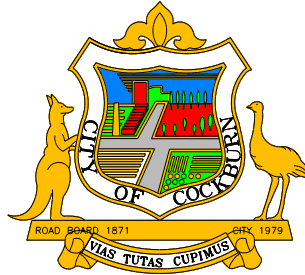


# **CITY OF COCKBURN**



**ORDINARY COUNCIL**

**AGENDA PAPER**

**FOR  
TUESDAY 19 FEBRUARY 2002**



## CITY OF COCKBURN

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## CITY OF COCKBURN

### AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 19 FEBRUARY 2002 AT 7:30 P.M.

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**1. DECLARATION OF MEETING**

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

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

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

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

**5. APOLOGIES AND LEAVE OF ABSENCE**

Clr L. Humphreys	-	Leave of Absence
Clr M. Reeve-Fowkes	-	Apologies

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

Nil

**7. PUBLIC QUESTION TIME**

Nil

**8. CONFIRMATION OF MINUTES**

**8.1 (OCM1\_2\_2002) - ORDINARY COUNCIL MEETING - 15/1/2002**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 15 January 2002 be accepted as a true and accurate record.

**COUNCIL DECISION**

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

Nil

**10. DEPUTATIONS AND PETITIONS**

Nil

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

Nil

**12. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING**

Nil

**13. COUNCIL MATTERS**

**13.1 (OCM1\_2\_2002) - LOCAL GOVERNMENT STATUTORY COMPLIANCE RETURN - 2001 (1332) (DMG) (ATTACH)**



**RECOMMENDATION**

That Council adopts the Local Government Compliance Audit Return for the period 1 January, 2001, to 31 December, 2001, as presented.

**COUNCIL DECISION****Background**

Since 2000, completion of this Return has been mandatory for all local governments in the State.

**Submission**

The Return, as presented, represents full compliance by the City of Cockburn, with all applicable requirements.

**Report**

The Annual Compliance Audit Return is to be presented to, and adopted by, a meeting of Council.

Following adoption by Council, a certified copy of the Return, signed by the Mayor and Chief Executive Officer, along with a copy of the relevant section of the Council Minutes, is required to be submitted to the Director General, Department of Local Government.

The previous requirement of the Mayor to publicly read aloud the Joint Certificate of the Return no longer applies.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

N/A

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

Nil.

**13.2 (OCM1\_2\_2002) - MOTION - ANNUAL ELECTORS MEETING 4 FEBRUARY, 2002 - CITY OF COCKBURN'S TWO SISTER CITY ARRANGEMENTS (1713) (DMG)**

**RECOMMENDATION**

That Council take no further action on this matter at this stage, pending the presentation of a Report to Council as resolved at the Council Meeting of 15 January, 2002, relating to the City of Cockburn's two Sister City arrangements.

**COUNCIL DECISION**

**Background**

At the Annual Electors Meeting held on 4 February, 2002, the following resolution was carried –

*"that Council:-*

- (1) not appoint Mr J Grljusich and Mr M Pecotic to the Sister City Committee; and*
- (2) consider reallocating the \$20,000 set aside for the Sister City Committees, to other projects within the City.*

**CARRIED"**

The explanation provided was that because the Sister City Committees have been in operation for a few years and have not made any significant contribution for the benefit of the community, it was considered that the funds set aside for the Committees could be better utilised on other projects within the City.

**Submission**

N/A

**Report**

At the January, 2002, Council Meeting, the matter of membership of the Cockburn/Split (Croatian) Sister City Committee was considered by Council.

Subsequently, the following recommendation was carried:-

- (1) *not appoint any further members to the Cockburn/Split Sister City Committee at this stage;*
- (2) *undertake a comprehensive review of the role, objectives and perceived community benefit of both its Sister City arrangements, such review to include activities undertaken and outcomes achieved by both Committees since their establishment; and*
- (3) *review its commitment to both Sister City arrangements following completion of the review and as part of the 2002/03 Budget process.*

**CARRIED 7/0**

This resolution is not inconsistent with the resolution from the Electors Meeting. Accordingly, it is considered reasonable to defer any specific action on the Electors Meeting resolution, pending the completion of the Report being sought by Council, which will consider and comment on the same matters.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" Refers.

**Budget/Financial Implications**

Council currently allocates \$20,000 (\$10,000 per Committee) per annum to the operation of its Sister City commitments. While only a small percentage of this funding is actually expended each year, if the arrangements were discontinued, this funding could be re-allocated to other Council projects.

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

Nil.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (OCM1\_2\_2002) - FARRINGTON ROAD - IMPLEMENTATION OF RECOMMENDATION 2 - EPA BULLETIN 517 (1991) (450501) (SMH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;

- (2) not implement Recommendation 2 of Environmental Protection Authority Bulletin 517 dated April 1991;
- (3) await the outcome of the Hon. Minister for Planning and Infrastructure's Freight Planning Congress before further considering the future of Farrington Road;
- (4) initiate action to permanently close Hope Road and Dixon Road between Progress Drive and the entrance to the Wetlands Education Centre to all vehicular traffic under Section 58 of the Land Administration Act, and the road pavement be removed and the land rehabilitated so that the North Lake and Bibra Lake Reserves can be directly connected to form one continuous area of Region Open Space.

## COUNCIL DECISION

### Background

At the Council meeting held on 20 November 2001, Cr Tilbury requested under Item 22, Matters for Investigation Without Notice, that:-

*"A report be prepared examining the opportunities to implement the management provisions taken from recommendation No. 2 in the Environmental Protection Authority Bulletin 517, regarding the permanent deletion of the duplication of Farrington Road."*

Recommendation No. 2 of the EPA Bulletin 517, states:-

*"Recommendation 2*

*The Environmental Protection Authority recommends that the proponent be required to implement the following management provisions taken from Conclusion 10 in Department of Conservation and Environment Bulletin 179 of 1984:*

- *The second carriageway should be permanently deleted and the road reserve should be reduced to the 12m width, and the area freed replanted with native species local to this area.*
- *No street lighting should be installed between Gilbertson Road and Bibra Drive along Farrington Road because this will adversely affect the fauna in the Regional Open Space.*

- *The road verges should be rehabilitated with local flora.*

*These management provisions should be carried out on the length of roadway in the City of Cockburn to the satisfaction of the Environmental Protection Authority.*

*It should be noted that the Authority does not believe that all the management provisions from Bulletin 179 are still relevant and thus has only included the three above.*

*The Authority believes it unacceptable to close the dual use path given its significance as a pedestrian/cycle route and thus believe the City of Cockburn should be required to maintain access to the dual use path during all stages of construction."*

Bulletin 517 (1991) only relates to the "proposal" to duplicate Farrington Road between Murdoch Drive and Bibra Drive. Bulletin 179 (1984) related to the construction of Farrington Road between Bibra Drive and North Lake Road. They were different "proposals".

Never-the-less, Recommendation 2 is based on Conclusion 10 in Bulletin 179, which stated:-

- "10. *The EPA believes that construction of Farrington Road as a four lane dual carriageway is inappropriate and believes that a single 7.4m carriageway only be constructed and that the management provisions proposed in Section 3.1.5 be implemented."*

Section 3.1.5 in Bulletin 179 contained 8 management suggestions as follows:-

*"Several submissions addressed suggestions for management. The Kardinya Residents Association provided the following suggestions:*

- "1) *The section of Farrington Road between Murdoch Drive and North Lake Road should remain a single 7.4m carriageway to rural design standards as presently proposed.*
- 2) *The second carriageway should be permanently deleted and the road reserve should be reduced to the 12m width, and the area freed replanted with native species local to this area.*
- 3) *No street lighting should be installed between Gilbertson Road and Bibra Drive along Farrington Road because this will adversely affect the fauna in the Regional Open Space.*
- 4) *Trucks should be prohibited from using the Farrington Road extension as they will devastate the wildlife and introduce noise pollution into the area, disturbing residents and nesting birds.*

- 5) *The road verges should be rehabilitated with local flora. We are willing to assist with the project.*
- 6) *The road should be fenced where it passes through the woodlands and wetlands to prevent off-road vehicles from further damaging the important natural ecosystem.*
- 7) *A 40 kilometre per hour speed limit should be imposed along the stretch of Farrington Road which passes through the Regional Open Space, to protect the wildlife, as in Kings Park.*
- 8) *The contractor has filled two important drains which feed North Lake and prevent it from drying out in the summer. These lie adjacent to Maritime Avenue, Kardinya, and to the Murdoch Veterinary School. These drains should be re-opened immediately as waste water is backing up and any permanent blockage of them will adversely affect the ecology of the lake."*

Based on Bulletin 517 all but suggestions 2), 3) and 5) of Section 3.1.5 are considered irrelevant by the EPA in relation to Farrington Road between Bibra Drive and North Lake Road.

As can be seen, the contents of Recommendation 2 are directly taken from the suggestions made by the Kardinya Residents Association in 1984 in relation to the proposed construction of Farrington Road between Bibra Drive and North Lake Road. (Bulletin 179)

### **Submission**

Attached to the report is a copy of a letter from the Department of Environmental Protection dated 10 January 2002 in response to a letter from the Director, Planning and Development dated 7 December 2001, in which the Authority was requested to provide the rationale to and environmental justification for Recommendation 2 in Bulletin 517 (1991).

### **Report**

A comprehensive report is attached to the Agenda.

The implementation of the temporary closure of Farrington Road can be implemented by the Council under Section 3.50 of the Local Government Act.

It should be noted that a temporary closure cannot exceed a period of 4 years at which time the closure must be reviewed.

To permanently close all or part of Farrington Road the Council must use Section 58 of the Land Administration Act. This would apply to the

Council moving to reduce the Farrington Road reserve from 35m to 12m in accordance with Recommendation 2 in Bulletin 517.

The Land Administration Act Regulations set down the procedure to permanently close a road. The Council resolution must be delivered to the Minister, and the Minister will make the final decision.

In addition, the Local Government Act, Section 3.50(2) provides for the Council to close a road to any class of vehicle. This provision was introduced with the revision of the Act in 1995, prior to this the Council did not have the power to do this. Enquiries with a variety of agencies, together with Council's solicitor, indicates that there is no apparent reason why the Council cannot make a decision under Section 3.50(2) of the Act.

### OPTIONS

There are a number of options that the Council could pursue to potentially achieve an environmental or community acceptable outcome:-

1. To delay making any decision until the outcome of the Freight Planning Congress is known, in accordance with the Council's current resolution. This is an appropriate position to take.
2. To engage an independent environmental consultant to undertake a study to determine the likely environmental impacts that could occur if Farrington Road is duplicated between Bibra Drive and Progress Drive. The cost could be in the order of \$7,000. Based on the information and data collected to date it seems unlikely that there will be any adverse environmental impacts that could not be adequately managed.
3. To "propose" to duplicate Farrington Road to accommodate the 24,000 vehicles per day using the road and to reflect the Council decision to classify the road as a District Distributor (A), and refer the "proposal" to the EPA under Section 38 of the Act to the EPA for assessment.
4. To proceed to permanently close part of Farrington Road in accordance with Recommendation No. 2 of Bulletin 517 under Section 58 of the Land Administration Act, by reducing the reserve width of Farrington Road from 35m to 12m between Bibra Drive and North Lake Road. This notion is impractical and is unlikely to be acceptable to the WAPC.
5. To proceed to temporarily close both Farrington Road and Hope Road under Section 3.50 of the Local Government Act to prevent traffic travelling around the northern end of the North Lake Reserve and between North Lake and Bibra Lake. Farrington Road could be

closed between Progress Drive and the entrance to the Winthrop Baptist College. Hope Road could be closed between Progress Drive and the Wetlands Education Centre.

Because this would be a temporary closure, the existing pavements would remain in place until such time as the Council decided to permanently close the roads. The outcome of this would be that traffic would use South Street and Bibra Drive instead. This is a decision the Council can make, and would provide for a review should it be decided to re-open one or both of these roads at the end of the temporary closure period.

6. To proceed to permanently close both Farrington Road and Hope Road under Section 58 of the Land Administration Act, to remove all traffic movements between Progress Drive and Bibra Drive, and enable the North Lake Reserve to be directly connected to Richard Angeloni Park and the Murdoch University Campus and Bibra Lake. With the removal of the road pavements a continuous linear parkland could be achieved, any adverse impacts on the wetlands would be completely removed and importantly the road kill would be eliminated. To achieve a better outcome the access from Farrington Road into the Winthrop Baptist College would be closed and alternative access gained via the campus from either South Street or Murdoch Drive. This is a decision that the Council can initiate, with the final decision made by DOLA. However, permanent closure would mean that if due to public pressure or resulting traffic problems the roads needed to be re-opened then it could be very difficult and costly to do.
7. To close Farrington Road to particular classes of vehicles using Section 3.50(2) of the Local Government Act. Unless Hope Road was closed, or closed to the same classes of vehicles, the closure could cause those prohibited vehicles to use Hope Road as an alternative route. A local law specifying penalties would need to be adopted by the Council to enable it to enforce the closure, but despite this the prohibition would be difficult to police.
8. To close Hope Road permanently between Progress Drive and the Wetlands Education Centre under Section 58 of the Land Administration Act, so that the North Lake and Bibra Lake Reserves can be unified into one uninterrupted wetland area. This decision could be made independently of any other decision relating to the future of Farrington Road.

### CONCLUSION

The conclusion from the foregoing assessment and attached report is that:-



- (1) There appears to be no scientific or environmental basis to Recommendation 2 of EPA Bulletin 517 and because of this there may be no planning or technical grounds upon which the Council could justify the implementation of this recommendation.
- (2) An environmental study by consultants, is likely to indicate that a second carriageway could be constructed within the existing road reserve with no additional adverse impacts on North Lake that could not be managed. This is based on the environmental data held by the Council, the negligible impact that Leach Highway has had on Booragoon Lake and the letters from the EPA dated 3 October 1993 and the DEP on 10 January 2002.
- (3) There is a need to duplicate Farrington Road now based on the fact that it is designated a District Distributor (A) and carries around 24,000 vehicles per day. This would be able to be achieved within the existing road reserve. However, such a "proposal" should be referred to the EPA for assessment under Section 38 of the EP Act to determine whether or not the duplication of Farrington Road is environmentally acceptable.
- (4) To totally eliminate any environmental impacts that may occur in respect to North Lake and Bibra Lake, the closure of both Farrington Road and Hope Road either temporarily or permanently is the only plausible solution. If Farrington Road is closed, then Hope Road will have to be closed otherwise it will become an alternative route between Bibra Drive and North Lake Road. This approach reflects the Council position to protect and enhance the environmental quality of North Lake and Bibra Lake. This approach is likely to have strong community support based on the response to the public rallies and the deputations and representations made to the Council.

As the DEP did not take the opportunity in its letter dated 10 January 2002, to reconfirm its opposition to the duplication of Farrington Road, west of Bibra Drive, the only way the Council can ratify the EPA's position is to submit a "proposal" under Section 38 of the EP Act. The EPA is required to assess the proposal and issue its advice prior to any works being able to be commenced. The EPA will have to have regard to its recommendations contained in Bulletin 517 published in April 1991.

A temporary road closure would be preferable particularly in respect to Farrington Road, because the impact of the Council decision on "other" roads could be assessed and if necessary re-opened in part or in total to all or to certain classes of vehicles. The diverted traffic is likely to use South Street and Bibra Drive as the substitute connection between the Kwinana Freeway and North Lake Road.

In view of this the Council should give consideration to taking the following actions, namely:-

- (1) await the outcome of the Freight Planning Congress before further considering the need to duplicate Farrington Road in the event that Stage 8 of the Roe Highway is not proceeded with west of the Kwinana Freeway in accordance with its current position,

**OR**

- (2) "propose" to duplicate Farrington Road between Bibra Drive and North Lake Road to create a 4 lane divided road, subject to the approval of the EPA

**OR**

- (3) initiate the temporary or permanent closure of Farrington Road and/or Hope Road so that:-
  - (i) the portion of Farrington Road between Progress Drive and the entrance to the Winthrop Baptist College is closed to vehicular traffic; and
  - (ii) the portion of Hope Road and Dixon Road between Progress Drive and the entrance to the Wetlands Education Centre is closed to vehicular traffic.

- Note:
1. Hope Road currently carries around 3800 to 4000 vehicles per day (1998 figures).
  2. Dixon Road is a vacant Road Reserve which only has access from Hope Road and therefore should be closed at the same time.

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

In terms of the Council's Corporate Strategic Plan the following Key Result Areas adopted by the Council as the basis of decision-making which apply to this issue are:-

- *"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 of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

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

The Council by virtue of its Corporate Strategic Plan has an obligation to ensure that its decision making process has regard for these objectives.

### **Budget/Financial Implications**

There would be minor costs associated with the advertising and notification of the closure, together with the making and erection of signs.

The duplication of Farrington Road could cost in the order of \$500,000. As the road carries in excess of 5,000 vehicles per day it is eligible for Regional Road Funding. The funding is granted on the basis of 66% Main Roads WA and 34% local government. On this basis the cost to Council could be around \$170,000 to duplicate Farrington Road between North Lake Road and Bibra Drive. There are currently sufficient funds to do the work in the Council's Regional Road Reserve Fund.

Should the EPA require an environmental impact study to be undertaken, then the Council as the "proponent", will need to appoint consultants to undertake the study in accordance with the brief. This would be at the Council's cost and depending on what is required could be between \$10,000 to \$20,000.

There are no particular funds available to remove the Hope Road carriageway from the reserve. However, funds may be able to be used from the Regional Road Reserve Fund because it links the Kwinana Freeway indirectly to North Lake Road (an alternative to Farrington Road), and/or funds could be provided in the 2002/03 Budget.

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

Under Section 3.50 of the Local Government Act the Council has the power to partially or wholly close a public thoroughfare for which it is responsible temporarily for a period not exceeding 4 years. The closure may be extended.

The procedure to partially or wholly close a public road is set out in Section 3.50 of the Act.

The Council or the Minister for Local Government may revoke the closure order.

**14.2 (OCM1\_2\_2002) - DILAPIDATED BUILDING - LOT 102 COCKBURN ROAD, SPEARWOOD - CONSOLIDATED MARINE DEVELOPMENTS (AUST) PTY LTD (3211923) (VG) (ATTACH)**

**RECOMMENDATION**

That Council cause written notice to be served on the owner of the building which is situated on Lot 102 Cockburn Road, Spearwood, requiring him immediately to take the building down.

