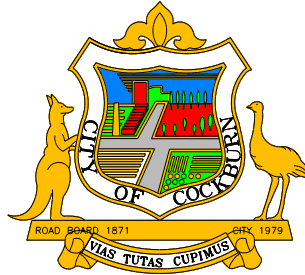


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 21 DECEMBER 1999**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 21 DECEMBER 1999 AT 7:30 P.M.

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 21 DECEMBER 1999 AT 7:30 P.M.

1. **DECLARATION OF OPENING**

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**

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

7. **PUBLIC QUESTION TIME**

8. CONFIRMATION OF MINUTES

8.1 (OCM1_12_1999) - ORDINARY COUNCIL MEETING - 16/11/1999

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

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

Nil

12. COUNCIL MATTERS

12.1 (OCM1_12_1999) - DELEGATED AUTHORITY - ACCEPTANCE OF TENDERS (DA - F5) (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council adopt Delegated Authority DA - F5 "Local Government Act, 1995 - Acceptance of Tenders", as amended and as attached to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

At the Council Meeting conducted on 16th November 1999, Council adopted the Register of Delegated Authority to Officers, on the condition that DA - F5 relating to the acceptance of Tenders, be

reviewed to ensure that a mechanism for advising Councillors of Tenders accepted was put in place.

Submission

N/A

Report

The suggested Amendment places the condition on staff accepting Tenders to notify Councillors of Tenders awarded via the "Councillors Info" publication. The amended wording is noted in bold lettering to identify the proposed change.

Strategic Plan/Policy Implications

Strategic Action Plan item 1.7 "Council Administration" refers.

Budget/Financial Implications

N/A

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

Nil

12.2 (OCM1_12_1999) - ANNUAL REPORT 1998/99 (1712) (DMG) (ATTACH)

RECOMMENDATION

That Council accept the Annual Report for the 1998/99 Financial Year, as presented, in accordance with Section 5.54(1) of the Local Government Act, 1995.

COUNCIL DECISION

Background

Council is required to accept the 1998/99 Annual Report to enable it to be referred to the Annual Electors Meeting, to be conducted on Monday 7th February, 2000.

Submission

N/A

Report

The Annual Report for the 1998/99 Financial Year is in conformity with the requirements of the Act and contains the following:-

- (1) Chairman of Commissioners Report.
- (2) Chief Executive Officer's Report.
- (3) 1998/99 Principal Activities Report and Assessment Against Performance.
- (4) Legislative Review Report / Competitive Neutrality Statement.
- (5) Financial Report.
- (6) Auditor's Report.
- (7) Overview of Principal Activities proposed in 1999/2000.

Strategic Plan/Policy Implications

Council Policy A1.1 refers.

Budget/Financial Implications

N/A

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

Nil

12.3 (OCM1_12_1999) - APPOINTMENT OF DELEGATE - NEIGHBOURHOOD WATCH COMMITTEE/SAFER W.A. COUNCIL (8950) (DMG)

RECOMMENDATION

That Council appoint Council's Safer City Co-ordinator as a Delegate to the Cockburn Neighbourhood Watch Committee and the Fremantle District Safer W.A. (Community Policing) Council.

COUNCIL DECISION**Background**

Since the suspension of Council, the Director of Community Services has been Council's representative to these organisations.

Submission

That the Safer City Co-ordinator be appointed as a delegate to represent Council on those forums.

Report

Recent changes to Council's Ranger Services area has resulted in the creation of the position of Safer City Co-ordinator.

The primary objective of this position is to initiate actions to address issues identified in the recently completed Community Crime and Safety Audit as well as assume the role of Council's Chief Bush Fire Control Officer (C.B.F.C.O.). The person appointed to this position is the previous Senior Ranger, who was also Council's C.B.F.C.O.

As this position will now have carriage of many of the issues involving the Neighbourhood Watch and Community Policing Committees, it is appropriate for that officer to be an appointed Council delegate to those organisations.

Strategic Plan/Policy Implications

Strategic Plan Item 5.3 "Municipal Law and Public Safety" refers.

Budget/Financial Implications

N/A

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

Nil

13. PLANNING AND DEVELOPMENT DIVISION ISSUES

13.1 (OCM1_12_1999) - CITIES FOR CLIMATE PROTECTION PROGRAMME - ESTABLISHMENT OF EMISSIONS REDUCTION GOAL (9132) (DW) (ATTACH)

RECOMMENDATION

That :

- (1) Council set the following Greenhouse Emissions Reduction Goal as required under Milestone 2 of the programme -

A 20% reduction on 1996 levels by 2010 for both the corporation and community targets.
- (2) Council require staff to commence development of a Local Action Plan for the reduction of greenhouse emissions to meet this reduction goal in achieving Milestone 3 of the Programme.
- (3) Following the conclusion of Milestone 3, the developed Local Action Plan be reassessed to ascertain the impact of achieving the 20% reduction target.

COUNCIL DECISION

Background

The Commonwealth based Australian Greenhouse Office has joined forces with the International Council for Local Environmental Initiatives (ICLEI) to establish the Cities for Climate Protection Programme within Australia. This programme is being funded by the Federal Government and aims to assist Local Government Authorities with establishing Local Action Plans to provide long term reductions in greenhouse emissions within Council operations and across the community. Currently there are already 320 local Councils around the world involved in this campaign, with around 65 Councils involved within Australia.

The programme involves each local participating Council developing and implementing a Local Greenhouse Action Plan in 5 stages or milestones which are as follows:

Milestone 1 - conduct an emissions inventory of current Council and community activity and a forecast of emissions growth in the future.

Milestone 2 - establish an Emissions Reduction Goal.

Milestone 3 - develop a Local Action Plan.

Milestone 4 - implement the Local Action Plan.

Milestone 5 - monitor and report on the implementation of the Local Action Plan.

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

Since this time efforts have focussed on the completion of Milestone 1 which involved the completion of a comprehensive inventory and forecast on greenhouse gas emissions within Cockburn. This task has been completed and on 19 August 1999 Commissioner Donaldson accepted an Award recognising the City of Cockburn's completion of Milestone 1.

The completion of this inventory is the end result of 9 months work by Council staff, assisted by the Commonwealth Greenhouse Office. With the completion of the work we now have an understanding of the greenhouse gas emissions produced by Council activities and the local community and have been able to forecast increases in greenhouse gas emissions in 2010 should current greenhouse emission rates continue. This inventory revealed that based on 1996 figures, the Cockburn community produces in the order of 1,239,092 tonnes of carbon per annum, with the activities of Council producing an additional 8,034 tonnes. Using the model provided by the Commonwealth Greenhouse Office these figures are expected to increase to 1,638,791 and 12,189 respectively by 2010. This represents an overall increase in the production of greenhouse gases of 30% and 50% respectively. Attached to the agenda are details showing the sources of emissions within both the community and Council based sectors.

The next stage of the programme requires Council to set an emissions reduction target in order to achieve Milestone 2. The purpose of this report is for Council to set this target and initiate the commencement of work to meet Milestone 3.

Submission

N/A

Report

Council's involvement in the programme is seen as having a number of benefits. Firstly, the programme is an excellent example of "acting locally, thinking globally". While reductions in greenhouse gases at a local level may appear minor when compared to the major greenhouse

gas producers around the world, it is seen as a positive initiative at a local level. The programme is also an excellent way to raise community awareness about greenhouse issues and influence positive environmental behaviours. Additionally, there are potentially substantial economic benefits to Council from reducing its own greenhouse emissions via cost savings associated with reduced power and energy costs. Further to this, Council's involvement positions us well to gain funding assistance from the Commonwealth in the implementation of greenhouse reduction strategies.

Some of the difficulties which may be encountered within meeting all of the milestones in the plan relate to the reduction of the community component of emissions. These emissions relate to residential, commercial, industrial and transportation sectors within Cockburn, with Council having little direct control over these emissions. Council's main strategy in reducing these emissions will be through education and awareness with the level of impact being determined by the amount of co-operation received from these different sectors.

In determining the emissions reduction goal required under Milestone 2, it is important that the goal selected is practical and achievable. While a number of goals have been set by different local authorities around the world, the most commonly used goal throughout participating Councils within Australia has been a 20% reduction in greenhouse gas emissions by the year 2010 based on the 1996 levels, which have been used as the baseline year for initial emissions inventories.

The development of the Local Action Plan in meeting Milestone 3 requires the preparation of a plan which identifies measures that the City will undertake to reduce emissions both within Council and the community. This plan considers the type of approach, costs and benefits, responsible agents, methods of measurement and time of activities. It should also be an educational document that gives simple explanations about the issue and shows the reports of the baseline inventory forecast for the future and the reduction goal that is being set. It is proposed that work on the development of the Local Action Plan commence in the near future with the aim being to complete this plan in mid to late 2000.

Strategic Plan/Policy Implications

Strategies 2.2, 4.1, 4.2, 4.3 and 4.4 of Council's Corporate Strategic Plan apply.

Budget/Financial Implications

Costs associated with participation in the strategy to date have been met through salary and internal costs with no additional budgetary funds required. The development of the Local Action Plan will require

additional resourcing and it is proposed at this point to seek additional funds in the 2000/2001 budget to assist with the resourcing of the preparation of this plan. Possibilities for funding opportunities through the Commonwealth to assist in the development and implementation of the Local Action Plan may also be possible and will be pursued by staff.

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

Nil

13.2 (OCM1_12_1999) - PROPOSED SAND AND LIMESTONE EXTRACTION - LOT PT 3, 11 AND 13 (381) PHOENIX ROAD, BIBRA LAKE - OWNER: AMCOR PACKAGING (AUSTRALIA) PTY LTD - APPLICANT: LANDCORP (1101294) (CC) (NORTH) (MAPS 7,8,13&14) (ATTACH)

RECOMMENDATION

That Council:

- (1) refuse the proposal to extract sand and limestone from Lot Pt 3, 11 and 13 Phoenix Road, Bibra Lake for the following reasons:
 1. The proposal is contrary to Council's decision of 16 March 1999 which nominated the 33 hectare eastern portion of the site for inclusion in State Government's Perth's Bushplan.
 2. The proposed development would result in the loss of an important and highly visible natural landscape feature in the District, namely the eastern portion of the site which forms an integral part of the landscape value of Beeliar Regional Park and in particular South Lake.
 3. The site is not identified as a sand or limestone resource area in the State Government's 'Basic Raw Materials Policy-Perth Metropolitan Region'.
 4. Excavation would increase potential for windborne dust and sand, noise and additional truck traffic to impact on nearby residential and recreational areas over an extensive period thereby resulting in a significant loss of amenity.
 5. Excavation would result in the loss of a well-vegetated area of urban bushland and a habitat for indigenous fauna, which has significance to local residents and the wider community.

6. The proposal is inconsistent with the System Six Red Book which highlighted the need for improved buffers around South Lake.
 7. The application fails to adequately address key environmental, traffic, amenity and social impacts associated with the excavation.
 8. Clearing and excavation has the potential to lead to adverse impacts on the ecological values of South Lake through loss of the vegetated buffer and alteration of hydrology.
 9. The proposal is premature, given the absence of an approved Structure Plan for the site and is therefore inconsistent with orderly and proper planning principles.
 10. Approval of the proposal would exacerbate existing traffic safety problems at the Phoenix and Sudlow Road intersection.
 11. The excavation proposal would result in steep batter slopes, which would need to be retained and add to development constraints.
 12. The final contours do not prepare the land for subdivision into industrial lots.
 13. The proposal does not comply with the requirements of Clause 5.12 of the Town Planning Scheme No. 2 (Amendment No. 186) gazetted on 23 November 1999.
- (2) advise the applicant, referral authorities and those that made submissions of the Council's decision;
- (3) advise the applicant that:-
1. Indicative subdivision proposed for the land (Drawing 3 - Site Plan 30/11/99) is unacceptable and prior to proceeding to subdivision the Council will require an analysis of the site and the preparation of a Structure Plan to be adopted by the Council as the basis to the future subdivision and development of the land.
 2. The Council has a preference for this land, because of its high visibility, to be developed for a high quality Business Park which capitalises on the sites inherent natural qualities.

3. The Council will not support the land being used for an extractive industry because of its location and existing bushland.

COUNCIL DECISION

Background

ZONING:	MRS:	INDUSTRIAL
	DZS:	GENERAL INDUSTRY
LAND USE:	ADJACENT TO CARD BOARD BOX FACTORY	
LOT SIZE:	82 ha	
AREA:	N/A	
USE CLASS:	SA use	

The site is a large area (82ha) of bushland zoned for industry in both the Metropolitan Region Scheme and Local Scheme. Two (2) Aboriginal sites (Stands of Scar Trees) are located on the land.

Amcor Pty Ltd operates the paper-packaging factory at the corner of Sudlow and Phoenix Roads under and by virtue of the Paper Mill Agreement 1960 with the State Government.

A central area of the site has been used since 1985 for disposal of dry and liquid waste from the paper plant.

In 1989 Council refused an application to extract sand from 40 hectares portion of the site on the following grounds:

- The site is not included in the States 'Basic Raw Materials Policy-Perth Metropolitan Region' Draft Report
- The site is heavily timbered.
- There is currently an extensive sand quarry immediately south of the subject land with many years of available supply.

The site of the factory was recently subdivided from the predominantly bushland area, as it was surplus to Amcor's requirements.

The City became aware in late 1998 that Amcor was offering the land for sale. In response Council wrote to the Ministry for Planning in January advising of the land's ecological values and that Council would be making submission on Bushplan to include a 33 hectares portion of the site in Bush Plan. Bushplan, released for public comment, had not identified the site as regionally significant-worthy of protection.

Council at its meeting of February 1999 also adopted a set of subdivision principles for the land in expectation of potential developers lodging applications. One of the principles was for the retention of the area sought to be included in Bush Plan.

In March 1999 Council made a further resolution on the site to advise relevant agencies that the site would be a suitable location for the relocation of the Perth Zoo. At this meeting Council also made resolution for submission on Perth's Bushplan for inclusion of a 33 hectares portion of the site adjacent to the South Lake and North Lake Road. *See agenda attachments for nominated area.*

The main rationale for inclusion in Bushplan was to provide a buffer to South Lake wetland from future industry and because of the bushland's relative good condition.

The outcome of Council's recommendation on Bush Plan will not be known until early 2000 when the Final Bush Plan is presented to Cabinet.

Surrounding landuse which could be impacted on includes St Paul's Residential Estate, North Lake Road, the tourist facility of Adventure World and the regional reservations of South Lake and Bibra Lake which form part of Beeliar Regional Park-Eastern Wetland Chain. *See Agenda Attachments for Location Plan*

Submission

GJL Engineers, for Landcorp, has made application to extract sand and limestone from the site.

The main physical and operational characteristic of the proposal are as follows:

- Excavation to take place in 8 stages over a 10 year period.
- Access to the site via existing access track at Sudlow Road.
- Estimated 6 to 150 truck movements per day dependent on resource demand.
- Estimated 12 person workforce with transportable office & toilet facility on site.
- Proposed hours of operation between 6:30am to 5:00pm Monday to Saturday inclusive.
- Machinery to include front-end loader and screener.
- Dust suppression and rehabilitation to suit industrial end use.
- 50 metres excavation setback to South Lake reserve.

The Excavation Management Plan includes a flora and fauna report and slope stability assessment.

Report

Under the terms of the Scheme, the Council is required to make a decision at its December meeting.

The proposal was advertised for public comment and referred to relevant government agencies.

A public meeting was held on 8 November 1999 at the invitation of local residents. See *Agenda Attachments for summary of Public Meeting*

120 submissions objecting to the proposal were received from residents in St Paul's (24), Bibra Lake (25), other localities in Cockburn (21), other areas (16) and non-addressed submissions (33). Some of these objections were from parents with children at the nearby Waldorf School. A petition of 217 signatures from people in the City of Cockburn and other areas has also been received.

The main objections were in respect to the loss of urban bushland/flora and fauna and the impact the proposal would have on Beeliar Regional Park wetlands. Other major objections included the potential impacts from windborne dust and sand (including health risks), noise and additional truck traffic. Some objectors considered the site should be preserved for future generations and or heritage purposes. See *Agenda Attachments for Summary of Objections*.

The Department of Environmental Protection has advised that the proposal has not yet been assigned a level of assessment by the Environmental Protection Authority. Council officers acting under delegation by letters of 5 and 9 November 1999 have requested that the proposal be subject to formal assessment.

The Aboriginal Affairs Department has advised of the need to obtain clearance under their legislation for any development impacting on sites with Aboriginal significance and the requirement for an archaeological survey with relevant members of the Aboriginal community. The applicant has been advised of these requirements.

Other consulting authorities either raise no objections or advise of their requirements.

- **Impacts on vegetation** - The vegetation is on the Karrakatta complex – Central and South, which according to Perth's Bushplan has less than 10% of it's original area protected. The vegetation is arguably of regional significance when considered against the criteria for inclusion in Perth's Bushplan. Firstly, the vegetation complex present has less than 10% of it's original area protected and will only have a maximum of 8% protected under Bushplan. Secondly, the vegetation is in good condition, is large (well in

excess of 20 hectares) and is compact in shape. Thirdly, the vegetation is adjacent to an existing Bushplan site (South Lake) and provides an important ecological buffer and corridor to this site. Finally, the bushland has high landscape value and contains sites of Aboriginal significance.

On the basis of these values, Council recommended the inclusion of a large portion of the site in Bushplan as an extension to Bushplan site 254 (South Lake). This nomination was based on the argument that the vegetation meets many of the criteria for regional significance outlined in Bushplan and the fact that the original Systems Six Report recommends the establishment of buffer around South Lake to protect it from industrial development.

Indications from the Bushplan office are that it is unlikely that the site will be included in Bushplan due to the industrial zoning of the land and degraded nature of areas of the site adjacent to South Lake.

The vegetation however is undoubtedly of considerable local significance as a function of its type, condition, size and location. The vegetation also has the potential to contain species of rare/priority flora given the complex present and condition.

Clearly, the removal of the majority of this vegetation as proposed will be a considerable loss in terms of local bio-diversity and will lead to a major loss of locally significant bushland and arguably, of regionally significant vegetation.

- **Fauna impacts** – the size and condition of the vegetation, coupled with the proximity to South Lake means that it is likely to have significant faunal value. While no data on faunal usage is available, the site is likely to provide habitat for a range of reptiles and avifauna as well as mammals such as bandicoots, kangaroos and possibly possums.

The removal of the majority of the vegetation on the site would have a major direct impact on local fauna and lead to increased pressure on fauna in nearby bushland and reserves.

- **Impacts on South Lake** – the site is immediately adjacent to South Lake which is a regionally significant wetland and a conservation category sumpland. The wetland is surrounded by good quality fringing vegetation although existing fringing vegetation to the south-west of the lake has been cleared. The lake is of considerable value to local fauna, in particular waterbirds and is generally in excellent condition while providing relatively undisturbed and secluded habitat. Compared to other local wetlands, South Lake and its surrounds are relatively undisturbed, with good water quality.

The wetland is within Beeliar Regional Park with an overall reserve size of 77 hectares, although the reserve boundary is extremely close to the western edge of the wetland. The values of the lake are recognised through its inclusion in the Regional Park, Systems Six, Bushplan and the Interim Register of the National Estate.

The proposal has the potential to lead to substantial impacts on South Lake in several ways. Firstly, it will lead to the loss of a vegetated upland buffer on the western side of the lake. The existing bushland on the eastern portion of the site currently provides a well vegetated transitional and upland buffer to the lake which is important in protecting water quality, maintaining hydrological processes and providing habitat for fauna.

Secondly, the clearing of the site has the potential to lead to localised water table rise which may affect the hydrology of South Lake and lead to long term changes to its hydrologic regime. Loss of fringing vegetation may follow.

Finally, the end use of the site for industrial subdivision has the potential to lead to pollution of the wetland through drainage and ground-water contamination. While the ground-water flow in the area is westward, it is possible that the ground-water capture zone of the wetland extends into the site. Additionally, it is likely that surface and sub-surface drainage from the eastern portion of the site will migrate toward the lake. In order to avoid these impacts a substantial vegetated buffer should be maintained on the eastern portion of the site should development proceed.

- **Landscape impacts** – the site has high landscape value, particularly when viewed from the east, providing a well vegetated ridge which provides a natural backdrop to South Lake. This landscape is prominent at a local level given the elevation and position of the site. The proposed excavation will result in massive and permanent modification of the landscape and seriously reduce the local landscape amenity of not only the excavation site, but nearby wetlands. Landscape amenity will also be affected at a district level, with the transformation of the current natural backdrop to the Beeliar Regional Park to an industrial setting. This will add to existing landscape degradation which has occurred as a result of the development of the nearby Cocos Park industrial estate. See *Agenda Attachments for Photos*
- **Noise, dust and traffic** – the scale of excavation proposed coupled with the elevated position of the site has the potential to create significant dust emissions which could affect nearby residential areas and local business and recreational facilities such as Adventure World and proposed Croatian Soccer Club facilities. While the adoption of a staged approach to excavation would limit

dust generation, experience with sand excavation in the nearby Cocos Park estate and the elevation of the site suggest that acute problems could occur, with limited options for management available while excavation is occurring.

Sudlow Road currently carries an average of 5,000 vehicles per day of which 8.3 percent are classed as truck traffic (i.e 410 trucks per day). Sudlow Road – Phoenix Road is the most direct access route to the Freeway from the site. The alternative of direct access from the site to North Lake Road is problematic in terms of traffic safety. It is therefore likely that the majority of trucks accessing and leaving the site would use Sudlow Road/Phoenix Road intersection. Existing traffic safety problems are experienced with articulated trucks effectively straddling lanes of Phoenix Road while turning. These problems will be exacerbated with the potential addition in the order of 100 trucks per day as a result of the proposal.

Noise and heavy traffic from excavation activities could also create problems for local residential areas, in particular for Bibra Lake, St Paul's and parts of Yangebup. Again, the elevation of the eastern portion of the site is likely to exacerbate noise problems particularly for residential areas to the east and south-east.

- **Aboriginal heritage** – the documentation accompanying the proposal identifies the location of two aboriginal heritage sites within the property. Little is known of these sites, however their protection in accordance with the requirements of the Aboriginal Heritage Act will be required.

Suitability of Documentation Provided

The submission fails to adequately address the impacts outlined above. The majority of these impacts are not recognised and those that are, have been assessed superficially. The planning of the site also provides a poor level of recognition and management of these issues. A summary of the shortcomings of the documentation in addressing the key environmental impacts are as follows:

- **Vegetation** – the proposal includes a vegetation survey which is generally adequate and confirms the condition of the vegetation. The survey included a search for rare/priority flora, however the timing of the survey (June) means that a number of spring flowering species which could be present could not be determined. The proposal documentation does not provide an overall assessment of the values of the vegetation however and fails to address vegetation protection or management.
- **Fauna** – a desktop search for possible rare fauna is mentioned in the report which concludes that the site is unlikely to provide suitable habitat for rare fauna. No site surveys for fauna have been

conducted and the documentation fails to consider the likely fauna populations and their management aside from stating that due to the quarry operation progressing over the site for many years “*traumatic removal of fauna will not occur*”. This level of assessment is clearly inadequate.

