>	<b>35.5%</b>
<b>Of great use in reducing crime:</b>	<b>46.5%</b>

As this issue has also been addressed in the comprehensive Community Needs Survey (Item 17.6), it is not recommended that this matter be specifically addressed at this stage.

**Strategic Plan/Policy Implications**

Strategic Plan Item 5.3 "Municipal Law and Public Safety" refers.

### **Budget/Financial Implications**

If security patrols in Beeliar (Panorama Gardens) were to be implemented, it would require a Special Rate to be levied to the ratepayers benefiting from the service.

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

The West Australian Police Service currently have responsibility for the protection of Life and Property, the prevention and detection of crime and crime prevention initiatives through Safer WA, Community Policing and Neighbourhood Watch.

## **850. (AG Item 17.6) (Ocm1\_11\_2000) - COMMUNITY NEEDS STUDY (9621) (DMG)**

### **RECOMMENDATION**

That Council accepts the Community Needs Study Report, as prepared by Research Solutions Pty Ltd and require relevant reports to be prepared by Council Officers in response to the study recommendations and presented to Council for future consideration.

### **COUNCIL DECISION**

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

**CARRIED 3/0**

### **Background**

In July 2000, Council appointed Research Solutions Pty Ltd to undertake a comprehensive Community Needs Survey on its behalf. The Survey is similar in content to the original survey conducted in 1997 as it relates to community understanding and satisfaction of Council services. However, this Survey also included a new methodology involving offering the community a choice of "trading off" services or standards against other services, as well as seeking opinion on whether the community would like to increase/decrease services and standards and accept the financial ramifications of those decisions.

### **Submission**





N/A

## Report

In 1997, Research Solutions (formerly The Marketing Centre) was commissioned by the Council to undertake an analysis of community needs among residents and businesses in the district. In 2000, Research Solutions updated the study and included a sophisticated trade-off analysis section to assist the City in deciding its allocation of resources.

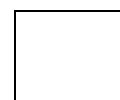
The research was conducted qualitatively, by means of focus groups with local residents and individual depth interviews with businesses and opinion leaders, followed by quantitative research by means of face to face interviews conducted in the respondent's own home or place of business, as well as some self-completion questionnaires.

The findings from this research indicate that both residents and businesses within the City of Cockburn are generally satisfied with the Council's performance however, levels of satisfaction are not as high as in the 1997 study. Residents provided the City of Cockburn with a mean satisfaction rating of 5.9 out of 10 (where 1 equals very dissatisfied and 10 equals very satisfied) compared to 6.9 in 1997. Businesses provided the Council with a mean satisfaction rating of 5.5, statistically similar to the 5.7 achieved in 1997.

## High Priority Needs

The main areas in which respondents would like to see improvement are:

- **General crime and safety** – Respondents across the City of Cockburn are concerned about the high level of crime against individuals and property occurring within the City. Of particular concern are the issues of syringes in local parks and recreation areas and vandalism.
- **Environmental issues** – The vast majority of all respondents consider the preservation of bushland and wetlands very important issues. Many are not satisfied with the way the Council is tackling this issue. Control of pollution such as noise, dust and odours is another environmental concern that is considered to be important. Also of concern is the need to control mosquito and midge nuisance.
- **Planning issues** – Concerns about planning relate to long-term planning (in particular the communication of these plans) and buffer zones.



## Service Priorities

**Crime against individuals and property and syringes in local parks and recreation areas exhibited the most important issues among respondents for all wards.** Given the high levels of concern in these areas, it was not surprising that the research revealed that residents would like to see the City of Cockburn concentrate on providing the following:

- An increase in the level of safety and security for people living and working in the area so that there are only a few areas or situations where people might feel unsafe.
- A security service in response to calls.
- The introduction of proactive inspections of parks on a weekly or even daily basis to ensure that safety concerns are adequately dealt with.
- The introduction of a 24 hour a day response to vandalism and graffiti.
- Improvements in the standards of footpaths to 'good, with problems tackled promptly'.
- Improvements in the appearance of local parks to 'well maintained, reticulated with some landscaping'.