**COUNCIL DECISION**

**Background**

A letter has been sent to the owner asking him what his future plans were for this dilapidated building and he has asked for some tolerance (reply letter and aerial photo attached to the Agenda).

**Submission**

The owner, Consolidated marine Developments, have not agreed to remove the buildings, but believe that this should wait until the site preparation is undertaken for the Port Catherine Marina project.

**Report**

Where Council is of the opinion that a building is neglected it may serve notice to have it pulled down pursuant to Section 408(1) of the Local Government (Miscellaneous Provisions) Act 1960.

A person who is served with a notice has the right of appeal to have a referee determine the matter.

If an appeal is not made, the local government may complain to a Court of Petty Sessions which may order the requisition to be carried out and costs to be paid.

If the order is not obeyed, the local government may have the buildings removed and have the materials sold to recover costs or take the owner to court to recover costs.

**Strategic Plan/Policy Implications**

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

## 2. Planning Your City

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

### **Budget/Financial Implications**

Legal assistance. Costs would apply.

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

Nil.

## **14.3 (OCM1\_2\_2002) - DILAPIDATED BUILDING - LOT 102 PT COCKBURN ROAD, SPEARWOOD - LANDCORP (3200357) (VG) (ATTACH)**

### **RECOMMENDATION**

That Council cause written notice to be served on the owner of the building which is situated on Lot 102 Pt Cockburn Road, Spearwood, requiring him immediately to take the building down.

### **COUNCIL DECISION**

### **Background**

A letter has been sent to the owner asking him what his future plans were for this dilapidated building and the agency has suggested that it is unreasonable to have the building demolished but will investigate the safety aspects early in January 2002 (reply letter and aerial photo attached to the Agenda).

### **Submission**

The owner, Landcorp said it would investigate that Council claim after the 7 January 2002 and negotiate a suitable outcome. To date this has not occurred .

### **Report**

Where Council is of the opinion that a building is neglected it may serve notice to have it pulled down pursuant to Section 408(1) of the Local Government (Miscellaneous Provisions) Act 1960.

A person who is served with a notice has the right of appeal to have a referee determine the matter.

If an appeal is not made, the local government may complain to a Court of Petty Sessions which may order the requisition to be carried out and costs to be paid.

If the order is not obeyed, the local government may have the buildings removed and have the materials sold to recover costs or take the owner to court to recover costs.

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

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

2. Planning Your City

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

### **Budget/Financial Implications**

Legal assistance. Costs would apply.

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

Nil.

#### **14.4 (OCM1\_2\_2002) - CITY OF COCKBURN INTEGRATED TRANSPORT PLAN TERMS OF REFERENCE - DEPARTMENT OF PLANNING AND INFRASTRUCTURE (9336) (SMH) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) agree to:-
  1. have the Department for Planning and Infrastructure undertake an Integrated Transport Plan for the district;

2. provide financial and technical support as required, with any financial support being the subject of Council approval;
- (3) adopt the proposed Terms of Reference as the basis for undertaking the Integrated Transport Plan contained in the report;
- (4) advise Department for Planning and Infrastructure, accordingly.

## COUNCIL DECISION

### Background

The Planning Services Department has been approached by the Department for Planning and Infrastructure to undertake an Integrated Transport Plan for the district.

Integrated Transport projects are being undertaken in a number of local authorities including Joondalup and Stirling. Projects in the eastern and western suburbs have tended to include a number of smaller local authorities.

The purpose of an Integrated Transport Plan is to provide the basis of not only better integrating transportation but also patterns of land use, and the opportunity to receive State funding to implement the plan.

The City of Cockburn has a number of transport and land use related issues that will impact on future planning and development decisions, that currently remain unresolved. These include public transport routes and interchanges, regional cycle routes, major highway and district road links and the creation of major areas of new land uses within the district such as North Coogee, Port Catherine, the Hope Valley-Wattleup Industrial Area and the future Port at Challenger Beach.

In April 2001, the Council, together with a number of other local governments and State Agencies signed the Integrated Transport Partnering Agreement, the purpose of which was to make a commitment to working together in a co-operative arrangement to achieve better transport planning outcomes.

The approach to the Agreement is based upon:-

- an agreed process by key stakeholders;
- community participation;

- definition of roles and responsibilities;
- team approach to developing agreed outcomes;
- resolution of issues by consensus;
- commitment to implement agreed outcomes.

Given this, the approach to the Council to undertake an Integrated Transport Plan (ITP) is the opportunity for the Council to implement the Partnering Agreement initiative.

### Submission

A copy of the letter to the Council from the Department for Planning and Infrastructure dated 19 December 2001 is attached.

A meeting with the Department's representative, Mr David Igglesden, was held to discuss the proposal with the Manager Planning Services and the Director in January 2002.

### Report

The request to undertake the Integrated Transport Plan (ITP) is very timely, given the significant land use and transportation decisions taken recently that will have a major impact on the future of the district.

Transportation and land use are inextricably linked. Therefore they must be considered together.

The adoption of an ITP will assist the Council undertake the planning necessary to *"Make the City of Cockburn the most attractive place to live, work and visit in the Metropolitan Area."*

It is interesting to note that transportation is an important issue for the local community, based on the results of the Community Needs Survey conducted in October/November 2000.

When asked about planning and development proposals within the district the level of support was in the following order.

	Support %	Does not support %	Don't know %
1 The development of publicly accessible <b>recreational areas along the coast.</b>	87.6	6.8	5.6
2 The development of a <b>public transport</b> system <b>between Fremantle and Rockingham</b> using Rockingham Road.	69.8	16.4	13.9
3 The <b>extension of the Roe Highway</b> through the district.	57.4	32.2	10.4
4 The <b>development of Thomsons Lake/Jandakot</b>	57.0	29.9	13.1



as a civic centre for the Council, town centre and entertainment centre.

- 5 The **proposed Port Catherine Marina** being developed at Coogee Beach
- 6 The inclusion of **Wattleup as a site for heavy industry**

48.3	24.0	27.8
23.5	64.0	12.6

It can be seen that there was strong support for providing access to the coast, the public transit system along Rockingham Road and the extension of the Roe Highway.

Except for the development at Thomsons Lake (Cockburn Central), there is less community support for the proposed Port Catherine Marina with a high percentage of respondents undecided and low support for the inclusion of Wattleup in the Hope Valley-Wattleup Redevelopment Area.

Despite the fact that there has been an increase in public access to the foreshore, particularly at North Coogee, this continues to be a high public priority. The planning of roads, car parks and public transport to serve the coast is therefore an important matter.

At the present time the bus series 900, uses Rockingham Road to serve the trunk route between Fremantle and Rockingham. The Council position is that prior to making a decision on the final route the Council wanted to review the operation of the Fremantle Section (Hampton Road) to see what affect it had on adjoining residents in terms of pollution, access and properties. These were the concerns raised by residents in Rockingham Road at the time the proposal was being discussed.

The extension of the Roe Highway, was supported by a majority of respondents, but the Council as resolved not to support the construction of Stage 8 based on environmental grounds.

The community appears to support the development of the Thomsons Lake Regional Centre. The State is committed to establishing the Cockburn Central railway station by 2006, together with the bus interchange. The Council supports the development of the Town Centre but is not committed to establishing the Council Administration/Civic Centre to form part of this new Town Centre.

Although Port Catherine is a high profile project, it does not appear to be supported by the majority of residents surveyed, however a large percentage remain undecided. At this stage the Council appears to be supportive of the proposed development.

The community was strongly opposed to Wattleup becoming part of the Hope Valley-Wattleup Industrial Area (FRIARS), but despite the community and Council opposition to the proposal the State has

passed the legislation to establish the industrial area which will become the largest in the Metropolitan Area if not the State.

All of the above matters are important to the community and will have a significant bearing on the ITP.

The Terms of Reference for the ITP should include the following (Format provided by DPI):-

### **City of Cockburn Integrated Transport Plan Proposed Terms of Reference**

#### **1.0 Study Area**

The study area is within the City of Cockburn local government district (refer Figure 1).

The study area includes the major regional public transport, cycling, pedestrian, freight and traffic routes within the district.

#### **2.0 Project Management**

The project will be managed by David Igglesden of the Integrated Transport Planning Unit of DPI (Transport).

#### **3.0 Financial Contributions**

Financial contributions and or in kind contributions will be sought from organisation involved, where applicable, and in respect to financial contributions the approval of the Council will be required.

#### **4.0 Purpose**

Prepare a strategic district level transport plan for the City of Cockburn area within the area outlined above in Figure 1.

#### **5.0 Objectives**

The plan is to address all modes of land based transport and is to strike a balance between regional and local needs in a manner that will work towards achieving Metropolitan Transport Strategy targets. The Metropolitan Transport Strategies six principles will be used to guide consideration of the issues and options. The principles are:

1. Safety - for all users.
2. Efficiency - for people, goods and services not focused on moving vehicles and building infrastructure.
3. Effectiveness - access for all.
4. Environment Responsibility - including environmentally responsible land use patterns.
5. Social Responsibility - equitable transport opportunities with social costs and benefits being shared.
6. Robustness - ability to cope with change.

The principal purpose of this study is to examine the major road network, although in doing that, the study will need to look at how the major road network interconnects with the local road network, pedestrian and cyclist network.

## **6.0 Scope**

### **6.1 Tasks**

The study will examine the role of the various roads and public transport routes in the area as part of the metropolitan network. The major tasks involved in this include determining:-

1. future demand for travel in the area given the MTS targets and desired transport directions;
2. the traffic, public transport and cycling requirements for the area and areas where each mode has priority;
3. the system of local traffic circulation around the network of major public transport, cycling and through traffic roads.

### **6.2 Specific Components**

The study is to include the following specific transportation issues relative to the City of Cockburn:-

#### **1. Public Transport**

- The location, type and scale of the railway stations associated with the Perth to Mandurah railway line. Particular attention needs to be made to the vehicular access and parking, and the provision for the interchange of bus and rail patrons.
- The operation and connections of the rail/bus interchange at Cockburn Central and the integration of both the district and local bus services to destinations within and outside the Municipality. (Note: The location and design of the station, parking, pedestrian access and car parking has already been largely determined by the Perth Urban Rail Office.)
- The provision, operation and location of stops associated with the Fremantle to Rockingham transit system and its relationship to inter-connecting bus services and key land uses serviced on-route. (Note: Planning has already commenced and the concept published, however, the finalisation of the system and the final mode of travel has yet to be decided/implemented).

- The extension of the existing bus services to serve the new and expanding residential areas located in the south-eastern sector of the district.
- Assess the implications of the proposals to develop the Hope Valley-Wattleup Industrial Area, the Southern Harbour Project at Jervoise Bay, the Port Catherine Marina Project, North Coogee and the South Beach Redevelopment Projects on the public transport system and bicycle network.
- Determine the level of public transport service within the City of Cockburn in respect to bus and rail based on the walkable catchments specified in Liveable Neighbourhoods (Community Design Code) Edition 2.

## 2. Cycleways

- Review the Council's district bicycle network plan to ensure that it integrates with the public transport system, key land use nodes, and recreational areas.
- Ensure the bicycle network plan provides both a commuter and recreational function for destinations within and outside the district.
- Confirm that the bicycle network plan is conveniently linked to bicycle routes located in adjoining local government areas.

## 3. Pedestrians

- Review the pedestrian network for the City in respect to recreational and destination needs between home and parks, schools, shops, public transport stops and employment centres.
- Ensure that the pedestrian system is integrated with the bicycle network and public transport network and complementary/integrated with the regional road hierarchy.
- Ensure the pedestrian system is convenient, safe and attractive use at both the local and district level.

## 4. Regional Roads

- Assess the impact on the regional and district road system resulting from the creation of the Hope Valley-Wattleup Industrial Area.
- Assess the impact on the regional and district road system as a result of the decision by the State Government to abandon the proposal to build the Fremantle Eastern Bypass Road.
- Assess the implications on the regional and district road system of a possible decision by the State Government not to construct Stage 8 of the Roe Highway.
- Assess the implications on the regional and district road system of a possible decision to locate Fremantle Port Outer Harbour and/or the James Point Private Port at Challenger Beach and James Point respectively.
- Assess the impact on the regional and district road system of the development of the Port Catherine Marina Project on Owen Anchorage, the South Beach Redevelopment Project, the development of North Coogee for industrial and/or mixed uses, and the Southern Harbour Project at Jervoise Bay.
- Assess the impact on the regional and district road system of the Jandakot Airport Master Plan and the proposal to develop substantial areas of the airport property for commercial/industrial development.
- Assess the impact on the regional and district road system of the proposal to link the Berrigan Drive/Kwinana Freeway Intersection to the Wungong Brook Structure Plan, Area, east of Warton Road using Jandakot Road, Jandakot.

## 5. Rail

- Investigate the existing use of and potential use of the existing rail freight lines passing through the district which serve the Fremantle Port, Kewdale and Rockingham, and the implications for the City of Cockburn.
- Assess the implications of the rail freight line on adjoining land uses which link the Hope Valley-Wattleup Industrial Area/Kwinana/Rockingham to the Port of Fremantle and to Kewdale.

- Investigate the scope to integrate freight and passenger services within the same railway reservation and infrastructure.

## 6. Agenda 21

- The ITP should have regard to the objectives of the Council in the implementation of Agenda 21, and the need to conserve energy and minimise the emission of greenhouse gases.

### 7.0 **Outcomes**

The outcome of this study is to develop a transport improvement plan for the district which promotes a balance of all modes of transport. The plan should take into account short, medium and long distance travel and the movement of freight and deliveries as well as the movement of people.

The study should determine:

1. Current and future traffic movement and management through and within the study area;
2. The impacts of this movement on road reservations, traffic volumes, public transport infrastructure, and uses, pedestrians, cyclists and current movement systems;
3. Timeframes for required infrastructure improvements in the next 5-10 years, and 10+ years.

### 8.0 **Community Involvement**

Community involvement will occur as part of this study. Targeted consultation will occur with representatives of the local community, local business community and community groups.

### 9.0 **Resources to be provided by Agencies**

This will include:

- Traffic modelling data
- Public transport passenger figures (existing and future)
- Proposed public transport routes and services
- Historical and current traffic data
- Accident data
- Topographical and cadastral mapping
- Pedestrian and Cyclist infrastructure mapping.

### 10.0 **Staging of Outcomes**

The project outcomes will be outlined in two stages:

- Short to Medium Term - Under 10 years focus. Integrated package of measures designed to alleviate short-term problems, ie. bicycle treatments, road/traffic management, bus priority measures.

- Medium to Long Term - Beyond 10 year focus. Integrated plan for long-term measures which may require MRS amendments, changes to reservations etc.

### **11.0 Estimated Cost**

It is estimated that this study will take 12 months and cost approximately \$70,000. The cost will be borne by the Department for Planning and Infrastructure.

The Department for Planning and Infrastructure has advised that due to limited resources it may not be able to address all of the issues identified in the brief and may need to prioritise them into high and low importance to the future planning and development of the district. It may be that the ITP be limited to the western sector of the district, ie west of the coastal Beeliam Park wetland chain. The brief, therefore, may need to be refined accordingly.

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

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.*
  - *To foster a sense of community within the district generally and neighbourhoods in particular.*
2. Facilitating the needs of your community
  - *To identify current community needs, aspirations, expectations and priorities of the services provided by the Council.*
3. 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.*

### **Budget/Financial Implications**

According to the advice of DPI, the cost of undertaking the IPS could be in the order of \$70,000. It is understood that this cost will be borne by the DPI.

Should, however, DPI seek additional funding from the Council as part of the preparation of the plan, then the request would be referred to the Council for its consideration.

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

Nil.

**14.5 (OCM1\_2\_2002) - RELOCATION OF FREMANTLE PORT TO COCKBURN SOUND (9248) (SMH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt the report as the basis of a proposal to relocate Fremantle Port to or establish an outer port in Cockburn Sound as a primary catalyst to the establishment of the Hope Valley-Wattleup Redevelopment Area which is planned to be the largest industrial estate within the Perth Metropolitan Region;
- (3) lodge the proposal with the Future Perth Study Group at the Department for Planning and Infrastructure;
- (4) advise the following organisations of the Council decision and provide a copy of the report, to:-
  - Fremantle Port Authority
  - Western Australian Planning Commission
  - The Town of Kwinana
  - Landcorp
  - Rizzo and Associates

**COUNCIL DECISION**

**Background**

For some years the Fremantle Port Authority (FPA) has had plans to develop an additional port in the outer harbour in support of the existing inner harbour in Fremantle.

The most recent location for the new FPA port is at Challenger Beach which is located in Cockburn Sound, immediately south of the Naval Base Caravan Park and generally seaward of Alcoa.



To provide for this port facility it is currently proposed to extend Rowley Road from the Kwinana Freeway westward to the coast. It was also proposed to redirect the railway line into the port, together with a service corridor.

At the same time, a private port has been proposed at James Point in the Town of Kwinana by a consortium which proposed to operate a land backed port, together with a live sheep export facility and holding yards. The Council considered this proposal and resolved in June 2001 not to support the proposal until other alternative locations had been investigated. The Council was opposed to the inclusion of sheep holding yards in support of live sheep export.

Both of these projects have not progressed further at this stage. The proposals, however, are still current.

Recently, the State Government created the 900 hectare Hope Valley-Wattleup Redevelopment Area. The purpose of this area is for industrial development to support the Kwinana Industrial Area (KIA). It will be the largest industrial estate in the Metropolitan Area if not the State.

Fremantle Port is currently part of a Freight Planning Study, to determine the most suitable road and rail access to serve the existing port in the foreseeable future. It is understood that this study has been instigated by the decision to delete the Fremantle Eastern Bypass and the question over the construction of Stage 8 of the Roe Highway. These decisions have implications for the regional and district road system south of the river.

Most road access to Fremantle Port is from the south. According to an FPA report only about 8% of port traffic comes from the north.

Most of the regional industrial estates within the Perth Metropolitan Area are located south of the river. The Fremantle Port is located on the north of the river and therefore most access must be via Stirling Bridge/Stirling Highway to access Tydeman Road.

Fremantle Port is land locked. It has no adjoining industrial area of any significance. It is surrounded by existing residential development to the east and future residential development at Leighton Beach to the north. The port is isolated from the industrial areas it serves and there is no opportunity in the future to change this.