- **South Lake** – no consideration of the impacts of either the excavation or industrial component of the proposal on South Lake is provided. The only concession provided is a 1.85 hectare area of POS adjacent to the western edge of the lake.
- **Landscape impacts** – no consideration is given to the landscape impacts associated with the proposal.
- **Noise, dust and traffic** – some consideration of noise impacts is provided, however this consists of the dismissal of this impact based on studies of noise levels from other quarry operations, of which details are not provided. No site specific assessment has been done. Dust management is identified as important in minimising off site impacts and some options for management are outlined, however only a limited assessment of dust impacts appears to have been carried out.

No consideration is given to traffic impacts.

The site access roads onto Sudlow Road and Spearwood Avenue have inherent difficulties because of slope, land ownership and road entry points.

- **Site contamination** – two sites containing waste material are identified and nominated for public open space in the subdivision plan. The proposal states that these sites will be dealt with as part of the subdivision process but provides no detail on type and extent of contamination or its management.
- **Aboriginal heritage** – two sites are identified in the proposal. No detail relating to their significance or management needs are provided, although they are identified for inclusion as POS in the subdivision plan. No reasons are given as to why the sites should be included in POS, to presumably be vested in the Council.
- **Compliance with Clause 5.12** – the application does not comply with Clause 5.12 relating to Extractive Industries. Under the Clause, buffer zones of 40 metres to road reserves and 20 metres to other site boundaries are required. This is a fundamental enquiry that does not appear to have been made. Moreover, there are other provisions with Clause 5.12 that have not been complied with.

- ***Suitability of final contours***– the excavation plan proposes steep batter slopes to site boundaries especially to Sudlow Road and the Railway reservation. These batters slopes are unable to be developed and will need to be retained which is an additional cost to any potential end user. The final contours cannot accommodate the proposed industrial subdivision plan for the land, without significant modification.

The following is a summary of matters relevant to the determination of the proposal.

For

Subject to structure planning, the current General Industry zoning confers rights and expectations that the land can be subdivided and developed with industrial uses, even without an approval to excavate the sand and limestone resource. Earthworks for such development would entail the removal of the vegetation, despite the advice of Landcorp that it will be developed as a quality "industrial" park.

Excavation of the sand and limestone prior to industrial development is an effective use of a resource that would otherwise be encumbered under industrial subdivision and development.

Excavation would have the effect of lowering the site and may lessen the visual impact of subsequent industrial development, especially from locations to the east.

Bushland on the site is not currently identified as regionally significant in the State Government's Perth Bushplan Report (public comment)

Against

Excavation is contrary to the Council decision of March 1999 to request the Western Australian Planning Commission include a 33 Hectares portion of the site in Perth's Bushplan.

Excavation would increase potential for off-site impacts such as dust/sand, noise and additional truck traffic over an extensive period of time.

Excavation would result in the loss of an important landscape feature in the District.

Excavation would result in the loss of a well-vegetated area of urban bushland and a habitat for indigenous fauna.

Excavation would result in the loss of a buffer to South Lake.

Excavation has potential to degrade the Beeliar Regional Park Wetlands in particular South Lake by the reduction in the overall biomass, connectivity, uncertain hydrology impacts and through potential for windblown material entering the lakes system.

The site is not identified as a sand or limestone resource area in the 'Basic Raw Materials Policy-Perth Metropolitan Region'.

The excavation proposal is contrary to the Council's Policy PD 21 'Extractive Industries' by reason of the lack of suitable buffers to site boundaries.

The excavation proposal would result in steep batter slopes which would need to be retained to accommodate development.

Substantial objections to the proposal from local residents and the wider community.

The excavation is considered premature and it may prejudice future structure planning for the site.

The site is well suited for an integrated whole of site use such as a Zoo or similar large land user, so that the inherent qualities of the site can be capitalised on to add value to development options rather than be levelled into another flat sandy site found in abundance across the Metropolitan Area.

Finally, although the land is zoned for industry under the MRS and the Local Scheme (as required), the Bibra Lake Industrial Area is not suited to industrial development because it is undulating, well vegetated, has outlook and views, has no rail access (adjoins but no access) and is isolated from the Roe Highway and the Kwinana Freeway. The Bibra Lake Industrial Area probably was located on some of the best residential land in the district. If the land is to be developed for industrial / business purposes the any design concepts should use the existing landform and vegetation to create a site responsive "Business Park".

Amendment No. 186

Amendment No. 186 to the Scheme was gazetted on 23 November 1999 and has been specifically included to deal with extractive industries and supersedes Policy PD21.

The Amendment inserts a new clause 5.12 and a number of the requirements set out under 5.12.2, 5.12.3 and 5.12.4 which the proposed application does not address or comply with.

Strategic Plan/Policy Implications

PD 21 Extractive Industries (currently remains in Policy Manual)
PD 8 Bushland Conservation Policy

Budget/Financial Implications

N/A

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

Nil

- 13.3 (OCM1_12_1999) - POSSIBLE FUTURE USE - LOT PT 3, 11 AND 13 (381) PHOENIX ROAD, BIBRA LAKE - OWNER: AMCOR PACKAGING (AUSTRALIA) PTY LTD (1101294) (SMH) (NORTH) (MAPS 7,8,13 & 14) (ATTACH)**

RECOMMENDATION

That Council write to the Hon. Minister for Lands, Fair Trading, Parliamentary and Electoral Affairs, Mr Doug Shave, advising that the Amcor land should be investigated as a site for the possible relocation of the Perth Zoo to Bibra Lake and that the vacated land in South Perth be re-developed by Landcorp as an inner city residential estate similar to East Perth and Subiaco Centro.

COUNCIL DECISION

Background

Refer also to Agenda item 13.2.

Council at its meeting held on 16 March 1999, considered the above proposal to relocate the Perth Zoo to the land being offered for sale by AMCOR (Australian Paper Manufacturers) on North Lake Road, Bibra Lake and made its views known to the Director of the Zoo, the Minister for Tourism, the Minister for the Environment and the Minister for Planning, all of whom did not support the idea.

The possibility arose because the balance of the Australian Paper Manufacturers land was advertised for sale on 29 January 1999.

Report

The land is currently zoned industrial under both the Metropolitan Region Scheme and the local scheme which could, with planning consent, enable a zoological garden to be established to take advantage of this unique and attractive piece of bushland.

The site is bounded by Phoenix Road in the north, Sudlow Road in the west, North Lake Road to the east and a disused railway reserve to the south. The railway reserve, may have the potential to be re-used as part of the south-west corridor rail service, a recreational cycle path or perhaps a roadway some time in the future.

The uses surrounding the site is the APM (Amcor) manufacturing plant located to the north of the land, a series of wool stores along Sudlow Road to the west and to the south opposite the disused railway reserve, is the Cocos Park industrial area.

A long term view of the future of the Perth Zoo needs to be taken and that a comparable metropolitan site, like the AMCOR land, is unlikely to be easily found in the future in terms of location, size, natural features and proximity to Perth. The logic is that the Zoo cannot remain on prime inner city land. It is not the highest and best use for this location. In time it will be the re-location options that will become severely limited.

One of the real advantages of the site for a zoological garden, is that it is adjacent to Adventure World, a major family and tourist destination. It abuts South Lake and the Bibra Lake reserves, has a frontage to North Lake Road, an important regional road and is separated from residential areas by compatible land uses.

Additional benefits could accrue to this site if a pedestrian connection or monorail could connect Adventure World to the zoological garden, so that both facilities benefit from shared patronage, parking and public transport services.

It is understood that the Perth Zoo attracts about 600,000 visitors per year and that Adventure World attracts in the order of 300,000 people per year. This represents a significant opportunity to pursue destination marketing. This approach to marketing represents current "best practice" and is reflected in the co-location of theme parks and other complementary facilities such as in Queensland and other places elsewhere in the world.

Brief discussions with representatives of Adventure World indicate that they would be very supportive of co-locating with complementary facilities such as a zoological garden.

The land is approximately 20 kilometres by road from the Perth CBD and is only 5.5 kilometres from the junction of the Kwinana Freeway and Farrington Road. The distance to the land by road from Fremantle is 8.5 kilometres.

The APM land is located within the rapidly growing south-west urban corridor with major population growth occurring in Cockburn, Rockingham and Mandurah.

The land is in close proximity to the Coogee coast and the Woodman Point recreation area and to the Beeliar Regional Park, which includes one of the most comprehensive wetland systems in the Metropolitan Area. These areas have the potential to promote eco-tourism opportunities in conjunction with the zoo.

The Perth Zoo is located on a small restricted site of just under 20 hectares. The APM land of 90 hectares together with the inclusion of the South Lake regional reserve which comprises 42 hectares. Together they could create a total site of 110 hectares, which is 5 times larger than the existing site and thereby provide the opportunity for displaying range animals in larger enclosures.

In addition, the APM land is only 5 kilometres from the Murdoch University Veterinary School, which could benefit both the zoo and the Veterinary course in terms of student training and professional services. The large site could also provide for the bringing together of animal research programmes, breeding of endangered species and quarantine facilities into a common site.

As the land is undeveloped, it provides an ideal and unique opportunity to prepare a 'state of the art' plan for a new zoo which can capitalise on its vegetation, landform, setting and size. Should South Lake be incorporated into the site, then this could provide a significant land form feature that could be used for water birds and public gardens and provide a promotional aspect to passing traffic on North Lake Road.

On the other hand, the South Perth land is in a prime location for a higher and better use such as residential development. It is close to the Perth CBD, close to public transport and would have access to all public utilities. The financial return to the government for the sale and/or re-development of this land, could fund the relocation and re-development of the zoo and potentially provide a surplus. The zoo, if relocated, would continue to earn revenue from entrance fees and sponsorship. Although it is appreciated that there has been a significant up-grading of the zoo over recent years, it would probably still be logistically and economically viable to sell and relocate to another well located metropolitan site such as the APM land.

The sale of portion of the APM land to Landcorp/Lend Lease, presents a very real opportunity to create a new and enlarged zoological garden

for Perth in a uniquely suitable location to serve the expanding needs of the zoo into the future, while at the same time, releasing prime city land for re-development by the Joint Venture. The Perth Zoo land has the potential to be re-developed in the same way as East Perth, Subiaco Centro and North Bank in Fremantle.

A Zoological Garden is a use not listed in TPS No. 2 and therefore could be permitted at the discretion of the Council. Such a use would enable a semblance of the attractive bushland in this area to be retained in the interests of the locality and for the enjoyment of the public.

Although no valuations are known about the APM land for sale or the indicative value of the Perth Zoo, it could be that the 20 hectare Zoo site could be worth 8 times the value of the 90 hectares of APM bushland, which would be of significant value to the State.

Strategic Plan/Policy Implications

PD 21 Extractive Industries
PD 8 Bushland Conservation Policy

Budget/Financial Implications

Should the AMCOR land be developed as the alternative site for the Perth Zoo, it is understood from the City of South Perth that no rates would be payable.

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

Nil

13.4 (OCM1_12_1999) - PROPOSED TOWN PLANNING SCHEME NO. 3 - MODIFICATIONS PRIOR TO ADVERTISING (9485)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) agree to the modifications required by the Ministry for Planning and amend proposed Town Planning Scheme No. 3 accordingly;
- (3) adopt the amended proposed Town Planning Scheme No. 3 Text and Maps under Regulation 13 of the Town Planning Regulations;

- (4) forward two signed copies of amended proposed Town Planning Scheme No. 3 Text and Maps, to the Western Australian Planning Commission with a request to advertise the Scheme in accordance with Regulation 14 of the Town Planning Regulations; and
- (5) advise the Western Australian Planning Commission that the advertising period should be commenced in February 2000 to follow the Christmas and New Year public holiday period.

COUNCIL DECISION

Background

Council at its meeting on 25 May 1997, resolved to adopt proposed Town Planning Scheme No. 3 and request consent to advertise.

On the 14 October 1999 the WAPC advised that the Hon Minister for Planning had granted consent to advertise for public inspection subject to a number of modifications being made to the Scheme Text and Map.

There were 31 modifications required, all of which were complied with except for 6 which were to be the subject of further discussion with the Ministry.

The Council at its meeting on 16 November 1999, considered the modifications required by the Commission and resolved:-

- "(1) receive the report;*
- (2) adopt the modifications to the Proposed Town Planning Scheme No. 3 in accordance with the attachment to the Agenda;*
- (3) resolve to proceed with the Scheme and to settle the modifications with the Commission together with other modifications which appear necessary as provided for under Regulation 14 (4)(a)(i) of the Town Planning Regulations;*
- (4) forward the modifications to the Western Australian Planning Commission for its consideration;*
- (5) subject to the modifications being accepted by the Commission, the Council seek the Commission's approval to proceed to advertising under Regulation 15."*

On the 10 December, discussions on the modifications made by the Council in response to the Commission's directions dated 14 October, were held with officers of the Ministry, and subject to some further minor modifications, the Scheme could proceed to advertising.

Submission

The Ministry advised that the following matters required further modification:-

- (1) Clause 4.7 (Special Use Zones) to be revised to be consistent with the Town Planning Regulations 1999 for the Model Scheme Text.
- (2) Clause 5.10 is to be amended to refer to Clause 4.7.
- (3) Clause 6.3 (Developer Contribution Areas) is to be made consistent with the latest version to be proposed for inclusion in the Model Scheme Text.
- (4) Clauses 8.1.1 and 8.1.2 are to be combined as provided for in the Model Scheme Text.
- (5) Clause 8.3.3, 8.3.4 and 8.3.5 are no longer required and should be deleted.
- (6) The Zoning Table No. 1 to be revised by deleting reference to:-
 - Shop - Local and be replaced with shop.
 - Shopping Centre - Regional
 - Shopping Centre - District
 - Shopping Centre - Neighbourhood
- (7) Relocate from the Land Use Definitions to General Definitions under Schedule 1, the terms:-
 - Shop - Local
 - Shopping Centre - Neighbourhood
 - Shopping Centre - Regional
 - Shopping Centre - Regional Strategic
- (8) Include the term "shop" in the Land Use Definitions in Schedule 1.

Report

The amendments required by the Ministry for Planning should be agreed to.

- (1) Clause 4.7 be amended to read:

"4.7 Special Use Zones

4.7.1 Special use zones are set out in **Schedule 4** and are in addition to the zones in the Zoning Table.

4.7.2 A person must not use any land, or any structure or buildings on land, in a special use zone **except for the purpose set out against that land in Schedule 4** and subject to compliance with any conditions set out in **Schedule 4** with respect to that land."

- (2) Clause 5.10 be amended to read:

"5.10 Special Use Zone

5.10.1 Reference

- (a) The Special Use Zones each have an individual reference number displayed on the **Scheme Map**.

5.10.2 Use

- (a) The **use and development of land** in the Special Use Zone is contained in **clause 4.7**."

- (3) Clause 6.3 be amended in accordance with the proposed provisions of the Model Scheme Text as follows:

"6.3 Development Contribution Areas (DCA)

6.3.1 Purpose

- (a) To **identify areas (DCA)** requiring Cost Contributions that relate to subdivision and development;
- (b) To provide for the **equitable sharing of costs** of Infrastructure between Owners, and in particular, to ensure that Cost Contributions are only required towards such Infrastructure as is reasonably required as a result of the subdivision and development of land in the **Development Contribution Area**; (DCA)
- (c) To **co-ordinate** the timely provision of Infrastructure.

6.3.2 Interpretation

In **clause 6.3**, unless the context otherwise requires:

"Cost Contribution" means the contribution to the cost of Infrastructure payable by an Owner under **clause 6.3** and the

applicable Development Contribution Plan;

"Infrastructure" means services and facilities which, in accordance with the Commission's policy, it is reasonable for Owners to make a Cost Contribution towards; and

"Owner" means an owner of land that is located within a Development Contribution Area.

6.3.3 Development Contribution Plan Pre-requisite to Subdivision and Development

- (a) Where a **Development Contribution Area** is prescribed in the Scheme, all Owners within that Development Contribution Area are required to make a Cost Contribution in accordance with the applicable Development Contribution Plan contained in **Schedule 12** and the provisions of **clause 6.3**;
- (b) The **Development Contribution Plan** for any Development Contribution Area does not have effect until it has been incorporated in **Schedule 12** as part of the Scheme;
- (c) Subject to **clause 6.3.3(e)**, the local government is **not to support subdivision or approve development** in a Development Contribution Area until a Development Contribution Plan is in effect and the Owner who has applied for subdivision or development approval has made arrangements in accordance with **clause 6.3.6(a)** for the payment of the Owner's Cost Contribution;
- (d) **Clause 6.3.3(c) does not apply to the development of a single house or outbuildings** associated with a single house on a lot which has not been subdivided since the coming into operation of **clause 6.3**.
- (e) Where a **Development Contribution Plan** is necessary but is not in effect, the local government **may support subdivision or approve development** where the Owner has made other arrangements satisfactory to the local government with respect to the Owner's contribution towards the provision of Infrastructure in the Development Contribution Area.

6.3.4 Content and Principles of Development Contribution Plans

- (a) The **Development Contribution Plan** is to specify —
 - (i) the **Development Contribution Area** to which the Development Contribution Plan applies;
 - (ii) the **Infrastructure to be funded** through the Development Contribution Plan; and

- (iii) the **method of determining the Cost Contribution** of each Owner towards the Infrastructure to be funded through the Development Contribution Plan;
- (b) (i) A Development Contribution Plan is **to specify the period** during which it is to operate, but in any event, is not to operate for a period of more than **5 years**;
- (ii) The period during which a Development Contribution Plan is **to operate may be extended** and the Development Contribution Plan may be amended accordingly.
- (c) The Development Contribution Plan for any Development Contribution Area is **to be prepared in accordance with** the following principles —
 - (i) it is to provide for **Cost Contributions** to only the cost of such Infrastructure as fairly and reasonably relates to, and is reasonably required as a result of, the subdivision and development of land in the Development Contribution Area;
 - (ii) it is to provide for Cost Contributions generally in accordance with the **Commission's policies** on developer contributions for Infrastructure;
 - (iii) **matters requiring land contribution**, such as public open space, are to be treated as the cost of Infrastructure with any necessary adjustments to establish, where appropriate, a money equivalent;
 - (iv) the Cost Contribution is to be **based upon the proportion that the area** of that Owner's land bears to the total area of land within the Development Contribution Area;
 - (v) the Cost Contribution is to take into account **the highest and best uses** attainable for the Owners' land; and
 - (vi) the cost of Infrastructure is to be based on amounts expended, but when an expenditure has not occurred, it is to be **based on the best and latest estimated costs** available to the local government.
- (d) For the purposes of **clause 6.3.4(d)(iv)**, in **calculating** both the area of an Owner's land and the total area of land in a Development Contribution Area, the area of **land provided or required** in that Development

Contribution Area for:

- (i) **roads** designated under the Metropolitan Region Scheme as Primary Regional Roads and Other Regional Roads;
- (ii) existing **public open space**;
- (iii) government **primary and secondary schools**; and
- (iv) such **other land** as is set out in the Development Contribution Plan,

is to be excluded;

- (e)
 - (i) Where a Development Contribution Plan contains estimated costs, such estimated **costs are to be reviewed at least annually** by the local government in accordance with the best and latest information available to the local government until the expenditure on the relevant item of Infrastructure has occurred;
 - (ii) An Owner may request the local government to have such estimated costs **independently certified** by an appropriate qualified person.
- (f) Where any **Cost Contribution** has been calculated on the basis of an estimated cost for Infrastructure, the local government may:
 - (i) adjust the Cost Contribution of any Owner in accordance with **the revised estimated costs** or the final expenditure; or
 - (ii) accept a Cost Contribution based upon **estimated costs as a final Cost Contribution** and may enter into an agreement with an Owner accordingly.
- (g) Where an **Owner's Cost Contribution is adjusted** under **clause 6.3.4(f)**, the local government, on receiving a request in writing from an Owner, is to provide the Owner with a copy of estimated costs and the **calculation of adjustments**.

6.3.5 Liability for Cost Contributions

An **Owner's liability** to pay the Owner's Cost Contribution to the local government arises on the earlier of:

- (a) the local government confirming to the Commission that **conditions of subdivision approval** supervised by the local government and imposed on an application to subdivide the Owner's land within the Development Contribution Area have been complied with;
- (b) prior to the Commission endorsing its **approval on the Diagram or Plan of Survey** of the subdivision of the Owner's land within the Development Contribution Area;
- (c) at the time of **carrying out any development** or commencing any new or extended use on the Owner's land within the Development Contribution Area;
- (d) at the **time of applying** to the local government or Commission for approval of any new or extended use, or any other development on the Owner's land within the Development Contribution Area; or
- (e) on the **expiry** of the Development Contribution Plan.

6.3.6 Collection and Enforcement

- (a) (i) The Owner, with the agreement of the local government, **may pay** the Owner's Cost Contribution by:
 - (aa) **cheque or cash**;
 - (bb) transferring to the local government **land to the value** of the Cost Contribution;
 - (cc) some **other method** acceptable to the local government; or
 - (dd) any **combination** of these methods.
- (ii) the Owner, with the agreement of the local government, may pay the Owner's Cost Contribution in a lump sum, by **instalments** or in such other manner as agreed with the local government;
- (b) (i) The amount of any Cost Contribution for which an Owner is liable under **clause 6.3.5**, but has not paid, is a **charge on the Owner's land** to which the Cost Contribution relates, and the local government may lodge a caveat against the Owner's title to that land.
- (ii) The local government may, at the Owner's expense and subject to such other conditions as the local government thinks fit, **withdraw a caveat** lodged under **clause 6.3.6(b)(i)** to permit a dealing and then re-lodge the caveat to

prevent further dealings.

- (iii) If the **Cost Contribution is paid in full**, and if requested to do so by the Owner, the local government may, at the expense of the Owner, **withdraw any caveat** lodged in accordance with **clause 6.3.6(b)**.

6.3.7 Administration of Funds

- (a) The local government is to establish and **maintain a reserve account** in accordance with the Local Government Act 1995 for each Development Contribution Area into which Cost Contributions for that Development Contribution Area will be credited and from which all payments for the cost of Infrastructure within that Development Contribution Area will be paid.
- (b) The **purpose of such a reserve account** or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.
- (c) The local government is to provide to every Owner an **audited annual statement of accounts** for that Development Contribution Area as soon as practicable after the audited annual statement of accounts becomes available.

6.3.8 Shortfall or Excess in Cost Contributions

- (a) If there is a **shortfall in the total of Cost Contributions** when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government may:
 - (i) **make good the shortfall** from its municipal fund;
 - (ii) enter into **agreements with Owners** to fund the Infrastructure shortfall; or
 - (iii) raise **loans or borrow** from a financial institution,

but nothing in **clause 6.3.8(a)(i)** restricts the right or power of the local government to impose a differential rate to a specified Development Contribution Area in that regard;

- (b) If there is an excess in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government is to use the excess funds for the **provision of additional facilities** in that Development Contribution Area.

