

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 19 OCTOBER 2004 AT 7:00 PM

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# CITY OF COCKBURN

## MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 19 OCTOBER 2004 AT 7:00 PM

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### PRESENT:

#### ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr A Edwards	-	Councillor
Mrs S Limbert	-	Councillor
Mr M Reeve-Fowkes	-	Councillor
Mrs V Oliver	-	Councillor

#### IN ATTENDANCE

Mr D. Green	-	Acting Chief Executive Officer
Mr S. Hiller	-	Director, Planning & Development
Mr B. Greay	-	Director, Engineering & Works
Mr K Lapham	-	Manager, Finance
Mr R Avard	-	Acting Director, Administration & Community Services
Mrs B. Pinto	-	Secretary/PA, Finance & Corporate Services
Mr C. Ellis	-	Communications Manager

### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 pm.

Mayor Lee mentioned that he had a presentation to make to the Human Resources Team. Mr Allen Graham, the Manager of Human Resources at the City of Cockburn nominated the Human Resource Service for the Australian Human Resources Awards in the category of the "Best HR Team". The HR Team was successful in being one of four organisations shortlisted as a finalist in this category.

Mayor Lee presented the HR Team with their certificate for being a shortlisted finalist.



Mr Allen Graham, on behalf of the HR Team thanked Mayor Lee for the presentation and stated that the Team was very proud to receive such recognition, having been one of the four organisations shortlisted as a finalist amongst the corporate giants of Australia.

On another achievement, Mayor Lee congratulated Cllr Tilbury on behalf of Council, in achieving a Doctorate in Bio-Chemistry.

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

Nil

**3. DISCLAIMER (Read aloud by Presiding Member)**

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

**4 (OCM 19/10/2004) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

The Presiding Member advised that he had received written declarations of interest from Councillor Reeve-Fowkes in relation to Item 14.2 and Councillor Whitfield in relation to Item 17.1, which will be read at the appropriate time.

**5 (OCM 19/10/2004) - APOLOGIES AND LEAVE OF ABSENCE**

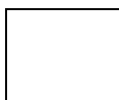
Cllr L. Goncalves - Apology  
Cllr K Allen - Apology

**6 (OCM 19/10/2004) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**Alasdair Wardle – Ordinary Council Meeting – 21 September 2004 – Public Question Time** – asked a number of questions which were responded to in a letter dated 6 October as follows:

Q1 *If the City of Cockburn was genuine, why hasn't the Council had any meetings with shop owners or centre management since then?*

A. Since the conclusion of the rezoning process, staff have not had the time, amongst other things, to continue discussions with the shop



owners.

Q2 *Why haven't there been any meetings with the Hotel owner?*

A. The hotel owner indicated that he was not interested in participating in the Enquiry by Design Workshop. Until it has been decided what the planning approach will be for the whole precinct, little point would be served in holding meetings with the hotel landowner or other landowners in the shopping centre. At this stage the City has not been approached by either the hotel owner or the other shopping centre owners as to the progress of the precinct plan.

Q3 *Why hasn't Council done anything to assist shop owners to revitalise the centre?*

A. This is not the role or the responsibility of the Council. Never-the-less, the Council can facilitate change by preparing structure plans, reviewing the zoning and by providing a framework for assessing revitalisation proposals submitted by the property owners. The Council can also undertake complementary works in the public areas to upgrade and enhance existing community buildings, parks, verges and other infrastructure vested in the Council.

Q4 *Did Council ever intend to assist property owners to revitalise the shopping centre or was the Enquiry by Design Workshop a waste of time?*

A. The Council has no responsibility to assist the owners of private property to revitalise their businesses or existing buildings. This is a matter for the owners. The Council can prepare structure plans to coordinate any future works so that any improvements or redevelopments undertaken by the owners individually or collectively can occur cooperatively and in accordance with an agreed plan.

The Council has no power to require the owners of existing development to undertake any revitalisation, it can only assess and determine development applications that may be submitted by the owners. The determination of the applications would be considered in accordance with the requirements of any adopted structure plan and the provisions of the Council's local scheme.

Q5 *Was Council's real motive in holding the Enquiry by Design Workshop to come up with an excuse to give land to the Education Department to build a school?*

A. The Enquiry by Design Workshop involved not only the City, but also the Department for Planning and Infrastructure, the Department of Housing and Works and the Department of Education and Training.