Rail access to the port is from the south. The line has limitations in relation to it passing through Fremantle and Victoria Quay, by the Round House, through the proposed South Beach Redevelopment and by the proposed Port Catherine Marina.

Both the road and rail access from the south must cross the Swan River to access North Wharf, which puts the waterway at risk of spills.

The hazard and risk contours generated by the port have extensive impacts on both the Fremantle City Centre and the surrounding residential areas.

The FPA intends to continue the inner harbour port operations for the foreseeable future. Currently there is no intention to close the port and relocate its activities, or to bring forward the development of the outer harbour.

There is no doubt that the Perth Metropolitan Area and its hinterland should be served by a port. Given the limitations of the existing port, perhaps its future should be reviewed.

### **Submission**

There is no submission.

The basis for preparing this report arose from advice received from the Deputy Mayor about the Freight Planning Study and the role of the port.

The future of the South-West Corridor has changed substantially due to the decision by the State to establish the Hope Valley-Wattleup Redevelopment Area and by so doing generated new opportunities for the future of the port not previously available.

The Freight Planning Study is essentially attempting to **bring the industry to the port** using unsuitable and unplanned road and rail connections, whereas the Hope Valley-Wattleup Redevelopment Area provides an unique opportunity to **bring the port to the industry**.

### **Report**

There is little doubt that Fremantle Port is too constrained to accommodate future port requirements to properly serve the Metropolitan Area in an environmentally and socially acceptable way. This is acknowledged to some extent by the FPA and the WAPC. Both organisations propose that a future port in the outer harbour be established in Cockburn Sound. The FPA has proposed a site at Challenger Beach on the municipal boundary between the City of Cockburn and the Town of Kwinana. The WAPC in its FRIARS Final Report, indicates that investigations into a future port is or is to be undertaken on the Kwinana coast between Challenger Beach (the FPA proposal) and James Point (the James Point Consortium proposal). This has been agreed by State Cabinet, according to the FRIARS report.

It appears that the issue is not if an additional port facility is built in Cockburn Sound but when.

FPA reports indicate that an additional port in the outer harbour is unlikely to be required before 2017.

The purpose of this report is to demonstrate the advantages in bringing forward the development of the outer harbour port facilities, given the need to invest additional capital into the development of the existing port and the road and rail system serving it.

It may be of greater benefit to redirect this money into the development of a new FPA port in Cockburn Sound.

The FPA port is currently proposed at Challenger Beach just south of the Naval Base Caravan Park. Preliminary designs show the port joined to the coast by a bridge/causeway to minimise its impact on coastal processes and use of the beach. The connection links directly into Rowley Road, which is planned as part of the Hope Valley-Wattleup Redevelopment Area.

The Private Port at James Point proposes a direct connection to the Kwinana Freeway via Anketell Road.

Cockburn Sound is a natural harbour, and because of this was the primary reason for the establishment of the Kwinana Industrial Area (KIA). The KIA is already served by a number of jetties/wharves associated with the Alumina Refinery, Steel Works, Oil Refinery, Bulk Cargo and Grain Silos on its eastern side and there is the Garden Island Naval Base on the western side.

Cockburn Sound is already operating as a large port catering for large ships and according to a FPA report the outer harbour already contributes around 33% of the economic impact of the port operations.

From a planning perspective, there are a number of advantages in closing Fremantle Port and very few disadvantages.

The closure of the port and its relocation to Cockburn Sound (Challenger Beach/James Point) would have the following potential advantages:-

### **FREMANTLE**

- The closure of Fremantle Port will relinquish at least 70 to 80 hectares of prime harbour front and beach front land unique in the Perth Metropolitan Area.
- This prime land could be redeveloped for a marina, and associated housing. North Wharf is about 1.8 kms long, and the berthing area

is about 400m wide. This presents an opportunity to install a marina for private boat pens, while retaining a 200m wide access Victoria Quay for boats entering and leaving the Swan River. Rottneest ferries could depart and arrive from the southern wharf. River ferries could connect to Perth for commuters and provide a tourist service to Fremantle and the new Maritime Museum.

- Victoria Quay could be retained as a port for visiting ships and low key maritime vessels that would continue to add to the interest of Fremantle as a 'port', but not require the support infrastructure associated with a working port. It would also better integrate the port activities with the Fremantle CBD and the plans to redevelop Victoria Quay for public enjoyment.
- Planning for the redevelopment of Victoria Quay has already been undertaken, and the plans are predicated on connecting the Fremantle Town Centre to the harbour side. The plans are commercial, tourist and recreational based. This opportunity has arisen because significant parts of Victoria Quay are no longer used for port operations.
- If some or all of the 70ha to 80ha of land was vacated and developed for a higher and better use such as housing, the money raised from the sale of the land could be reinvested in the development of a new relocated port.
- Development of North Wharf is low intensive. The major structure, the wheat silos, has already been demolished. Redevelopment should not be a major task. Most of the ports associated with the large cities of the world are undergoing significant change. These dock land redevelopments not only provide for inner city housing but also tourist and recreation facilities that are designed to rejuvenate the central city areas by bringing people back into them as destinations.
- Money will not have to be spent on upgrading and maintaining the existing 100 year old port. This money could be redirected into the development of a new 'state-of-the-art' port facility.
- Money will not have to be spent on the upgrading, development and maintenance of the existing road and rail systems serving the port.
- The freight rail line would not be required through Bibra Lake, Spearwood and South Fremantle to serve the port and therefore will not have an impact on the redevelopment of Victoria Quay, South Beach, North Coogee and Port Catherine. By removing the freight service from the existing reserve provides the opportunity to introduce a passenger rail service to Fremantle and beyond from the southern suburbs at some time in the future.

- By relocating the port, the hazards and risks associated with its operation would also be removed from the Fremantle Town Centre and surrounding residential areas, such as Northbank. The risk of spills on both the rail and road bridges over the Swan River would also be substantially reduced.
- The live sheep export would be re-routed away from Fremantle and the en-route residential areas, taking with it the truck traffic and the odours.
- The vacated residential land could be developed for high quality housing, restaurants and neighbourhood shopping and provide for a residential link between Northbank and the proposed Leighton Beach residential estate.
- The additional people living, visiting and using the vacated port area would add substantially to the vitality, viability and robustness of the Fremantle City Centre and its environs.
- Currently the FPA only pays rates on land that it leases to others. Based on advice from the City of Fremantle, less than 50% of the FPA land holding is leased. Should the land be sold into private ownership, then the City of Fremantle would enjoy the benefits of not only increased rates but also rates based on higher land/income values.
- By removing the freight line, the west end of Fremantle could be better integrated with the Round House, Bathers Beach and the Fisherman's Harbour.
- Truck traffic serving the port would be substantially reduced, thereby improving the amenity of Fremantle and adjoining suburbs which should lead to improved property values.
- The apparent land use conflicts between the Fremantle City Centre and the port would be eliminated.

#### ***COCKBURN SOUND (CHALLENGER BEACH/JAMES POINT)***

- Between Challenger Beach and James Point the beach front to Cockburn Sound is already extensively developed with heavy industrial uses. The addition of a new port in this vicinity as suggested in the FRIARS Final Report, would have less impact than elsewhere on the Metropolitan Coast.
- The Challenger Beach proposal is currently planned to be built off-shore and linked to the coast via a causeway. The James Point proposal is to be a land backed wharf.

- The causeway is to be served directly by the new alignment of Rowley Road which will connect the port directly to the Kwinana Freeway. Because of the 'future role' of Rowley Road it is expected to be designed to carry heavy truck traffic in a four lane divided road. Rowley Road passes through an area where residential development will be minimal and where it does occur can be designed to accommodate likely road impacts. The port could also be directly served by Anketell Road which has no existing or planned residential development adjacent to it. An ideal port access route served by the Kwinana Freeway.
- A state-of-the-art port could be built at Challenger Beach and/or James Point if necessary to provide a replacement to Fremantle. Shipping would largely use the existing channels serving the outer harbour.
- The construction of a new port could be partially funded by the monies raised by the sale of the Fremantle Port land. It is not known what a new port would cost but based on the James Point proposal Stage 1 was expected to require \$50 million as the initial funding, which included the purchase of 40ha from BHP. The Southern Harbour Project construction contract at Jervoise Bay was \$90 million which included reclamation of around 45ha, load out facility, dredging and the off shore seawall. The cost of a new Port has not been estimated for the purposes of this report.
- Truck traffic serving a new port on Cockburn Sound would not need to use Stock Road and Cockburn Road to travel north and south, but use the Kwinana/Mitchell freeway system instead, which is purpose built for handling freight movement. By using the freeway system heavy transport on the district / local road network would be substantially reduced.
- As the new port (Challenger Beach/James Point) is to be built on reclaimed land off-shore, the port will not directly utilise land within either the City of Cockburn or Town of Kwinana and therefore, if unrateable, the port will not adversely affect the current rate base of the affected local governments.
- A port built at Challenger Beach/James Point would be about 5 kms from the residential areas of the Town of Kwinana and 7 kms from the future residential areas in Munster, therefore the impacts of a curfew free working port on residents would be minimal if any.
- A port in Cockburn Sound would be on the "door step" of the newly proposed Hope Valley-Wattleup Redevelopment Area which is designated for general industries, according to the FRIARS Final Report. Challenger Beach/James Point is located midway between the Wattleup and Hope Valley/Kwinana industrial development areas.

- The Kwinana Industrial Area (KIA) is already serviced by jetties and wharves. Immediately north of Challenger Beach is the new Southern Harbour project and the Jervoise Bay shipbuilding industries. Just north of the ship building industry precinct is the proposed Marine Industries Technology Park (MITP). These developments have the potential to develop economic, employment, educational and support services synergises that could add to the viability of each.
- The establishment of a new port on Cockburn Sound (Challenger Beach/James Point) could be the type of infrastructure investment that could act as a catalyst to "jump start" the establishment of the "pioneer" industries to the Hope Valley-Wattleup Redevelopment Area.
- A port on Cockburn Sound could provide much needed employment opportunities for people living in the South-West Corridor, which reflects one of the Government's objectives for the Hope Valley-Wattleup Redevelopment Area.
- Ports require areas for container handling and storage. Immediately east of Challenger Beach are a number of quarries that could be used for this purpose.
- The hazards and risks associated with the operation of the port could be contained within the Kwinana Air Quality Buffer and therefore be an acceptable public risk.
- The causeway linking any port to the coast as proposed by the FPA, could be designed to protect the waters of Cockburn Sound from any accidental spillages, something that would be difficult to achieve for the rail and traffic bridge over the Swan River.
- The freight rail service between the Kewdale Marshalling Yard and the Fremantle Port is 36.5 kms, whereas the distance to Challenger Beach is 33.5 kms. If the increase of container movements of up to 30% is to be promoted, this is an important saving in travel distance.
- From the intersection of the Roe Highway and the Tonkin Highway Fremantle Port is 33.3 kms by road using the Roe, Kwinana, South Street and High Street as the access route. By comparison the distance to Challenger Beach is 37 kms using Kwinana Freeway and the proposed Rowley Road. Although longer for trucks from Kewdale and Canning Vale, the saving is substantial for port related industries in the future Hope Valley-Wattleup Redevelopment Area because they will not have to travel north to Fremantle, a distance of around 22.5 kms via Stock Road. The Hope Valley-Wattleup Industrial Area will be around 900ha (FRIARS Final Report April

2000 page 39) and together with the KIA, East Rockingham and Henderson will be about 6 times larger than Canning Vale, to become the largest industrial conglomerate in the State. A properly planned and equipped port should be part of this.

### ***BASIS FOR THE PROPOSAL***

- The impetus to this proposal primarily stems from the 4 following decisions made by the State to:-
  1. approve residential development at Northbank;
  2. gazette the Hope Valley-Wattleup Redevelopment Area;
  3. delete the Fremantle Eastern Bypass from the MRS; and
  4. proceed with a reduced version of the Leighton Beach residential estate.

### ***COCKBURN***

- Cockburn is located between Fremantle Port and the Hope Valley-Wattleup Industrial Area and if the port remains where it is, then there will be significant increases in port related traffic using Cockburn Road, Hamilton Road, Rockingham Road and Stock Road.
- In addition, pressure for east-west connections will continue, particularly for South Street and for Stage 8 of the Roe Highway to be built as far west as Stock Road. If Stage 8 is not built then there will be pressure to upgrade Farrington Road to a 4 lane divided road. If the port is relocated south to Cockburn Sound (Challenger Beach/James Point) then the north-south port traffic will be diverted and the pressure for Stage 8 of the Roe Highway significantly reduced.
- The re-direction of the freight line south to Challenger Beach/James Point, would mean that it would no longer impact on either the Port Catherine Marina Project, the South Beach Residential Project or the possible review of the future of the North Coogee Precinct.
- The development of a port at Challenger Beach/ James Point early in the promotion and development of the Hope Valley-Wattleup Redevelopment Area may be a major factor in the ultimate success of this area as an industrial estate of State significance.

### ***OUTCOMES***



- Obviously before any port is built in Cockburn Sound, proper environmental studies would need to be completed to demonstrate that the design, operation and management of the port was acceptable with minimal impacts on both the land and the water side of the project.
- The new port proposal represents a strategic approach to the future port facilities serving Perth well beyond 2027.
- The proposal could have positive outcomes for the FPA, port users, the community and the affected local governments.
- It is acknowledged that Fremantle Port is part of the history and culture of Fremantle, but this should not be seen as a reason why the working port cannot be relocated to another more suitable location to serve the needs of a new industrial realm. The port history and flavour does not need to be abandoned but can remain as an integral part of the redevelopment plan and theme. The redevelopment could continue to provide for the occasional passenger and naval vessels to use Victoria Quay when visiting Fremantle. Fremantle will always be the 'port city' of the Metropolitan Area.
- It is vitally important that this issued be raised now because:-
  - The Master Plan for the Hope Valley-Wattleup Redevelopment Area is currently being prepared by consultants on behalf of Landcorp.
  - The James Point Private Port is under consideration.
  - The FPA has prepared concept plans for the development of a container port at Challenger Beach.
  - The Freight Route Access Study is currently being undertaken.
  - The Council is contemplating undertaking an Integrated Transportation Plan for the district.
  - The Future Perth Study is currently being undertaken; and
  - The regional road network is under review, namely the deletion of the Fremantle Eastern Bypass with implications for High Street and Cockburn Road, the future of Stage 8 of the Roe Highway and the planning of Rowley Road to the coast which forms part of the Jandakot South (Mandogalup) Structure Plan.

For these reasons the proposal if supported by Council should be raised as the basis for discussion for 'Future Perth'. The relevant stakeholders should be advised of the Council position.

Should the closure and location of the port not be an acceptable approach, then it may be possible to scale down and rationalise the port operations in Fremantle Port so that it does not attract the truck and rail traffic associated with the live sheep trade, motor vehicles and containers, and operates at a scale more compatible with the Fremantle City and its residential environs.

The acceleration of the planning and construction of the outer harbour port in Cockburn Sound so that it becomes the maritime gateway to the State's largest industrial estate and provide for the high road and rail generators associated with activities such as live sheep exports, motor vehicle imports and containerisation.

An important outcome of this proposal is to encourage the FPA, the planning agencies and the community to view the role of the Fremantle Port in the context of regional and local opportunities and constraints as part of an integral part of a transportation and landuse system rather than an individual component driving regional and local outcomes.

There is no doubt that there has been significant public and private funds invested in the existing port, but the time has come to review the commitment to the on-going development and maintenance of the existing port and explore the needs of port facilities serving the Perth Metropolitan Area into the next millenium. Fremantle is not the same town as it was 50 or 100 years ago. Its needs as a port city have changed. The role of the port and the role of the city need to be separated, they are no longer inter-dependent.

### **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."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
2. 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.

## **14.6 (OCM1\_2\_2002) - AUTHORISATION OF PROSECUTION ACTION AGAINST PROPRIETOR OF THE PARADISE RECEPTION CENTRE - LOT 9; 220 WATTLEUP ROAD, WATTLEUP - OWNER: V J LOMBARDO (4412312; 6020) (WJH)**

### **RECOMMENDATION**

That Council:

- (1) authorise the Principal Environmental Health Officer to prosecute the proprietor of the Paradise Reception Centre, Mr Robert John Buckby, under the provisions of Section 79(1) of the Environmental Protection Act 1986; and
- (2) authorise the payment of any costs, incurred in taking the prosecution, from account number 200320.

### **COUNCIL DECISION**

### **Background**

Following the receipt of continuing complaints regarding unreasonable noise emissions from the Paradise Reception Centre, noise measurements were taken on 3<sup>rd</sup> and 4<sup>th</sup> of November 2001. These measurements showed that unreasonable noise had been emitted from the Paradise Reception Centre on these days. Subsequently the Principal Environmental Health Officer (PEHO) served *Infringement*

*Notice No. Cockburn 4/01*, on the proprietor Mr Robert John Buckby, on 14<sup>th</sup> November 2001 for emitting unreasonable noise contrary to Section 79(1) of the Environmental Protection Act 1986 (EPAAct). This notice carried a modified penalty of \$250, which was subsequently paid.

Further measurements were taken of noise emissions from the Paradise Reception Centre on 24<sup>th</sup> and 25<sup>th</sup> November 2001 and these proved also to be unreasonable. The PEHO served a second notice No. Cockburn 5/01 on Mr Buckby on 14<sup>th</sup> December 2001. This notice carried a modified penalty for \$500 and remains unpaid.

### **Submission**

N/A

### **Report**

The provisions of the EPAAct provide that where a modified penalty is not paid within 28 days a complaint may be issued against the alleged offender and the matter heard in Court.

Although recent events measured by Health Services officers have complied with the regulatory requirements, nearby residents continue to be aggrieved by noise emissions from non-monitored events.

The EPAAct provides that an Authorised Person may take a prosecution for breach of Section 79(1). All of the City's Environmental Health Officers are Authorised Persons -Noise and can therefore take such a prosecution. However, due to the political nature of this matter it is considered appropriate.

Unlike the Health act 1911, the EPAAct does not provide that where an Authorised Person initiates legal proceedings any associated costs are payable by the Local Government. It is reasonable to expect Council to pay for costs associated with this matter.

The evidence collected is robust and is likely to succeed and will be referred to Council's solicitors for comment prior to the issue of complaints.

It is recommended that Council authorise the PEHO to prosecute the proprietor off the Paradise reception Centre and authorise the payment of any associated costs from account number 200320.