6.3.9 Valuation

(a) (i) Unless Part 10 of the Land Administration Act 1997 applies, **clause 6.3.9** applies if it is necessary to **ascertain the Value** of any land for the purposes of **clause 6.3**;

(ii) In **clause 6.3.9**:

"Value" means the capital sum which an unencumbered estate in fee simple of the land might **reasonably be expected to realise if offered for sale** on such reasonable terms and conditions as a bona fide seller would require:

(aa) on the basis that there are **no buildings, fences or other improvements** of a like nature on the land;

(bb) on the assumption that **any rezoning necessary** for the purpose of the development has come into force; and

(cc) taking into account the **added value of all other improvements** on or appurtenant to the land;

"Valuer" means a **licensed valuer agreed by the local government and the Owner**, or where the local government and the Owner are unable to reach agreement, a valuer appointed by the President of the Institute of Valuers for the time being;

(b) If any **Owner objects to a valuation** made by the Valuer, the Owner may give notice to the local government requesting a review of the amount of the Value, at the Owner's expense, within 28 days after being informed of the Value;

(c) If the **Valuer does not change the Value** of the land to a figure acceptable to the Owner, the Value is to be determined under **clause 6.3.9(f)**;

(d) (i) At the request of the local government or the Owner, the Value placed upon the land of an Owner **may be revised from time to time** by a Valuer;

(ii) The Valuer may:

(aa) reconsider **the Values placed on other land** in the Development Contribution

Area; and

- (bb) make such **revisions** as considered just and equitable to those Values

if the Valuer considers this is necessary as a **result of a revaluation** made under **clause 6.3.9(b)**;

- (e) The **date of valuation** is the date that the Owner's liability to pay the Owner Cost Contribution to the local government arises under **clause 6.3.5**, or such other date as is agreed between the local government and the Owner;
- (f) (i) where there is a **dispute or difference** between the local government and the Owner regarding a Value, the dispute or difference is to be resolved as follows:
 - (aa) by any **method agreed** upon by the local government and the Owner; or
 - (bb) if the local government and the Owner cannot agree, by **arbitration** in accordance with the Commercial Arbitration Act 1985;
- (ii) in any case, **mediation of the dispute** is to be attempted without prejudice to the rights of either the local government or the Owner.

6.3.10 Land Acquisition

- (a) The **local government may acquire land** for the carrying out of any Infrastructure works either by agreement or compulsorily under the powers conferred by **section 13** of the Town Planning Act.

6.3.11 Arbitration

- (a) Subject to **clause 6.3.9(f)**, any **dispute** between any Owner and the local government in connection with the Cost Contribution required to be made by an Owner under **clause 6.3** is to be **resolved by arbitration** in accordance with the Commercial Arbitration Act 1985.

- (4) Clause 8.1 be amended to read:-

"8.1 Requirement for approval to commence development

- 8.1.1 Subject to **clause 8.2**, **all development** on land zoned and reserved under the Scheme **requires the prior approval** of the local government and **a person must not commence** or carry out any development without

first having applied for and obtained the planning approval of the local government under **Part 9**.

Note:

1. The Planning Approval of the local government is required for both the development of land (subject of the Part) and the use of land (subject of Part 4)
2. Development includes the erection, placement and display of any advertisements.
3. Approval to commence development may also be required from the Commission under the Metropolitan Region Scheme."

- (5) Clauses 8.3.3, 8.3.4 and 8.3.5 are to be deleted because they are not required. These clauses relate to a procedure for dealing with a refusal of an application on land where previous conditions of approval are outstanding.
- (6) Delete reference to Shop - local, Shopping Centre - Regional, Shopping Centre - District and Shopping Centre - Neighbourhood from the Zoning Table. Include the land use class "Shop".

TABLE 1 - ZONING TABLE													
ZONES													
USE CLASS	RESIDENTIAL	REGIONAL CENTRE	DISTRICT CENTRE	LOCAL CENTRE	MIXED BUSINESS	BUSINESS	LIGHT AND SERVICE INDUSTRY	INDUSTRY	RURAL LIVING	RURAL	RESOURCE	SPECIAL USE	DEVELOPMENT
	COMMERCIAL USES (Cont'd)												
Entertainment Amusement Parlour	X	P	D	A	D	A	D	D	X	X	NOTE 1	NOTE 2	NOTE 3
Betting Agency	X	P	P	D	P	X	D	A	X	X			
Club Premises	A	P	P	D	P	D	P	P	A	X			
Fast Food Outlet	X	D	P	D	P	X	P	X	X	X			

Hotel/Tavern	X	P	P	A	D	X	P	X	A	X
Motel	A	P	D	X	A	X	D	X	A	A
Private Recreation	X	P	D	A	P	X	P	P	D	A
Public Amusement	A	P	D	X	D	X	P	P	A	X
Reception Centre	A	P	D	A	P	A	D	X	A	A
Restaurant	A	P	P	A	P	D	D	X	A	A
Health Services Consulting Rooms	D	P	P	D	P	P	P	A	X	X
Health Studio	A	P	P	A	P	D	P	P	A	A
Medical Centre	A	P	P	D	P	P	D	D	A	X
Hospital	A	D	D	X	D	D	A	A	A	X
Shop Convenience Store	A	P	P	P	X	A	P	X	A	X
Lunch Bar	A	P	P	P	A	D	D	D	D	A
Shop	X	P	P	P	X	X	X	X	X	X
Shop with Dwelling	A	P	P	P	X	A	X	X	A	X
Transport Commercial Vehicle Parking	D	P	P	A	P	X	P	P	D	D
Motor Vehicle, Boat or Caravan Sales	X	P	P	X	P	X	P	D	X	X
Motor Vehicle Hire Premises	X	D	D	X	P	X	P	P	X	X
Motor Vehicle Wash	X	D	D	X	P	X	P	P	X	X
Petrol Filling Station	X	P	P	A	D	X	P	P	X	X
Service Station	X	D	D	A	D	X	P	P	X	X

- (7) Relocate the following Land Use definitions to the General Definitions in Schedule 1:

shop-local:

means the use of land and buildings less than 1000m² net lettable area wherein the only goods or services offered for sale are foodstuffs, toiletries, stationery or goods or services of a similar domestic nature, intended for day to day consumption or use by persons living or working in the locality of the shop and which may include a delicatessen, greengrocery, general smallgoods, butcher's shop, newsagency, hairdressers, chemist, but not a supermarket, and any other shop which in the opinion of Council serves the day to day shopping needs of the immediate locality.

shopping centre - district:

means a group of shops, offices and community facilities with a net lettable area of between 10,000 m² and 20,000 m² which serves the needs of the surrounding district of approximately 25,000 to 50,000 catchment population, is serviced by a district distributor road, public transport services, and located between 3 kilometres and 5 kilometres from another District Shopping Centre.

shopping centre - neighbourhood:

means a group of local shops and offices with a net lettable area of between 1000m² and 5000m² which serves the needs of the immediate locality of

approximately 6000 catchment population, is services by a local distributor road, a public transport route and located between 1.5 kilometres and 3.0 kilometres from another neighbourhood shopping centre.

shopping centre regional:

means a group of shops, offices, community facilities and other related multi purpose facilities and services with a net lettable area of 30,000 m² or more which serves the needs of the surrounding region of between 50,000 to 100,000 catchment population, is served by a primary road and regional public transport services, and located between 5 kilometres and 10 kilometres from another Regional Shopping Centre.

shopping centre regional strategic:

means a group of shops, offices, community facilities and other related multi purpose facilities and services with a net lettable area of 50,000 m² or more which functions as a major employment centre for the surrounding region with a catchment population of 100,000 people or more, is served by a primary road and regional public transport services and located between 5 kilometres and 10 kilometres from another Strategic Regional Shopping Centre."

- (8) Include the definition of "Shop" in the Land Use definitions in Schedule 1 -

"shop: means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet."

Strategic Plan/Policy Implications

The Council has resolved to proceed with proposed Town Planning Scheme No. 3.

Budget/Financial Implications

Budget provisions are:-

Account 500474	-	\$50,000	- public advertising
Account 500476	-	<u>\$ 9,545</u>	- legal advice
		\$59,545	

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

Nil

13.5 (OCM1_12_1999) - PROPOSED TOWN PLANNING SCHEME NO. 3 - PUBLIC PROMOTION PROGRAMME (9485) (SMH) (ATTACH)**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt the public promotion programme outlined in the report;
- (3) commence the public promotion programme immediately following the approval of the Hon. Minister for Planning is granted to advertise the Scheme for public comment;
- (4) subject to the Scheme being acceptable to the Hon. Minister for Planning for advertising, that the advertising period not commence until February 2000;
- (5) in respect to recommendation (4), advise the Western Australian Planning Commission accordingly.

COUNCIL DECISION**Background**

District Zoning Scheme No. 2 was due for review in 1997.

The Scheme review commenced in 1996, and a new scheme format was formulated and presented to the Ministry and the Commission in 1997/98. This occurred at the same time as the draft Model Scheme Text was released for public comment by the WAPC.

The proposed Scheme was modified to reflect the proposals in the draft Model Scheme Text, and after consultation with the Ministry, the Council adopted the proposed Scheme at its meeting on 25 May 1999 for advertising.

The Ministry required some minor modifications. These were attended to and on 16 November 1999 the Council responded to the Ministry, leaving some requirements subject to further discussion. The Commission received the Local Planning Strategy, therefore this has been accepted for the purposes of public advertising.

To date a formal reply has not been received by the Council from the Commission, in order to finalise the outstanding matters.

The purpose of this report is to enable the Council to consider a public promotion programme for the Scheme to encourage and facilitate public awareness and public submissions on the Scheme proposals.

Submission

N/A

Report

The WAPC in its letter dated 14 October 1999, advised the Council that subject to the Scheme documents being amended, the Scheme will be advertised for 3 months and listed 23 government agencies which should be notified of the new scheme and that public advertising be in accordance with the regulations.

Regulation 15 only requires the following to be undertaken by the Council to advertise the Scheme:-

- *Advertised in accordance with Form No. 3 in Appendix A*
- *Available for inspection during office hours at the Council and the Western Australian Planning Commission*
- *Advertised **once** in a local newspaper*
- *Display the Scheme in a prominent position*
- *Public comment period to be not less than 3 months.*

This is the minimum requirement, and is probably inadequate for such an important community document.

Councils such as the City of South Perth and the City of Melville have expended large sums of money publishing booklets and brochures as a means of promoting their new Schemes respectively. The City of Melville is understood to have used professional public relations consultants to assist in the process. These programmes represent the other extreme, and although the publications and the programmes are very impressive, they are beyond the budget available to the City.

There is also no evidence, that by spending large sums of money on the public advertising programme that it will result in a more expedient approval or in any better or productive outcomes.

Therefore an approach which is more middle of the road seems to be appropriate.

The suggestion for the public promotion programme for the new Scheme is as follows:-

1. The advertising of the Scheme and the programme be undertaken in parallel.
2. The 3 month advertising period not commence until the end of January or the beginning of February 2000 to avoid the Christmas vacation period.
3. The Scheme be formally advertised in accordance with Regulation 15 of the Town Planning Regulations for a period of not less than 3 months.
4. Prepare 30,000 copies of an A2 folded brochure, which has a colour map of proposed Scheme No. 3 on one side and text and photographs on the other, with directions included as to how to get more information.
5. Send a copy of the proposed Scheme No. 3 brochure to every property in the district.
6. Retain 4,000 copies as handouts at the Council office, display centres and to send to adjoining local governments.
7. Put the proposed Scheme No. 3 Text and Map on the Council website.
8. Conduct a mobile display at Shopping Centres and Council Halls manned by Planning Staff.
 - Shopping Centres - Phoenix Park Gateways
 - Council Halls - Civic Centre
Coolbellup
Banjup
Wattleup
Memorial Hall
9. The Shopping Centres displays be manned on 2 Saturday mornings between 9.00 am to 12 noon and 2 Thursday evenings between 6.00 pm and 9.00 pm.
10. The Council Halls displays be manned on 1 afternoon and evening each between 2.00 pm and 9.00 pm.
11. Produce 2 forms for the public to use:-
 - A request for more information in respect to a particular matter to be sent to the enquirer.

- A submission form in accordance with Form No. 4 of the Town Planning Regulations.
12. Produce 4 copies of the Local Planning Strategy and proposed Scheme Text to accompany the displays.
 13. Produce 50 copies of Parts 4,5,6, 11 and 12 of the proposed Scheme Text as handouts to interested members of the public.
 14. Produce 500 copies of each of the 4 sectors of the district as A3 handouts with the proposed TPS No. 3 on one side and the existing TPS No. 2 on the other.
 15. Prepare a power point presentation of proposed Scheme No. 3 for presentation to the Commissioners and any local interest groups or other authorities should it be requested.
 16. The graphs and artwork for the brochures and handouts to be undertaken by the Planning and Development Division.
 17. Printing of the brochures to be undertaken by a professional printing company.
 18. Printing of the handouts to be undertaken by the Council administration.
 19. The dates, places and times of the Shopping Centre and Council Hall displays should be placed as a notice in a newspaper circulating in the locality.
 20. A staff member, or a contract person be employed to man a public enquiries telephone number during the 3 month public submission period.
 21. A submission register be established on the Council's computer system so that all submissions received can be recorded and summarised in readiness for recommendations to be made to the Council and the WAPC.

This is the suggested public promotion programme for the proposed Town Planning Scheme No. 3 which should provide an effective basis for people to be:-

- made aware of the proposed Scheme
- have the opportunity to discuss the Scheme with professional planning staff
- view the Scheme documents and map
- request additional information or make further enquiries
- lodge a submission.

The display would involve:-

- a large coloured map of District Zoning Scheme No. 2
- a large coloured map of proposed District Zoning Scheme No. 3
(At the same scale and the two maps will enable the public to compare the current Scheme with the future proposals)
- copies of the Local Planning Strategy (read only)
- copies of the proposed Scheme Text (read only)
- copy of the R-Codes (read only)
- copies of the operative parts of the proposed Scheme (take away)
- copies of the promotion brochure (take away)
- copies of the Sectors of the Scheme (take away)
- an information request form
- a submission form
- a professional planner in attendance during the time of the display.

It is anticipated that the public promotion programme would commence two weeks after the gazettal of the public submission period and run over 7 to 8 weeks.

A staff roster would be prepared.

Strategic Plan/Policy Implications

The Council has advised the WAPC that it has decided to proceed with the advertising of Town Planning Scheme No. 3 and that the proposed Scheme be based on the Model Scheme Text.

Budget/Financial Implications

In the mid-year review of the 1999/2000 Budget, it is proposed by Administration and Financial Services that:-

- The advertising budget of Town Planning Scheme No. 3 be increased from \$20,000 to \$50,000 (Account 500474)
- The legal advice budget for Town Planning Scheme No. 3 be reduced from \$19,545 to \$9,545 (Account 500476)

The cost estimates for the following items of the public promotion programme could be:-

	Internal Cost	External Cost
• * ¹ Brochures (30,000) (A2)	Nil	\$9,300
• Handouts (50 copies) (82 pages) (public rate 10c per page)	\$410	
• Lamination of display Maps		\$100
• 24 copies of Local Planning Strategy (119 A4 pages @ 10c) (30 A3 pages)	\$1,000	
• 24 copies of Text (108 A4 pages @ 10c)	\$260	
• Staff overtime - Shopping Centres displays	\$1,600	
• Staff overtime - Council Halls displays	\$2,400	
• Contract Enquiries person (3 months @ \$35,000 per annum plus 20% loading) (Advertising period)	\$10,500	
• Contract enquiries person (2 months @ \$35,000 per annum plus 20% loading) (Submission assessment)	\$7,000	
• Website	Nil	
• Power Point Display	Nil	
• Hall Hire	\$400	
• Shopping Centre Hire	\$400	
• Display Boards	\$200	
• Photographs (10 enlargements)(\$30 each)	\$300	
• * ² Delivery of 26,000 brochures (Australia Post @ \$45/1000)		\$3,400
• Additional Information Forms (1,000)	\$100	
• Submission Forms (27,000)	\$2,700	
• Sector Maps (2,000) (Double sided)	\$5,000	
	\$32,270	\$12,800
(Contingency)		\$5,000
Total Estimated Cost		\$50,070

* Note 1: Preliminary Quotation
From Mercantile Press
30,000 A2 double sided
colour sheets folded. = \$9,270

* Note 2: Delivery of 26,000 A2 (folded) brochures
• Cockburn Gazette \$45/1000 = \$1,170
• Australia Post (Business Centre) normal 9c/brochure
(unaddressed) = \$2,340

- Australia Post (Business Centre) large 13c/brochure = \$3,380
(unaddressed)

This estimate is based on the mapping and publishing format being prepared in-house and given to the printer in electronic form in an endeavour to contain costs.

The estimated cost of conducting the public promotion programme is \$50,000.

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

Nil

13.6 (OCM1_12_1999) - SELECTION OF COUNCIL REPRESENTATIVES TO THE JANDAKOT AIRPORT CONSULTATIVE COMMITTEE (1211) (WJH) (ALL) (ATTACH)

RECOMMENDATION

That Council:

- (1) appoint the Manager Development Services and the Principal Environmental Health Officer as Council's representatives to the Jandakot Airport Consultative Committee;

OR

- (1) appoint Commissioner _____ and the Principal Environmental Health Officer as Council's representatives to the Jandakot Airport Consultative Committee; and
- (2) advise Jandakot Airport accordingly.

COUNCIL DECISION

Background

Following the completion of the Jandakot Flight Paths and Circuit procedures Review and the subsequent dissolution of the Steering Committee and in accordance with the draft Jandakot Airport Master Plan the Managing Director of Jandakot Airport has convened the Jandakot Airport Consultative Committee.

Submission

The Managing Director of Jandakot Airport has extended an invitation for Council to provide two representatives to this Committee.

Report

The inaugural meeting of the Committee was held on 8 November 1999 and was attended by the Principal Environmental Health Officer.

Meeting participants were largely the same as the recently dissolved "Review Steering Committee" with representation from the main stakeholders including; Air Services Australia, Civil Aviation Safety Authority, Department of Transport, the Royal Aero Club, Airport Chamber of Commerce, Aircraft Operators and Pilots Association, Jandakot Airport, various community groups and affected local governments.

It is intended that the Committee pursue the implementation of the recommendations of the Jandakot Flight paths and Circuit Procedures Review and act as a forum for all matters pertaining to Jandakot Airport.

As a forum of Jandakot Airport stakeholders it is worthy of support and the naming of two representatives is warranted. It is recommended that Council nominate the Manager Development Services and the Principal Environmental Health Officer as Council's representatives to the Jandakot Airport Consultative Committee.

An alternative recommendation has been included should Council feel that the inclusion of a Commissioner is warranted.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

**13.7 (OCM1_12_1999) - COCKBURN BIKE PLAN - ADOPTION (4003)
(SOS) (ALL) (ATTACH)****RECOMMENDATION**

That Council:

- (1) adopt the Cockburn Bike Plan and its Recommendations as the basis for improving cycling facilities in the district;
- (2) use the Bike Plan to assist in determining future budgeting decisions regarding improvements to cycling infrastructure and as the basis for bids for grant funding from external sources;

COUNCIL DECISION**Background**

In December 1998 Transplan Pty Ltd was engaged to review the 1991 Cockburn Bike Plan. This work was necessary given the extent of development that had occurred in the district since 1991 and the need to update the knowledge of the cycling network and review strategies for improvements.

The review has coincided with initiatives of the State Government through the Department of Transport (Bikewest) to improve the cycling network and promote cycling in general. One of Bikewest's main programs, the Perth Bicycle Network Plan, released in 1996, sets out proposals for a comprehensive network of cycling routes across the Perth metropolitan region, including a number of routes within Cockburn. Implementation of the relevant proposals in the network plan form a large component of the 1999 Bike Plan.

Fortuitously, Bikewest throughout 1998/99 has offered funding for local authorities towards the preparation of a Bike Plan. The City of Cockburn is one of nine metropolitan local authorities to have received Bike Plan funding from Bikewest.

Bicycle plans aim to ensure a network of connected cycling facilities are planned and provided for. Having an adopted Bike Plan will support applications for grant funding to implement cycling network improvements, particularly those proposals contained in the Perth Bicycle Network plan, and will help prioritise cycling improvements and guide future Council budgetary decisions on cycling infrastructure expenditure.

The process in progressing the adoption of the 1999 Bike Plan is summarised as follows:

Date	Action
December 1998	<p>Transplan Pty Ltd commissioned to undertake new Bike Plan.</p> <p>Local schools workshop carried out on cycling needs.</p>
January 1999	Cycling survey distributed throughout Cockburn as part of Cockburn Soundings.
February 1999	120 Survey responses collated and sent to Transplan Pty Ltd.
30 March 1999	Report on Cycling survey results received from Transplan Pty Ltd.
27 April 1999	Draft Bike Plan report received from Transplan Pty Ltd. Forwarded to Bikewest for comment.
May to August 1999	<p>Analysis of Draft report.</p> <p>Detailed plans produced by the City's Draftsman for inclusion in final report.</p> <p>Summary document of Bike Plan produced.</p>
September to October 1999	<p>Circulation of Bike Plan report and plans for public comment.</p> <p>Consultation involved the following:</p> <p>Bike Plan forwarded to local bicycle user groups (BUG's), the Bicycle Transport Alliance and the City of Fremantle.</p> <p>Letter to all who responded to cycling survey advising of the Bike Plan report and the opportunity to either view the full report and plans at local libraries or Council administration centre, or alternatively to obtain complementary Bike Plan summary document. Full report also available for purchase.</p> <p>Mention of Bike Plan on Cockburn website.</p>
November 1999	<p>Cost estimates of proposals finalised by Engineering Division.</p> <p>Preparation of report to Council.</p>

Submission

The 1999 draft Cockburn Bike Plan is primarily focussed on a detailed review of the progress of implementation of the 1991 Bike Plan, and guidance on action still required. The Plan also recommends a range of improvements along proposed cycling routes of the Perth Bicycle Network Plan.

The Bike Plan report documents the following:

- Tasks involved in the review ;
- Objectives of the review;
- Recent transport planning initiatives Perth-wide and the specific implications for Cockburn.
- Existing cycling facilities in Cockburn;
- Regional cycling routes and facilities in Cockburn;
- Review of 1991 Bike Plan;
- Engineering works schedule;
- Cycling survey results;
- Dual Use path register.

The Engineering works schedule includes the outstanding items of the Bike Plan and the recommended additional actions required. The schedule also details the Perth Bicycle Network Plan proposals and other routes recommended for improvement. Detailed plans have been produced by the Strategic Planning Department and included in the Bike Plan report.

A summary package of the 1999 draft Bike Plan is included in the Agenda Attachments.

Report

The 1999 Bike Plan contains a comprehensive set of proposals and recommendations aimed at improving the cycling network. Its strengths include a thorough review of those matters outstanding from the 1991 report, the detailed mapping of existing cycling facilities and proposed improvements particularly the Perth Bicycle Network Plan proposals and a series of other recommendations aimed at generally promoting cycling participation.

There are 19 Perth Bicycle Network Plan routes located throughout Cockburn and have been included in the works schedule. 87 local off-road improvements are also included in the works schedule as well as 34 off-road improvements outstanding from 1991. Several other minor routes/improvements have been identified since the draft was produced and will be added to the final report.

There has been a significant shift in the philosophy behind providing better cycling facilities in recent times. Keen cyclists, particularly those who cycle for commuting rather than recreational purposes, have a strong preference for on-road bicycle lanes as opposed to paths. Whilst there is still a heavy emphasis in the Bike Plan on providing a better network of off-road paths, particularly recreational routes that capitalise on the district's natural environmental assets (such as the wetlands chains and coastal paths) as well as short local journeys (such as those undertaken by school aged children), there is a clear demand for more cycling lanes on roads.

As mentioned in the above table, the questionnaire contained in Cockburn Soundings was an important step in commencing the Bike Plan review and gauging community attitudes towards the cycling network. 120 responses were received and were useful in determining where cycling facility improvements and additional facilities were needed and the reasons why residents don't ride a bicycle more often.