The purpose of the workshop was two-fold:



- To determine the best location for the combined primary school.
- To identify the means by which the Coolbellup Shopping/Community Centre precinct could be replanned to make it a more attractive and functional place.

**Ken Hynes – Ordinary Council Meeting – 21 September 2004 – Public Question Time** – tabled two letters regarding the planned closure of the Miguel Road, Bibra Lake railway crossing, voicing objections to the possible closure to traffic as it would greatly increase traffic using Yangebup Rd between Miguel Rd and Spearwood Ave. The residents were also concerned about potential hazards at the Yangebup Road/Spearwood Avenue intersection. The letters requested community consultation with local residents on this matter.

A response dated 11 October 2004, advised that the closure of Miguel Rd at the railway crossing is a Ministerial condition of approval for the construction of Spearwood Ave and a bridge between Yangebup Rd and Barrington St. It is expected that the formal public consultation process will commence early in the new year.

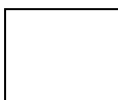
Should Miguel Rd be closed, it is expected that traffic volumes in Yangebup Rd west of Miguel Rd will be the same as volumes east of Miguel Rd. Traffic counts have just been completed at these locations and indicate the following volumes:

- Yangebup Rd west of Miguel Rd      4,982 vehicles per day
- Yangebup Rd east of Miguel Rd      10,696 vehicles per day

As a lot of this is traffic travelling to and from Dunraven Drv and Spearwood Ave, the volume following the closure of Miguel Rd cannot be easily ascertained without a detailed origin-destination traffic survey. However, it can be expected that traffic in that section of Yangebup Rd will consist mostly of local traffic, as most heavy haulage and general cargo trucks that use this section of Yangebup Rd would be diverted to use Barrington St and Spearwood Ave.

Your concerns in regard to the increased volume of turning traffic that will use the Yangebup Rd/Spearwood Ave intersection should Miguel Rd be closed, is noted and will be closely addressed. The following actions have been undertaken to address community concerns with safety at the intersection.

1. Vegetation has been cleared from the relevant verge in Spearwood Ave to provide an uninterrupted line of sight for Yangebup Rd traffic.
2. Main Roads WA have been further consulted on geometric design aspects of the intersection and they have indicated no major concerns.
3. Discussions were held with the Police Department to identify the cause of





the reported accidents that have occurred since the upgrade of the intersection. Apparently, the accidents have been caused by motorists failing to stop at the stop signs in Yangebup Rd.

4. An independent road safety audit has been completed for the intersection. The main finding was in regard to intersection readability. The design and layout of the intersection is such that some confusion can arise as to which direction has priority. The main recommendations in this regard were to address traffic signage and to downgrade traffic on Yangebup Rd, primarily by closing the railway crossings in Miguel Rd and Yangebup Rd west. The audit made no reference to sight distance in the report as sight distances were not considered to be a hazard. The design speed for Spearwood Ave is 80km/h. The minimum approach sight distance at this speed that should be provided is 95 metres and over 150 metres is available.
5. Main Roads WA have reduced the signposted speed limit in Yangebup Rd from 60km/h to 50km/h. This will further highlight Yangebup Rd as the minor road.
6. Following the safety audit, Main Roads WA have altered the signage at the intersection:
  - Installed larger stop signs
  - Removed confusing give way signs
  - Installed left turn only arrows in the kerbside lanes in Yangebup Rd
7. Main Roads WA have been requested to review the intersection and advise what further modifications would be required to accommodate traffic signals.
8. As there are no speed limit signs in the newly constructed section of Spearwood Ave, indications are that motorists are unsure at what speed to travel and may travel too fast. Consequently, and in view of the safety concerns, Main Roads WA have been requested to impose a 60km/h signed speed limit between Barrington St and Beelias Drv.
9. To more clearly identify any problems for motorists at the intersection, a video camera survey was recently undertaken over 12 hours. Results indicate that there is a very high degree of non-conformance to the stop signs. No serious conflicts were identified during the survey apart from one incident when the stop sign was not seen at all, although no accident occurred.

It is considered that the intersection should be monitored with the above measures in place to see if the situation is improved. The Yangebup Progress Association has formed a committee to address safety issues at the intersection. There is a Councillor on this Committee.



**Joe Branco**, North Lake Residents Association asked a series of questions on the T-Junction at Bibra Drive and North Lake Road.