### **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 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**

Likely costs can be met through account number 200320: Legal Expenses.

If successful the proceedings will result in the awarding of costs and a penalty of up to \$5000.

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

Nil

### **14.7 (OCM1\_2\_2002) - PUBLIC COMMENT ON POTENTIAL ROLE OF GENETIC MODIFICATION FREE ZONES IN THE WESTERN AUSTRALIAN FARMING SYSTEM (6210) (CW)**

#### **RECOMMENDATION**

That Council provide comment to the Minister for Agriculture, Forestry and fisheries advising that the City of Cockburn supports designated genetic modification free zones within the Western Australian farming system, subject to conditions (a) and (b) contained within the report.

#### **COUNCIL DECISION**

#### **Background**

Council staff have already provided an informal response to the West Australian Local Government Association on this matter.

#### **Submission**

The City of Cockburn has received a request from the Minister for Agriculture, Forestry and Fisheries to provide comment as part of a public consultation process on the introduction of agricultural crop varieties containing genetically modified organisms.

## Report

The Department of Agriculture has provided a paper entitled “Genetic Modification-Free Zones” discussing the potential role that areas designated as genetic modification-free (GM-free) may play in protecting the integrity of both GM and non-GM crop production in Western Australia. The paper provides an overview of the issues and practicalities of establishing both GM-free and/or GM agricultural zones in WA as well as the potential benefits and costs of having such arrangements.

The purpose of the paper is to obtain the views of a wide range of stakeholders on core issues including:-

1. The potential costs and benefits of GM-free zones;
2. The form GM-free and/or GM zones might take and how they might be determined, implemented and managed; and
3. Other industry or government initiatives which might assist in cost-effective production of non-GM products.

Genetic modification (also known as gene technology, genetic engineering, genetic manipulation) is a term used to describe a group of techniques which can alter the genetic material of a living organism (plant, animal or microbe) and thus modify its characteristics. The technology has a wide variety of applications including research, agriculture, production of therapeutic goods (eg insulin) bio-remediation (eg use micro-organisms to decompose toxic substances) and industrial uses.

The State Government has declared that it will take a cautious approach to the introduction of GM crop varieties into farming systems, noting that a balance is required between opportunity and prudence.

Gene technology offers potential benefits but it is not without risks. Potential environmental, public health, agricultural and trade risks may apply if the technology is not employed carefully in agricultural production. Any genetically modified organism will be assessed for environmental and public health risks before environmental release is allowed. To date, there has been no commercial release of any GM food crop in WA, however field trials are being conducted in several areas of the State since 1994. Trial plants have included canola, clover, cotton, lupins, peas and oilseed poppies.

Benefits of having GM-free zones include:-

1. Help maintain a “clean, green” food marketing image for that area,

2. Facilitate production of organic and other food products that do not utilise genetic modification, and
3. Serve as a reference area for assessing the impacts of gene technology on the environment, public health and trade.

GM zones could concentrate GM production, facilitating efficient segregation, handling and marketing of GM crops. This may also assist in reducing the incidence of cross-pollination with non-GM crops in adjacent areas. There is no legislated limit on the size or means of definition of GM/GM-free areas.

State legislation will enable the making of regulations to designate non-GM and GM crop areas. Such areas can only be designated for preserving product identity and marketing purposes.

The designation of GM/GM-free areas may have an impact within the City of Cockburn should the technology become available for use with market garden type crops. Of immediate concern, should this technology become available, is the possible spread of GM organisms (eg herbicide resistant crops) into Cockburn's environmentally sensitive wetland areas. To this end, any location of GM areas should be located away from such areas, taking into account prevailing winds and any other methods of transmission.

It is suggested the Department of Agriculture be formally advised that the Council supports the implementation of GM-free zones and GM zones provided the following points are taken into account:-

- (a) Any GM zones are located sufficient distance away from environmentally sensitive areas to ensure the prevention of GM crops contaminating natural areas.
- (b) Delineation of GM/GM free zones be bounded by a physical or natural perimeter be it a road, water course or other easily identifiable land feature.

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

Key Result Area 3:- Conserving and Improving Your Environment:-

To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.

### **Budget/Financial Implications**

N/A

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

Nil.

**14.8 (OCM1\_2\_2002) - ROAD CLOSURE PORTION (UNMADE) OSPREY DRIVE PURSUANT TO SECTION 58 OF THE LAND ADMINISTRATION ACT 1997 (450583) (KJS) (ATTACH)**

**RECOMMENDATION**

That Council request that the Department of Land Administration close portion of Osprey Drive subject to there being no objection to the proposal as a result of the statutory advertising period and include the land in the adjoining Lot 6.

**COUNCIL DECISION**

**Background**

The portion of Osprey Drive running north-south near North Lake Road, Yangebup, was never constructed. The constructed road formation passes in an east-west direction through Pt. Lot 298, which is owned by the Ministry for Planning.

**Submission**

N/A

**Report**

The Ministry for Planning has agreed to the creation of the road reserve to encompass the built road formation through Pt Lot 298. The creation of the road reserve will rationalise the land tenure in the area and it is considered expedient to close the unmade portion and include it into the Ministry's Lot 6.

As this section of Osprey Drive is already constructed and used by the public it is imperative that the carriageway is located within a public road reserve. This applies to short length of Osprey Drive west of Parkes Street.

**Strategic Plan/Policy Implications**

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



## 2. Planning Your City

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

### **Budget/Financial Implications**

N/A

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

Nil.

## **14.9 (OCM1\_2\_2002) - OFFER OF COMPENSATION PT LOT 57 TINDAL AVENUE, BEELIAR - ACQUISITION FOR THE CONSTRUCTION OF BEELIAR DRIVE (4309121; 450953) (KJS)**

### **RECOMMENDATION**

That Council offer the owners of Pt Lot 57 Tindal Avenue, Beeliar, the amount of \$218,000 as compensation for the compulsory acquisition of 3963 square metres of Lot 57 taken for the construction of Beeliar Drive.

### **COUNCIL DECISION**

### **Background**

Council at its meeting held on 16 May 2000 resolved pursuant to Part 9 of the Land Administration Act 1997 to compulsorily acquire portion of Lot 57 Tindal Avenue, Yangebup, for the construction of Beeliar Drive.

### **Submission**

A claim for compensation has been received from the owners of Lot 57 Tindal Avenue through their agent Major Corporate. Gerald Major, a Licensed Valuer and Managing Director of Major Corporate has provided a valuation report valuing the land at \$300,000, this being the claim amount.

### **Report**

Following the Council decision of 16 May 2000, a request was sent to the Department of Land Administration.

The Department of Land Administration issued a taking order on 25 August 2001.

The taking order allowed the construction of Beeliar Drive from Spearwood Avenue to Watson Road to be completed.

Following receipt of the owners claim for compensation, a valuation report was prepared by Licensed Valuer Jeff Spencer on behalf of the City. Jeff Spencer's valuation for compensation purposes is \$218,000.

Section 217(3) requires that the acquiring authority being the City of Cockburn, serve on the claimant in an approved form an offer of compensation as soon as possible after the valuation report has been prepared.

The Claimant has 60 days after the service of the compensation offer to reject an offer. If notice of rejection is not given within 60 days the offer is deemed to have been accepted.

If the offer is rejected then the Act allows for the compensation payable to the claimant to be determined by any one of the following methods:-

- (a) by agreement between the acquiring authority and the claimant;
- (b) by an action for compensation by the claimant against the acquiring authority in accordance with Part 10 of the Land Administration Act;
- (c) by reference of the claim to the Compensation Court in accordance with Part 10 of the Land Administration Act.

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

The construction of Beeliar Drive between Kwinana Freeway and Stock Road is listed as a project to be completed.

### **Budget/Financial Implications**

Funds will have to be transferred from the Regional Road Reserve Fund.

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

Nil.

**14.10 (OCM1\_2\_2002) - PORT CATHERINE ENVIRONMENTAL REVIEW  
(3209006) (KS) (ATTACH)****RECOMMENDATION**

That Council:

- (1) prepare a submission to the Environmental Protection Authority, based on the conclusions contained in the report.; and
- (2) use the report as the basis for future negotiations in relation to the planning and development of the Port Catherine Marina.

**COUNCIL DECISION****Background**

The Port Catherine Development proposal is located at the former South Coogee industrial area immediately south of the old South Fremantle Power Station. The proposal is to develop a marina and marine orientated residential area. The Port Catherine Development proposal represents the culmination of State and Local Government initiatives, commenced in the late 1980's, to relocate the noxious industries from South Coogee. The previous land use has reduced the amenity of the surrounding area and polluted the land.

Residential development of the site first evolved in 1988 in response to State Government initiatives to remediate the land to accommodate urban renewal. The proposed redevelopment is consistent with the Coogee Master Plan (1993) and the Western Australian Planning Commission's Improvement Plan No. 26 (1994).

The Port Catherine Project Agreement, endorsed by Cabinet in 1997, formally established key principles and commitments between the Western Australian Government and PCD for the clean up and integrated development of the privately and publicly held land in the area as a residential and marina development.

The MRS amendment for Port Catherine were referred to the Environmental Protection Authority (EPA) and deemed to require formal environmental assessment. The EPA issued instructions for the environmental assessment which included addressing the following issues: Vegetation communities, Terrestrial Fauna, Marine Flora and Fauna, Dunes, foreshore, seabeds and sea levels, Marine Water and sediment quality, contamination, Noise, Dust, Vibration, Visual amenity, Heritage, Public Health and Safety and Social amenity.

## Submission

The City of Cockburn received copies of the Port Catherine Environmental Review in December 2001, there has been a three-month advertising period allowed for public comment, in parallel with the advertising of the Amendment to the Metropolitan Region Scheme. This public comment period closes on the 1<sup>st</sup> of March. City of Cockburn officers have reviewed the Port Catherine Environmental Review documents and the following report outlines issues arising from the Environmental Review.

## Report

The Port Catherine Environmental Review is extensive and has, in general, addressed the requirements of the EPA's instructions. In most instances the issues have been addressed satisfactorily. There are, however, some instances where it is the City's Officers believe that further information and/or clarification is required.

### Soil Contamination

An extensive soil contamination study has been undertaken with a total of 1967 soil samples and 10 deep cores collected from 1,059 sampling locations across the whole amendment area. A total of 1,058 soil samples were recovered from 454 sample locations within the Port Catherine Developments (PCD) assessed portions of the amendment area.

Across the PCD portion of the amendment area a number of sites proved contaminated. The following contaminants were detected above guideline levels in some of the soils: Arsenic, Barium, Cadmium, Chromium, Copper, Lead, Mercury, Zinc, Polycyclic aromatic hydrocarbons (PAH), Total petroleum hydrocarbons (MAH) and Organochlorine and organophosphorus – based pesticides.

The Port Catherine Environmental Review states that the following remediation will be conducted:

- 3,050 m<sup>3</sup> of soil will require remediation to meet the response levels defined by the Human Health Risk Assessment and thereby render the lots safe for residential development.
- Approximately 227 m<sup>3</sup> of soil within the PCD lots that are stained with hydrocarbons or contain leather shavings that require clean up to restore site amenity.
- Approximately 5,000 m<sup>3</sup> of uncontrolled fill located in the northern amendment area that requires remediation for geotechnical reasons to allow development of the proposed Cockburn road realignment.

The areas of Government owned land within the amendment site will be cleaned up as per the South Coogee Soil Management Plan which states that the Western Australian Planning Commission (WAPC) was committed to clean up all material to conservative criteria such that contaminant concentrations are reduced to less than the ANZECC/NHMRC Environmental Investigation Guidelines.

The City of Cockburn does not have the expertise to confirm whether or not the levels of remediation are appropriate to ensure permanent public health and environmental protection. It is envisaged that the Department of Environmental Protection and the Department of Health will review these sections in detail and provide the appropriate technical advice to the EPA.

#### Groundwater Contamination

The Groundwater sampling programs involved the construction and monitoring of 68 groundwater monitoring bores across the site. The results have shown that site contamination at Port Catherine will not cause the quality of the water captured by the intercept drain to ever exceed current irrigation water quality criteria, even over the long term (see attached 1 –Table 17 from Environmental Review).

However, there will be areas within the amendment area where groundwater contamination will exceed the drinking water and irrigation water guidelines. The proponent has proposed that memorials be placed on the titles of the lots in these areas such that groundwater abstraction cannot occur. The proponent has advised that due to the conservatism of the guidelines, buffers around these areas will not be required.

While the table in attachment 1 indicates that the contamination concentrations at the interception drain will not exceed the drinking water or irrigation water guidelines there is, however, minor concentrations of these contaminants in the water. Should the City of Cockburn agree to the proposed irrigation system, funding will need to be set aside to monitor the intercept water and to monitor the sediments within the lake system to be used for storing irrigation as the sediments may absorb contaminants from the water during storage. Funding to do the necessary monitoring could be raised through the levying of a specified rate over the Port Catherine Marina Project.

#### Groundwater Interception

Groundwater analysis across the site has been conducted. One of the key issues with the groundwater is the concentration of dissolved inorganic nitrogen (DIN). The issue of high concentrations of DIN in the groundwater was identified in the initial stages of development conception. The Environmental Protection Authority (EPA) has required

PCD to reduce nitrogen loads in the marina waters and provide a net benefit to Owen Anchorage. The proponent has proposed to achieve this by establishing a drain, which will intercept the high DIN groundwater prior to it entering the marina, and by establishing an irrigation system such that the intercepted groundwater can be used as irrigation water on surrounding POS areas.

Investigations beneath and inland of the area have defined a groundwater plume containing an average of up to 4.4mg/L of dissolved inorganic nitrogen (DIN) that extends from approximately 2.5 km inland. Concentrations of background DIN average 1.0 mg/L. The groundwater extraction will be controlled to maintain a residual flow of 300m<sup>3</sup> to the marina and thereby prevent any inflow of salt water to the drain. Groundwater flows to be pumped from the intercept drain are estimated to be up to 7,300 m<sup>3</sup>/d.

The proponent has proposed that the following areas be irrigated using the intercepted groundwater:

• Port Catherine Recreation Reserve (ROS)	17.7 ha
• Port Catherine Public Open Space	4.2 ha
• Powell Reserve	2.8 ha
• Len Mc Taggart Reserve	1.1 ha
• Coogee Beach Reserve	0.9 ha
• Mill Street Play ground	<u>0.2 ha</u>
	26.9 ha

To use the system to irrigate these areas would mean that 1,880 m<sup>3</sup>/d will be used from the intercept drain for irrigation with 5,400 m<sup>3</sup>/d requiring re injection via the proposed re injection bores to be located north of the amendment area in road reserve.

In addition the proponent has suggested that the following areas may also be irrigated using the intercepted groundwater:

• Manning Park	17.6 ha
• Lucius Park	2.6 ha
• Beale Park	7.1 ha
• Peace Park	<u>1.5 ha</u>
	28.8 ha

If these areas were to be irrigated with intercept water as well it would mean the total irrigable area would be 55.7 ha and require 3,900 m<sup>3</sup>/d with 3,400 m<sup>3</sup>/d needing to be re injected at the re injection bore site.

The City has some concerns with the proposal to use the intercepted groundwater for the irrigation of public open space areas, these concerns are primarily operational concerns however, and further information is required for some aspects of the system, which may

reveal environmental concerns. Should this system be used a detailed plan outlining construction and operation specifications would need to be agreed with the City of Cockburn. To avoid excessive costs in maintenance and operation of any such system the City of Cockburn would require:

- Pipes to be equivalent to Water Corporation scheme water pipeline installation standards to ensure minimum pipe failure.
- Control systems would need to be located at each park or reserve to minimise wire tracing in the event of any problems.
- The system would need to be pressured main from the water collection point to the point of water use to ensure water availability at correct flow and pressure rates.
- Ramped pumps would be required and a specified minimum flow rate would also need to be agreed.

If such standards are not met the installation of such an irrigation system could lead to a number of issues for the City of Cockburn including an increase in maintenance costs and potential problems with water availability and reliability. The Environmental Review states that the groundwater plume with the high DIN concentrations will have passed through the amendment area by 2012 and therefore could be turned off after that time, however the proponent has stated that the interception drain will be designed for a 50 year period. Should the City of Cockburn agree to use the irrigation system it will need to ensure that adequate funds are available to ensure that monitoring of water at the interception drain is still suitable for irrigation over the period the irrigation system will be in use. Funding should also be made available for the re establishment of bores for POS areas should the irrigation system need to be switched off.

The proposed re injection bores form an important and major role in the proposed control of high DIN groundwater entering the marina. Further information regarding the re- injection bores is required, general discussions of one page within a three volume document well in excess of 300 pages can not justify the relocation of such contamination. The reduction of groundwater flow with high DIN to the marina has been identified as crucial in making the marina environmentally sound. The proponent has indicated that the establishment of re injection bores to the north of the project is an important part of the DIN reduction program (The environmental review states that some 5400m<sup>3</sup>/d may be infiltrated via the re injection bores). In reducing high DIN concentration groundwater from entering the marina, the proponent has proposed a number of off site disposal methods including re injection bores and irrigation of surrounding POS areas. The proponent has indicated how the re location of high DIN groundwater will effect the project area but has not provided details on how the re located groundwater will effect the sites of relocation.

The City feels that further information must be provided on this aspect of the proposed interception component of the project. No detailed studies have been conducted, for example, of any soil contamination within the area of re location that may be leached from the area should re injection occur.

### **Marine Flora**

The marina will result in the direct removal of 0.3 ha of *Pasidonia sinuosa* seagrass. The Environmental Review states that a management plan to protect seagrass surrounding the development area will be prepared. A key component of this management plan will be monitoring the light availability at seagrass meadows located 275 meters to the south of the development. There is, however, seagrass located approximately 130 meters to the south of the development area and these meadows (although it is suggested that they are not as dense as the meadows located 275m away) should be monitored and no loss should occur as a result of the Port Catherine Development.

### **Stabilisation of Coogee Beach**

The Environmental review suggested that generally Coogee beach should remain stable. The document supplies erosion and accretion figures however it does not state if these figures have taken into consideration the Cockburn Cement Ltd proposal to dredge Success and Parmelia banks for fifty years. Bowman Bishaw Gorham Environmental Management Consultants, (the authors of the Environmental Review) have provided advise that there should not be any changes to Coogee Beach as a result of the Port Catherine Development and that Cockburn Cement operates with a commitment that there will be no significant changes to erosion and accretion rates along the coast.