The draft Bike Plan was advertised for public comment in the manner detailed in the above table. Whilst many residents took the opportunity to obtain a summary package of the Bike Plan and view details of the full Bike Plan either at the local libraries or Council's Administration Centre, very few comments have actually been made, despite the public comment period being extended until the end of November. It can be assumed that there is general acceptance of the proposals and approach of the 1999 Bike Plan.

The 1999 Bike Plan, upon adoption, should be used as the basis for budgetary decisions concerning expenditure on cycling facilities. The existence of an up-to-date Bike Plan will also be useful in supporting bids made to external agencies, principally the Department of Transport, to obtain grant funding for cycling improvements.

Strategic Plan/Policy Implications

The production of the Cockburn Bike Plan is consistent with the City of Cockburn Corporate Strategic Plan's Vision Statement No.5 to maintain (and improve) community facilities.

Budget/Financial Implications

Transplan Pty Ltd's fee for production of the 1999 Bike Plan was \$12,500, of which half (\$6,250) was paid during the 1998/99 financial year, with the remainder to be paid upon production of the final Bike Plan report (likely to be completed in January/February 2000). A \$7,500 subsidy towards the production of the Bike Plan, including the community consultation, has been received from Bikewest. The effective cost of producing the Bike Plan, amounts to \$5,000, which is considered to represent excellent value given the volume and accuracy of the information produced.

The estimated cost to implement the recommendations contained in Bike Plan is approximately \$1 million, ideally spread over a period of four years. Preliminary proposals for the 2000/2001 budget include the expenditure of \$290,000 on cycling improvements recommended in Bike Plan. Approximate costings of those works listed in the engineering schedule will be added to the final Bike Plan report to be finalised early in 2000.

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

Nil

13.8 (OCM1_12_1999) - PROPOSED LIQUID WASTE TREATMENT PLANT - LOT 197 COCOS DRIVE, BIBRA LAKE - OWNER/APPLICANT: WESTERN RESOURCE RECOVERY (4412617) (SR) (SOUTH) (MAP NO. 8) (ATTACH)

RECOMMENDATION

That Council:

- (1) on the basis of the advice from Dr Wajon, determine that the use constitutes the processing of liquids;
- (2) determine that the proposed Liquid Waste Treatment Plant is a "use not listed" under Clause 3.2.4 of the Scheme on the basis of the opinion provided by Mr Malcolm McCusker QC;
- (3) advertise the proposal for a period of 21 days in accordance with Clause 6.2.3(b) and (c) of the Scheme;
- (4) advise the Applicant, the Minister for the Environment and the Yangebup Progress Association of (1) and (2) above.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

ZONING:	MRS:	Industrial
	DZS:	General Industry
LAND USE:	Vacant	
LOT SIZE:	7133m ²	
AREA:	3000m ² (approx. building area)	
USE CLASS:	To be determined	

Council at its meeting held on 16 November 1999 resolved that:-

- "(1) *the matter be deferred to the December meeting of Council; and*
- (2) *Council seeks a Queen's Counsel (QC) opinion on this matter.'*

The Council felt that as this was a complex issue, the matter required further legal advice and this be sought from a QC. Legal advice had already been received from Council's Solicitors. Considering the depths and breadths of public opinion, it was decided to defer the matter until this advice has been sought.

The Council had a responsibility to assess this application thoroughly as it would not like to set a precedent for other applications of a similar nature are received in the Cocos Park Industrial Area.

The choice the Council has is to either refuse the application as an 'X' use because as an industry it would be deemed noxious or to determine the proposal as a use not listed because the processing of liquids is not an industrial activity as defined under the Scheme.

If the use is not listed the Council may refuse it or approve it with conditions. Should the refusal or the conditions be unacceptable to the applicant then there is a right of appeal to the Minister for Planning or to the Tribunal.

Council first considered the proposal at its meeting on 3 December 1996 and resolved as follows:-

- "(1) *subject to receipt of advice that the proposal is not subject to formal assessment under the Environmental Protection Act, the Director of Planning and Development be authorised to grant approval to the Liquid Waste Treatment Facility in accordance with the plan dated 22 October 1996 subject to the following conditions:*

Standard Conditions

1. *Standard conditions contained in Council Policy PBH 3.1 as determined appropriate to this application by the delegated officer*

under clause 7.6 of Town Planning Scheme - District Zoning Scheme No.2

Special Conditions

- 1. All offensive odours to be effectively retained within the confines of the subject property. Details of measures to control odour emissions to be submitted to Council's Environmental Services Section for approval prior to commencement of development.*
- 2. All waste water and stormwater to be retained on the site. All spillage and stormwater in materials handling and processing areas to be collected separately and directed to an appropriate on-site treatment facility.*
- 3. All handling of waste products is to be carried out under cover and shall ensure no run-off occurs other than to a sealed collection point.*

Special Footnotes

- 1. All dangerous goods to be stored in accordance with the requirements of DOME.*
- 2. Approval from the Water Corporation be granted prior to the commencement of development.*
- 3. Approval from the Water and Rivers Commission be granted prior to the commencement of development.*
- 4. The development shall not commence until such time as a Works Approval is issued by the DEP."*

The project was, however, subject to formal assessment by the Environmental Protection Authority and no Planning Approval was issued. The Company states that it relied upon the form of advice given to them regarding the Council Resolution. They purchased the land and undertook the Consultative Environmental Review process with an expectation that a Council Planning Approval would issue in the event that they were able to obtain environmental approval.

The CER process was undertaken by the Company in 1997 and following public notification of the proposal there was substantial local public concern about potential environmental impacts. This resulted in a public meeting held on 30 June 1997 in the Yangebup Community Hall.

Legal advice was sought at that time regarding the status of Council's 3 December 1996 Resolution. The Company was accordingly advised

that the Council would reconsider the application for Planning Approval at the conclusion of the CER process.

Further legal advice was provided in respect of the 1984 'McNiece' decision of the Supreme Court. The effect of this advice was that at its meeting on 21 October 1997 Council resolved inter alia as follows:-

"(1) advise the applicant that in the light of further information on the proposal provided through the CER and other processes, and detailed legal advice on the matter, that it has come to the conclusion that the process proposed involves a Noxious Industry and it is not open to Council to approve a development application for the process on the proposed site under its present zoning of General Industry under District Zoning Scheme No. 2;"

The Department of Environmental Protection issued its report on the proposal on 5 December 1997. The Summary and Recommendations of the DEP were included as an Attachment as are the proponent's environmental management commitments. The DEP was advised at that time that the 1984 McNeice decision prevented Council issuing a Planning Approval, apart from the fact that the DEP had recommended to the Minister for the Environment that the project be granted environmental approval under the Environmental Protection Act. This advice was also provided to the Minister for the Environment on 22 December 1997.

A number of Appeals against the Report and Recommendations of the EPA relating to the proposal were submitted to the Minister for the Environment. The Minister has yet to determine these Appeals.

Council at its meeting on 9 November 1998 reconsidered the proposal and resolved as follows:

"(1) reconfirm its decision of 21 October 1997;

(2) advise the applicant that in the light of further information on the proposal provided through the CER and other processes, and detailed legal advice on the matter, that it has come to the conclusion that the process proposed involves a Noxious Industry and it is not open to Council to approve a development application for the process on the proposed site under its present zoning of General Industry under District Zoning Scheme No.2; and

(3) refuse the application."

The Company has now submitted a fresh Planning Application for Council's consideration (details attached).

The outcome of the CER process was that the proposal is considered environmentally acceptable by the EPA, provided that the DEP's recommended conditions are implemented by the proponent. These include commitments to stringent odour control and an avoidance of transport routes through the Yangebup residential area.

In assessing the proposal, the EPA sought advice from a range of government agencies as well as appointing an independent consultant to review the proposal. Key issues assessed related to impacts on groundwater quality, odour, noise and vibration, solid and liquid wastes, off-site risk and transport.

In relation to odour, the proponents undertook odour modelling which revealed that levels of odour at the nearest residence (approximately 800 metres distant) would be well below acceptable levels. Modelling undertaken by the DEP confirmed this, with the proponent bound to a commitment to install the latest available scrubbing and process monitoring systems in addition to a stand by power system to ensure that odour emissions meet predicted levels at all times.

Off-site risks were assessed as acceptable, with the proponent required to implement an environmental management system to ensure events which could increase risk are not accepted at the site and prepare a suitable emergency response plan prior to commencement. In terms of transport, the proponent is bound to a commitment to negotiate appropriate routes and delivery times with relevant authorities, including Council.

Overall, the EPA's report advised that whilst some deficiencies in the CER document were highlighted in the assessment process, the Authority was satisfied that these deficiencies had been addressed by the proponent through the assessment process. Approval was recommended subject to the proponent's environmental management commitments and the preparation of an environmental management system to the EPA's requirements.

Submission

The proposed waste treatment facility will treat commercial/industrial waste from oil and grease traps, waste oil, oil contaminated water and other non-sewerable liquid wastes and sludges with contaminants which require chemical fixation. The plant would not treat pesticides, PCB's or materials which are flammable, explosive or radioactive.

Typical sources of the wastes are food processing, automotive service and metal finishing industries.

The opinion from Mr Malcolm McCusker QC was received and was circulated to Councillors under separate cover.

In addition, in response to a suggestion from the public during public question time at the Council meeting on the 16 November 1999, the application documentation was referred to an Environmental Chemist, Dr Eddy Wajon of Kinhill Pty Ltd for advice on the waste being received and processed. This advice was circulated to Councillors under separate cover.

Report

The EP Act requires that decision making authorities do not make any decisions which would cause a proposal to be implemented until such time as the Minister for the Environment has granted environmental approval.

Council's current position that the proposal constitutes a 'Noxious Industry', due to incorporation of preventative measures to overcome any potential nuisance (ie, particularly odour nuisance) is not subject to an Appeal right via the normal Ministerial or Tribunal processes. It can only be challenged by a Supreme Court writ of mandamus or similar action.

The current legal advice from Council's solicitors is that the proposal may not fall within the "Industry" category as the processes are predominantly dealing with liquids, sludges and materials in solution, rather than solid materials which fit the definition of an 'article'. Based on the advice, it is open to the Council to interpret the applicable 'use class' as being a 'use not listed', rather than a 'Noxious Industry'. This allows Council to consider approving the proposal, subject to the following prerequisites:-

1. Interpretation of the use class as a Use not listed based upon legal advice;
2. Completion of the public advertising procedures required by Clause 3.2.4 and 6.2 of the Scheme;
3. The Minister for the Environment having granted environmental approval prior to any formal decision being made by the Council regarding Planning Approval;

It would also be open for the Council to refuse the proposal as a 'Use not Listed'; a decision that would then be subject to a right of appeal to either the Minister for Planning or the Town Planning Appeals Tribunal.

The opinion of Mr Malcolm McCusker QC confirms the legal advice received from the Council's solicitors that a business that only processes liquids cannot be classified as an industry under the Scheme.

The advice received from Dr Eddy Wajon, that based on the information and data provided in support of the application the wastes to be treated by the proposed plant are most likely to be liquid wastes. Some of the data provided by the company is inadequate to be absolutely certain that all the wastes fall under the strict definition of a liquid, according to Dr Wajon. Dr Wajon recommends that, if approved, the plant be restricted to treating and processing only liquid wastes and that criteria for this be set accordingly, together with measures for ensuring compliance.

Given the advices received, it is recommended that in the interests of procedural fairness for both the applicant and the community, that the proposal be determined as a 'use not listed' and that it be advertised for public comment. This would be the first time that the planning application has been formally advertised for public comment since being proposed in December 1996.

Based on the response, the Council may either refuse or conditionally approve the development.

Any decision by the Council could be subject to an appeal by the applicant. The final decision, therefore, would rest with either the Minister for Planning or the Town Planning Tribunal.

Should the Council believe that there is uncertainty about the fact that the plant will only treat liquid waste, even if appropriate conditions could be applied to any approval to restrict the wastes to only liquids, then the Council must refuse the use as a use not permitted (X) in this General Industrial Zone under the Scheme because the proposed use is deemed to be:-

1. an 'industry' as defined under the Council's Town Planning Scheme No. 2;
2. a 'Noxious Industry' by virtue of the 'McNiece' ruling as it applies to the definition of "noxious" industry under Scheme.

A Council decision to determine the proposal as a noxious industry, means that the use is prohibited (X) in the General Industrial Zone and therefore the applicant has no right of appeal.

Strategic Plan/Policy Implications

Strategy 4.4 - 'Ensure that environmental issues are adequately recognised in the Council's planning and decision-making processes.'

Budget/Financial Implications

Legal costs for QC's opinion \$750, to be paid from Account 500320. Account from Dr Eddie Wajon yet to be submitted.

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

Nil

13.9 (OCM1_12_1999) - PROPOSED FUNCTION / CONFERENCE CENTRE - LOT 9 WATTLEUP ROAD, WATTLEUP - OWNER/APPLICANT: V J LOMBARDO (4412312) (MT) (SOUTH) (MAP 17) (ATTACH)

RECOMMENDATION	
That Council:	
(1)	refuse the application for a function and conference centre on Lot 9 Wattleup Road, Wattleup for the following reason:
1.	the proposed development will adversely affect the rural amenity of the locality.
(2)	issue a Form 2 Refusal to Commence Development to the applicant.
(3)	advise those who made a submission of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	RURAL
	DZS:	RURAL
LAND USE:	DIVE TRAINING CENTRE	
LOT SIZE:	20 000m ²	
AREA:	N/A	
USE CLASS:	"SA"	

In February 1999 Council received a complaint about earthworks occurring on the subject property. Investigations revealed the owner was preparing to use the lot, which has approval as a dive training centre, for a function and conference centre. It was requested the owner apply to Council for the proposed use.

The application was advertised and considered by Council at its meeting held on 11 May 1999. The development was refused but the

applicant was invited to meet with Council to discuss an alternative use of the premises. A copy of Council's decision is attached to this agenda. The applicant met with Council's Planning staff earlier this year.

Submission

The application is very similar to that originally submitted by the applicant. It is proposed that the existing building be used for functions and conferences - catering for up to 100 people. The hours of operation have been limited to 10am - 10pm seven days a week.

The proposal was advertised for a period of 21 days. A total of 33 people made comment on the proposal. Ten were opposed to the development, 23 were in support. A summary of the submissions is attached to this agenda.

Report

The applicant has reapplied for what is effectively the same development as refused by Council in May. The only difference is the hours of operation have been limited to between 10am and 10pm. These restricted hours are unlikely to minimise the impact of the function centre on the rural amenity of the locality, which was Council's reason for refusing the original application. The applicant has not demonstrated any means of minimising the impact. Hence the recommendation remains to refuse the application.

The ten submissions received opposing the development of the function centre demonstrates there is still opposition from some neighbouring residents. All those recording opposition lived within 500 metres of the site.

Of the 23 submissions received supporting the development, 19 were a standard letter prepared by the applicant with the signature of a landowner on it. Six of the submissions were from landowners living within 500 metres of the site. A further 9 lived in Wattleup but 5 were from other suburbs in the City of Cockburn and 3 did not provide an address. A map is attached to this agenda indicating where those for and against the proposal lived. It can be concluded that the majority of those supporting the application do not live near the site. In at least 4 of the submissions it would appear the person was under the impression that the development proposed was a restaurant, not a conference / function centre as applied for.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

13.10 (OCM1_12_1999) - ROCKINGHAM-FREMANTLE TRANSITWAY (9636) (AJB) (WEST/COASTAL)

RECOMMENDATION

That Council:

- (1) advise the Department of Transport that:-
 1. due to the lack of conclusive data on the potential impacts of the transitway on traffic and individual property, Council is not prepared to support the development of a dedicated transitway in Rockingham Road at this time.
 2. this position will be reviewed subsequent to the implementation of the transitway in Hampton Road which will provide comparative evidence on the impact on properties including noise, vibration, property access and values of properties which abut a transitway.
 3. proposals to provide bus priority in a mixed traffic environment along Rockingham Road such as changes to traffic signal phases and priority at intersections etc will be considered if Transport wishes to pursue this as either a short term or long term option.
- (2) forward a copy of Councils decision to the organiser of the April 1999 petition – Mr Andrew Di Carlo;
- (3) proceed with budgeted works to Rockingham Road including the construction of turning lanes at the intersection of Rockingham and Phoenix Roads and traffic signals at the intersection of Rockingham Road and Lancaster Street.

COUNCIL DECISION

Background

In April 1998 the Minister for Transport released a Government report titled "Better Public Transport - Ten Year Plan for Transperth 1998 - 2007". The plan included proposals for a dedicated transit route linking Rockingham, Kwinana, Cockburn and Fremantle.

In May 1998 Council considered a comprehensive report detailing options for the transit route including Stock Road, Rockingham Road and Cockburn Road and resolved as follows:

"(1) advise the Department of Transport :

- 1. The proposed transitway alignment within Rockingham Road is supported in principle for the purpose of undertaking more detailed studies to determine whether or not the transitway can be accommodated within the existing road reserve, the impact on traffic including access to residential properties, impact on the amenity of residents fronting Rockingham Road;*
- 2. Council will reconsider the transitway proposal upon completion of the detailed studies;*
- 3. The community should be widely consulted as part of the preparation of the detailed studies."*

In November 1998 BSD Consultants were appointed by Transport to undertake a detailed local design study for the Rockingham Road portion of the Transitway. This included a series of public meetings and an information forum.

In response to concerns expressed by residents on Rockingham Road, Council at its meeting held on 16 March 1999 resolved as follows:-

- "(1) undertake a review, by the Council's Strategic Planning Service, of alternative alignments for the proposed Fremantle to Rockingham Transitway using Cockburn Road and Stock Road, in the event that Rockingham Road is not an acceptable alignment; and*
- (2) use this information, as appropriate, as part of any submission the Council may make in respect to the Fremantle to Rockingham Transitway when the proposal is formally made public by the Department of Transport for community and Council consideration."*

A petition containing 289 signatures requesting that the Rockingham-Fremantle Transitway project be stopped was received in April 1999. At its meeting held on 25 May 1999 Council resolved as follows:

"(1) *advise the petition organiser Mr Andrew Di Carlo:-*

1. *That the objection by residents on Rockingham Road to the construction of a Transitway within that road is noted and will form part of the information included in the assessment of options for the Transitway being undertaken by Council's Strategic Planning Service;*
2. *A decision will not be made on the Transitway until all current studies have been completed and all alternative options to Rockingham Road have been assessed;*

(2) *forward a copy of the petition to the Department of Transport for their information together with the Council decision."*

Submission

N/A

Report

Transport's report titled "Better Public Transport - Ten Year Plan for Transperth 1998 - 2007" outlines proposals for an upgraded and improved public transport system.

There are a number of changes proposed to upgrade the system for Cockburn residents including the railway through Thomsons Lake, high frequency System 21 services to Perth along Hamilton Road, Rockingham Road and through Coolbellup and the Rockingham, Kwinana/Cockburn/Fremantle service which was proposed on Rockingham Road and Hampton Road.

The Rockingham/Kwinana/Cockburn/Fremantle service currently operates on Rockingham and Hampton Roads as services 113, 119 and 120. The proposal is to firstly increase the frequency of service to 15 minutes off peak and 7-10 minutes peak periods, improved weekend services including Friday and Saturday nights and secondly increase the quality of the service. This is achieved by new easy access vehicles, improved bus shelters and lighting and ultimately live time information and bus priority.

Bus priority can be achieved at a number of levels being transponder activated traffic lights, lane priority at intersections and the provision of dedicated lanes (Transitway). Transport's preference is for the Rockingham/Kwinana/Cockburn/Fremantle service to be ultimately accommodated within dedicated lanes, that is a transitway within Rockingham Road.

Rockingham Road residents have raised objections to both the increased number of buses on Rockingham Road that would result from the higher level of service proposed and the introduction of transitway lanes.

Relevant points on these objections are as follows:

- The Department of Transport does not need approval from the City of Cockburn to change any bus routes or the level of service.
- It is estimated that the number of buses on the section of Rockingham Road between Carrington Street and Phoenix Road will increase from the current level of 219 to 310 per day. This will be a result of the increase in the frequency of the 113/119/120 service and future diversion of the Fremantle-Success Service (510) from Forrest Road to Phoenix Road when Roe Highway is built.
- It is important to note that the 113/119/120 service provides both a local and regional function. If the service were to be relocated to either Stock Road or Cockburn Road only low frequency services would remain on Rockingham Road. Without the regional component it would be difficult to justify the same high level of service along Rockingham Road and trips to and from Rockingham would require a transfer from the local service to the 113/119/120 in the vicinity of Yangebup or Russell Roads.
- Transponder activated traffic lights to give bus priority would have a negligible effect on general traffic movements or impact on residents. Council approval would not be required to implement this proposal.
- Bus priority lanes at intersections would require approval from Council as the responsible authority for Rockingham Road. This aspect has not been considered in detail at this time by Transport.
- The potential impact of dedicated transit lanes for buses is difficult to determine in the absence of a comparable system in Perth. Residents submit that noise, vibration and exhaust fumes will affect their amenity whilst access will be more difficult and their property values will be affected.

Issues of noise, vibration and fumes are not a function of the transitway but rather that Rockingham Road is an important District road carrying high traffic volumes including buses and trucks.

The general view of Transport is that kerbside transit lanes would improve access to and from houses along Rockingham Road as overall there would be significantly less traffic in the kerbside lane than is currently the case.

An analysis of the public transport system option has been undertaken, the details of which are included in the Agenda attachments.

In respect to the transitway for Cockburn Road and Stock Road, officers at Transport have advised:

- Dedicated lanes would not be provided on Cockburn or Stock Road. Buses would operate in mixed traffic as per the circle route on South Street.
- There is little demand for bus services along Stock Road. The current Perth service on Stock Road is under review and due to the low usage it is likely that stops will be rationalised.

From a planning perspective the preferred route for the high frequency service is Rockingham Road where the greatest potential exists to generate higher public transport usage for both local and regional trips.

However, at this time it is not possible to provide guaranteed responses to the concerns of residents living on Rockingham Road. This will only be possible once a portion of the transitway has been constructed. The City of Fremantle has agreed that kerbside transit lanes be provided in Hampton Road. Completion of this section will allow a before and after comparison to be undertaken and the impacts qualitatively assessed.

Public Consultation and Opinion

- On 4 August 1997 a public meeting was held to discuss the Fremantle-Rockingham Highway. 250 people attended.

Generally the meeting was opposed to the construction of the Fremantle Eastern Bypass and coastal highway with a preference for traffic calming and expansion of the public transport system, particularly light rail between Fremantle and Rockingham.

Motion 7 passed at the meeting requested Government to install a light rail service between Fremantle and Rockingham.

Council at its meeting held on 19 August resolved not to support the motion because light rail is not the only mode that could be investigated.

- On 11 February 1998 approximately 700-800 people attended a public meeting to discuss the proposed Jervoise Bay harbour development.

Motion 8 passed at the meeting requested all Government Authorities act to ensure better public transport including light rail connecting Fremantle to Rockingham and Mandurah.

Council at its meeting held on 21 April resolved to support Motion 8 by continuing to support the establishment of the proposed metro rail service between the Perth CBD and Mandurah and planning of the transitway between Fremantle and Rockingham.

- On 18 March 1998 approximately 45 people attended a public meeting to discuss the proposed Fremantle Rockingham Transitway.

Notice of the proposed meeting was advertised in the Gazette for 2 successive weeks and was the subject of a front page story the week before the meeting. A number of people complained about the lack of advertising and called for a further meeting.