- Q1. Do the Planning Officers have drawing plans prepared for the possible duplication of Bibra Drive?
- Q2. To what specifications has the T-Junction of Bibra Drive and North Lake Road been designed to?
- Q3. Is it a specification that would allow for the future duplication of Bibra Drive? And, if so, when did Council make that decision to instruct the Planning Department to build such a large T-Junction at Bibra Drive and North Lake Road when Bibra Drive is a local road?
- Q4. Would the Council provide me with the Australian Standards that the Planning Officers would have used in their specifications and design of the T-Junction of Bibra Drive and North Lake Road, along with any draft plans, if they exist, that relate to the possible duplication of Bibra Drive?

Mayor Lee replied that there are no plans. The works which are underway at the moment is because of the potential duplication of North Lake Road.

Mayor Lee also requested Director, Engineering and Works to respond to Mr Branco's request in writing providing him with a copy of the Australian Standards for the proposed duplication of North Lake Road.

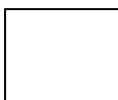
**Robin Scherr**, Coogee expressed concern regarding a beach buggy travelling at excessive speeds on the beach with three adult males riding it. She queried whether the Council was aware as to who was operating the buggy? Mayor Lee replied that he believed it was the Coogee Beach Surf Life Saving Club. Ms Scherr also emphasised that Council should make the Club aware of the allowed speed that the buggy should be travelling on the beach. Mayor Lee stated that Council will make note of the statement and notify the Surf Club accordingly.

**Logan Howlett**, North Lake firstly congratulated Cllr Tilbury on her achievement and also to the City of Cockburn HR Team for their Award.

Mr Howlett tabled two letters which he forwarded to the Mayor, dated 4 June 2004 and the 27 September 2004. He queried why he hadn't received a reply to date. In accordance with Best Practice prevailing at the City of Cockburn he was surprised that he had not received a reply given that the first letter was sent on 4 June 2004 and he would have expected a reply within seven days at least.

Mayor Lee replied that Mr Howlett would receive a reply when he has given the matter his full deliberation.

Another issue raised was on the intersection of Bibra Drive and North Lake Road. He wanted to make residents aware that this intersection is an



absolute eye-soar to the community and a scar on the environment, and expressed grave concerns at its current situation.

Mr Howlett also queried the Rubbish Bin Levy.

Q1. How does the City of Cockburn Rubbish Bin Levy compare in dollar terms with that of adjoining Councils?

Q2. What funds are held in reserve accounts for the provision of new and replacement bins?

Mayor Lee replied that the two questions would be responded to in writing and requested Director, Engineering and Works to follow this through.

Mr Howlett asked a question on the Community Gazette – ‘Communities in Action’ Section. He requested the North Lake Residents Association receive a written response in regards to the non-printing of the scheduled article in the Community Gazette on the 5 October 2004. The article and photograph was submitted by the required time and complimented by the staff. It featured several events which were to occur with North Lake Residents and also to inform the wider community as well.

Mayor Lee thanked Mr Howlett for his input.

**Stephen Cain**, newly appointed Chief Executive Officer of the City of Cockburn, thanked Council for the support it had given him in the selection process and expressed how he intends to commit his efforts to working with the team at Cockburn to provide the best service during his tenure.

**Wayne Murray**, Kardinya asked when a decision would be made on the duplication of Farrington Road? Mayor Lee replied that the matter is the subject for Council’s deliberation tonight and will be making a decision whether to progress to the next stage or not proceed with anything at the moment.

**Joe Branco**, North Lake Residents Association spoke in relation to Item 14.1 – which talks about engaging a suitably qualified road safety auditor to look at safety issues. He advised that he had been involved with the Local Impact Committee (LIC) which has been set up by the Government. A lot of the work on the safety has already been done and Council had a copy of the LIC Reports. He believed that a safety audit would recommend duplication. He did not support this and thought traffic calming, such as in Fremantle Council (eg. Hampton Road) would be preferred.

From the survey the submissions, 72% say ‘no duplication’. The Council should not accept duplication. To acknowledge the submissions yet not listen to them, is ludicrous. The Council should not accept an invitation from



the City of Melville for an information session, because their position is known, which is to destroy our wetlands with Roe Highway, destroy the heart of Fremantle with the Fremantle-Eastern Bypass and now there is the possibility that our Council could be duplicating Farrington Road, when all the traffic figures show none of those roads are required. There are reports attached to the Agenda which talks about two registered Aboriginal sites which will be impacted on. The Association says, that there is overwhelming support not to duplicate Farrington Road and as your ratepayers they will be keeping a very close eye on their Ward Councillors.