The Environmental Review states that a sand bypassing system will be established to allow sand to be relocated at Coogee beach should it suffer losses to the north. However, it is suggested that the details regarding responsibilities for this process be determined through the waterways management documentation should the proposal be granted approval to proceed.

### **Dunes**

Further discussion on the management of the interface of development with the Coogee Beach dune system to the south, which is currently undergoing rehabilitation by the City of Cockburn, is required. The dunes of Coogee Beach have been severely degraded by trampling, destruction of vegetation, invasion by exotic weed species and development. This has resulted in loss of habitat and natural amenity. After years of neglect and unrestricted access the coastal dunes along the foreshore of Coogee Beach are to be revegetated and stabilised. The work will be carried out over a period of years with the aim of restoring the dunes to a more natural state, enhancing habitat and the natural amenity to our precarious coastline. Works have begun in the



northern section of the reserve on the dunes adjacent to the land proposed for the Pt Catherine development.

Weed control, sand stabilisation, fencing and revegetation is to be undertaken. The City of Cockburn has recently received a small grant and already committed funds to begin the rehabilitation work. New fences have been erected and weed control and sand stabilisation using brushing has already commenced. Plants have been ordered for the first years planting in late May 2002. Local community groups are in support of the rehabilitation work and will be involved in planting.

There are no dunes directly north of the Coogee Beach dunes, these dunes having been removed during previous development. The Port Catherine development proposal extends into the dune system to the south and while some of these dunes lie outside the City of Cockburn's reserve, the further loss of dunes by the proposed Port Catherine development will result in further loss of habitat and detract from the natural amenity of the area. The removal of the portion of this dune system that does occur within the amendment area will also make stabilisation of the dunes within the reserve area more difficult. Further attention needs to be given to the interface between the development and the dune system to the south to ensure dune stability. The City of Cockburn also feels that the proponent should consider retaining the dune system as an important habitat area.

### Terrestrial Flora

The majority of proposal area has been extensively cleared due to past land use in the area. In most instances the remaining vegetation to be cleared is of low value, however the proposal will result in the clearing of 1.57 ha of Bush Forever site 247 and 2.21 ha of Beeliar Regional Park (non of which is vested in the City of Cockburn). Of these areas most is either regrowth vegetation or substantially disturbed areas.

The proponent will compensate clearing of these areas by rehabilitating a similar area within disturbed areas of Bush Forever site 247 and by rehabilitating the area of presently barren land within the Regional Open Space reserve on the eastern side of the Port Catherine project area. The concept plan for this area shows extensive grassed areas. While the City of Cockburn supports the use of a pathway system to connect the Manning Lake area and Market Garden Swamp and to provide areas for recreation it is also of the belief that the majority of the area should be rehabilitated with a suite of local species to compensate for the areas of Beeliar Regional Park to be cleared.

### Conclusion

The Port Catherine development proposal will be beneficial for Cockburn by cleaning up areas of derelict industrial land that are highly

contaminated and visually unattractive, however, it does faces a number of environmental constraints. In general the Environmental Review has adequately assessed the environmental impacts of the Port Catherine development proposal and has outlined some appropriate management techniques, however, the City of Cockburn feels there are some areas where further information needs to be obtained and additional management proposed.

The City of Cockburn should therefore advise the EPA that:

- The City of Cockburn does not have the expertise to confirm weather or not the levels of remediation are appropriate to ensure permanent public health and environmental protection. It is envisaged that the Department of Environmental Protection and the Department of Health will review these sections in detail and provide the appropriate technical advice to the EPA.
- PCD should ensure that appropriate ongoing monitoring requirements for the intercept drain and irrigation lake, to ensure the water is suitable for irrigation, are included in the Waterways Management Plan
- The City of Cockburn has concerns with the proposed irrigation system due to the potential for the system to increase maintenance costs and create potential problems with water availability and reliability to City of Cockburn managed public areas.
- The City feels that further information must be provided on the re injection bore aspect of the proposed groundwater interception component of the project. No detailed studies have been conducted; for example, of any soil contamination within the area of re location that may be leached from the area should re injection occur.
- Proposed monitoring of impacts to seagrass meadows should include monitoring and protection of seagrass located 130m from the proposed development.
- There is a requirement for clarification on the cumulative effects of proposals effects and associated responsibilities for impacts to the coastline, including erosion and accretion along the coast.
- Further detail needs to be provided regarding protection of the dune systems to the south of the development area and how the interface between the dune system and the development will be managed.
- Rehabilitation of the Regional Open Space reserve on the eastern edge of the development proposal is primarily rehabilitated using a suite of local species to appropriately compensate for the area of Beeliar Regional Park to be cleared.

### 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 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

Potential financial implications are associated with the acceptance and operation of the proposed groundwater interception and irrigation component of this proposal. Council should address this during negotiations with the proponent on the Waterways Management Plan and responsibilities package prior to agreement.

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

Nil

### 14.11 (OCM1\_2\_2002) - BIBRA LAKE NUTRIENT MANAGEMENT STUDY - STAGE 2 (6130) (PS) (ATTACH)

#### RECOMMENDATION

That Council:

- (1) receive the report;
- (2) provide a copy of the report to CSIRO and Water and Rivers Commission to facilitate discussion on the suitability of Phoslock for this project;
- (3) approach government agencies, research institutes, industry and other authorities as to the possibility of co-funding and

- supporting an investigation into the special purpose dredge proposal;
- (4) investigate potential external funding and resources that could assist with the implementation of this project;
  - (5) review the Consultant's proposed 10 year plan ,with costings, which incorporates the information collected through recommendations 1,2 and 3; and
  - (6) request Sinclair Knight Merz to provide advice on the implications of a "do nothing" option on the future of Bibra Lake as a conservation wetland.

## COUNCIL DECISION

### Background

Bibra Lake is important to the Cockburn community as an area of recreation and conservation. The conservation value of the wetland is highlighted by its status as a Bush Forever site and is also part of the Beeliar Regional Park. Bibra Lake supports an array of different fauna ie waterbirds and bandicoots, as well a diverse wetland and dryland vegetation community. The lake is also a community feature with Cockburn residents, and people residing outside the Cockburn district, visiting the area. A visitor survey undertaken in a six week period between April and May 1998 indicated that people visited Bibra Lake from 36 metropolitan suburbs as well as from interstate and overseas. These visitors use the facilities and appreciate the natural features of the wetland.

Bibra Lake needs to be managed with the objective to ensure that these community and conservation values are available for future Cockburn residents. This includes the water quality.

All wetlands are influenced by the water that enters through the groundwater and the catchment. Through this process nutrients such as phosphorus and nitrogen enter the wetland. In a natural system these levels of nutrient fuel a few algal bloom which are rapidly grazed by the wetland invertebrates, which are then a food source for other animals. Unfortunately wetlands surrounded by urbanisation are exposed to large amounts of nutrients from the urbanised catchment. These nutrients lead to the wetland through surface water run off and ground water flow. As a result of past land uses in the lake and within the wetland's catchment Bibra Lake is now very nutrient enriched. Also

the use of the southern end of Bibra Lake as a landfill site has compounded the nutrient problem. Bibra Lake is considered eutrophic because of these excess nutrient levels. The AZECC/ARMCNZ Guidelines for Marine and Freshwater Quality outlines “trigger values” for certain water quality parameters. Values above these figures indicate that the wetland may have adverse biological characteristics. The following table demonstrates the excessive nutrients at Bibra Lake:

Comparison of Bibra Lake nutrient levels with AZECC/ARMCNZ trigger levels

	Chlorophyll (micrograms/L)	Total phosphorus (micrograms/L)	Total nitrogen (micrograms /L)
“Trigger values”	30	60	1500
Annual average	25 – 97	94 – 527	3379 – 6686

Nutrient enrichment often leads to frequent algal blooms. These algal blooms have a number of impacts on the wetland, including the aesthetics, community appreciation and the conservation values of the wetland. This was highlighted with the community’s concern with the brownish algal bloom that occurred in 2001.

Another consequence of these frequent algal blooms is their impact on the wetland invertebrates, in particular the proliferation of midges. The frequent algal blooms affect the competitors and predators which control midge numbers. The absence of competitors and predators has lead to “unnaturally” high midge numbers which now affect the residents living near Bibra Lake. This has resulted in the City undertaking chemical control in an effort to control these numbers

The report “ Bibra Lake Nutrient Management Study – Stage 1”, completed by Martinick and McNulty in 1999, highlighted that the major nutrient sources are: sediments, the southern land fill and the catchment. The report also highlighted measures which could remedy these problems with some approximate costs.

### Submission

In 2002, Sinclair Knight Merz were commissioned to undertake Stage 2 of the Bibra Lake Nutrient Management Study, the objective of which were as follows:

- Review the findings of the first report
- Refine and update the approximate cost of the proposed methods.

The final report provides an accurate assessment of the techniques and approximate costs to improve the water quality of Bibra Lake. This item outlines the outcomes of this report and recommends a number of

actions. The report summary has been attached to the item. Copies of the full report are also available.

## Report

The “Bibra Lake Nutrient Management Study - Stage 2” reconfirmed the findings in the earlier report, “Bibra Lake Nutrient Management Study - Stage 1”. The report confirmed that the main nutrient source within the wetland are the sediments, southern land fill area and groundwater inflow. The report noted that even if all inflows were completely reduced, the large load within the sediment would still maintain Bibra lake at eutrophic levels. A brief outline of each nutrient source, possible procedures to remedy the problem and approximate cost has been provided below:

## Sediment

### Description

Bibra Lake sediments consist of a 400 mm light floc layer overlying a detritus layer that can extend to 1 –2 meters. The majority of the nutrients are stored in the floc layer. The sediments contributes 59% of the nutrient source within Bibra Lake.

### Procedures

There were two methods which could be utilised to remove this nutrient source. These include:

1. A specialised dredge to under take a number of sweeps to remove the floc level. This could remove 80% – 90% nutrient load within the sediments.
2. The use of Phoslock. Phoslock is a material currently under development by the CSIRO and the Water and Rivers Commission. The compound is intended to be added to the wetland will bind to phosphorus and make it unavailable for biological uptake. This deprives the algae of nutrients and so reduce the frequency of algal blooms in Bibra Lake. Current trials have shown promising results. The product is still undergoing testings and its effectiveness and future availability is still unknown.

### Cost

#### 1. SPECIALISED DREDGE

Item	Cost Estimate
Suction and Pontoon (including Engineering)	\$130,000.00
Suction pipe and Rising Main	\$320,000.00
Clarifier and Pipework	\$280,000.00
Sludge Drying Beds earthworks	\$250,000.00
	<b>\$980,000.00</b>

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2. Phoslock

Due to the fact that Phoslock is still in development it is too soon to be able to determine costs, or assess its feasibility in this situation.

**Southern landfill**

Description

The southern landfill contributes 11% of the nutrient load within Bibra Lake.

Options

The nutrient source derived from the southern landfill can be countered in a number of ways. These include:

1. Excavation of landfill and replacing with clean fill.
2. Capping of the southern landfill. This would reduce the leaching of nutrients and potential contaminants contained in the landfill site. This would not totally address the groundwater flow of contaminates from the landfill.
3. Capping of landfill with groundwater control. This address the deficiency mentioned in the previous scenario. The groundwater control can be undertaken by a number of different methods such as tree planting, groundwater pumping and/or Phoslock trenches.

Cost

1. Excavation of landfill and replaced with clean fill

Item	Description	Indicative Costs
<b>Site Investigations</b>		
Preliminary Investigations	Preliminary site investigations \$10,000	\$10,000
Subsequent Investigations	Follow-up investigations including geotechnical investigations	\$100,000
<b>Excavation and Backfill</b>		
Earthworks and transport	Includes costs for excavation of material; transport to an appropriate landfill; supply of fill material and backfilling of the excavation	\$5,000,000
Engineering, Contract Management and Validation	Assume 10% of excavation costs	\$500,000
Tipping fees		\$25,000,000
<b>Total Indicative Cost</b>		<b>\$30,610,000</b>

2. Indicative costs to cap the landfill

These costs are undertaken on the assumption that, the area of landfill is 15 hectares (as determined by aerial photos) and that 50 landfill gas vents are required. It would be imperative to undertake the site investigations to confirm the costings.

Item	Description	Indicative Costs
<b>Site Investigations</b>		
Preliminary Investigations		\$10,000
Subsequent Investigations		\$100,000
<b>Earthworks</b>	Includes clearing and carting away of vegetation, and placement of capping layers.	\$550,000
<b>Landfill Gas Vents 2</b>		\$40,000
<b>Capping Material</b>		
Vegetation	Grass cover (supply and installed)	\$60,000
Topsoil	600mm of topsoil	\$750,000
Geotextile Filter	Geomembrane (supply and installed)	\$250,000
Lateral Drainage Layer	200mm of gravel	\$850,000
Barrier Layer	Bentofix liner (supply and installed)	\$1,500,000
Gas Collection Layer	200mm of gravel	\$850,000
Subgrade Layer	100mm of sand	\$125,000
Engineering, Contract Management and Quality assurance	Assume approximately 10%	\$500,000
<b>Cost \$5,585,000</b>	<b>Total Indicative Cost</b>	<b>\$5,585,000</b>

### 3. Capping in conjunction with groundwater control

#### Description

To completely stop the flow of nutrient from the landfill into the wetland. There is the need to halt the natural groundflow through the landfill. This can be accomplished in a number of different ways.

#### Procedures

The three options are:

1. Tree planting
2. Groundwater pumping
3. Installation of Phoslock trenches

The theory is that the Phoslock would strip the groundwater of nutrients as the groundwater passes through and enters the wetland.

#### Cost

1. Tree planting has been costed to be at a minimum of \$6,500
2. The approximate cost for the installation of the bores and treatment was \$2,051,300. This does not include operational costs.
3. This cannot be costed because of the current lack of knowledge on the cost and applicability of the Phoslock

#### **Groundwater inflow**

Groundwater forms 27% of the nutrient source within Bibra Lake. The nutrients in the groundwater can be contributed to the catchment. To reduce this nutrient flow there is the need for catchment management. This involves educating and modifying the behaviours of residents within the catchment area. This would be an ongoing cost with estimates of \$20,000 within the first year of the program followed by an allocation of \$5000 per year.



### **Implementation of the report**

To improve the water quality in Bibra Lake requires managing all the different nutrient inputs: sediments, the southern landfill, groundwater and surface water. In recognition of funding constraints the consultant prioritised which nutrient sources required attention. The sediments are the first priority, landfill is a second priority, groundwater is a third priority and the surface water is a fourth priority.

To ease the implementation of the report the consultant proposed a 10 year plan. This 10 year plan outlines the necessary activities and approximate costs.

In the first year it is intended to refine the dredging option. An approximate amount of \$130,000 - \$150,000 is required to further develop the concept and part of this work would be to assess the potential long term impacts on the benthic flora and fauna. Prior to the allocation of these funds a first step would be to search for potential opportunities with government, research institutes and private industry to share costing and the benefits of this device.

At the same time there is the need to further examine the options of Phoslock to undertake sediment remediation, as this may eliminate the need for dredging. This would require further meetings with CSIRO and Water and Rivers Commission.

There is also the need to investigate any possible external funds and resources which could assist with the implementation of this report

The collection of this additional information could potentially alter the proposed 10 year plan, both in the selected techniques and costing. As a result it would be advisable to collect this additional information and submit the revised plan to Council at a later date. Then the Council and community will have a true indication of the extent and cost of the project.

The report does not deal with the "do nothing" option and before considering the options contained in the Sinclair Knight Merz report, the consultant's should be asked to provide information on the future water quality of Bibra Lake if none of the remedial actions are pursued.

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

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

1. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

### **Budget/Financial Implications**

To be determined depending upon the course of action the Council decides to take. This is a matter that would have to be referred to Council for consideration.

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

Nil

## **14.12 (OCM1\_2\_2002) - DRAFT BEELIAR REGIONAL PARK MANAGEMENT PLAN (9509) (CB) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) endorse and forward to CALM the Beelihar Regional Park Draft Management Plan Submission.

### **COUNCIL DECISION**

### **Background**

In 1997, the State Government proposed that a management plan for Beelihar Regional Park be prepared by the Department of Conservation and Land Management in conjunction with the local governments of Melville, Cockburn and Kwinana.

The Department of Conservation and Land Management has recently released the Beelihar Regional Park Draft Management Plan for comment. The purpose of the plan is to provide broad direction for the planning, management and development of Beelihar Regional Park.

Within the City of Cockburn reserves that are part of the Beelihar Regional Park include Manning Lake, Market Garden Swamp, Lake Coogee, North Lake, Bibra Lake, South Lake, Little Rush Lake, Yangebup Lake, Kogalup Lake, Thomsons Lake, Harry Waring Marsupial Reserve, Brownman Swamps, Lake Mt Brown and Mt Brown.

Council currently manages many of the Beeliar Regional Park reserves and accordingly will have a significant role in the implementation of the management plan.

### **Submission**

N/A

### **Report**

Environmental Services staff have reviewed the Beeliar Regional Park Draft Management Plan and generally agree with the proposals and strategies outlined in the plan. Some changes have been suggested as per the attached submission. The proposals and submissions are generally in line with Council's Reserve Management Plans and the Coastal Works Plan. A copy of the detailed submission on the Draft Management Plan and a copy of the recreation master plan from the draft is included in the Agenda attachments. It is recommended that the submission be forwarded to CALM as Council's response to the Draft Management Plan.

### **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 development will enhance the levels of amenity currently enjoyed by the community."*
2. 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."*
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: -

SPD1	Bushland Conservation Policy
SPD3	Native Fauna Protection Policy
SPD5	Wetland Conservation Policy

### **Budget/Financial Implications**

N/A

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

Nil

**14.13 (OCM1\_2\_2002) - REQUEST TO PURCHASE LOT 24 RUSSELL ROAD, BANJUP (5517622) (AJB/KS) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) agree to sell Lot 24 Russell Road, Banjup to Australand by private treaty for \$79,325 in accordance with valuation advice provided by Jeff Spencer and Associates, noting that the final agreement to sell is subject to advertising in accordance with the Local Government Act;
- (2) subject to receiving written agreement to the proposed sale from Australand:-
  1. advertise the proposal in accordance with the provisions of the Local Government Act;
  2. authorise the Chief Executive Officer to sign a subdivision application to create the entry road in accordance with the sketch provided by Australand;
- (3) agree that the proceeds from the sale be credited to the Land Development Account for the purpose of acquiring further land or developing existing land holdings owned by Council, and that the initial purchase price of the land be credited to the fund from which the monies were expended, should this be appropriate.