Concerns regarding the advertising of future meetings has been noted and consideration is being given to how people can be more effectively advised of meetings.

The meeting was attended primarily by owners of property along Rockingham Road. There were 3 distinct areas of opinion, being:

- The need for more efficient public transport system and less roads. Preference was for a light rail system. Traffic calming, construction of cycleways and beautification of Rockingham Road was part of this vision. Concern was expressed about accommodating the transitway within the existing reserve and impact on traffic.
- The existing public transport system is not used and it is doubted that the proposed system will attract more users.
- The existing public transport system is adequate and a more extensive system is not justified or required.

Residents were concerned about their amenity and the impact of the proposal on property values. Several people suggested that the transitway should be located in Cockburn or Stock Roads where it did not affect anyone.

- The City of Cockburn Community Needs Study published in February 1998 concluded that residents consider the lack of public transport as an issue for Council to address.

The lack of public transport was seen to be a real concern in the South and East Wards. Close to 50% of residents in these wards were “not at all satisfied” or only “somewhat satisfied” with public transport within the City of Cockburn and to Perth, Fremantle and

Garden City. This compares to around 30% of residents in West, Coastal and North Wards.

- On 2 November 1998 approximately 100 people attended a community forum on the Transitway organised by Transport. The majority in attendance lived on Rockingham Road.

Typically the questions revolved around the impact on people's property including noise, access, land take and property values. Many expressed the view that the system was for the people of Rockingham and Kwinana to get to Fremantle and was not going to be used by Cockburn residents who were already adequately serviced by the current bus system which was hardly used. The view expressed on numerous occasions was that the service should be on Cockburn or Stock Road where it would not affect anyone.

- On 10 February 1999 approximately 80-100 people attended an information forum organised by Transport.

The issues and views expressed at the November meeting remained unchanged despite more detailed information being provided.

It is clear that a significant proportion of residents want a better, more frequent and more reliable public transport system. The Department of Transport has advised that this can be best met through implementation of the current initiatives. The Department also advises that light rail is not economically viable at this time but could be in the future with changed travel demands, improved technology and lower construction costs. Accordingly the transitway should be suitable for both bus in the short to medium term and possible light rail in the long term.

Conclusions

There remains considerable doubt about the potential impact of dedicating the kerb lanes of Rockingham Road to public transport. It was hoped that a traffic assessment by BSD for Transport would provide answers. However, the outcomes were inconclusive. It remains that the only way to properly assess the impact of such a proposal is to assess a similar project.

From a planning perspective it would be preferable for the trunk public transport system to be located on Rockingham Road rather than Stock or Cockburn Roads. There are however doubts that an on road system could be upgraded to a full transitway in the future and the impacts of such upgrading are not easily quantified at this time. There are also doubts about the need to upgrade the system to the full transitway system given that traffic volumes on Rockingham Road may not

increase significantly in the future, and the service could continue to run in mixed traffic as an on road system.

It is considered that an appropriate approach for Council would be as follows:

1. Advise Transport it is not prepared to consider the implementation of a transitway within Rockingham Road until proposals for Hampton Road have been implemented.
2. That an analysis of the Hampton Road transitway be undertaken to determine the effect of a more frequent service on patronage, the impacts on traffic (ie traffic calming and volume reduction), property access and property values.
3. Traffic volumes on Rockingham Road to be monitored to determine the impact of proposed changes in the road network including the Fremantle Eastern Bypass, Fremantle Rockingham Highway, Roe Highway and associated changes.
4. Review options in light of information obtained through 1 - 3 above. Options would include construction of the on road service in Rockingham Road, the possibility of limited bus priority including transponder activated traffic lights and bus lanes at strategic intersections and a busway in part or all of Rockingham Road.

Construction of the transitway in Hampton Road would be compatible with whichever option Council ultimately supported in Cockburn Road, on road in Rockingham Road, transitway in Rockingham Road or Stock Road.

Other options that are open to Council at this time are to request Transport to re-route the current Rockingham/ Kwinana/ Cockburn/ Fremantle service (113/119/120) to either Cockburn or Stock Roads. For reasons of safety / security and the difficulty in developing a rational comprehensive public transport network Stock Road is not recommended.

Strategic Plan/Policy Implications

Strategy 6.1, Action 6.1.1 applies.

Policy PD 15 "Ultimate Strategic District Plan" applies.

Policy PD 25 "Liveable Neighbourhoods - Community Design Code" applies.

Budget/Financial Implications

Funds have been provided for works to Rockingham Road including the construction of turning lanes at the intersection of Rockingham and Phoenix Roads and traffic signals at the intersection of Rockingham Road and Lancaster Street.

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

Nil

13.11 (OCM1_12_1999) - PROPOSED LUNCH BAR - LOT 57; UNIT 3 / 5 DOBRA ROAD, YANGETUP - OWNER/APPLICANT: COCKBURN SELF STORAGE (3318516) (MT) (COASTAL) (MAP 8) (ATTACH)

RECOMMENDATION

That Council:

- (1) refuse the application for a lunch bar on Lot 57; Unit 3/5 Dobra Road, Yangebup for the following reasons:
 1. There are insufficient car bays available to the proposed development.
 2. The part of the building to be used for the lunch bar exceeds 50m² of gross leaseable area, and is therefore in conflict with the Scheme requirements relevant to the proposal.
- (2) issue a Form 2 Refusal to Commence Development to the applicant.
- (3) advise those who made a submission of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	INDUSTRY
	DZS:	LIGHT INDUSTRY
LAND USE:	WAREHOUSE UNITS	
LOT SIZE:	1660m ²	
AREA:	159m ²	
USE CLASS:	"SA"	

Submission

The application is for a lunch bar in the existing warehouse unit buildings. Internal changes include adding stoves, a sink and a counter. A site plan is attached to this agenda.

The application was advertised for a period of 21 days. A total of 4 submissions were received. A summary of the submissions is attached to this agenda. Three of the submissions opposed the development and one from the owner supported the application.

Report

The reason given by those opposed to the application is that of a perceived over supply of lunch bars and mobile food vans in the area. This is not a judgement Council can make and thus is not considered in the preparation of this report.

The warehouse unit to be used for the lunch bar has only two car bays provided for its use. Council's Scheme does not contain provisions guiding the number of bays a lunch bar must provide. Inspections of similar lunch bars in the area reveal at the peak periods anywhere between 5-10 vehicles are parked outside while patrons purchase their lunch. A further 2 or 3 staff car bays would also be required. It is anticipated that patrons of the subject lot would be unable to park on the property, instead parking in the roadway. Council requires development to provide all parking on site.

The owner has offered to make car bays available on the neighbouring property, 3 Dobra Road. Cockburn Self Storage owns both 3 & 5 Dobra Road. While this may cater for the staff, patrons of the lunch bar would not use this parking. A fence and an approximately 1.5 metre high retaining wall separate the lots. A plan attached to this agenda demonstrates this. The lunch bar would be severely under provided for in term of parking, creating a potential traffic hazard on the lot and on Dobra Road.

The definition of a lunch bar contained in Schedule 6 of Council's Scheme restricts the building or part of the building used to 50m² of gross leaseable area. The warehouse unit to be used has an area of 136.5m².

The proposed location for the lunch bar cannot accommodate the likely parking requirements and does not meet the Scheme definition of a lunch bar. It is therefore recommended the application be refused.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

13.12 (OCM1_12_1999) - PROPOSED AMENDMENT NO. 177 TO DISTRICT ZONING SCHEME NO. 2 - MARINE TECHNOLOGY PARK (MTP) - OWNER: VARIOUS - APPLICANT: GRAY & LEWIS (92177) (SA) (COASTAL) (MAP 9) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the amendment for final approval with the following modifications to the amendment documents:
 1. delete Clause 8.15.5 (d) (i) from the amendment documents, which states

"(i) Buildings shall not exceed three storeys in height or 9 metres above ground level, whichever is the lesser, unless otherwise approved by the Council after notice has been given in accordance with Clause 6.2" and renumber Clause 8.15.5 (d) accordingly;
 2. delete the "Adopted by the City of Cockburn" stamp, signature and date from the proposed Structure Plan included in the amendment documents, as per Council's previous resolution dated 21 April 1989, and in accordance with the requirements of Planning Bulletin No. 5 - 1995;
- (2) in anticipation of the Hon. Ministers advice that final approval will be granted, the modified amendment documents be signed, sealed and forwarded to the Western Australian Planning Commission;

- (3) advise the applicant and those who made submissions of Council's decision accordingly.

COUNCIL DECISION

Background

The Western Australian Planning Commission (WAPC) has updating the Metropolitan Region Scheme for planning proposals in the South West Corridor of the metropolitan area. MRS Amendment No. 991/33 (3B) was a major amendment to the MRS for the South West Corridor and represents a continuation of the major amendment process which commenced in April 1993. Amendment No. 177 reflects the changes in this Omnibus Amendment.

Council resolved at its Meeting held on 20 April 1999 to defer consideration of the proposed Amendment, until such time as the review of the design guidelines and the Marine Skills Training and Research Centre, and revision of the MTP Urban Development Area Clause had been finalised. This was at the request of the applicant, Gray & Lewis.

Gray & Lewis requested Council on the 3 November 1999, to consider all submissions received during the advertising period, including their request to delete building height restriction, and recommended final approval be granted to the proposed amendment.

Submission

Amendment No. 177 will rezone land bounded by Fawcett Road, Coogee Road, Frobisher Avenue, Rockingham Road, Russell Road and Lake Coogee from "Rural" to "Marine Technology Park, Urban Development Area."

The amendment was advertised for public comment until 8 March 1999, and seven submissions were received. Refer to agenda attachments for a copy of the Schedule of Submissions for further details.

Report

The amendment will facilitate the development of the Marine Technology Park (MTP). The structure plan for the project facilitates identified three areas:

- Skills Training Centre;
- Research and Development; and
- Advanced Technology and Manufacturing

Stage One of the project has been supported by Council, and the site is proposed to be developed progressively in accordance with the industry demand, commencing with the Skills Training Centre.

The subject land is affected by the Kwinana Air Quality Buffer zone and the 750 metre odour buffer for the Woodman Point Wastewater Treatment Plant. The DEP has previously indicated that the MTP is a compatible land use within the defined industry buffers and with the neighbouring land uses.

Uses permitted within the Park will need to demonstrate a clear relationship to marine related industry, transport, infrastructure or development relating to research and development; product or process development and improvement; supply of technology based products and services; provision of specialist services; education and training and office accommodation and support services

Council made a submission on the Omnibus Amendment 991/33 (No. 3B), which dealt with the following issues, which also affect Amendment No. 177:

- Section 48 (A) Environmental Review, including drainage and water quality, wetland buffers and development setbacks, and clearing native vegetation;
- Comments on planning issues, such as widening of Russell Road; realignment of the CAH, interface with future urban areas, and location of the Marine Industry Training Centre. Refer to Agenda Attachments for a copy of the Officer's Report.

Council has since lodged an appeal with the Minister for Environment in regard to EPA's report and recommendations on Omnibus Amendment 9991/33 (3B), in regard to the preparation of the Drainage Management Plan. The appeal has not yet been resolved.

It is recommended that the amendment be adopted for final approval, with some minor modifications including:

1. Deleting the height clause from the amendment [Clause 8.15.5 (d) (i)]. The applicant submitted a written request requesting the deletion of the height restriction on the following grounds:

"Depending upon the final form of the Marine Technology Park, there may be a desire to construct multi-storey buildings exceeding three storeys in height or 9 metres above ground level.

Within reason, height is not a critical factor provided the building exhibits a high degree of architectural integrity and design reflecting the nature of the Marine Technology Park."

The height issue will be addressed in the detailed Landscaping and Building Design Guidelines, which do not form part of this amendment, and at the development approval stage when the individual applicants lodge planning applications for approval.

2. An administrative error occurred when the amendment documents were being signed and sealed by Council, at the initiation stage, resulting in the proposed structure plan being stamped with a "Adopted by the City of Cockburn" stamp, dated and signed. However, the proposed structure plan has **not** be adopted, as Council previously resolved at its meeting on the 21 April 1989 to:

*"(4) advise Gray and Lewis and the Western Australian Planning Commission that Council's initiation of the amendment does **not** mean it supports the Structure Plan for the Marine Technology Park Zone and that this will be considered separately by Council."*

Therefore the stamp, signature and date must be deleted on all amendment documents.

Once the modified documents have been completed by the applicant, they will be forwarded to the Hon. Minister with a recommendation to grant final approval.

It should be noted that the Amendment to the MRS has not been finalised, and the land continues to be zoned rural. It is proposed to become urban.

Despite this, and the fact that the appeal lodged by the Council with the Minister for the Environment has not been determined to allow the MRS Amendment to be finalised, the Council's Amendment can still be recommended for final approval, because normal practice is that it cannot be finally approved by the Minister until the MRS Amendment has been gazetted. In other words, the Council recommendation should be received and held by the Ministry until the MRS is finalised.

Strategic Plan/Policy Implications

Strategy 2.1 and 2.2 of Council's Corporate Strategic Plan apply.

Planning Bulletin No. 5 - 1995.

Budget/Financial Implications

N/A

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

Nil

13.13 (OCM1_12_1999) - AMENDED DELEGATED AUTHORITY DA - PD15 DISCRETION TO MODIFY DEVELOPMENT STANDARDS (1054) (BM) (ATTACH)

RECOMMENDATION

That Council amend DA - PD15 "Discretion to Modify Development Standards" by:-

1. removing the figure "35" after the words "... not less than ..." and replacing with the figure "27.5";
2. removing the figure "1500" after the words "... not less than..." and replacing with the figure "1200".

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

An application has been submitted for 2 factory units on Lot 15 Port Kembla Drive, Bibra Lake. Submitted site plans are attached to the Agenda together with a copy of DA - PD15.

Report

The submitted application is for 2 factory units to be developed on a lot of 1485m² with a lot frontage of 30.4m. Council delegation allows factory units to be developed only on lots with an area in excess of 1500m² and 35 metre frontage. Another 4 lots within this subdivision are also below 1500m² area and 35 metre frontage. The submitted application complies with all other Scheme provisions. It is evident that 2 factory units can be developed on a 1200m² lot, and in accordance with Scheme requirements.

It is therefore appropriate that such developments be determined by officers under Delegated Authority by a relaxation of the current lot area and frontage restriction.

Clause 5.2 of the Scheme provides the necessary power of discretion to modify scheme development standards (for non-residential developments).

Strategic Plan/Policy Implications

Policy DA - PD15 should be modified to allow delegated authority to be exercised for factory unit developments on lots with a minimum 1200m² area and a 27.5m street frontage. This will affect conditions 2a and 2b.

Budget/Financial Implications

N/A

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

Nil

13.14 (OCM1_12_1999) - PRELIMINARY EARTHWORKS - JERVOISE BAY PROJECT - LOT PT 2 COCKBURN ROAD, HENDERSON - OWNER: LANDCORP - APPLICANT: HARDCASTLE AND RICHARDS (9500) (SR) (COASTAL) (ATTACH)

RECOMMENDATION

That Council approve the preliminary earthworks on Pt Lot 2 Cockburn Road, Henderson subject to the following conditions:-

Standard Conditions

1. Standard conditions contained in Council Policy PD 20 (adopted 19 August 1997) as determined appropriate to this application by the delegated officer under clause 7.6 of Town Planning Scheme - District Zoning Scheme No. 2.

Special Conditions

2. Works to be in accordance with the submitted plans 'JBPC37P^{A1}' and 'JBPC40P^{A1}' and letters dated 26 November 1999 and 3 December 1999.

COUNCIL DECISION**Background**

ZONING:	MRS:	Industrial
	DZS:	General Industry - Restricted Use - Marine Related Industry
LAND USE:	Vacant	
LOT SIZE:	65.73 Ha	
AREA:	N/A	
USE CLASS:	N/A	

Submission

An application has been received on behalf of Landcorp for the excavation of four (4) test pits and a 'cut' area within the Jervoise Bay project area. These are preparatory works, conducted over an eight week period, to enable geotechnical information to be obtained relevant to the future project earthworks.

Further details are contained in the Applicant's submission and plans attached to the Agenda.

Report

The works will be temporary, with the test pits being backfilled at the end of the excavation. Safety fencing will be in place to prevent public access.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

13.15 (OCM1_12_1999) - FRIARS STUDY - DEFERRAL - PROPOSED AGRICULTURAL AND RURAL LAND USE PLANNING POLICY(9332) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) request the Western Australian Planning Commission to defer any decisions on the Fremantle Rockingham Industrial Area Regional Strategy (FRIARS) until such time as decisions have been made by the Commission on the proposed Agricultural and Rural Land Use Planning Policy (Statement of Planning Policy No. 11) following the close of submissions in February 2000;
- (3) advise the Western Australian Planning Commission that:-
 1. The proposals contained in the proposed Policy could have a significant effect on the future planning and development of the land affected by the FRIARS Study.
 2. The Council intends lodging a submission on the proposed Policy for the Commission's consideration.
- (4) adopt the officer's report as the basis for the advice to the Commission.

COUNCIL DECISION

Background

The Council lodged a significant submission on the proposals contained in the FRIARS Study in June 1999. Subsequently Council staff presented the Council position at the public hearings. The Council is opposed to the preferred strategies contained in the FRIARS report.

To date there has been no response.

Informal discussion with officers in the Ministry, indicates that the FRIARS report will soon be considered by Cabinet.

In the meantime the WAPC has released for public comment a proposed Agricultural and Rural Land Use Planning Policy (SPP No. 11) which applies to both the Metropolitan and non-Metropolitan areas of the State.

Submission

The proposed Policy SPP No. 11, encourages local government to provide for the protection and presentation of the State's prime agricultural land.

Appendix 3 of the Report is a Map showing "Agricultural Priority Management Areas" from the State Planning Strategy.

In the Metropolitan Area there are 5 areas shown in this category, namely:-

1. Wanneroo (Pinjar Area) (Shire of Wanneroo)
2. Swan Valley (Shire of Swan)
3. Gidgegannup (Shire of Swan)
4. Pickering Brook (Shire of Kalamunda)
5. Wattleup / Hope Valley (City of Cockburn / Town of Kwinana)

The proposed Policy is in direct conflict with the FRIARS preferred strategies.

The Council is keen to retain the rural activities in the Wattleup area and this is reflected in its proposed Town Planning Scheme No. 3.

It therefore appears prudent that decisions by the State in respect to FRIARS should be deferred until the submissions on the new Policy SPP No. 11 are submitted, considered and an outcome determined.

It is interesting to note that one of the Criteria for the identification of Agricultural Areas of Local Significance provides for "an agreed buffer to intensive agriculture, extractive, noxious and heavy industries". This criteria relates to the situation for the existing rural land in Wattleup and Hope Valley.

In addition, advice from Agriculture WA (May 99) in respect to the gross value of production of garden horticulture, vegetables and fruit in 1995 for the State in order of value out of 20 locations was:-

1.	Wanneroo	69,644,000	GVP	29%
2.	Gingin	28,795,000		
3.	Busselton	17,997,000		
4.	Kalamunda	16,512,000		
5.	Serpentine-Jarrahdale	16,020,000		
6.	Cockburn	15,670,000		7%
7.	Harvey	14,507,000		
8.	Rockingham	12,400,000		
9.	Kwinana	12,240,000		5%
10.	Others	<u>53,924,000</u>		17%
	Total	244,202,000		100%

Wanneroo is by far the highest GVP horticultural district in the State having a production value representing 29% of the total State production.

Cockburn is fifth in the State, having a value of 7%. If Cockburn (7%) and Kwinana (5%) are added together their combined value is 28,910,000 which would make the localities the second highest GVP in the State. It is the Cockburn (Wattleup) and the Kwinana (Hope Valley) localities that are directly affected by the FRIARS proposals.

Clearly therefore the objective of the proposed Policy SPP No. 11 cannot be achieved for the Metropolitan Area, and in particular in the South-West of the Region, if FRIARS proceeds as proposed by the State.

A comprehensive submission generally in support of protecting and preserving the agricultural and rural land uses in the Wattleup and Hope Valley localities, together with comments on other aspects of the Policy is proposed to be prepared for the January 2000 meeting of Council. The WAPC should be advised accordingly.

Strategic Plan/Policy Implications

The Key Result Areas - Planning your City and Conserving and Improving your Environment apply.

Budget/Financial Implications

Nil

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

Nil

14. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

14.1 (OCM1_12_1999) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for November 1999, 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

**14.2 (OCM1_12_1999) - REPORT ON FINANCIAL STATEMENTS (5505)
(KL) (ATTACH)**

RECOMMENDATION

That Council receive the Report on the Financial Statements for the first tri-annual period 1999/00 ending 31 October 1999.

COUNCIL DECISION

Background

Section 6.4 of the Local Government Act 1995 requires Council to prepare Financial Reports. Section 34 (1) of the Local Government (Financial Management) Regulations 1996 prescribes that a local government is to present reports ending 31 October, 28 February and 30 June.

Submission

N/A

Report

Attached to the Agenda is a Report on the Financial Statements for the period ending 31 October 1999.

Any significant variations between the year to date income and expenditure totals and the relevant Annual Budget provisions have been identified and addressed through the Budget Review, submitted to Council.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

14.3 (OCM1_12_1999) - BEELIAR DRIVE ROAD RESERVE - LAND PURCHASE (92210; 450953) (KJS) (COASTAL/SOUTH)**RECOMMENDATION**

That Council:

- (1) accept the offer from Urban Focus to sell land required for the construction of Beelias Drive for the following prices:

• Pt. Lot 75 Birchley Road = 235 sq.m.	\$9,373
• Pt. Lot 77 Birchley Road = 130 sq.m.	\$5,185
• Pt. Lot 34 Tindal Avenue = 5,629 sq.m.	\$224,518
• Pt. Lot 58 Tindal Avenue = 8,906 sq.m.	\$355,225
• Pt. Lot 57 Tindal Avenue = 3,121 sq.m.	\$124,484
- (2) draw funds totalling \$718,785 for the purchases from the Regional Road Reserve Fund and the budget be amended accordingly.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

At its meeting of 28 September 1999, Council resolved to purchase portions of land required for the construction of Beeliar Drive between Spearwood Avenue and the railway line. Offers were made to owners in accordance with the Valuation Report by Licensed Valuer, Jeff Spencer.

Submission

N/A

Report

Urban Focus, as the representative for the affected owners, has responded with a counter offer, being the purchase price contained in the Valuation Report plus 10% solatium for the following lots:

Description	Value \$	Solatium 10%	TOTAL
Pt. Lot 75 Birchley Road - 235 sq.m.	8,521	852	9,373
Pt Lot 77 Birchley Road - 130 sq.m.	4714	471	5,185
Pt. Lot 34 Tindal Avenue - 5,629 sq.m.	204,107	20,411	224,518
Pt. Lot 58 Tindal Avenue - 8,906 sq.m.	322,932	32,293	355,225
Pt. Lot 57 Tindal Avenue - 31,215 sq.m.	113,167	11,317	124,484

The additional 10% solatium can be supported as it is customary for the Compensation Court to make such a determination if the matter were to go to Court.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

Funds are available from monies held in the Regional Road Reserve Fund.

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

Nil

14.4 (OCM1_12_1999) - BEELIAR DRIVE ROAD RESERVE - COMPULSORY LAND ACQUISITION - PORTION OF LOTS 12 AND 26 BIRCHLEY ROAD, YANGEBUP (450953; 4309500; 4309237) (KJS) (ATTACH)**RECOMMENDATION**

That Council request the Minister for Lands to issue a Notice of Intention to Take Land in respect of the land requirements for Beeliar Drive from Lots 12 and 26 Birchley Road, Yangebup.