Mayor Lee thanked Mr Branco.

**Laurie Humphreys**, Coolbellup spoke in relation to the survey that was done on the duplication of Farrington Road. He stated that if Council is doing a survey which is going to impact on the lifestyle and lives of some 25% of ratepayers, why not do a survey of 100% of your ratepayers? In his view, a survey is done to get an informed opinion. He mentioned that the officer's report states, a clear indication that the telephone survey supported the duplication. There were 199 people that supported it. There were 201 that were against it or undecided. This clearly gives an indication that a majority did not support it.

**Ron Stohl**, President of the City of Cockburn RSL spoke in relation to Item 14.4. He mentioned that the officer's report stated that some members of the Club complained as to the closure of the laneway adjacent to the RSL Club. He said the Club represents 320 members mostly elderly. These people are frightened to visit to the Club in the evenings due to the anti-social behaviour. He requested Council to give careful consideration in its deliberations this evening and give their support to the closure of the laneway.

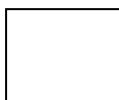
Mayor Lee thanked Mr Stohl for his input.

**Nick Gorham**, RSL reiterated the comments of the previous speaker in support of the laneway's closure. Mr Gorham also requested Council to consider very strongly to close the laneway. Mayor Lee sought clarification from the Director, Planning and Development whether Council would need to seek approval from the WAPC for the closure of the laneway, to which he responded that approval will have to be sought.

Mayor Lee thanked Mr Gorham for his comments.

**Glenn Diggins**, Coogee commended Council on the sensible decisions in a strategic sense on the redevelopment of the coast. A job well done!

**Andrew Sullivan**, Coogee Coastal Action Coalition spoke in relation to the



Coogee Beach Structure Plan. He mentioned that the statistics included in the Coogee Beach Master Plan says that 270 of the 400 submissions, which is about 61%, are in support. Page 8 of the attachment gives a break down of the submissions and this indicates that only 31% were in support and the others were only comments. Of the 61% so called supporters, only about 30% of those were actually in support of the Structure Plan. The other 68.5% opposed it. He said that the most contentious issue, is that the Coogee Beach Surf Life Saving Club location which was opposed by both the Department of Planning and Infrastructure and CALM because it does not comply with the Draft Woodman Point Management Plan. He requested Council to work with those agencies to implement the recommendations of the Draft Woodman Point Management Plan.

In summary, Mr Sullivan asked if it was appropriate for the City of Cockburn to be accepting that there is community support for this site when in fact the document clearly shows only 20% supported this site. In addition, he asked if it was appropriate for the Council to be passing a Structure Plan that does not have support of the other major government agencies that have control of the planning of the coast.

Mayor Lee responded that the matter is before Council and thanked Mr Sullivan for his input.

**Laurie Humphreys**, Coolbellup spoke regarding Item 13.2. He strongly suggested that all Elected Members vote to allow those Councillors present to debate and be able to have their say on any subject. In this way, it gives the Elected Member the opportunity to speak and also allows ratepayers to hear the opinion of their Ward representatives.

Mayor Lee thanked Mr Humphreys for his comments.

**Pam Bain**, Coolbellup (President of the Coolbellup Primary School P and C). Ms Bain asked Councillors to please consider and support the recommendation that the Education Department has requested over land use. She also asked the Council's support so that the whole project can go ahead, and have the new school, changerooms, tennis courts built and all the other community facilities made available in the near future.

Mayor Lee thanked Ms Bain for her input.

**Zoe Inman**, Coogee spoke in relation to the Proposed Structure Plan for Coogee Beach. Firstly, taking into account that the location of the Surf Life Saving Club is not supported by the Government bodies at Woodman Point, should the Council now consider including this in the Port Coogee Structure Plan which is a much better place to be located given the population that will live in the area?



Secondly, the Minister for Planning has, in theory a vision for the whole of this coastline. Workshops were to be held in relation to this. No mention has been made as to when these will be held. She asked those present if someone could advise her as to when these are going to happen?

She also asked Council to give serious consideration to the Draft Plan before adopting it.