**COUNCIL DECISION**

**Background**

Lot 24 which is owned by the City of Cockburn is located at the intersection of Russell and Barfield Roads, Banjup, and has an area of 1784m<sup>2</sup>.

The land is an amalgamation of a severed portion of Lot 456 (160m<sup>2</sup>) which was purchased by Council in 1996 when Russell Road was deviated as part of the Freeway works and a closed portion of Russell and Barfield Roads (1624m<sup>2</sup>) which was purchased by Council from the Department of Land Administration in 1998.

The cost to Council was \$26,440 being \$1,440 for portion of Lot 456 and \$25,000 for the closed portion of Russell and Barfield Roads as determined by the Valuer General's Office.

At the time of the road closures and acquisition, the land was zoned Urban Deferred in the MRS and Rural in District Zoning Scheme No. 2 and was acquired by Council as an asset for future subdivision, development or exchange.

The land is currently reserved "Other Regional Road" in the Metropolitan Region Scheme and District Zoning Scheme No. 2. Australand who own the adjoining Lot 202 Russell Road have recommended an alternative alignment for Russell Road which, if agreed to, would result in a portion of Lot 24 being zoned Urban.

Lot 24 is within Development Contribution Area No. 3 (Gaebler Road). Under the provisions of DCA 3, Lot 24 would be purchased from Council or a subsequent owner at some time in the future out of collected funds. The procedures for the administration of DCA funds and Valuation principles are set out in Part 12 of DZS No. 2.

### **Submission**

Australand, who own adjoining Lot 202 to the south wish to buy Lot 24. The land is required to provide the main access into their subdivision and for development as the entry statement. Australand has also requested Council to make application for approval to subdivide Lot 24 to create the section of the entry road between Russell Road and Lot 202.

The section of road needs to be created and vested at the same time as the finalisation of Stage 1 to comply with requirements of the servicing authorities. Given it is proposed to go to the market in March/April there is a need to deal with Australand's request immediately.

### **Report**

Lot 24 was purchased by the City of Cockburn as an investment property and is owned in freehold. Accordingly, Australand needs to deal with the City of Cockburn as it would with any other private land owner in terms of obtaining permission to enter the land, carry out works and negotiating its acquisition.

When selling land, Council must comply with the provisions of the Local Government Act. This usually requires sale by tender or auction unless there are specific requirements which justify sale by private treaty. It is also necessary to obtain a valuation and advertise the proposed sale for public comment.

As previously noted, Australand's subdivision of Lot 202 Russell Road relies on its main access off Russell Road through Lot 24. It is also proposed to develop the portion of Lot 24 adjacent to Russell Road as the main entry statement. Accordingly, the proposed acquisition is required to suit the commercial requirements of Australand.

As required, Council officers requested Jeff Spencer of Jeff Spencer and Associates Licensed Valuer to prepare a valuation for Lot 24. Jeff Spencer has undertaken a considerable number of valuations for Council, including those for Beeliar Drive acquisition. The valuation for Lot 24 dated 7 November 2001 was for \$71,500.

The valuation was undertaken on a stand alone basis which is the same basis employed by the Valuer General's Office in 1997 when Council acquired the land.

By letter dated 16 January 2002, Australand advised that there were no objections to the methodology used by Jeff Spencer in the 7 November valuation, but considered the assumptions used in the hypothetical development analysis used to determine the value of Lot 24 to be incorrect.

In particular it was submitted that if developed on a stand alone basis the subdivision of Lot 24 would result in two irregular shaped lots of lesser value, is reliant on the provision of a dedicated public road through the eastern portion of the land (Australand's main access road) and did not acknowledge the high cost of developing the property due to its remoteness from existing services.

A hypothetical exercise prepared by Jones Lang LaSalle for Australand dated 21 December 2001 valued Lot 24 at \$17,200. However, the valuation advice also states that Lot 24 basically only has value to the adjoining owner (Australand) and the maximum amount considered appropriate would be \$14.07 per square metre which is the rate paid per hectare by Australand. This gives a value of \$25,100.

The primary reason for the major difference between the two valuations is the assumed development costs which were \$30,000 per lot in Jeff Spencer's hypothetical analysis and \$52,900 in that prepared by Jones Lang LaSalle.

In response to the comments made by Australand and Jones Lang LaSalle, Jeff Spencer advised that the irregular shape of Lot 24 had been taken into account, and that the eastern road (Australand's main

access road) is not required for the proposed subdivision given the land has a 47 metre frontage to Barfield Road. It was also noted that the development costs used by Jones Lang LaSalle were those for Stage 1, which are possibly loaded with earthworks and service provision which benefit subsequent stages and should be allocated accordingly.

In view of the situation, Jeff Spencer recommended that Council obtain independent engineering advice including detailed costings.

A stand alone subdivision plan of Lot 24 was prepared by Council's Planning Services and referred to Bruechle Gilchrist and Evans (BGE) Consulting Engineers for costing. The plan of subdivision resulted in a single residential lot of 570m<sup>2</sup> and a duplex lot of 917m<sup>2</sup>. Both are irregular in shape and have access to existing Barfield Road. As highlighted by Jeff Spencer, the proposed eastern road (Australand's main access road) is not required to enable the subdivision of Lot 24 on a stand alone basis and accordingly has not been reflected in the plan of subdivision.

A copy of the plan of subdivision is included in the Agenda attachments.

BGE have estimated the cost to develop the two lot subdivision is \$30,998 per lot. This is based on the following:

- half cost of upgrading Barfield Road including kerb, drainage and dual use path for that section which abuts Lot 24. (No contribution is made to Australand's proposed main access road as it provides no benefit to Lot 24).
- a sewer connection will be available in Barfield Road (provided as part of Australand subdivision with no contribution requirement by Council).
- water reticulation will be available from Russell/Barfield Roads (provided as part of Australand subdivision with no contribution requirement by Council).
- Gas will be available in Hammond/Russell and Barfield Roads.
- underground power is available.
- estate fencing to Russell Road (brick pillar and colourbond infill panel).
- no earthworks (Australand cleared and earthworked Lot 24 illegally and without the approval or agreement of Council. No further work is required and there is no obligation for Council to reimburse Australand for the estimated cost of those works. In any event no

earthworks would have been required if Lot 24 had been subdivided on a standalone basis).

- sewer, water and drainage headworks.
- no contribution to the public open space. (The Planning Commission does not require POS for subdivision of 5 lots or less)

A pro rata contribution to Russell Road and Hammond/Frankland Road has been calculated for inclusion in the valuation.

Based on the plan of subdivision and the detailed costings provided by BGE consulting engineers, Jeff Spencer has reviewed the valuation advice provided in November 2001 and confirmed that in his opinion the value of Lot 24 is \$83,500.

As previously noted, Council owned land would usually be sold by auction or tender in accordance with requirements of the Local Government Act. In their report Jones Lang LaSalle state that basically Lot 24 only has value to the adjoining owner being Australand. This statement is incorrect for the following reasons:

- At a purchase price of \$17,200 calculated by Jones Lang LaSalle an astute purchaser would rightfully expect that if the land were held into the medium term whilst infrastructure development and residential estates progressed in the immediate area, that there would be a significant flow of market benefit to Lot 24.
- Even at \$14 per square metre maximum suggested by Jones Lang LaSalle, there is still significant price escalation potential in the medium term to at least \$25 per square metre on a broad acre basis which is the current prevailing price to the north around Bartram Road, Success. This would also apply if the only use for the land was road purposes.

Whilst Australand are by no means the only private party that might be interested in purchasing Lot 24, it is not considered in the best interest of proper and orderly planning of the Banjup locality or the community if the land were purchased by a third party who may not be prepared to co-operate with Australand in facilitating access to the subdivision of their Lot 202 which could result in less favourable planning outcomes.

Accordingly it is recommended that Council proceed with the sale of Lot 24 to Australand by private treaty, based on the valuation provided by Jeff Spencer and Associates, less 5% sale expenses that would have been incurred had the land been sold on the open market, auction or tender. This results in a sale price of \$79,325.

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



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

1. Managing Your City

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

2. Planning Your City

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

### **Budget/Financial Implications**

Proceeds are to be added to the Land Development Account to fund future acquisition or development of Council land.

Although the land is held as an asset by the Council it may be appropriate to repay the initial purchase price for the land into the account from which it was taken, should this be appropriate.

The Council will be best served by reinvesting this money into another asset to derive a potential long term benefit to the community.

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

Nil.

### **14.14 (OCM1\_2\_2002) - AMCOR PAPER MILL, LOT 501 & 502 PHOENIX ROAD, BIBRA LAKE (1101294) (MR)**

#### **RECOMMENDATION**

That Council:

- (1) approve the following changes to proposed Town Planning Scheme No 3 in the following regard:-
  - (a) Modify the Scheme Text relative to SU12 of schedule 4 as follows:-

- Include Lot 502 Sudlow Road, Bibra Lake in the description of the land as an addition to the existing reference to Lot 501 Phoenix Road, Bibra Lake, Australian Paper Manufacturers.
- Reword SU12 (strikethrough text deleted, underlined text new) as follows:- *“Paper Manufacturing ~~and Conservation Area~~, includes land and buildings used and designed for the manufacture and recycling of paper and paper products and includes the areas required for the dispersion of waste effluent generated by the processes used, together with surrounding areas on-site required ~~of buffer land retained and conserved~~ to separate the industry from adjoining uses and operate in accordance with the “Paper Mill Agreement Act” No. 43 of 1960.*

*The uses permitted or permissible in the SU12 zone shall be:*

- 1. All uses carried out in the SU12 zone at the time of gazettal of the Scheme;*
- 2. All uses otherwise provided for in the Papermill Agreement Act 1960 and the agreement to that Act;*
- 3. Without limiting the generality of the foregoing, any processes which uses waste resulting from the above uses.*
- 4. Any other use which is incidental or ancillary to the manufacture or recycling or paper products in conformity with the Papermill Agreement Act.”*

- (2) instruct McLeods (Council’s solicitors) to respond to Minter Ellison on its behalf advising that:-
  - (a) the Paper Mill Agreement Act 1960 can only reasonably apply to those parts of the original “mill site” (400 acres) which are to be used for in connection with the paper mill as clearly intended by the Agreement;
  - (b) state that in its opinion development approval for the establishment of the paper mill and effluent ponds was required under the Metropolitan Region Scheme (“MRS”). There is no provision in the Act or the Agreement that excuses the obligation to obtain the MRS approval;
- (3) verify if the resumption of a portion of land for road purposes from Lot 501 has been completed by the issuance of new titles by DOLA and if necessary modify the description of land in (1) above to reflect the new lot number.

**COUNCIL DECISION****Background**

The City first raised the question on 15 July 2000, whether or not a planning approval was ever obtained by Amcor and approved by the Council. This arose from an investigation into an appeal by LandCorp to a Council refusal to permit sand quarrying on the land purchased from Amcor by LandCorp.

LandCorp purchased around 90 hectares of the Amcor site which remains undeveloped bushland ("Lot 502"). Within the land sold to LandCorp, Amcor have effluent disposal ponds which are no longer on land owned by Amcor. The City was concerned about this arrangement. Research revealed that the adjacent Amcor landfill on the LandCorp land was approved by the Minister for Planning on appeal and the effluent ponds appeared to have never been applied for or approved.

The obvious question arose in that *if the Paper Mill Agreement Act 1960 allowed Amcor to do whatever was necessary to operate the papermill on the 400 acre site, then why did it apply to the Council for approval for the landfill site?*

There are also inconsistencies in the application of the Act where the State Government, some years ago (1980's), rezoned the land south of the papermill site from industry to residential that was initially included in the land allocated for the papermill. The area is now part of the Yangebup Residential Area. This raises questions over the State's obligations under Clause 8(a) of the Act which states: "*The State shall ensure, if necessary by legislation, that the mill site is zoned or...*" It is now obvious that despite this wording of the Act, those areas of the original papermill site have been sold by Amcor because the land is surplus to its requirements.

The papermill is likely to be deemed a noxious industry, in which case the only appropriate zoning would be either noxious industry or general industry with an additional use for a papermill.

At the time of preparing proposed Town Planning Scheme No 3 (TPS3), the Council was unaware of the likelihood that the Amcor development may not have local or State planning approval. The Special Use Zone proposed in TPS3 for the operation of the papermill was to be in accordance with the Act as well as the Planning Approval.

This approval is now in doubt. This approach to the zoning of the Amcor land was considered to be in the best interests of Amcor as it could be deemed to be a noxious industry located in a General Industrial Zone.

At the Ordinary Meeting of the Council in April 2001 it was resolved to:-

- “(1) seek a legal opinion from its solicitors McLeod & Co, on whether or not the Papermill Agreement Act exempts Amcor from the requirement of obtaining planning approval pursuant to the City of Cockburn Town Planning Scheme - District Zoning Scheme No 2; and*
- (2) refer this matter back to the next available Ordinary Meeting of Council following receipt of legal advice, to ensure that all the necessary approvals were obtained or were not required by Amcor, due to the existence of the Papermill Agreement Act.”*

References to Lot 501 in this report may subsequently change to Lot 503 following the resumption of a portion of Lot 501 for road purposes being transferred to the crown.

### **Submission**

Minter Ellison acting on behalf of Amcor is firmly of the view that development approval was not required for the establishment of the paper mill and effluent ponds. This is on the basis that a copy of the Interim Development Order No 1 was sighted which indicated that the development of special industry did not require planning approval.

Furthermore that the sale of Lot 502 to LandCorp does not alter the legal status of the approval for the effluent disposal ponds used by Amcor on that lot.

As recommendations are made in the agenda that relate to the zoning of Lot 502 sold by Amcor to LandCorp, it is necessary to consider a submission made by Minter Ellison on behalf of Amcor on the major modifications advertised by the Council for Town Planning Scheme No 3. The submission is summarised as follows:-

1. Object to Lot 501 being included within Special Use SU12 of Schedule 4 of TPS3 re-advertised.
2. The proposed Scheme provisions do not reflect the provisions of the Papermill Agreement Act 1960 as it would restrict Amcor’s initial and projected operations.
3. Reference to “conservation area” and “surrounding area” of buffer land retained and conserved to separate the industry from the adjoining uses would impose a restriction on the use of the mill site

which is contrary to the Act. The State is not fulfilling its obligations under the Act.

4. Unclear what the future land uses would be after the expiration of the Papermill Agreement Act 1960. The present uses and projected operations must be secured well beyond the expiration of the Act. The proposed zoning would limit Amcor's ability to carry out other industrial uses.
5. Amcor's businesses also include box plant, paper mill, recycling, plastics, paper bags & sacks, can manufacture. Some of these business activities could be relocated to the subject land in the future but would be difficult without industrial uses being permitted within SU12.
6. The green belt to Amcor's operations would be maintained relative to St Paul's Estate even with expansion.

Minter Ellison's recommended rewording of Schedule 4 reads as follows:-

*"The uses permitted or permissible in the SU12 zone shall be:*

- 1. All uses currently carried out in the SU12 zone;*
- 2. All uses otherwise provided for in the Papermill Agreement Act 1960 and the agreement annexed to that Act. Upon the expiration of the Papermill Agreement Act 1960 and without limiting the permissibility and the continued operation of the above uses, all uses permitted or permissible in the industrial zone;*
- 3. Without limiting the generality of the foregoing, any process which uses waste resulting from the above uses."*

## **Report**

The purpose of this report is to consider various legal advice received from Council's solicitors over the past year (inclusive of a letter dated 4 February 2002), regarding the approval status of the paper mill operations relative to the *Paper mill Agreement Act* and prevailing planning legislation at that time. There are also implications from the Council's legal advice received that need to be considered in the context of the finalisation of Town Planning Scheme No 3.

The following legal conclusions were reached:-

- The paper mill establishment was subject of an agreement between the State and Australian Paper Manufacturers ("APM") in 1960;
- The Paper Mill Agreement Act ("PMA") requires that all the operation of the paper mill and the disposal of waste effluent is to occur on the 'mill site';

- APM agreed to construct and operate the mill site by the year 1966. The mill would have been established between October 1964 and 31 December 1966;
- The establishment of the mill means that the use has statutory sanction by the Agreement;
- The Town Planning and Development Act was amended in 1955 to provide for the making and implementation of an Interim Development Order (“IDO”) operating within the Perth Metropolitan Region until the Metropolitan Region Scheme came into force in 1963. Except for some exemptions, all development in the region required approval under the IDO. Except for some exclusions, all development in the region required approval under the IDO. The IDO could not reasonably apply in this instance as the mill would have been established between October 1964 and 31 December 1966;
- In the absence of any planning approval, it must be the case that the mill and the ponds were established without the approval required under the Metropolitan Region Scheme. There is no provision in the Act or Agreement that excuses the obligation to obtain the MRS approval. That is a matter that is separate from the obligation undertaken by the State to ensure that the zoning would be appropriate;
- The mill plant and administration offices are located on Lot 501. Amcor have for some years disposed of waste from the mill into a landfill site and a series of effluent ponds on part of Lot 502. This land was subdivided off as Lot 502 and sold to LandCorp. Although Amcor no longer own the land, the Act requires that waste effluent is to be disposed of on the mill site and therefore, Lot 501 and 502 should be described as the mill site for the purposes of proposed Town Planning Scheme No.3.
- The Agreement refers to the original 400 acres in the definition of the “mill site” where it has been accepted that the 400 acres could not reasonably remain part of the mill site. Council’s solicitors have concluded that the intent of the Agreement must have been that only part of the 400 acres were intended to be used for the paper mill and incorporated into the mill site. It was also held that those parts of the mill site which are to be used in connection with the paper mill ought to be appropriately zoned. This is clearly described in the Agreement;
- It remains that Amcor now occupy a small area of the original portion around its existing plant, but the larger balance of land is no longer under its control. The original mill site has been subdivided into numerous lots residential lots in Yangebup and industrial lots in

Cocos Park, Bibra Lake which is in addition to the newly created lots of Lot 501 north of the railway retained by Amcor Lot 502 purchased by LandCorp;

- Rights, powers and facilities were given to Amcor in the Agreement Act but no attempt was made to ensure Amcor are immune from obligations at the time of the commencement of the mill to obtain development approval;
- Given the long term operation of the mill it would be inappropriate for the City now to take any step to attempt to terminate the mill operation, but that does not mean the mill has the status of a lawful development and use or non-conforming use rights;
- It is not open to the Council under District Zoning Scheme No 2 or the MRS, nor is it open to the Western Australian Planning Commission (“WAPC”) under the MRS to give retrospective development approval on the paper mill;
- The Council could consider an application for a use approval for the site and plant without detailed plans.