COUNCIL DECISION**Background**

At its meeting of 28 September 1999, Council resolved to purchase portions of land required for the construction of Beeliar Drive contained within Lot 12 and 26 Birchley Road, Yangebup. Offers were made to owners in accordance with the Valuation Report prepared by Licensed Valuer, Jeff Spencer.

Submission

N/A

Report

The owners of Lot 12 and 26 Birchley Road, E. Garbin and D. Ciotti respectively are represented by Urban Focus P/L. The offer in accordance with the Valuation Report by Jeff Spencer, was forwarded to Urban Focus. Urban Focus on behalf of the two owners, rejected the offer and presented a counter offer. The counter offer was not supported by any advice from a licensed valuer. The difference between the offer made to the owners and the amounts sought from the owners is \$2.00 per sq.m., which for the two properties, amounts to approximately \$20,000. The \$20,000 difference includes a 10% solatium.

Details of property valuations and processes undertaken to date, are set out in the report by Council's Land Officer attached to the Agenda.

The City of Cockburn, as a local authority, comes within the umbrella of bodies able to use the Land Administration Act 1995, to acquire land for a public work. The Minister, on receiving the application, will serve the owners with a Notice of Intention to Take Land. The land owner has sixty(60) days to lodge an objection. The Minister will consider all objections and determine whether the Notice of Intention to Take land will remain unchanged, cancelled or amended.

At the conclusion of the objection period, the Minister may make a Taking Order. The proprietor is advised of procedures including the claiming of compensation.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

Funds are available from monies held in the Regional Road Reserve Fund.

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

Nil

14.5 (OCM1_12_1999) - BUDGET REVIEW - TRI-ANNUAL PERIOD ENDING 31 OCTOBER 1999 (5402) (ATC) (ATTACH)

RECOMMENDATION			
That Council amend the Municipal Budget for 1999/00 as follows:			
Account No.	Description	Current Budget \$	Proposed Budget \$
	<u>Roads Services</u>		
650464	Verge - Engineering Maintenance	87,609	128,213
680849	Berrigan Drive (Dean/Turnburry)	16,919	65
680850	Cockburn Rd to Bibra Lake DUP Clean up	5,207	0
680858	Forrest Road Dual Use Path	3,123	19,977
680907	Cockburn Rd-Beach Road to Shop	10,195	0
695509	Solomon Rd - Upgrade Stage 2	107,240	120,000
695531	Freshwater Dr - Treatment	10,450	0
695895	Angus Ave (Nineham/Parrot)	62,401	500
695952	Wattleup Road/Pearse Road	14,601	0
695956	Stephano Way - Widening for parking	7,013	18,000

695962	Elderberry Drive-Glenbawn Drive	18,998	0
695965	Kent St TMD	11,773	0
695967	Parkway Road - TMD	10,000	0
695969	Brenchley Drive/Molloy Court- Barrier	2,000	0
695988	South Lake Primary School Car Park	30,000	0
NEW	Reserve Rd - Drainage Relief at Watsons Oval	0	10,000
NEW	North Lake Rd(Osprey/Railway) - Landscape Road Reserve	0	18,998
NEW	Nineham Street - Replace Slag Foundation	0	25,000
NEW	Stormwater Sump Upgrade Program - Isted Reserve, Davilak Reserve	0	26,776
	<u>Facilities Maintenance</u>		
580817	Coolbellup Community Centre - Flag Pole	1,000	0
580842	Len Packham Reserve - Building Design	15,055	0
580850	Atwell Reserve Changerooms	9,430	1,254
580858	Civic Centre Refurbishment	65,776	0
580874	Civic Centre Disabled Toilet	10,127	0
960494	Major Building Refurbishment Reserve	248,000	323,903
117750	Administration Building Security System	35,000	50,000
NEW	Coogee Jetty Entry - Viewing Shelters	0	24,231
	<u>Light Vehicles</u>		
116740	Replacement Sedan for Director Finance and Corporate Services	6,000	3,500
116740	Replacement Wagon for Director Engineering	6,000	4,500
355740	Sedan for Social Services Manager	28,000	22,500
780740	Utility for L/H Parks Reticulation	22,000	19,500
NEW	Replacement Sedan for Chief Executive Officer	0	12,000
	<u>Major Plant</u>		
670730	Slasher Replacement for Gallagher Flail Unit	18,000	0
670730	Ride-on tractor mower with dump action catcher	21,000	0
670730	Replacement single axle 3-4 tonne truck	28,000	0
670121			
670730	Replacement Single axle 5-6 tonne truck	0	58,000
670121			
670121	Sale of ditchwitch trencher	-500	0
NEW	Heavy duty trailer	0	8,500
	<u>Parks Services</u>		
575750	Anning Park - install new bore	25,000	35,000
575751	Beale Park - install new bore equipment	25,000	30,000
575820	Wineberry Loop - park development	5,000	0
575903	Bolderwood Park - widen road	10,302	0
575925	Stock Road Plant trees on verge	46,177	0
575939	Various Locations - replacement of flow meters	22,105	0
575943	Eliza Cave Park - Irrigation to playground area, Grassing and fencing	10,000	20,000

	to playground area		
575944	Geordie Court - Verge irrigation	5,000	10,000
575945	Goodchild Park-irrigation replacement	45,000	50,000
575947	Lucken Park - bore, pump and electrical equipment	25,000	36,000
575949	Perena Rocchi - reticulate and upgrade	15,000	20,000
575957	Sensory Park	20,263	0
575971	Brenchley Park-reshape banks, tree planting	1,000	0
575975	Beeliar Drive- screen planting along limestone wall	5,000	0
NEW	Nicholson Park - grassing to verge area	0	847
NEW	Mellor Park - subsoil drainage to sports field	0	55,000
NEW	Meares Park - Senior Swing	0	3,000
	<u>Asset Services</u>		
873466	Colour Digital Orthoimage sheets	0	12,000
	<u>Social Services</u>		
160730	Bush Fire Control Unit	56,315	31,370
116313	Ranger Service Review	30,000	0
180200	Rangers Salaries	295,421	325,421
117430	Admin. Building Maintenance	207,273	219,521
160500	FESA Levy	300,000	290,000
NEW	South Lake Leisure Centre Kindy Gym/Creche Equipment	0	3,000
590270	Gas Heating	60,000	75,000
NEW	Enright Reserve - replace cricket wicket matting	0	3,500
NEW	Contribution to Anning Park Practice Wicket upgrade (CSRFF)	0	6,202
NEW	1st Cockburn Scouts Hall major maintenance	0	19,430
580803	Beeliar Community Facilities Design	36,000	34,000
575755	Beeliar Playing Fields	117,000	119,000
315584	CSRFF - Tiger Kart Club	0	13,333
315030	CSRFF - Tiger Kart Club	0	-13,333
590096	Adult Entry fees	-88,000	-78,000
590090	Aquarobics Fees	-49,500	-43,700
590140	Aquatic Activities	-47,700	-45,130
590146	Over 50's Fees	-26,900	-23,750
590099	Pensioner Entry	-10,000	-8,710
590142	Spa/Sauna	-34,000	-31,900
590097	Student Entry	-93,000	-83,250
590144	Swimming Lessons	-254,500	-243,500
590202	General Duties Salaries	130,100	120,300
590212	Over 50's Salaries	13,000	11,600
590245	Swimming Instructor Salaries	66,000	57,540
590209	Water Aerobic Salaries	26,000	20,000
NEW	Bus for Out of School Program	0	70,000
NEW	Health & Family Services Grant for bus	0	-21,000
NEW	Lotteries Grant for Bus	0	-28,000
NEW	Lotteries Grant for Youth Services Bus	0	-13,400
315516	Quest International Program	5,000	0

NEW	Operating Expenses OSC bus	0	3,000
NEW	Hire charges OSC bus	0	-3,000
410371	Rental Jean Willis Centre	-24,000	-30,000
410430	Building Maintenance Jean Willis Centre	24,000	30,000
	<u>Client Services</u>		
125720	P.C.'s for Chief Executive Officer, Director Engineering and Works, Director Planning & Development, Director Community Services	204,249	215,449
	<u>Library Services</u>		
605280	Printing & Stationary	20,000	27,000
605466	Co'info publicity	17,000	5,000
605200	Salaries	85,600	90,600
NEW	Training on Web Server for Library Support Officer	0	1,500
	<u>Land Administration</u>		
200802	Sale L195 Britannia Ave	-130,000	-135,689
	<u>Transfers to Reserve Funds</u>		
960495	Land Development Reserve	180,020	185,709
	<u>Recycling Services</u>		
481030	Waste Management & Recycling Fund	0	-40,400
960498	M.G.B. Reserve Fund	0	40,400
	<u>Waste Disposal Services</u>		
845090	Sale of Limestone ex tip site	0	-19,888
	<u>General Purpose Income</u>		
105032	National Competition Policy	0	-6,479
	<u>Planning & Development Services</u>		
500200	Salaries	228,665	208,330
500102	Development Application Fees	-50,000	-40,000
500110	Strata Title Fees	-2,000	-500
500321	Legal Expenses Sand Mining Appeal	29,368	0
500323	Specialist Technical Advice	15,000	10,000
500330	Minor Furniture & Equipment	1,000	4,500
500474	Town Planning Scheme No 3 Public Consultation	20,000	50,000
500476	Legal Vetting TP Scheme	19,545	9,545
	<u>Building Services</u>		
730370	Scanning Expenses - Building Licences	10,000	20,000
	<u>Environmental Services</u>		
495466	Ribbons of Blue	1,000	500
495230	Communication costs	2,500	3,000
	<u>Strategic Planning Services</u>		
505200	Salaries	149,400	169,735
505478	Computer Model - Coastal Strip	20,000	0
110311	Area wide traffic management study	20,000	0

505322	Major Project Facilitator	5,000	0
505479	Computer Model - Retail Strategy	30,000	35,000
<u>Other Governance</u>			
720500	Contribution SWG Economic Development	17,500	10,500
110501	Contribution South West Group	17,000	24,000
<u>Human Resources</u>			
140312	Eye Screening	2,500	1,000
140313	Noise Survey of Plant & Equipment	2,000	2,500
<u>TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL</u>			

COUNCIL DECISION

Background

At its meeting held on 14 September 1999, Council resolved to adopt the tri-annual option of financial reporting. A part of this report is to advise Council of any significant variations between the year-to-date income and expenditure totals and the relevant annual budget provisions for those totals from 1 July to 31 October 1999.

Submission

N/A

Report

A report on a review of the Municipal Budget for the four month period ending 31 October 1999 is attached to the Agenda.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

A number of minor amendments to the Budget are recommended.

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

Nil

14.6 (OCM1_12_1999) - LAND SWAP - LOT 12 AND PORTION OF JAA 214 - BARTRAM ROAD, SUCCESS - GOLD ESTATES OF AUSTRALIA (1903) (5514622; 5515370) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) advertise its intention to swap Lot 12 Bartram Road area 5,562 sq.m. for an equal value portion of JAA Lot 214 area 5,562 sq.m. pursuant to Section 3.58 (3) of the Local Government Act 1995;
- (2) proceed to effect the land swap in (1) above subject to there being no objections as a result of statewide advertising;
- (3) realign the land area within JAA 214 to accommodate any change in the alignment of the future entry road into the future housing estate, south of Bartram Road;
- (4) undertake to develop the land to synchronise with the development and sales program undertaken by Gold Estates;
- (5) develop the land as residential land; and
- (6) not object to any entry statement walls being built on Gold Estate land and adjoining the exchange land provided that these entry statement walls conform to the accepted standard.

COUNCIL DECISION

Background

Lot 12 Bartram Road is owned in fee simple by the City of Cockburn. In the past when the land in this area was used for agricultural pursuits, an open drain regulated the groundwater level.

Gold Estates of Australia (1903) own the adjoining land and intend developing the land as a residential estate. The inclusion of Lot 12 with Gold Estate land will facilitate the residential subdivision.

Submission

Gold Estates has written to the City with a formal offer to effect the land swap.

Report

The offer is considered to be beneficial to the City, as Council owned Lot 12 is a long narrow strip of land that could not be developed. The former use of the land as part of an agricultural drainage system is not required, as drainage of the future residential development will be by a piped drainage system.

The exchange land will be able to be developed as residential lots in approximately 5 years time. Residential lots less than one kilometre to the north are selling for around \$73,000, while subdivision costs are known to be approximately \$30,000 per lot. The land should yield between 7 and 8 lots.

The land exchange is based on land of equal value as assessed by Jeff Spencer, Licensed Valuer.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

14.7 (OCM1_12_1999) - LAND PORTFOLIO - LAND HELD IN FEE SIMPLE BY THE CITY OF COCKBURN (4812) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report from the Land Officer/City Surveyor on Council's land portfolio; and
- (2) be presented with a report at a future meeting, setting out a policy as to how dealings with land surplus to Council requirements should take place.

COUNCIL DECISION

Background

Council has previously resolved that a review of Council's freehold landholdings take place, with a report to be presented to a future Council Meeting, setting out details of land which has potential for future development or sale.

Submission

N/A

Report

Over the years, land held in fee simple by the City of Cockburn has risen to the extent that there are now 178 freehold properties. There are a range of land uses including drainage sumps, recreation, community facilities. Each property will be inspected in the field and also spatial inspection using land information software.

The purpose of the analysis, is to determine whether the current land use is appropriate and accurately recorded in the database.

The capital value of the land portfolio has been tentatively assessed at \$20,600,000.

A large proportion of the portfolio has fixed land usage. However, there are several parcels which could be managed to enhance the capital value of the portfolio.

For example, the six properties shown in the report represent properties that do not have fixed land uses and could be sold subject to requirement of the Local Government Act. If the capital value of the portfolio is to be maintained, then the proceeds should be held as cash pending the acquisition of other property. Generally the best potential for capital appreciation is in the future urban region. Council is in a unique position to acquire surplus to requirement, land held by various State Government agencies. There is a requirement for these agencies to first offer any land no longer required to the local authority. To take advantage of these opportunities, a percentage of the portfolio needs to be held in cash. These options should be explored further.

It is proposed that a further report be presented to a future meeting of Council, setting out a policy as to how dealings with land surplus to Council requirements should take place.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

14.8 (OCM1_12_1999) - CLOSURE OF PEDESTRIAN ACCESSWAYS - PARDOO RISE TO CHRISTIE COURT AND CHRISTIE COURT TO YANGEBUP ROAD, YANGEBUP (450843) (KJS) (ATTACH)

RECOMMENDATION

That Council request the Department of Land Administration to close pedestrian accessways from:

- (1) Pardoo Rise to Christie Court, Yangebup; and
- (2) Christie Court to Yangebup Road, Yangebup.

COUNCIL DECISION

Background

Council, at its meeting held on the 2nd July 1991, resolved not to initiate action to close pedestrian accessways from Pardoo Rise to Christie Court and from Christie Court to Yangebup Road. In December 1997, a further request to solve the problem associated with the walkways was presented at a Yangebup District Public Forum. This request had the support of the Yangebup Progress Association.

The City's Social Services Unit then conducted an initial community consultation program involving local youth and some of the residents. Cost constraints prevented the full implementation of this program.

Submission

A letter seeking the closure of the walkways has been received from the occupiers of the houses and units adjoining the accessways. This submission was signed by all of the eighteen adjoining residences.

Report

Following the receipt of the request, the catchment of the walkways was determined. Letters were sent to all the houses in the catchment, seeking comment on the request to close the walkways. This letter was sent to about 100 affected households. There were two objections as a result of the letter. These objections were from people who use the walkways to visit friends and for general recreation.

The adjoining residents maintain that the anti-social behaviour continues in the walkways. They are united in their desire to see them closed.

The responsibility for the disposal of the land is with the Department of Land Administration pursuant to Section 52 of the Land Administration Act 1997.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

14.9 (OCM1_12_1999) - CHIEF EXECUTIVE OFFICER'S PERFORMANCE - AUDIT GROUP (003) (ATC)

RECOMMENDATION

That the Councillor members of the Audit Group deal with all matters concerning the Chief Executive Officer's salary package on behalf of Council, based on external professional advice.

COUNCIL DECISION

Background

A review of the Chief Executive Officer's performance is required to be undertaken on an annual basis in accordance with Section 5.38 of the Local Government Act.

Submission

N/A

Report

In March 1999, Council decided that the annual review of the Chief Executive Officer's performance would be undertaken by the Councillor members of the Audit Group. It is considered appropriate that those same members be given authority to deal with the CEO's salary package which is usually discussed at the time of the performance review.

It is Council's practice to obtain advice from a reputable consultancy firm.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Nil

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

Nil

15. ENGINEERING AND WORKS DIVISION ISSUES

15.1 (OCM1_12_1999) - HENDERSON LANDFILL DISPOSAL RATES REVIEW (4900) (RNJ) (COASTAL) (ATTACH)

RECOMMENDATION		
That Council, pursuant to Part X Division 4 of the City of Cockburn (Local Government Act) Local Laws, adopt the new schedule of rates for disposal of waste at the Henderson Landfill effective from 24 January 2000 as follows:		
<u>Trailers</u>		
	<u>Proposed</u>	<u>Existing</u>
Per car, utility or trailer not exceeding 1 m ³	\$12.00	(\$11.00)
1 - 2.5m ³	\$27.00	(\$27.00)
Exceeding 2.5m ³	\$56.00	(\$53.00)

Trucks

	<u>Proposed</u>	<u>Existing</u>		
Clean Fill	\$16	(\$16/Load min)	\$4.00	(\$4.00/tonne)
Building & Demolition (off liner)	\$16	(\$16/Load min)	\$11.00	
				(\$11.00/tonne)
Putrescible	\$46	(\$40/Load min)	\$39.00	(\$36.00/tonne)
Tree Loppings	\$46	(\$22/Load min)	\$33.00	(\$30.00/tonne)
Sludge	\$46	(\$46/Load min)	\$42.00	(\$42.00/tonne)

Asbestos

The Henderson Landfill Site is only authorised by the Department of Environment to accept a maximum of **1 cubic metre** of asbestos waste. Applicable Tip Fee plus **\$50 Burial Charge** for Commercial.

When weighbridge is not in use for putrescible and non-putrescible solid waste

	<u>Proposed</u>	<u>Existing</u>
Non-compactor truck	\$17.00	\$16.00/wheel
Compactor truck	\$34.00	\$32.00/wheel

Rates for disposal of environmentally sensitive, extraordinary or Class II waste is by negotiation.

COUNCIL DECISION

Background

Council last reviewed waste disposal rates at the Henderson Landfill in December 1998. In the past 12 months landfill charges for disposal at Canning, Gosnells and Rockingham have risen to the levels indicated in the attached schedule attached to this agenda. Waste Services have reviewed the current rates charged at Henderson in light of this and current operational and capital costs and increased them accordingly.

Submission

N/A

Report

Increases proposed amount to a general rise of 8-10% depending on the waste stream which reflects the current market prices at other metropolitan landfills.

Mixed and putrescible waste charge is proposed to increase \$3 to \$39/tonne to cover the higher costs of disposal and treatment of waste placed on the lined cells.

Disposal costs for greenwaste have risen significantly and this is reflected in the proposed price rise of \$3 to \$33/tonne. This is necessary to offset the increasing processing and handling costs associated with the state government's ban on the landfilling or burning of greenwaste by the year 2000.

The current \$4/tonne rate for disposal of clean fill will be maintained to attract a regular supply of cover material for the lined site as stockpiles of cover material within the Henderson site are limited.

The disposal charge for Building and Demolition Waste is also proposed to be maintained at \$11/tonne to reflect the current market rate.

Despite higher participation rates in the bulk verge collections throughout the region trailer numbers and volumes have continued to increase to an average of 4500 trailers/month (up from 4300 trailers/month in 1997/98) disposing of an estimated 1435 tonne/month.

With the Cities of Melville, Fremantle and Gosnells no longer providing facilities for disposal of waste from residential properties it is proposed to increase trailer tipping fees from \$11 to \$12 for a single axle trailer and from \$53 to \$56 for trailers with capacity greater than 2.5m³. These rates will be reviewed again in the 2000/01 financial year when the costs of establishing and operating a trailer transfer station are known.

Commercial waste tonnage and income have continued to grow in 1999 to now average over 4290 tonne/month, or more than \$138,000/month, which is up 11% on 1998/99 tonnage. This is due to Henderson Landfill's location and currently favourable price structure as indicated in the attached schedule of regional disposal rates and the landfill summary for the Henderson facility attached to this agenda. Existing plant and manpower levels will need to be reviewed in June 2000 if this general increase in volume is to continue.

The volume of waste on the lines site is currently 970,000m³ with capacity for an estimated additional 260,000m³. This equates to 12-18 months disposal at the current increasing rate to complete Stage 1. Halpern Glick Maunsell, Council's waste management consultants, are currently developing program and design documentation for the construction of Stage 2 which is expected to commence in April/May 2000.

These fee increases are necessary to meet site development and operational costs, some of which are outlined below. The current cost to operate a state of the art landfill facility such as Henderson Landfill is

running in excess of \$25/tonne. As the site has only recently (since 1996) set the disposal fee above this rate, it does not leave much time to adequately fund Council's significant landfill development and post closure costs.

Disposal fees within the Perth Southern Region reflect the current and future costs of land, site development to meet strict licence conditions and increasing disposal and handling costs. It is also important that disposal fees at Henderson Landfill are in line with these market rates.

Development projects programmed within the next 12 months total \$1.8 - \$2 million:

- Capping of Cell 2 \$ 500,000
- Revegetation of Cells 1 & 2 \$ 25,000
- Operation of Leachate Treatment Plant \$ 50,000
- New lined cell required by June 2000 \$1,200,000
- Methane Management \$ 55,000

Strategic Plan/Policy Implications

Strategic plan requires waste services to maintain and develop the Henderson Waste Disposal site.

Budget/Financial Implications

Total income from waste disposal up to 30 November 1999 is currently \$941,375 which includes a landfill levy commitment of \$76,570. (Refer to Landfill Summary sheet for projected annual income attached to this agenda).

This is proportionately 10% ahead on income for the same period last year (after payment of the levy to the DEP).

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

Nil

15.2 (OCM1_12_1999) - TENDER NO. 54/99 - CLEANING OF PUBLIC BUILDINGS (4435) (JR) (ATTACH)

RECOMMENDATION

That Council accept the tender from Reekie Property Services for Tender No. 54/99 - Cleaning of Public Buildings for the period 3rd January 2000 to 31st December 2001, for the following variable sums with no requirement for a security bond to be submitted:

- (1) Group 1 - Public Toilets and Changerooms at \$22,162 per annum;
- (2) Group 2 - Community and Recreation Centres and Halls at \$24,794 per annum plus the various rates indicated in their tender submission for the Civic Centre Halls; and
- (3) Group 3 - Council Offices, Public Libraries and Atwell Community Centre at \$36,407 per annum.

COUNCIL DECISION

Background

The current 3 year contract for the cleaning of Council's various building facilities has expired. Consequently, a tender has been called to clean any or all of the following groups of public facilities:

- Group 1 - Public Toilets and Changerooms
- Group 2 - Community and Recreation Centres and Halls
- Group 3 - Council Offices, Public Libraries and Atwell Community Centre

The tender is for the period January 2000 to December 2001, with an extension option of 12 months.