Mayor Lee thanked her for her input. He said as far as the vision for Cockburn's Coast Vision is concerned, this Council is in support of the views of the Minister. He also said that the Council like herself is very keen to commence the process.

In relation to the possible inclusion of the Surf Club in the proposed Port Coogee Structure Plan, Director, Planning and Development will provide a written response.

**Logan Howlett**, Chairman of the North Lake Residents Association spoke in relation to Item 14.1. He said that Council should consider traffic calming on Farrington Road not to duplicate it. He pointed out that one of the policies in the Agenda Attachments states that the policy recognises the important environmental, social, cultural and educational values of the wetlands and bushlands that exist within the district. The Association and other community groups are requesting the City of Cockburn for Farrington Road to be traffic calmed and not duplicated.

Mr Howlett requested information on the number of safety audits conducted on roads within the City of Cockburn in the last 5 years and what action, if any, was taken by the Council as a result of those studies?

Mayor Lee thanked Mr Howlett and requested Director, Engineering and Works to respond in writing to Mr Howlett's request.

## 8. CONFIRMATION OF MINUTES

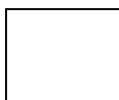
### 8.1 **(MINUTE NO 2578)** (OCM 19/10/2004) - ORDINARY COUNCIL MEETING - 21/09/2004

#### **RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Tuesday, 21 September 2004, be adopted as a true and accurate record.

#### **COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.



**CARRIED 8/0**

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

Nil

**10. DEPUTATIONS AND PETITIONS**

Nil

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

Nil

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

Nil

**13. COUNCIL MATTERS**

**13.1 (MINUTE NO 2579) (OCM 19/10/2004) - MINUTES OF INTERNAL AUDIT COMMITTEE MEETING - 15 SEPTEMBER, 2004 (5017) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council receives the Minutes of the Internal Audit Committee Meeting held on 15 September, 2004, and the recommendations contained therein be adopted.

**COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr S Limbert that the recommendation be adopted.

**CARRIED 8/0**

**Background**

A meeting of the Internal Audit Committee was conducted on 15 September, 2004.

The meeting primarily considered the proposed Audit schedule presented by the appointed Auditors, KPMG and the interim Audit undertaken by Council's external Auditor, Barrett & Partners-DFK.

**Submission**

To receive the Minutes of the meeting and adopt the recommendations of the Committee.

**Report**

KPMG has proposed an indicative Internal Audit Plan over 4 years, commencing with an Audit for the year ended 30 June, 2004.

Having accepted the Year 1 schedule, the review will be conducted and a report prepared for the next meeting of the Committee, scheduled for November, 2004.

In addition, Committee considered the interim audit conducted by Council's external Auditor which recommended some internal procedures be addressed. The Committee supports those recommendations and is seeking Council's endorsement of these.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

N/A

**Legal Implications**

Local Government (Financial Management) Reg. 5(2)(1) refers.

**Community Consultation**

N/A

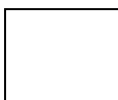
**Implications of Section 3.18(3) Local Government Act, 1995**

Nil.

**13.2 (MINUTE NO 2580) (OCM 19/10/2004) - PROPOSAL TO MAKE A LOCAL LAW - STANDING ORDERS (1148) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council make a Local Law Relating to Standing Orders, as contained in the attachment to the Agenda.





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

**COUNCIL DECISION**

MOVED Cllr A Tilbury SECONDED Cllr V Oliver that Council:

- (1) make a Local Law relating to Standing Orders, as contained in the attachment to the Agenda, subject to deleting clauses 10.6(f), (g), and (h) and substituting them with the following:
  1. Other speakers against and for the motion in alternating order while there are speakers with differing views remaining;
  2. Other speakers notwithstanding they are of the same view provided that no member (other than mover exercising right of reply) may speak twice;
  3. Mover takes right of reply which closes the debate;
  4. No member (other than the mover who may elect to open debate and speak in reply) may speak twice.
- (2) re-advertise the amended Local Law for public comment as the amended clause has the effect of substantially altering current Council Meeting practices.

**CARRIED 5/3**

**Explanation**

It is considered that Elected Members should be able to use Council Meetings as a forum to publicly state their individual views on matters under consideration by Council, regardless of whether their views are the same, or different, from other members. By inserting the alternative clauses 10.6 (f), (g), (h) and (i), these views will be able to be presented. Sub-clause (2) is self explanatory.