Residents and ratepayers are fully aware that increasing the levels of service in the above areas could potentially cost the City of Cockburn a significant amount of money. In fact, some respondents had already expressed those concerns about the current cost of rates and others were of the opinion that the Council wastes money. The trade-off analysis was designed so that each level of service had a cost allocated. Respondents were then able to trade one service off in favour of another, higher priority service.

In view of the levels of service requested above, respondents were willing to sacrifice many services they were already receiving from the Council in order to pay for their requests. The following services were therefore of far less priority and these reductions in service levels were recommended:

- A reduction in bulk and green waste rubbish collections from one free annual collection plus three free green waste collections per year to one free annual collection plus one free green waste collection.



- A reduction in the number of rubbish tip passes from six to two.
- A reduction in the level of recreational programmes (including specific projects aimed to enhance healthy living and purpose built facilities like BMX and skateboarding) to only offering a wide range of traditional recreation programmes, including targeted programmes for the aged, youth and specific events.
- No further installation of traffic calming devices.

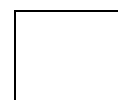
The research indicated that if the Council offered the above mentioned service levels and funded them by sacrificing the above, the majority of respondents (65% business and 64% of residents) would prefer the new combination of service levels the Council was able to offer. It should be noted that at present, 39.6% of respondents indicated they felt the current level of service provided by the Council was 'good' or 'excellent'.

The research indicated that if the Council were not prepared to make sacrifices in levels of service above, the community priority was to have these improvements but few were prepared to pay for them. The cost was estimated to be \$25 per household. The majority of residents, however, would be unwilling to accept a \$25 increase in rates. In fact, only 5% would be willing to pay \$15 or more.

### **Perceived Gaps in Service Receipt and Delivery**

There are some gaps between the service the Council feels it is currently providing and services which ratepayers and residents feel they are currently receiving. This indicates either a lack of communication to residents and ratepayers of Council's intentions or failure to deliver to residents and ratepayers' expectations. Specifically those gaps exist in the following areas:

- Cycleways – ratepayers feel these are only provided on demand and there is no planned system.
- Appearance of verges on main roads – unaware that these are mown twice a year but not reticulated or landscaped.
- Facilities at Coogee Beach – unaware of beach cleaning.
- Information and consultation about Council plans and activities – information only provided on request.
- Cultural activities – little recognition of the annual fair and grants programme.
- Recreational programmes – lack of general awareness of what is happening.
- Community facilities – unaware of the neighbourhood facilities.



- Environmental management – unaware of the year round programme of midge and mosquito reduction.

It is highly recommended that the City of Cockburn look carefully at these gaps in perceived and delivered services, as many of these service levels were considered by residents and ratepayers.

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

Key Result Area “Facilitating the Needs of Your Community” refers.

### **Budget/Financial Implications**

Strategies to address high priorities are likely to involve financial ramifications unless any increased expenditures in some functions are countered by decreased expenditures in other nominated Council Services.

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

The introduction of a Security surveillance service is one area which could be competitively delivered by an external provider.

## **851. (AG Item 24.1) (Ocm1\_11\_2000) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)**

MOVED Cmr Jorgensen SECONDED Cmr Donaldson that Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

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

**CARRIED 3/0**

Before closing the meeting, Cmr Donaldson advised the gallery that the City had received gifts from the City of Yueyang, China which had a delegation visit Cockburn recently.



In closing, the Commissioners thanked the public for their attendance and participation over the past 20 months and encouraged the public to continue to attend Council meetings and have their say. They thanked the CEO and staff for their cooperation and professional manner during some difficult times. The Commissioners were honoured to serve this community and wished the City of Cockburn the best for the future.

**Meeting closed at 9:32pm.**

**CONFIRMATION OF MINUTES**

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

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