As there was a Council request in the expired cleaning tenders to include a security bond of 10% of the contract sum to be provided by the contractor, tenderers were requested to price their submissions in this tender with and without the security bond provision.

Submission

Thirteen (13) submissions were received, details of which are attached to the Agenda. All submissions complied with the tender requirements,

all tenderers having also attended a mandatory briefing/site inspection to clarify any uncertainties with the proposed contract/s prior to the closing of the Tender.

Although Reekie Property Services did not attend the scheduled briefing session indicated in the tender documentation, they did attend a subsequent briefing and inspection session. The circumstances were considered justifiable as they did not receive the tender documentation until after the scheduled briefing.

For the purposes of this tender, tenderers submitted segregated prices into three main Groups, with Council reserving the right to split the tender and award separate contracts for individual or combined Groups, whichever constitutes the best overall value for money.

Report

The tenders have been assessed by an independent consultant, Total Contracting Services, under the following criteria as outlined in the tender documents:-

	<u>Weighting</u>
(a) Price	50%
(b) Experience of firm in this type of work	15%
(c) Ability to manage the contract, staff and performance requirements	15%
(d) Evidence of company stability and experience	15%
(e) Achievement of, or progress toward, Quality Assurance certification	5%

The top three assessments under these criteria as determined by Council's consultant, are as follows:

• Reekie Property Services	78%
• Dominant Property Services	78%
• MP Cleaning Contractors	65.8%

The current contractor is MP Cleaning Contractors who have been cleaning Council's facilities since 1981. They have provided good service in the past with an acceptable cleaning performance. However, the recommendation under the assessment criteria is Reekie Property Services, a small/medium cleaning firm with excellent references from their clients, which include the City of Wanneroo and City of Joondalup. They have the capacity to undertake the whole cleaning contract, having submitted the lowest pricing for each of the three cleaning Groups.

Reekie's submission was based only on not providing a security bond as they did not forward prices for the situation of an operative security bond. Reekie have indicated, however, that they would maintain the same pricing should Council wish to apply the security bond clause. Although the consultant recommends the security bond, this is considered not necessary as:

- Council is holding up to one month's progress payment at any time for the Contract which could be withheld should there be unsatisfactory performance.
- The tender provides for a regular joint monthly documented inspection and graded checklist of the Contractor's performance which would need to meet certain standards or progress payments could be withheld.
- The option of termination of contract is available for poor performance.

Consequently, in view of the foregoing, the tender for cleaning all of the groups of public facilities should be awarded to Reekie Property Services and the need for a security bond should not be applied.

The tender documents allow for annual review of prices in accordance with a formula linked to Statutory Award Rates.

Strategic Plan/Policy Implications

One of the strategic plan objectives is to construct and maintain community buildings which are owned and managed by the Council and the other relevant objective is to deliver services and to manage resources cost effectively without compromising quality.

Budget/Financial Implications

The total of the current cleaning contracts is about \$80,000 per year, whilst the recommendation for the new contract is about \$92,000. However, it should be noted that the scope of works has been completely reviewed with more building facilities included (viz. Atwell Community Centre, Yangebup Community Centre, Memorial Hall, Jandakot Hall, Bibra Lake Community Centre, Joe Cooper Recreation Centre). Cleaning costs under the recommended tender are adequately catered for in the Building Maintenance Budget.

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

Nil

15.3 (OCM1_12_1999) - SPEARWOOD LOCAL AREA TRAFFIC MANAGEMENT STUDY (4500) (450037) (JR) (WEST) (ATTACH)**RECOMMENDATION**

That:

- (1) the Spearwood Local Area Traffic Management Study dated June 1999 and Addendum dated October 1999, prepared by Uloth and Associates Pty Ltd, be received;
- (2) the Recommended Traffic Management Plan contained in the Study, which allows for the re-opening of the left turn movement from Phoenix Road into Gerald Street, be adopted in principle as the preferred traffic management treatment option for the Spearwood Local Area;
- (3) the treatment and modification concepts identified in the Recommended Traffic Management Plan be utilised as a guideline for undertaking future traffic management treatments in the area, including the traffic signal recommendations for Rockingham Road at Phoenix Road and Lancaster Street, subject to design, funding and further consultation considerations;
- (4) the opening of the left turn movement from Phoenix Road into Gerald Street, together with the associated traffic management treatments to be identified for Gerald Street, be noted for possible inclusion in the 2000/2001 Budget;
- (5) other treatments identified in the Study be programmed to be undertaken as a matter of priority as future Budget funding dictates; and
- (6) affected residents be advised of Council's decision.

COUNCIL DECISION**Background**

At the Ordinary Meeting of Council held on Tuesday 15th September, 1998, it was resolved to prepare a brief for the engagement of a consultant to undertake a traffic study of the speed and through-volume of traffic in Spearwood in the area of Gerald Street, Freeth Road and Doolette Street. Subsequently, at the Ordinary Meeting of Council held on Tuesday 17th November, 1998, it was resolved to engage Uloth &

Associates Pty Ltd to undertake a traffic study of the Gerald Street/Freeth Road/Doolette Street area. The inner study area was as shown on the plan attached to the agenda.

The study was required to:

- Undertake a local community survey and meeting to identify traffic concerns and issues in the area;
- Identify and address the major traffic issues within the area, real or perceived; and
- Investigate possible counter-measures and options to alleviate these problem areas where deemed necessary and their impacts.

Concerns and requests which need addressing in the study included:

1. The management of through traffic in the area on an equitable basis.
2. The closure of Gerald Street at Phoenix Road has transferred through traffic onto lesser streets.
3. Volume and speed of local and non-local traffic using Doolette Street, Freeth Road and Leo Place due to the traffic control device that prevents the left turn from Phoenix Road into Gerald Street.
4. Non-local traffic using Doolette Street, Freeth Road and Leo Place to access the Phoenix Shopping Centre and Spearwood Primary School, being forced to use those streets due to the unavailability of the left turn from Phoenix Road into Gerald Street.
5. Opening up the Phoenix Road / Gerald Street intersection to:
 - allow the left turn movement into Gerald Street
 - allow all turning movements, including right turn
6. The accident rate (including pedestrians) in Gerald Street and the effect on this of opening up the Phoenix Road / Gerald Street intersection to-
 - allow the left turn movement into Gerald Street
 - allow all turning movements, including right turn.
7. The speed of traffic in Gerald Street.
8. The provision of a mid-block road link through an existing vacant block between Phoenix Road and Glendower Way.

Submission

Uloth and Associates have completed the study in accordance with the brief, including extensive field survey modelling, consultation and a workshop with residents of the inner and outer study areas. The consultants had extended their study to include the residential Phoenix Road/Rockingham Road/Spearwood Avenue/Stock Road block.

As a result, the consultants submitted their findings in the main study report dated June 1999. This report has been distributed to Commissioners under separate cover. Various issues of concern indicated in the study brief have been addressed as shown in the attachment to the Agenda entitled 6. ALTERNATIVE SOLUTIONS AND EVALUATIONS.

Two recommended traffic management plans are offered and shown schematically on the plans attached to the Agenda:-

- The Recommended Traffic Management Plan is based on the re-opening of the left turn movement from Phoenix Road into Gerald Street. Its details are shown in the attachment to the Agenda entitled 7. RECOMMENDED TRAFFIC MANAGEMENT PLAN.
- The Alternative Traffic Management Plan was developed as a "softer" option should Council not wish to change the current traffic movement arrangement at the Phoenix Road/Gerald Street junction. Its details are shown in the attachment to the Agenda entitled 8. ALTERNATIVE TRAFFIC MANAGEMENT PLAN.

An Implementation Plan for Council is also offered and shown in the attachment to the Agenda entitled 9. IMPLEMENTATION PLAN.

Report

No extreme traffic flows were identified in the Study with the current street system. The heaviest traffic flow on the local street network occurs on Doolette Street south of Phoenix Road, with just over 3,000 vehicles per day. The dominant through-traffic movement is north-south between Phoenix Road and Spearwood Avenue rather than to and from the shopping centres on Rockingham Road. Consequently, the aim of any traffic management plan for the area would be to more equitably distribute the through traffic whilst encouraging a lower prevailing traffic speed.

The Recommended Traffic Management Plan which advocates the re-opening of the left turn movement from Phoenix Road into Gerald Street involves the following broad treatments:-

- Installation of traffic signals at the Rockingham Road/Lancaster Street intersection. This is already being pursued with Main Roads WA with the possibility of Blackspot funding to reduce the current high accident rate.
- Modification of the Rockingham Road/Phoenix Road intersection to incorporate right turn exclusive lanes. This has already received Blackspot funding to reduce the current high accident rate.
- Treatments at the signalised intersections are also subject to the requirements of the proposed Rockingham Road Bus Transitway, which also has an identified need for traffic signals at Lancaster Street and signal modifications at Phoenix Road. All costs should be covered by grants.
- Investigation of treatments in Lancaster Street to rationalise access to adjacent businesses. Any reduction in access would not be tolerated by the businesses. Costs would be subject to findings from further investigations.
- Treatments (roundabouts, speed plateaux) in Gerald Street to reduce the prevailing traffic speed and direct traffic. Indicative cost of \$170,000 includes re-opening the left turn from Phoenix Road.
- A treatment in the Graham Street bend to improve traffic safety. Indicative cost \$15,000.
- Treatments (speed plateau, traffic island) in Freeth Road to reduce the prevailing traffic speed and direct traffic. Indicative cost of \$20,000.
- Treatments (speed plateaux, painted median islands) in Doolette Street to reduce the prevailing traffic speed and direct traffic. Indicative cost of \$70,000.

These treatments are expected to reduce traffic in all the local streets except in Gerald Street between MacMorris Way and Phoenix Road. Traffic flow in this section would increase by some 250-430 vehicles per day to 1080-1480 vpd. This traffic volume increase should be acceptable as there were about 2000 vpd using this section of Gerald Street in 1986 just prior to the prevention of the left turn from Phoenix Road.

However, to identify measures to further minimise the impact of the traffic in Gerald Street with the reopening of the left turn from Phoenix Road, Uloth and Associates were further engaged to prepare an Addendum Study to:-

- Identify the effects of encouraging traffic to use the Gerald Street/Glendower Way/Shallow Street/Lancaster Street route.

- Identify the effects of various treatment options at the Rockingham Road/Lancaster Street intersection.

This Addendum has been distributed to Commissioners under separate cover. It includes a Modified Recommended Traffic Management Plan which is shown schematically in the plan attached to the Agenda. The above issues have been addressed as shown in the attachment to the Agenda entitled 2. FUTURE TRAFFIC FLOWS WITHIN SPEARWOOD LOCAL AREA and identified as the MODIFIED RECOMMENDED PLAN.

The impact of the treatments in Glendower Way/Shallow Street/Lancaster Street in reducing traffic flows in Gerald Street are relatively ineffective compared to the significant increase in Glendower Way traffic. Consequently, this modification cannot be supported.

In view of the foregoing, it is considered that the re-opening of the left turn movement from Phoenix Road into Gerald Street should be supported in conjunction with the implementation of the traffic control measures conceptualised in the Recommended Traffic Management Plan of the Uloth Study.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The traffic control measures identified above can be implemented through the normal annual Budget process.

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

Nil

16. COMMUNITY SERVICES DIVISION ISSUES

16.1 (OCM1_12_1999) - COCKBURN SENIOR CITIZENS CENTRE (8404) (RA)

RECOMMENDATION

That Council:

- (1) pursuant to the provisions of section 3.58(3) and (4) of the Local Government Act 1995, give notice of Council's intention to enter a lease agreement with the Cockburn Senior Citizens Association (Inc.) for the use of the Centre known as the

Cockburn Senior Citizens Centre, 9 Young Place, Hamilton Hill (Reserve 32480) for a period of 10 years at a peppercorn rental;

- (2) subject to no submissions being received in accordance with section 3.58(3)(b) of the Act and upon the subsequent preparation and execution of the Lease Agreement:-
- (a) donate to the Cockburn Senior Citizens Association, the sum of \$6,691 p.a. with annual national C.P.I. (all groups) adjustments; and
 - (b) donate the Toyota Bus (Fleet No. 292) known as the Cockburn Senior Citizens Bus to the Association on the condition that they take on all responsibility for the ownership, maintenance and operating of the vehicle and Council's Asset Register be adjusted accordingly.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The Cockburn Senior Citizen's Association (Inc.) have operated from a centre specifically constructed to meet the needs of seniors. The facility is on Council Reserve 32480 and was constructed in the early 1970's. There is no current lease agreement between the Association and the City. Council has provided and paid for all operating expenses for the building which in 1998/99 was \$7,020 excluding depreciation. The Cockburn Senior Citizens Association have the use of a 22 seater bus which is stored at the Council Depot and used almost exclusively by them approximately 1 day per week. Council also pays for the operating cost of the bus which in 1998/99 amounted to \$8,855 of which \$1,545 was depreciation. The Council records show a purchase price of \$32,504 of which the Lotteries Commission provided \$15,000, the Association \$10,000 and the Council the balance of \$7,504. An air conditioner was installed in the bus in 1989 to which the club contributed \$4,000 and Council \$2,750. Whilst the bus is listed as a Council asset the Association could be said to have a 74% interest in the bus if the Lotteries Commission contribution is attributed to the Association.

Submission

N/A

Report

To ensure Council building assets are well controlled and clear lines of responsibility for those assets are established it is important for any usage arrangements by outside organisations to be formalised by lease or licence agreements. There needs to be a formal lease arrangement established with the Cockburn Senior Citizens Association for their use of the Centre. Council has provided substantial support to the Association through the covering of operational costs associated with the centre for many years. This assistance has also extended to the storage and coverage of maintenance costs for the Cockburn Senior Citizens Bus by Council. The vehicle is listed as a Council asset and delivered in June 1987. It has a book value of \$2,800 as at December 1999 and an estimated market value of \$16,000.

Discussions have been held with representatives of the Senior Citizens Association that a lease for 7 years be entered with Council with the Association being responsible for all maintenance, utilities, cleaning and such like consistent with usual lease arrangements. The average cost to Council for these matters over the past 4 financial years is \$6,691 p.a. This is proposed as the annual figure plus C.P.I. adjustments to be donated to the Association as part of the lease arrangements.

In respect to the bus it is proposed that the bus be donated to the Cockburn Senior Citizens Association on the condition that they take total responsibility for all aspects of the operation of the vehicle including its storage. Council will no longer be involved in any way in its storage and maintenance nor associated costs.

Strategic Plan/Policy Implications

Strategic Plan Item 5.2 " Human and Community Services" refers.

Budget/Financial Implications

Cost of legal services for the provision of a Lease Agreement to be borne by Council.

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

Nil

16.2 (OCM1_12_1999) - COMMUNITY SAFETY/CRIME PREVENTION STUDY (8950) (RA)

RECOMMENDATION

That Council:

- (1) not adopt private security patrols as a general initiative for crime prevention in the City of Cockburn, however, it would be prepared to investigate the opportunity to deploy these patrols in specific areas of known problem activity, where effective outcomes can be identified in resolving such problems;
- (2) initiate the following Community Safety / Crime Prevention Programs and activities as detailed in the report with funds to be drawn from Account 170480.
 - Safer Seniors Program
 - BMX Open Days
 - Ownership of Public Reserves
 - ID Marking Project
 - Positive Youth Passes
 - Surveillance Camera

COUNCIL DECISION

Background

Council's Community Needs Survey in 1997/98 identified safety and security issues as a major concern to residents of the City. A Community Safety / Crime Prevention Study was undertaken in 1998/99 to provide information about the types and extent of problems.

Council at its meeting of the 26 October 1999 received the report and requested feedback from interested stakeholders for an administration report to Council in December 1999.

Submission

N/A

Report

The study involved a detailed analysis of Police data on reported crime from the City; Focus Group meetings with interested community members and community groups; and public surveys. Guidance to the overall study was provided through a Consultative Committee with

membership drawn from Community Policing, Neighbourhood Watch, Police Department, Education Department, Family and Children's Services and the general community.

The report covered a range of issues including:

- Reported crime data and details on offenders and analysis to identify crime trends and patterns across the City and on a suburb-by-suburb basis.
- Demographic, social and community risk factors in the City are identified and described.
- Crime trouble spots are identified.
- The views and concerns of residents and representatives of government and community agencies about crime and community safety, crime risk factors and possible strategies described and discussed.
- Discussion on the appropriateness of security patrols in addressing the identified issues.

The salient findings of the report were as follows:

- Crime in the City is driven by a combination of demographic factors, in particular the proportion of the population under 25 years of age and high crime rates in the most disadvantaged parts of the City.
- Of all reported offenders 84.4% in 1997/98 were property offences which is slightly higher than the State average of 83%. This type of crime is typically associated with juveniles.
- The City of Cockburn in 1998/99 had a crime to population ratio of 1:10 which is below the State average of 1:6.
- Between 1997/98 and 1998/99 there was a decline of approximately 21% in overall reported offences to police which is constant with the State situation.
- Of all persons charged with offences in 1998/99 62.5% were 25 years of age or under. These figures reflect the broad social issues of social disadvantage and crime and particularly for the younger age group.

- 57.5% of offences reported occurred within residences; 14.5% in shops, shopping centres and the like and 15.5% in public areas such as beaches and parks.

It is interesting to note that the consultants advise that the majority of residents who responded to the study do not believe that there are significant crime problems in the City. It would be expected that those who had an input into the study through public meetings, focus groups, questionnaires and special interest groups, would be the most concerned with the issue of crime. There was however, a belief that the situation could worsen in the future if action is not taken now.

The consultants were required to investigate and provide advice on the effectiveness of security patrols in addressing crime issues and review the models available or in operation within the metropolitan area of Perth.

Security Patrols

A State Parliamentary Select Committee on Crime Prevention reported during Council's Study period and provided important information on the question of security patrols. In summary the findings were that in the U.S.A. for example random police patrols were of limited value in preventing crime, whereas concentrated patrols on known crime 'hot spots' does lead to a reduction in offences. Security patrols have been in operation in W.A. for approximately 18 months which limits the ability to make judgements on their effectiveness. This combined with a general reduction in reportable offences makes assessment of security patrols effectiveness difficult. By example the City of Cockburn had a 21% reduction in the number of reported offences between 1997/98 and 1998/99 without security patrols.

As quoted from the report -

"The community consultation did not find popular support for security patrols amongst residents who contributed to the Study. Concerns about security patrols include the cost and the view that those resources could be better used for other things such as facilities infrastructure and amenities for residents."

Those who supported security patrols cite reasons associated with them being a psychological deterrent to offenders and residents feeling safer. The select committee also suggested the greatest benefit of patrols may be a reduction in the fear of crime.

Security patrols instigated by local government have usually involved a specific levy for community safety / crime prevention issues that include security patrols. The rates per property are as follows; Melville \$36, Joondalup/Wanneroo \$31.50, Belmont 2.9% additional to rates.

Should the City of Cockburn establish a similar levy of \$35 per rateable property it would generate approximately \$770,000. A Melville style random patrol model instigated in the City would cost approximately \$600,000, and a targeted model similar to Belmont instigated in the City of Cockburn \$415,000. Bayswater do not charge a levy but the cost for their patrols is \$610,000 or equivalent to \$26 per rateable property.

The consultants advise -

"It is our view that in terms of 'value for money' security patrols are not an option we would recommend... given the area of the City, its population density, the limited support expressed by residents and the nature of crime problems within the City, that a private security option is not a cost-effective response."

The Fremantle Community Policing Safer W.A. Committee have, as a response to the study, responded as follows to the matter of security patrols.

"Greater liaison and exchange of information between the Police and City Rangers would be our preference over security patrols."

The Community Safety Crime Prevention Study identified 5 specific strategies to address the identified issues:-

1. Inter Agency School Community Crime Prevention Pilot Project.

This strategy involves agencies such as the Education Department, Family and Children's Services, Ministry of Justice and Council working co-operatively together to address risk factors such as truancy, lack of parental support and lack of appropriate youth activities. The Lakeland High School and feeder primary schools currently have a working party investigating possible strategies for a pilot program. Council has a representative on this committee although it will be some time before a more detailed proposal is submitted. When a detailed proposal is developed it will be put to Council for its consideration.

2. Ownership of Public Parks and Spaces.

Council instigated an 'adopt a park' project several years ago with some, but limited success. The Recreation Services Co-ordinator and Community Arts Officer are running a number of activities each year in local parks which are having the effect of local people identifying with their local park and ensuring some level of observation of behaviour on parks is made. Council's parks section is also generally upgrading the quality of the City's

parks and taking steps to ensure they are well maintained. A smaller sum of money would allow problem areas to be targeted and a 'park watch' ethos encouraged.

3. Whole of Council Management.

This strategy calls for the employment of a Safer City Co-ordinator and development of management, planning and co-ordination structures across the whole of Council and between Council and other agencies. The restructure of Council's ranger section allowed for the creation of a Safer City Co-ordinator position which has been filled by an officer of Council experienced in this type of activity. This officer also serves as the Chief Fire Control Officer and hence progress on the community safety / crime prevention area is not likely to occur substantially until March/April 2000 although there has already been a number of issues addressed to date. The Safer City Coordinator is charged with the responsibility of overseeing Community Safety / Crime Prevention initiatives and interdepartment cooperation.

4. Youth Crime Prevention Plan

The study has highlighted the proportion of young people in the Council population and the increase in this age group over the next few years. There has already been a Youth Needs Study completed and a work plan instigated which while not specifically targeting the issues of youth crime it does include many projects and activities which will assist in reducing crime. By way of example the proposed new skateboard facilities at the South Lake Leisure Centre will provide a venue which will appeal to a large group of young people, many of whom do not participate in more traditional sporting activities. Recent youth festivals serve a similar purpose.

4. (a) Designing People Friendly Public Space

This strategy calls for a co-ordinated planning and design process for public and commercial space to acknowledge and address the needs of young people. The internal processes in place within Council involving the Strategic Planner provide an opportunity for input into strategic planning decisions by relevant community services staff. The Council's Youth Advisory Committee provides an opportunity for the identification of youth needs for consideration in the planning process. In respect to commercial space the development of space and areas for young people is far more problematic, with operational procedures in commercial areas such as shopping centres frequently being designed to actively dissuade young people to hang around. There are very few regular opportunities for young

people's entertainment within the City outside of traditional sports. A true City Centre does not exist as a focus and gathering place for people within the City. Fremantle serves this purpose for many young people within the City of Cockburn.

4.(b) Youth Community Development Officer

The study clearly identifies that crime within the City is substantially committed by young people and the perception of crime and anti social behaviour is that it is committed by young people. There has been a need identified to create a youth specific position to work with local communities on creating a positive image of young people through the involvement of young people at the local level in specific activities which utilises and demonstrates their skills and abilities.

Council currently has 2.5 youth work positions which are funded from the Ministry of Justice and Family and Children's Services which work with those who have been captured by the judicial system or are from high risk groups. The Council does not have a Youth Worker operating to instigate specific activities for more mainstream young people at the community level. However, this is an area which will require more in depth investigation and will therefore be subject to a separate report to Council early in 2000.

5. Communication and Marketing to Residents.

This strategy calls for communication and marketing to reduce residents fear of crime, address perceptions about crime and provide information about strategies being implemented to improve community safety. It should ensure that all Council initiatives to improve community safety are highly visible to residents to create the sense that something is being done by Council to reduce crime and improve community safety.