The following comments are provided in response to the submission by Minter Ellison on TPS3 re-advertised:-

1. TPS3 proposed to include Lot 501 within a “Special Use” – SU12 zone within schedule 4. The SU is in conformity with the provisions of the Papermill Agreement Act 1960 as it makes a direct reference to this legislation. Lot 502 was included in the “Industry Zone” with an Additional Use 14 for the effluent ponds.
2. It is agreed to delete reference to ‘Conservation Area’. The Agreement Act requires the company to take reasonable steps to prevent nuisance to others. The existing vegetated buffer surrounding the Mill over the past 40 years has assisted in meeting the operational requirements of the Act.
3. Future land uses are provided for in accordance with the Paper Mill Act, the PMA Act expires in the year 2010 which is outside the intended operational time of 5 years provided for under the Town Planning & Development Act for proposed Town Planning Scheme No 3. Amcor are required to comply with the Papermill Agreement Act and can only use the land for the purpose of a papermill. The Special Use Zone is consistent with the Papermill Agreement Act and is not an impediment to its continued use as a papermill.
4. It was proposed to add point 4 to SU12 *“Any other use, which is incidental or ancillary to the manufacture or recycling of paper products in conformity with the Papermill Agreement Act.”*

It is concluded that modifications to Town Planning Scheme No 3 to include Lot 502 in the "Special Use Zone SU12" of TPS3 is consistent with the Council's legal advice that the same zoning classification to all of the land covered by aspects of the mill operation should apply. The Council would also be adopting a consistent approach applied to Cockburn Cement where their land is proposed to be included in a Special Use Zone in TPS3, with the exception of that portion of land included in the Hope Valley-Wattleup Redevelopment Act 2000. Modifications to TPS3 text outlined in the above regard are also required.

### **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 development will enhance the levels of amenity currently enjoyed by the community"*
2. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

### **Budget/Financial Implications**

There are available funds within the Legal Advice account for Statutory Planning Services.

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

Nil

### **14.15 (OCM1\_2\_2002) - NEW ADMINISTRATION POLICY - INTERPRETATION OF THE RESIDENTIAL PLANNING CODES IN RELATION TO LOT LAYOUT AND VEHICULAR ACCESSIBILITY AND LOCATION (9003) (VM) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) adopt the proposed Policy APD.. "Residential Planning Codes - Interpretations in relation to car parking, setbacks and boundary walls", as attached to the Agenda, for the purpose of guiding the assessment of residential development;



- (2) adopt Delegated Authority APD.. "Residential Planning Codes - Interpretations in relation to car parking, setbacks and boundary walls", as attached to the Agenda, for inclusion in the Council's Delegated Authority Register.

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

## COUNCIL DECISION

### Background

The background to this matter is discussed in Item 14.2 OCM1\_11\_2001. At the ordinary meeting of the Council held on 20 November 2001 it was resolved as follows:-

- "(1) *adopt the proposed Policy "Residential Planning Codes - Interpretations in relation to car parking, setbacks and boundary walls" for the purpose of advertising it under Clause 11.1.1 of the District Zoning Scheme No. 2; and*
- (2) *in the interim;*
1. *adopt the proposed Policy "Residential Planning Codes - Interpretations in relation to car parking, setbacks and boundary walls " attached to the Agenda as a guideline;*
  2. *delegate to the Principal Planner the authority to apply the "Residential Planning Codes - Interpretations in relation to car parking, setbacks and boundary walls."*

The current approach of the City in dealing with boundary walls is to approve proposals that comply with the height and location requirements of the Codes and treat such proposals 'as of right'. This has assisted work flow and provided certainty to developers, but sometimes not resulted in the best outcome for adjoining owners who express a concern about the impact on their property. The policy seeks to ensure adjoining owners are consulted and requested to provide comments regarding proposals for boundary walls prior to approval. The comments by adjoining owners do not constitute an approval or refusal but an opportunity for Council's planning officers to assess the planning considerations/merits of the comments in relation to the impact of the development on the adjoining properties.

The policy should be referred to, and the City consulted, at the earliest stage of development ideas/concepts. The policy guidelines will be used by the City to assist in evaluating applications requiring approval.

### **Submission**

N/A

### **Report**

The purpose of this report is to seek Council's adoption of the proposed policy following the advertisement period undertaken as required under Clause 11 of the Scheme. While the policy was being advertised Council endorsed the policy as an Interpretation and guide to the Codes whilst assessing residential development.

The policy reflects the criteria set out in the Liveable Neighbourhoods report (Community Design Codes).

The report specifies the relevant consideration when approving Liveable Neighbourhoods concepts in detail under Element 3: Lot Layout.

Under Objective 9 of Element 3: Lot Layout - the following is stated *"New development should provide lots which facilitate safe and efficient vehicle access without street frontages being dominated by garages and parked cars or creating unsafe conditions along arterial routes."*

Moreover the Element 3 requirement No. 24 states that *"Lot widths should be suited to provision of car parking, garaging and driveway access in a manner that does not result in garages or carports dominating the street frontage."*

This element suggests the setting back of garages behind the frontage of a dwelling to avoid streetscapes being garage dominated. Moreover the building fronts in overlooking the streets it will improve safety and street aesthetics appearance.

The policy also includes some diagrams to ensure that the interpretations of the Codes are achieved. The diagrams detail preferred forms of developments and statements in relation to the visual presentation of the dwellings to the street.

The proposed Policy was advertised for public comment in accordance with the District Zoning Scheme No. 2 - Clause 11.1 - Adoption and Amendment of Policies. The Policy was advertised once a week for two consecutive weeks in the Cockburn City Herald, requesting comments to be made within 21 days from the date it was first advertised. At the close of the advertising period, no submissions were received.

As part of the consultation process, the City also wrote to predominant building companies, which lodged the greater quantity of building licence applications to the Council. The list was compiled from the City's Building Licence Register. Some builders verbally queried the Policy and raised no issues. At the end of the consultation period given to the building companies, no submissions were received.

As a result of not receiving submissions during the advertising period, no further modifications are required to the policy. However, further diagrams of preferred forms of development will be prepared to explain the policy requirements.

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

### **Budget/Financial Implications**

N/A

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

Nil.

## **14.16 (OCM1\_2\_2002) - PROPOSED AMENDMENT TO POLICY APD10 "DISCRETION TO MODIFY DEVELOPMENT STANDARDS" AND DELEGATION (9003) (VM) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) adopt the modifications to Policy APD10 "Discretion to modify Development standards as contained in the attachment to the Agenda;
- (2) adopt the modifications to Delegated Authority APD10 "Discretion to modify Development Standards" as contained in the attachment to the Agenda.

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

**COUNCIL DECISION**

**Background**

The Western Australian Planning Commission ("WAPC") has recently issued subdivision approvals on land zoned "Rural" in the City of Cockburn District Zoning Scheme No. 2 ("DZS2") for residential purposes. The approvals have been issued on the basis that structure plans for the relevant areas have been or will be adopted by Council and that the subject land is zoned Urban in the Metropolitan Region Scheme ("MRS").

The WAPC is advising applicants on subdivision approvals that a diagram or plan of survey will not be endorsed by the WAPC until the land is zoned for residential purposes in DZS2. Subdividers were relying on the gazettal of TPS3 rather than seeking individual Scheme Amendments which could take up to 12 months to complete.

The City has recently received requests for subdivision clearances which can be obtained. As the land is zoned "Rural" and subsequent application to construct residences will not comply with DZS2, such a variation requires a planning consent prior to issuance of each building licence to authorise a variation to setback requirements.

**Submission**

N/A

**Report**

Changes proposed to Policy APD10 "Discretion to Modify Development Standards" will include a mechanism for rural land to be developed for residential purposes, subject to compliance with certain planning criteria. The need for policy provisions that deal with this matter has arisen due to the delays in the finalisation of Town Planning Scheme No. 3 which proposes to rezone certain periphery rural areas for residential purposes. These areas are zoned "Urban" under the MRS and where Structure Plans are either adopted or required to be adopted by the Council and endorsed by the Commission.

The implications of not adopting the recommended changes to this Council Administrative Policy would be the referral of numerous applications for single residences to the Council for approval to vary

The administrative and delegation amendments will ensure there are no delays in processing subsequent applications for development.

This Policy applies only to Rural Lots that have complied with the following criteria:

1. Land is zoned "Urban" under the MRS.
2. Structure Plan adopted by Council and endorsed by the Commission, or where the Commission has waived this requirement under the terms of the subdivision approval.
3. Proposed Residential Planning Code designated or R20 Code where a Code is not designated under proposed TPS No. 3.
4. Land is included in a proposed 'Residential Zone' or 'Development Zone' under proposed TPS No. 3.

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*

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

N/A

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

Nil.

### **14.17 (OCM1\_2\_2002) - MODIFICATIONS TO AMENDMENT NO. 234 - DISTRICT ZONING SCHEME NO. 2 (92234) (MR) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) adopt the following modifications to Amendment 234:-

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

AMENDMENT NO. 234

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 as follows:-

**Amending the Scheme Maps as depicted on the Amendment Map (*modifications in italics*) by:-**

1. *Rezoning lots generally bounded by the railway reserve, Yangebup Road, Spearwood Avenue, Spearwood Avenue extension and the Rural Zone (to coincide with the adopted Structure Plan and exclude Lot Pt 2 McLaren Avenue) from Residential R20 to Development Zone.*
2. *Rezoning portion of Lots 41, 42, 45, 46 and 47 Tindal Avenue from Rural to Development Zone.*
3. *Rezoning portion of Lot Pt 2 McLaren Avenue and portion of Lot 42 Tindal Avenue from Residential R20 to Rural.*
4. *Rezoning portion of Tindal Avenue (adjacent to Lot 48) from Residential R20 to Local Road, ROW, PAW.*
5. *Amending Development Area 4 boundary on the boundary side of Lots 41, 42, 45, 46 and 47 Tindal Avenue to coincide with adopted Structure Plan.*
6. *Inserting Development Contribution Area 5 to lots generally bounded by Development Area 4 east of the Railway Reserve.*
7. *Inserting Development Contribution Area 4 to lots generally bounded by Development Area 4 west of the railway reserve and excluding lots west of View Street and Lots 1,2,3 and 4 East Churchill Avenue.*

**Amending the Scheme Text by:-**

1. inserting Development Contribution Areas 4 and 5 the into Schedule 12 as follows:-

Ref No	<b>DCA4</b>
Area	<b>Yangebup West</b>
Provisions	All landowners within DCA 4 and DCA5 with the exception of Lots 500 and 600 Shallcross Street and Lots 500 and 504 Storey Place within DCA 4 shall make a proportional contribution of 40.88% of the total cost of constructing Beelihar

Drive between Stock Road and Spearwood Avenue.

The proportional contribution is to be determined in accordance with the provisions of **Part 12 – Development Contribution Areas** and contained on the Development Contribution Plan.

The contribution shall include the following:-

- Land requirements for the other Regional Road Reservation between Watson Road and Spearwood Avenue under the MRS;
- Land requirements for an average 45 metre wide road reserve between Watson Road and Stock Road;
- Additional land which is required to accommodate channelisation at intersections and drainage;
- Full earthworks;
- Construction of a four lane median divided kerbed road;
- Dual use path (both sides);
- Pedestrian crossings (where appropriate at the discretion of the local government);
- Lighting
- Landscaping;
- Traffic signals and roundabouts at major intersections;
- Drainage
- Costs to administer cost sharing arrangements including preliminary engineering design and costings, valuations, annual reviews and audits and administration costs;
- Servicing infrastructure relocation where necessary;
- Costs for the repayment of any loans raised by the local authority for the purchase of any land for Beeliar Drive or for any of the abovementioned works.

Participants and Contributions:- In accordance with the Cost Contribution Schedule adopted by the local government for DCA 4.

Ref No  
Area

**DCA5**  
**Yangebup East**

## Provisions

All landowners within DCA5 and DCA4 with the exception of Lots 500 and 600 Shallcross Street and Lots 500 and 504 Storey Place within DCA4 shall make a proportional contribution of 40.88% of the total cost of constructing Beeliar Drive between Stock Road and Spearwood Avenue and all landowners within DCA5 south of Beeliar Drive shall make a proportional contribution of 50% of the cost of Spearwood Avenue between Beeliar Drive and Fancote Avenue.

The proportional contribution is to be determined in accordance with the provisions of **Part 12 – Development Contribution Areas** and contained on the cost contribution schedule.

Contributions shall be made towards the following items for Beeliar Drive:

- Land requirements for the Other Regional Road Reservation between Watson Road and Stock Road;
- Land requirements for an average 45 metre wide road reserve between Watson Road and Stock Road;
- Additional land which is required to accommodate channelisation at intersections and drainage;
- Full earthworks;
- Construction of a four lane median divided kerbed road;
- Dual use path (both sides);
- Pedestrian crossings (where appropriate at the discretion of the local government);
- Lighting;
- Landscaping;
- Traffic signals and roundabouts at major intersections;
- Drainage;
- Costs to administer cost sharing arrangements including preliminary engineering design and costings, valuations, annual reviews and audits and administrative costs;
- Servicing infrastructure relocation where necessary;
- Costs for the repayment of any loans raised by the local government for the purchase of any land for the road reserve or any of the



abovementioned works.

- Contributions shall be made towards the following items for Spearwood Avenue:
- Land requirements for a 25 metre wide road reserve;
- Full earthworks;
- Construction of a two lane kerbed road with channelisation at intersections;
- Dual use path (one side only);
- Traffic Management devices;
- Drainage;
- Servicing infrastructure relocation where necessary;
- Costs to administer cost sharing arrangements including preliminary engineering design and costings, valuations, annual reviews and audits and administration costs.

Participants and Contributions: In accordance with the Cost Contribution Schedule adopted by the local government for DCA 5.

Dated this Tuesday 19<sup>TH</sup> day of February 2002

Chief Executive Officer

- (2) sign the modified documents, and advise the WAPC of Council's decision;
- (3) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (4) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not with the Amendment;
- (5) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under section

48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed with the Amendment.

## **COUNCIL DECISION**

### **Background**

The background to this matter is outlined in Item 14.6 OCM15/01/02.

### **Submission**

N/A

### **Report**

Changes to the description of land affected by Amendment 234 are required to ensure consistency with proposed Town Planning Scheme No 3. This is particularly in regard to the boundary of the proposed "Development Zone" being in accordance with the Structure Plan for Cell 10 south of Beeliar Drive.

The current Residential Zone in DZS2 is consistent with the EPP boundary. Small portions of the Development Zone encroach into the outer perimeter of the Kwinana Environmental Protection Policy Air Quality area. This is not considered to have any environmental implications given that the small portions on the development edge are allocated for public open space on the Structure Plan adopted by the Council. This is an effective planning solution to a buffer issue and is a consistent approach adopted in other areas of the district such as in Success where public open space was purposely located within the waste water treatment plant buffer area.

Comments on this Scheme Amendment are still being sought from the Department of Environmental Protection pursuant to section 7A1 of the Act. The Department is currently considering the EPP buffer implications in the context of the above Structure Plan and endorsement of that plan subject to modifications required by the WA Planning Commission.

The lots affected by this amendment are shown on the amendment map, which is self-explanatory.

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

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

2. Planning Your City

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

**Budget/Financial Implications**

The Scheme Amendment documents are being prepared in-house where costs incurred relate to the administration, advertising of the documents and reporting to the Council.

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

N/A

**14.18 (OCM1\_2\_2002) - ANNUAL GENERAL MEETING OF ELECTORS - MOTION FOR INVESTIGATION - PORT CATHERINE (3209006) (SMH)**

**RECOMMENDATION**

That Council:

- (1) receive the motion for investigation carried out at the Annual General Meeting of Electors held on 4 February 2002 relating to the proposed Port Catherine Marina;
- (2) not call a public meeting so that people in the area can get the necessary information regarding the rezoning of Port Catherine because the public submission period for Metropolitan Region Scheme Amendment No. 1010/33 relating to Port Catherine closes on 1 March 2002.

**COUNCIL DECISION**

**Background**

On 20 November 2001 the Metropolitan Region Scheme Amendment No. 1010/33 which proposed that the area to be developed for the Port

Catherine Marina under a State Agreement be rezoned to Urban was advertised inviting public submissions.

The public submission period closes on 1 March 2002.

At the same time the Public Environmental Review (PER) for the proposed Port Catherine Marina was released for public submissions and this also closes on 1 March 2002.

Copies of the Amendment document are available for public inspection at the Office of DPI and the Council Offices of Perth, Fremantle, Cockburn and Rockingham and the State Reference Library.

The City of Cockburn received a number of copies of the proposed Amendment to give out to interested members of the public. These copies were supplied by the DPI.

### **Submission**

On Monday 4 February 2002, the Council held the Annual General Meeting of Electors, at which approximately 24 people attended.

The following motion was moved and carried from the floor:-

*"Moved Des O'Brien, Coogee Seconded Rod Poole, that a public meeting be held so that people in the area can get the necessary information regarding the rezoning of Port Catherine.*

*CARRIED"*

### **Report**

The "rezoning" amendment for Port Catherine is in relation to the Metropolitan Region Scheme and proposed by the Western Australian Planning Commission.

The MRS Amendment is not a local scheme amendment and therefore does not involve the Council. The Council is required to lodge a submission on the proposed amendment in the same way as the public.

Should the MRS Amendment be adopted and gazetted by the State, then the Council must amend its local scheme to be consistent with the MRS and this is to be initiated within 3 months of the MRS Amendment being finalised.

If a meeting was to be held, the Council should only act as a facilitator, with the information regarding the rezoning of Port Catherine being delivered by the DPI on behalf of the WAPC.

However, as the Council Meeting is on 19 February 2002, together with the fact that the public submission period closes on 1 March 2002, only 10 days from the Council Meeting, it would be impractical to call a public meeting with adequate public notice followed by sufficient time for those interested to lodge a submission before the closing date.