It is worth noting that the Council's Community Needs Survey in 1998 identified crime as a major issue of concern but the study generally found that people do not feel there is a major crime problem in their suburb or the City. This confirms findings of other studies carried out. The mass media identifies and publicises a small number of serious crimes which strongly influence people's general perception of crime which is not reinforced by their local experience.

Council's Safer City Co-ordinator and Media Public Relations Officer will be charged with the responsibility of publicising any activities Council has to address the community safety / crime issue and to regularly feedback to the community initiatives undertaken.

6. Provision of Increased Lighting in Public Places

While there was no specific identification of a requirement for additional public lighting in the City as a result of the Study, Council continues to receive feedback through its Neighbourhood Watch (NHW) Committee of anti-social behaviour which takes place in inadequately lit public areas. It is suggested that a profile of such areas throughout the City could be compiled and further investigated as to the possibility of improving lighting to deter the gathering of groups of people to become involved in anti-social and possible illicit activity, as has frequently been reported through the NHW programme.

The Fremantle Safer W.A. Community Policing Council employs officers who have been trained to identify design methods which are known to have a positive impact on the reduction of such activity in identified problem areas.

It is proposed to utilise this expertise to identify areas which are the subject of such activity, the results of which can be used to prioritise them for possible attention by Council in future, as a means of addressing this issue.

Once a report on the matter is finalised, it can be provided to Council for further consideration of funding options.

Conclusion

The study carried out by Behavioural Science Investigative Consultancy and Matrix Consulting Group whilst very detailed and comprehensive, the strategies proposed had a heavy emphasis on the issue of young people and crime.

Members of Council's Neighbourhood Watch Committee and the Fremantle Community Policing Safer W.A. Committee provided a fairly comprehensive response to the study with matters raised being included in the following.

Administration has identified additional strategies aimed at a broader cross section of the community and areas of particular concern in respect to community safety / crime prevention. Council has on its 1999/2000 budget \$100,000 for crime prevention community safety initiatives which are proposed to be expended as follows:

- Safer Seniors Program - education awareness program which advises seniors on safety / crime issues and steps they can take to protect themselves and their property. It will also provide information on crime activity and relative safety of seniors to crime against the person. The program will be available to the City's

Seniors Groups, Aged and Disabled Services and the general senior population.

Safer City Co-ordinator \$15,000

- BMX open days - the City has a comprehensive facility at Malabar Park which is effectively closed for much of the time. It is proposed that for a trial period that a person be employed to advertise and oversee BMX sessions for young people at peak usage times.

Recreation Services Co-ordinator \$3,000

- Ownership of Public Reserves - small events on local parks to encourage a 'park watch' ethos amongst local residents with scope to initiate specific initiatives on the park. Will target parks that have had a history of anti social behaviour.

Recreation Services Co-ordinator \$2,000

- ID Marking Project - Utilising staff from Council's Aged and Disabled Services area to promote and carry out identification marking of equipment belonging to those on pensions in their own homes.

Co-ordinator Home Support Services \$12,000

- Positive Youth Passes - provide free passes to South Lake Leisure Centre; local Cinema, McDonalds, Timezone etc to youth who have shown a positive and co-operative behaviour or improved behaviour for distribution by local police, youth workers, South Lake Leisure Centre and High School Principals. There is scope for some free passes and sponsorship for this activity although the budget is based on limited sponsorship. 300 passes at \$10 each.

Safer City Co-ordinator \$3,000

- Surveillance Camera Project - a surveillance camera that can be moved about to trouble spots identified by Council and the police, such as Point Catherine, Bibra Lake Industrial Area.

Safer City Co-ordinator \$10,000

- Youth Community Development 1999/2000 (subject of future report to Council - early 2000)
- Develop a profile of known criminal / anti-social activity "hot spots" which may benefit from the provision of increased lighting, utilising the staff resources of Safer W.A. Council (Fremantle Committee) who are competent and able to assist in this area.

Safer City Coordinator (in conjunction with Fremantle Community Policing)

Summary

• Safer Seniors Program	\$15,000
• BMX Open Days	\$ 3,000
• Ownership of Public Reserves	\$ 2,000
• ID Marking Project	\$12,000
• Positive Youth Passes	\$ 3,000
• Surveillance Camera	<u>\$10,000</u>
	\$45,000

It is likely other issues may arise which will require access to funds held in the account.

Strategic Plan/Policy Implications

The matter of Community Safety / Crime Prevention was identified in the 1997/98 Community Needs Survey as a matter of concern to residents. A Council vision is to facilitate a range of services responsive to the community needs.

Budget/Financial Implications

The proposed expenditure for 1999/2000 is well within the budget allocation of \$100,000 with anticipated expenditure of \$45,000.

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

Nil

16.3 (OCM1_12_1999) - PROPOSED LEASE OF THE NGALLA MAYA RESPITE HOUSE TO CARE OPTIONS INC. (8410) (RA)

<p>RECOMMENDATION That Council:-</p> <p>(1) pursuant to the provisions of section 3.58(3) and (4) of the Local Government Act 1995, give notice of Council's intention to enter into a lease agreement with Care Options (Inc.) for the use of the Ngalla Maya Respite House for a period of one year, at a rental of \$998 per month, with Care Options (Inc.) having the opportunity to extend the lease annually for up to five years at a rate to be negotiated; and</p> <p>(2) subject to no submissions being received in accordance with section 3.58(3)(b) of the Act, arrange for the Agreement to be prepared and executed.</p>
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COUNCIL DECISION**Background**

Council has a substantial asset specifically designed to meet the needs of frail aged and disabled in the Jean Willis Centre, which is on the corner of Redmond and Healy Roads in Hamilton Hill. The facilities include areas for day respite, aboriginal specific day care, and a respite house for short-term accommodation and office space for the staff employed in the Community Aged Care Packages service area. Included in the complex is a respite house which has been specifically designed to provide short term overnight respite accommodation.

The facility was leased to a private operator, Bell Health Care who had difficulty in generating enough income to pay the lease fee and by mutual agreement of Council terminated the lease.

The original justification for the construction of the facility to provide short-term respite accommodation for frail aged and disabled remains as an identified need.

Submission

N/A

Report

Council staff have been for some time pursuing a suitable tenant for the Ngalla Maya Respite House. Care Options (Inc.), a local community based service for frail aged and disabled has offered to lease the premises for a monthly fee of \$998.00. It is recommended that this offer be accepted.

Strategic Plan/Policy Implications

Strategic Plan Item 5.2 "Human and Community Services" refers.

Budget/Financial Implications

Lease of these premises would provide \$11,976 income in a full year.

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

In effect, this facility is available for lease by a private or community organisation in a competitive market. Council is not directly competing

with other organisations in the provision of the service. The need for such a facility is acknowledged by State and Commonwealth Governments and the lessee will access these funds for service provision.

16.4 (OCM1_12_1999) - ASSIGNMENT AND VARIATION TO DEED - INTERNATIONAL GOLF INVESTMENTS PTY LTD (1117347) (DMG) (NORTH) (ATTACH)

RECOMMENDATION

That Council:-

- (1) pursuant to Clause 2.22 of the Lease Agreement between the Western Australian Planning Commission (W.A.P.C.) (Owner), the City of Cockburn (Lessee) and International Golf Investments Pty Ltd (Company and Sub-Lessee) approve the assignment of Lease, as deemed by the sale of the principal shareholding in the Company, from Kevin Ian Mahney to Anthony Kuen Hong Wee and Lee Teck Wee;
- (2) approve of Variation to Part 4 of the Lease Schedule, in respect of the development of the facility, as contained in the attachment to the Agenda; and
- (3) advise International Golf Investments Pty Ltd that the approvals referred to in (1) and (2) above, are conditional upon:
 - (a) the Company being responsible for all legal expenses incurred by Council associated with this transaction, including any outstanding expenses incurred by the previous Company Director, in dealings between Council and the Company;
 - (b) any outstanding rentals, pursuant to the current conditions contained in the Lease, being paid to the City of Cockburn and the W.A.P.C.; and
 - (c) written consent being obtained from the W.A.P.C., as owners of the land.

COUNCIL DECISION

Background

In 1995, Council entered into a Deed of Agreement with the W.A.P.C. and a private developer to establish a "Pitch and Putt" style golf facility on Lot 172 Baker Court, North Lake, on land owned by the Commission and leased to Council.

The subsequently agreed arrangements required the provision of an 18 hole "Pitch and Putt" golf course, Driving Range, Club House / Kiosk and other aesthetic attractions such as feature gardens and a hedge maze, as a staged development over a number of years, concluding in 1998. Subsequently, the Driving Range was established and commenced business and a temporary Kiosk / Club House was operating from a transportable structure.

However, the previous owner / manager of the Lease area had difficulties in progressing the development and was under the threat of defaulting the Lease when he was able to negotiate an arrangement for the trading Company, International Golf Investments Pty Ltd (I.G.I.), to be transferred to new operators through the conveyancing of the Company's principal shareholding.

Consequently, pursuant to the conditions of the Lease, it is necessary to approve the change of the Company structure in the name of the Company (I.G.I.).

While this formality is basically a procedural matter, the incoming operators have reconsidered the viability of the initial proposal and believe that the facility could be fully established and operating by the end of the year 2000 if it were scaled down to reduce construction costs, while still catering for its primary market of family and recreational golfers.

Submission

To assign the ownership of the facility (Lease) to new shareholders and vary the development conditions of the Lease to enable it to be constructed and operating fully by the end of 2000.

Report

Council Officers, Council's Solicitors and staff from the Ministry for Planning have held preliminary discussions with potential new developers of the Murdoch Pines Golf and Recreation park, following the unsuccessful attempts of a previous operator to progressively construct a viable community attraction. At that time, it was requested that the proposed new operator provide Council with some details of their suitability, and viability, in developing and operating a community golf facility.

In providing this information (see attachments) the proponents have requested Council gives consideration to allowing an amendment to the development schedule, which would result in the provision of an adequate purpose built facility, although it would not be to the grandiose scale of the original plans.

The new proponents believe the suggested schedule is a realistic compromise, which can be adhered to and will provide fundamentally the same facilities and services as originally envisaged at a vastly reduced cost and time schedule for it to be available for use by the public. The major variation from the original concept is that the 18 hole Pitch and Putt course has been reduced to 9 holes to more comfortably fit within the existing developable area.

The request is considered reasonable, given that it is an achievable development and will provide a public facility that has been promised to the community for many years, but without coming to fruition.

The proposed re-scheduled development still provides a facility which is not otherwise available, in this form, within Cockburn and are not readily available within the Metropolitan area.

Given Council's and W.A.P.C's indulgence in this project over a long period of time, it is considered worthwhile Council supporting this venture in its amended form, subject to any outstanding monetary considerations being satisfied in full and the owner of the land (W.A.P.C.) giving its approval.

Strategic Plan/Policy Implications

Strategic Plan Item 3.3 (Recreation, Leisure and Culture) refers.

Budget/Financial Implications

N/A

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

Nil

16.5 (OCM1_12_1999) - REVIEW OF HALL HIRE CHARGES FOR COMMUNITY AND RECREATION CENTRES WITHIN COCKBURN (1953) (JG) (ATTACH)

RECOMMENDATION

That Council:-

- (1) adopt the revised hall hire charges as contained in the Report;

- (2) adopt the revised Policy A2.11 "Hire of Council Community Halls" (previously Policy F1.5); and
- (3) pursuant to section 6.19 of the Local Government Act, 1995, give public notice of its intention to introduce the charges from 1 March, 2000.

COUNCIL DECISION

Background

As the result of staff restructure at the Joe Cooper Recreation Centre, a Bookings Officer was appointed in a permanent full time position. The position is responsible for the booking of all sporting reserves, local/district sporting facilities, community and recreational halls as well as relevant invoicing, key allocations, bond collections and site inspections.

A major task required of the Bookings Officer was to review existing charges and agreements for community halls under the control of Community Services. Currently, facility charges vary significantly and are based on individual management committee style rather than a specific hall pricing structure. In addition, haphazard arrangements for cleaning, key collection, honorariums, payment and booking procedures have resulted in customer confusion. It is believed that a centralised booking system with a set hall hire structure would provide a more efficient and effective service to the residents of Cockburn. The proposed structure would also simplify administrative requirements in relation to the G.S.T.

Submission

N/A

Report

The review of hall hire charges identified numerous inconsistent arrangements with particular groups in relation to fees paid and facility management systems that are in place. Highlighted instances showed hire charges varied from \$2.00 - \$25.00 an hour resulting in significant discrepancies of charges when compared to other user groups. In an effort to standardise hall hire charges each hall has been measured and the square meterage has been calculated. The halls were then classified as either a small (0 – 100m²), Medium (100 – 200m²) or Large (200m² +) with ancillary facilities taken into account when classified. Once each hall was classified a costing per hour and a

function rate of each hall was determined in accordance with the classification of small, medium and large (costs listed in table format below). Costings were determined by calculating the average cost attributed to current council operated halls. The cost recovery ratio is predicted at 75% of all community hall operational costs

Community and Recreation Hall Hire Charges

Hourly Hall Hire Charges for Community Groups

SMALL ROOM	MEDIUM ROOM	LARGE ROOM
Size 0-100 m2	Size 100-200 m2	Size 200+ m2
\$8.00 per hour	\$10.00 per hour	\$12.00 per hour
Atwell multi purpose	South Coogee	
Bibra Lake Hall	Joe Cooper Dance Room	Memorial Hall
Bibra Lake Activity Room	Atwell Main Hall	Yangebup Community Centre
Yangebup Activity Room	Atwell multi purpose combined	Coogee Community Hall
Joe Cooper Meeting Room	Jandakot	
Joe Cooper Pottery Room	Joe Cooper Undercroft	
		Joe Cooper Main Hall

Function Charges (Booked from 2pm – 1am)

SMALL HALLS	MEDIUM HALLS	LARGE HALLS
Capacity 0-50 people	Capacity 50-150 people	Capacity 150+ people
Hire Fee \$100.00	Hire Fee \$200.00	Hire Fee \$300.00
Bibra Lake Hall	South Coogee	
Bibra Lake Activity Rm		Memorial hall
Yangebup Activity Rm	Atwell Main hall	Yangebup Hall
Atwell Activity Rm 1&2	Jandakot	Coogee Community hall

Civic Centre Hourly Hall Hire Charges

Lesser Hall	Main Hall	Both Halls
\$20/hour	\$40/hour	\$50/hour
Functions 5pm to 2am		
\$150	\$400	\$500
\$12.50/hour for set up		
Regular users will be charged at 75% of the standard hourly rate for day time usage. Regular users will be charged the standard		

rate after 5pm. Regular hire will only be allowed on weekdays excluding public holidays. Council reserves the right to cancel any regular bookings if it requires the facility.

Hall hire and key bonds have also been standardised and are listed below.

Hall Hire and Key Bonds

Low Risk Bond	\$100.00
Medium Risk Bond	\$200.00
High Risk Bond	\$300.00
Key / Access Card	\$50.00
Civic Centre	\$500.00
Civic Centre High Risk	\$1,000.00

Risk level determined by administrative guidelines and Bookings Officer's assessment.

In its Budget adopted for 1999/2000, Council determined hire charges for Jandakot, Atwell, Yangebup, Civic Centre and Joe Cooper Recreation Centre hall space. These fees are show in the attachment.

However, other Council owned facilities, such as Bibra Lake, South Coogee, Memorial and Coogee Halls were not covered in this transaction, as a result of past management arrangements made with Community Committees.

In addition, numerous user group subsidies were discovered, resulting in further discrepancies in user group hall hire charges leading to ill feeling between groups within the community. With council's position on the user pay principle and cost recovery process, it is requested that all subsidy arrangements be terminated and re-assessed. The Social Services Manager will write to all user groups within the listed facilities in January 2000 to advise of the new hall hire fees, and the termination of existing subsidies effective as off 1st March 2000 and the opportunity to apply for a subsidy for those groups that meet the following criteria.

Eligibility Criteria for a user group to receive a hall hire subsidy:

- User group must complete a Subsidised Use of Community Facilities application form.
- User group must be a not for profit organisation.
- Not be a private function.
- User group must demonstrate a difficulty or lack of capacity to pay the standard hire fee.
- User group must demonstrate that they provide a service to one of the following:

- Children
- Youth
- Those with disability
- Socially/financially disadvantaged.

A maximum subsidy of 50% of the standard fees may be given to new community user groups for no longer than three months. For established groups, a maximum subsidy of 20% of standard fees shall be allocated to any one-user group. This arrangement will also apply for existing groups that gain a subsidy from the 1st March, 2000.

Strategic Plan/Policy Implications

Strategic Plan Item 3.2 "Recreation, Leisure and Culture - Provision of Services" refers.

Budget/Financial Implications

Will be included in the 2000/01 Budget as Hall Hire subsidies.

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

Nil

16.6 (OCM1_12_1999) - LEASE AGREEMENTS (8003) (RA)

RECOMMENDATION

That Council:-

- (1) Phase in the increase in rental fees for the Tiger Kart Club, Coastal Motor Cycle Club and WA Model Radio Club over the 3-year period 1998/99 to 2000/01 on the basis of 1/3, 2/3 and full fee.
- (2) Adjust the debtor accounts for the Tiger Kart Club, Coastal Motor Cycle Club and W.A. Model Radio Club to reflect Council's decision.

COUNCIL DECISION

Background

Council has a number of leases with organisations using reserves which are calculated on the basis of Gross Rental Value. The Valuer General's Office provides the advice on the Gross Rental Value.

Submission

A number of groups have contacted council concerned about the rapid unexpected increase in their rental and their inability to meet such increases within limited budgets and such short notice.

Report

As there has not been a valuation for a number of years there was a substantial increase in 1998/1999 due to a new valuation.

The groups affected are:

	Rental 1997/1998 \$	Rental 1998/1999 \$
• Tiger Kart Club	1,008.73	3,685.96
• Coastal Motorcycle Club	687.53	3,857.40
• W.A. Model Radio	458.35	1,848.34

Given the substantial increases in the rental from 97/98 to 98/99 it is proposed that these groups be invoiced at the rate of one third of the rental fee for 98/99 increasing to two thirds of the rental fee for 99/00 and the total rental fee in 2000/2001. This will allow adequate time for the groups to adjust their financial affairs accordingly.

Strategic Plan/Policy Implications

Policy F1.8 Refers.

Budget/Financial Implications

Council's 1999/2000 Budget allowed for some minor increase in income from the lease of these areas. There will be a relatively small loss of income for the 3 leases to that budgetted.

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

Nil

16.7 (OCM1_12_1999) - APPLICATION TO INTRODUCE SECURITY PATROL PROGRAMME (8950) (RA) (ATTACH)

RECOMMENDATION

That Council advise the Property Resource Group that it is not prepared to instigate a Security Patrol Program for the Beeliar Heights area, nor establish a rates levy for this purpose as it sees this as an initiative that could be funded by the developer and is only supported by a minority (12.5%) of residents willing to contribute financially to the scheme.

COUNCIL DECISION

Background

A request has been received from the Property Resource Group (PRG), the joint development partners with Homeswest for Beeliar Heights, seeking Council support to levy properties in the area to establish a security patrol system. This matter will be included in the report with a copy of the PRG request attached.

Submission

N/A

Report

In the Community Needs Survey in 1997/98, Community Safety and Crime Prevention were matters of particular concern to residents of the City. Lack of Police presence was identified as a particular problem.

The more in-depth Community Safety/Crime Prevention Study carried out in 1999 found that "*The community consultation did not find popular support for security patrols amongst residents who contributed to the Study. Concerns about security patrols include the cost and the view that those resources could be better used for other things such as facilities infrastructure and amenities for residents.*"

A Beeliar Heights Security Survey has been carried out by the Property Resources Group (PRG) with the response results provided to Council along with a request for Council to collect a levy of \$1.40 per week (\$72.80 p.a.) through Council's rates system. In summary, 350 occupied houses in the estate were surveyed with a questionnaire response rate of 13.14% (46 responses). There were three questions asked.

1. Do you agree that security is an issue at Beeliar Heights? 97.8% agreed.
2. Do you support the provision of security patrols at Beeliar Heights? 97.8% agreed.
3. Would you be prepared to contribute \$1.40 per week to support the patrols? 95.6 % agreed.

While those who responded to the questionnaire overwhelmingly agreed that security was an issue and were prepared to pay for patrols at \$1.40 per week, an overall response rate of only 13.14% was very poor.

There are security patrols which operate in Coolbellup funded by the Fini Group and the Henderson Industrial Area funded by local businesses. It is recommended that Council not participate in the patrol option proposed by the PRG as it would set a precedent for other areas of the City and in particular, be seen to be giving preferential treatment to one developer. It could be anticipated that other developers would seek the same treatment and in turn, other suburbs in the City may follow with demands for their own services. The advice from the consultants is that security patrols are not cost effective. If they are to be instigated, a 'hot spot' patrol system would be a better option rather than general patrols. 'Hot spot' patrols would only be viable if they were instigated across the whole City rather than a suburb by suburb basis.

Strategic Plan/Policy Implications

Strategic Plan Item 5.3 "Municipal Law and Public Safety" refers.

Budget/Financial Implications

If such a proposal were to be implemented, it would be on a cost neutral basis to Council and would require a Special Rate to be levied to Ratepayers benefiting from the service.

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

This is a function which could be carried out using Council resources (i.e. as part of an extended Ranger Service) however, the use of Security Patrols is not the favoured option for addressing local security issues.

17. EXECUTIVE DIVISION ISSUES

17.1 (OCM1_12_1999) - DEPARTMENT OF LOCAL GOVERNMENT - COMPLIANCE ASSESSMENT (1335) (DMG) (ATTACH)

RECOMMENDATION

That Council inform the Department of Local Government, through the Compliance Assessment Return, that it is satisfied that the services and facilities it provides are in compliance with Section 3.18 of the Local Government Act, 1995, in accordance with the Agenda attachment.

COUNCIL DECISION

Background

In May, 1999, a Report was presented to Council resulting from the Department of Local Government's Compliance Assessment of Council. The Report indicated that a further analysis of the implications of this Section, as related to the Service Units of Council, would be provided.

Submission

N/A

Report

Section 3.18 of the Local Government Act, 1995, states:-

"...that a local government is to satisfy itself that services and facilities that it provides -

(a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;

(b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and

(c) are managed efficiently and effectively."

In order to comply with this requirement, Reports to Council now contain a heading relating to the implications of this Section of the Act.

The Officer completing the Report must consider any section 3.18 consequences which would impact on the matter being reported.

In addition to this, Council carries a Resolution of Compliance immediately before closure of each of its Ordinary Council Meetings.

However, to ensure that each of Council's service delivery areas are also in compliance with these provisions of the Act, it has been necessary to analyse each of the Service Units. This analysis takes into consideration the impact, or potential impact, of Section 3.18 of all of Council's currently supplied services and facilities, as presented in the attachment.

The mechanism by which each of the Units comply with Section 3.18(c) is the Key Performance Indicators (K.P.I's) which have been established for each of the 29 Service Units.

The attached matrix identifies the impact, if any, of Sections 3,18(a) and 3.18(b), on each of the individual Service Unit areas.

Strategic Plan/Policy Implications

Strategic Plan Item 1 - "Strategic City Management" refers.

Budget/Financial Implications

N/A

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

As per attachment to the Agenda.

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

20. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

21. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

22. CONFIDENTIAL BUSINESS

23. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

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.

24. CLOSURE OF MEETING