Generally, due notice for a public / electors meeting is 14 days. The notice needs to be placed in the local newspaper, which in this case the earliest would be Saturday 23 February. This is insufficient time.

The MRS Amendment was advertised in accordance with statutory requirements by the WAPC and in addition the Council arranged to have two signs erected on the site.

During the public advertising period the Council staff answered numerous public inquiries about the project and gave out a number of MRS rezoning documents.

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

Position Statement PSPD2 - Advertising MRS Amendments applies.

### **Budget/Financial Implications**

N/A

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

Nil.

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

### **15.1 (OCM1\_2\_2002) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)**

#### **RECOMMENDATION**

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

#### **COUNCIL DECISION**

### **Background**

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

**Submission**

N/A

**Report**

N/A

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (OCM1\_2\_2002) - PROPOSED MODIFICATIONS TO ROCKINGHAM ROAD BETWEEN PHOENIX ROAD AND SPEARWOOD AVENUE (450498) (SL/JR)**

**RECOMMENDATION**

That Council commission a traffic engineering consultant to undertake a traffic feasibility study of transforming Rockingham Road between Phoenix Road and Spearwood Avenue from a four lane road to a two lane road with turning pockets.

**COUNCIL DECISION**

**Background**

N/A

**Submission**

At the Ordinary Meeting of Council held on 20th November 2001, Mayor Lee requested a report be prepared outlining the possibilities of providing acceleration and deceleration lanes on Rockingham Road between Phoenix Road and Spearwood Avenue. The report is to also address the opportunities this may provide in making this area more people friendly by addressing such issues as street furniture including, but not restricted to seating, lightpoles and flower beds as per Subiaco/Victoria Park and a report be presented to a future Council meeting.

## **Report**

Rockingham Road, between Phoenix Road and Spearwood Avenue, has an average volume of traffic of 20,716 vehicles per day. It is a District Distributor Road (A). Its main function is to carry the flow of regional traffic. It has four lanes to adequately accommodate this volume of traffic.

Rockingham Road is a four-lane, two-way road separated by double white lines along the centre of the road except the portion of Rockingham Road spanning between Lancaster Street and Coleville Crescent where a median island treatment is in place. The treatment was installed in 1990/91 because of the high intensity of commercial activities in the area, which demanded a safer environment and better control of pedestrian and vehicle movements.

In response to the gradual increase in commercial developments along Rockingham Road, the City has been proactive in improving the road safety of Rockingham Road. The City has, in partnership with the Federal and State Governments, systematically undertaken various projects to improve the road safety of Rockingham Road. They include:

- Modifications to the traffic signal phasing and the geometric layout of the intersection of Rockingham Road and Phoenix Road in 1999/2000.
- Installation of traffic signals at the intersection of Rockingham Road and Lancaster Street in 2001.
- Banning right turn traffic movements at the intersection of Rockingham Road and Coleville Crescent. This Blackspot project is scheduled for completion by the end of June 2002.

In conjunction with the Blackspot project, the Phoenix Park Shopping Centre has also proposed modifications to Rockingham Road in order to facilitate access to their southern entrance, north of Coleville Crescent. This project is also scheduled for completion by June 30, 2002.

As commercial activities and regional traffic volumes in Rockingham Road increase, the community's expectation for road safety becomes higher. The safety improvement measures undertaken in recent years has facilitated improved pedestrian safety whilst retaining Rockingham Road as a four lane District Distributor Road (A).

The west side of Rockingham Road is generally zoned residential and the east side is zoned commercial. Before considering the establishment of a main street concept similar to Subiaco/Victoria Park, Council will need to address the following:

1. The reduction in number of lanes from 4 to 2 in Rockingham Road will increase traffic congestion and volumes in the local street network, viz. Hamilton Road, Doolette Street, Gerald Street, etc. This may not be desirable without appropriate alternative routes for the traffic.
2. The appropriate rezoning of the west side of Rockingham Road to commercial is a concomitant requirement for the proposed main street. This will require the necessary planning process to be followed.

Accordingly, Council should commission a traffic engineering consultant to undertake a traffic feasibility study of transforming 4-lane Rockingham Road into a 2-lane street with turning pockets.

Following this traffic impact assessment, consideration can be given to undertaking a workshop involving Elected Members and Staff to identify appropriate planning rezonings and development of the main street concept.

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

*"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 are available in Phoenix Park Precinct Development, Account No. 695889, to an amount of \$17,574 for any consultancy fees.

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

Nil

## **17. COMMUNITY SERVICES DIVISION ISSUES**



**17.1 (OCM1\_2\_2002) - LOCATION OF SEMI-PERMANENT SKATE PARKS (8150) (AJ) (ATTACH)****RECOMMENDATION**

That Council:-

- (1) approve the following locations for the placement of semi permanent skate parks:
  - Market Garden Swamp Lot 23, Munster
  - Bibra Drive, Bibra Lake (opposite Bibra Lake Primary School)
  - Perena Rocchi Reserve, Yangebup
  - Len Packham Reserve, Coolbellup
- (2) rotate the two (2) semi permanent skate parks in order through the locations as described in (1); and

**COUNCIL DECISION****Background**

At the Special Council Meeting of the 30<sup>th</sup> July 2001, Council approved in its budget an amount of \$94 000 for the purchase and construction of two (2) semi-permanent skate parks in the 2001/2002 financial year. The intent was for them to be located on sites on a rotational basis, typically, for up to six months.

Currently the only skatepark provided in the City of Cockburn is at the South Lake Leisure Centre, which is a permanent concrete structure.

**Submission**

Responses have been received from community members during the public comment period that ended on the 31<sup>st</sup> December 2001. These responses resulted from signage placed on locations identified in the community consultation with potential users of the proposed facilities as being desirable. The community responses for the various locations are included in the report.

**Report**

Extensive community consultation was done for the purpose of evaluating where the skate park sites could be located and also to

receive recommendations from prospective users on what they would like to have made available at the skate parks.

A questionnaire was circulated through a number of secondary and primary schools, in the Cockburn District area as well as through the general community to identify preferred locations for the skate parks. Approximately 500 questionnaires were received allowing the City's officers to recommend a shortlist of locations, they are as follows:

- Bibra Drive, Bibra Lake
- Len Packham Reserve, Coolbellup
- Market Garden Swamps, Munster
- Perena Rocchi Reserve, Yangebup
- Council car park, Spearwood.

Signage was erected indicating the City's desire to place a semi-permanent skate park at these locations and community opinion was invited.

Letters from five residences in Travers Street, Spearwood were received in opposition to the semi-permanent skate park site to be located at the City of Cockburn Council car park. As a master plan is being developed for the civic centre site in consideration of the placement of the Dental Health clinic it is proposed that at this time the site not be included on the list.

Two letters were received from residences of Bibra Drive objecting to the skate park site in Bibra Lake, both letters however made the recommendation that the skate park site be relocated approximately 100 metres away from the roundabout, locating the skate park immediately opposite the Bibra Lake Primary School. The views of these residents are reflected in the proposed new site. A letter of endorsement for the new site opposite the Bibra Lake Primary School was received from the Bibra Lake Residents Association Inc after a site meeting between the Chairperson and the Recreation Services Coordinator.

A petition of 23 signatures opposing the skate park site was received from residents of Bibra Lake objecting to the placement of the skate park within the Bibra Lake Reserve for environmental reasons. Council Environmental Services Section does not see the skate park will have any impact on the local ecology.

There were no public comments received for the proposed locations of Len Packham Reserve, Market Garden Swamp and the Perena Rocchi Reserve.

Consultation was undertaken at the proposed sites with expected users of the skate parks to determine what facilities, eg. Jumps and ramps, they would like to be made available at the skate parks. The response

to this was greatest at the Bibra Lake and Market Garden Swamps sites.

There has previously been difficulty in gaining insurance coverage for skate parks. This matter has now been addressed and is no longer an issue. Council's insurers are aware of the intended establishment of the skate park.

A major means of control of behaviour on the skate park sites is the threat of moving the facility if behaviour is inappropriate. To allow this action to proceed promptly if required it is proposed that the Social Services Manager or Manager Community Services be empowered, following discussion with Ward Members, to have a skate park moved to the next location on the list should the behaviour at the site be unacceptable in the view of the officer.

**Strategic Plan/Policy Implications**

Key Result Area "Facilitating the needs of your community" Refers.

**Budget/Financial Implications**

Funds allocated as per the 2001/2002 budget.

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

Nil

**17.2 (OCM1\_2\_2002) - ESTABLISHMENT OF A CULTURAL ADVISORY COMMITTEE (8810) (CC) (ATTACH)**

<p><b>RECOMMENDATION</b></p> <p>That Council:</p> <p>(1) appoints Mr Justin Beale, Mrs Julie Baker, Ms Ruth Ellicott, Ms Christina McGuinness, Mr Richard Rakatau, Mr Bill Wallington, Mr Dean Williams and Mrs Gail Wynne as community representatives, the Cultural Development Coordinator and ..... (Elected Member) to the Cultural Advisory Committee with ..... (Elected Member) as Deputy Delegate; and</p> <p>(2.) adopt the attached terms of reference for the Cultural Advisory Committee.</p> <p><b>TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL</b></p>
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## COUNCIL DECISION

### Background

The Cultural Advisory Committee has been proposed to provide a structure to oversee the implementation and adoption of the Cultural Action Plan completed in 1999.

The City of Cockburn sought Expressions of Interest from people wishing to become involved in the ongoing development of cultural activity within the City.

This Council appointed committee would promote, support and generate awareness of cultural initiatives, services and facilities within the City.

This committee will also be involved in the development of cultural policy within the City with the ability to make recommendations to Council.

The membership of this committee comprise of:

- Elected Member (and Deputy)
- Cultural Development Coordinator – City of Cockburn
- A member of the Cockburn Community Cultural Council
- No less than four and no more than eight community members
- Other representatives as invited to attend.

### Submission

N/A

### Report

The Cultural Advisory Committee will be a council appointed committee under section 5.9 (2) (c) of the Local Government Act 1995.

At an informal meeting of membership from the proposed Cultural Advisory Committee a Terms of Reference was agreed upon with the mission being “ through a commitment to making Cockburn the most attractive place to live, work and visit in the Perth Metropolitan area the committee will guide and assist the City of Cockburn in the ever changing environment of Cultural Development.”

The main aims of the committee are to:

- Promote, support, and generate awareness of local community cultural initiatives, facilities and services in the Cockburn area.
- Provide guidance on the development of policy and programmes of cultural activities within the City of Cockburn.
- Be involved in the development and upgrade of cultural facilities within the Cockburn area.
- Develop guidelines for Youth Arts Travel & Youth Arts Further Study Scholarship programmes.
- Make recommendations on the Youth Arts Scholarships assistance to City of Cockburn residents as per the aforementioned guidelines.
- Prioritise major cultural projects and investigate where and how to access additional funding.

A full copy of the Terms of Reference is attached.

### **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

## **17.3 (OCM1\_2\_2002) - YOUTH ART SCHOLARSHIP PROGRAM (8815) (CC) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) adopt the proposed Policy ACS9 "Youth Art Scholarships" and Delegated Authority to Officers, as contained in the attachments to the Agenda; and
- (2) adopt the Youth Art Scholarship programme as outlined in the attachment to be overseen by the Cultural Advisory Committee.

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

### **COUNCIL DECISION**

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## **Background**

Council placed in its 2001/2002 municipal budget the sum of \$5 000 to provide for a Youth Arts Scholarship Programme.

This programme has been developed in response to numerous enquiries into assistance for young people with travel and further study opportunities.

A Youth Arts Scholarship policy and criteria for applicants is required to be adopted by council for the expenditure of these funds.

## **Submission**

N/A

## **Report**

The Scholarships will be in two parts

### **1. Youth Art Travel Scholarships**

This is to enable young people who have been awarded the opportunity to study or perform within the arts arena interstate, overseas, or outside the Perth metropolitan area to access assistance with travel costs.

### **2. Further Study Scholarships**

To assist young people with fees, materials or similar who wish to pursue the arts in further study at a TAFE/university level or at a specialist Art High School.

Applications will be referred to the Cultural Advisory Committee for their consideration and recommendations,

The Cultural Development Coordinator will allocate the funds within budget in consideration of the recommendations made by the Cultural Advisory Committee.

A full copy of the Youth Art Scholarship Programme criteria for applicants is attached.

## **Strategic Plan/Policy Implications**

Key result area "Facilitating the needs of your community" refers.

## **Budget/Financial Implications**

\$5 000 allocated in 2001/2002 budget

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

Nil

**17.4 (OCM1\_2\_2002) - PROPOSED LEASE AGREEMENT - PINEVIEW PRE-SCHOOL (8222) (GB)**

**RECOMMENDATION**

That Council:

- (1) enter a lease agreement with the Pineview Pre-school Management Committee (Inc) for a period of 5 years with the option to extend the lease for a further 5 years subject to ongoing funding being received by the committee from the Education Department; and
- (2) make an annual donation of \$6,500 per annum to the Pineview Preschool Management Committee (Inc) for the initial 5-year term of the proposed lease agreement conditional on the funds being used for building and grounds maintenance and the budget be amended accordingly on a pro-rata basis for the balance of the 2001/02 Financial Year.

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

**COUNCIL DECISION**

**Background**

This Pineview Preschool facility was constructed in the early 1970's utilizing Commonwealth monies and is on Crown land vested with the City of Cockburn.

The Pineview Preschool Centre is unique in that it is the only community based preschool still operating in the district. The Committee of Management is operating comprising of parents, teaching staff, and local community members.

As this facility is located on land vested in the City of Cockburn and no agreement is in place with the Committee, it has previously been highlighted that Council could be exposed to liability.

Council therefore committed at its meeting on the 16 May 2000 to enter into a lease agreement with the Pineview Preschool Management Committee in order to reduce the liability to Council by legally establishing the responsibilities of the Council and the Committee in relation to the Preschool Centre. There has been some reluctance on the behalf of the Committee to proceed with any urgency on this matter resulting in the negotiations on the terms and conditions of the lease being protracted.

### **Submission**

N/A

### **Report**

Previously concerns have been raised regarding duty of care and possible liability relating to the services provided to children from the Pineview Preschool site.

These concerns were highlighted by discussions with representatives from the Education Department, the Pineview Management Committee, and Family and Children's Services as it was established that there is a significant duty of care issue. Given the vesting of the reserve in the City, and that the City has been maintaining the building and its grounds with no formal agreement between the parties, the City could be exposed to a liability. It is therefore imperative that the lease agreement is entered into as soon as practicable.

During negotiation on the lease agreement with the Pineview Preschool Committee it soon became apparent that the Committee would have severe financial difficulty in meeting the costs of a standard peppercorn rental lease agreement, due to the limitation of their funding from the Education Department.

In discussions with the Education Department it was outlined that the funding provided to the Pineview Preschool Committee does not include outlays such as rent, building maintenance, electricity, gas and insurance. The Education Department states that it only provides funds for teaching staff and a small fee per child. The Committee is expected to raise the additional funds. The current level of funding and limited sources of additional income would therefore prohibit the Committee from entering into a lease agreement that would require the payment of outgoings by the lessee.

Since the inception of the Pineview Preschool Centre, Council has been responsible for all costs related to building maintenance, grounds maintenance, water rates, water usage, building insurance, and public liability insurance. The only outgoing costs that the Committee has been responsible for are utility payments. Over the last 3year period



the Council has paid on average a total of \$6448 per annum towards the aforementioned costs for the Preschool Centre.

Due to the financial position of the Committee it would therefore not be possible to enter into a standard peppercorn lease agreement without a financial contribution from another source. An investigation was undertaken regarding possible sources of funding from other State and Commonwealth Government sources, but the Committee does not meet the criteria for any of the current funding available.

The estimated cost to the Committee to contract private services and pay for all outgoing costs that the Council is currently responsible for equates to \$6500 per annum.

As the financial contribution of \$6500 is comparable to the Council's current average expenditure on the Pineview Preschool Centre over the last 3 years (\$6448), it would be cost neutral for the Council to commit to a donation of \$6500 per annum. The funds could therefore be reallocated from within the existing budget.

Therefore due to the high risk of liability to the Council, and the inability of the Pineview Preschool Committee to enter into a lease agreement without a financial contribution from the Council, it is proposed that the Council commit to a donation of \$6500 per annum to the Pineview Preschool Committee for the term of the lease. It is also proposed that the standard lease agreement contain an additional clause that outlines the obligation of the Committee to maintain the premises and the grounds to the Council's current standard or the donation will be withdrawn.

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

Key Result Area "Facilitating the needs of your Community" refers.

### **Budget/Financial Implications**

The donation of \$6,500 is comparable to the current costs for the Council.

Of this figure \$1,750 per annum is a result of utilising Council employees to carry out maintenance. This work will now be carried out by the Association. As the \$1,750 is a labour cost, Council Budget will need to be increased by this value.

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

In most circumstances the Preschool offered at Pineview is provided by the Education Department on school sites. As most students are of aboriginal descent, Pineview has a special dispensation to continue in a community-based centre.

**18. EXECUTIVE DIVISION ISSUES**

Nil

**19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**19.1 (OCM1\_2\_2002) - COUNCIL DELEGATE - YOUTH ADVISORY COUNCIL (8639) (DMG)**

**RECOMMENDATION**

That Council appoint Deputy Mayor Graham as an additional delegate to the Cockburn Youth Advisory Council (YAC).

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

**COUNCIL DECISION**

**Background**

By Notice of Motion received 11 February, 2002, Deputy Mayor Graham has proposed his status on the Youth Advisory Council to be elevated from Deputy Delegate to Delegate.

**Submission**

N/A

**Report**

At the Special Council Meeting held on 12<sup>th</sup> December, 2000, Council appointed Councillor Edwards as its Delegate to the YAC with Deputy Mayor Graham as a Deputy. Since then Councillor Graham states that his practical involvement and interest in YAC activities justifies his status being upgraded to a full delegate. By having two delegates on the YAC, there is consensus that a Deputy Delegate is not longer required.

**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.

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

Nil

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

Nil

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

Nil

**23. CONFIDENTIAL BUSINESS**

Nil

**24. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)****RECOMMENDATION**

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

- (a) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (b) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the

State or any other body or person, whether public or private;  
and

(c) managed efficiently and effectively.

**COUNCIL DECISION**

**25. CLOSURE OF MEETING**

Nil