**Background**

At the Council Meeting conducted on 20 July, 2004, Council adopted a Draft text of the Standing Orders Local Law, proposing a number of amendments to the current Standing Orders for the purpose of seeking public comment. The submission period closed on 9 September, 2004.



In addition, Council sought a legal opinion on the interpretation of Clause 10.6(f) relating to the Order of Call in Debate.

### **Submission**

To adopt the Draft with some minor amendments and modifications, as proposed by the Department of Local Government and Regional Development.

### **Report**

At the close of the advertising period, no public submissions were received.

However, the Department of Local Government and Regional Development has written to Council recommending a number of predominantly cosmetic changes to the format of the Draft text.

The majority of these are agreed to and the final draft highlights these.

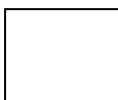
It is emphasised that the Department's correspondence is of a recommendatory nature only and does not imply non-conformity with statutory obligations or standards.

In respect of the issue of interpreting Clause 10.6(f), legal advice received is summarised as follows:-

- (a) Item (f) is clearly ambiguous.
- (b) The interpretation which appears more closely to follow the intent of the present wording in item (f) is to allow for speakers against and for the motion in alternating order while speakers with differing views remain, and thereafter to allow all other members to speak to the motion, even if successive speakers are of the same view.
- (c) The Council should determine whether it wishes the subclause to have that meaning, or the opposite meaning which would close debate when the alternating views are exhausted.
- (d) In any event, it should be made clear that no member other than the mover may speak twice.

The following suggestions for alternative drafts for the item in subclause (1) substituting for the present (f) and (g) are offered in the advice.

- A. **Substitute provisions allowing for all members wishing to speak to participate in debate**



- “(f) Other speakers against and for the motion in alternating order while there are speakers with differing views remaining;
- (g) Other speakers notwithstanding they are of the same view provided that no member (other than mover exercising right of reply) may speak twice;
- (h) Mover takes right of reply which closes the debate;
- (i) No member (other than the mover who may elect to open debate and speak in reply) may speak twice.”

**B. Provisions allowing debate to continue only while there are members with alternative views**

Delete the current items (f) and (g) and substitute the following:

- (f) Other speakers against and for the motion in alternating order until there is no member (excluding the mover) wishing to speak who is of the opposite view than the last preceding speaker;
- (g) Mover takes right of reply which closes the debate;
- (h) No member (other than the mover who may elect to open debate and speak in reply) may speak twice.”

As the original objective of the Clause was to permit debate on a motion only while there are speakers of a different view and the interpretation at Council meetings has supported this assumption, the wording assigned to sub-paragraph “B” above has been included in the revised Draft at Clause 10.6.

Should Council prefer the alternative interpretation to be inserted into the Standing Orders, it is recommended that the Draft again be submitted for public consultation in accordance with Sec 3.13 of the Local Government Act, 1995, as it is considered that this will represent a significant departure from the current understanding and practice adopted by Council.

**Strategic Plan/Policy Implications**

Key Result Area “Managing Your City” refers.

**Budget/Financial Implications**

Legal advertising and printing costs associated with statutory processes are available within Council’s “Governance” Budget.



**Legal Implications**

Sec 3.12 of the Local Government Act, 1995, refers. Legal opinion on Clause 10.6(f) attached.

**Community Consultation**

Statewide Public Notice provided for six week public submission period.

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

Nil.

**13.3 (MINUTE NO 2581) (OCM 19/10/2004) - CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE (1192) (ATC) (ATTACH)**

**RECOMMENDATION**  
That in accordance with Sec. 5.8 of the Local Government Act, 1995:

- (1) Council establish a Chief Executive Officer's Performance Review Committee comprising of Mayor Lee and Elected Members \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_; and
- (2) the Terms of Reference of the Committee be to review the performance of the Chief Executive Officer in accordance with the terms of his Contract of Employment.

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

**COUNCIL DECISION**  
MOVED Deputy Mayor R Graham SECONDED Clr M Reeve-Fowkes that:

- (1) Council establish the Performance Review Committee ("the Committee") pursuant to s5.8 of the Local Government Act 1995 (WA) ("the Act");
- (2) in accordance with s5.9 of the Act and clause 17.7(a) and (b) of Council's Standing Orders, the Committee comprise of five(5) Elected Members of Council;
- (3) Council appoint Mayor Lee, Deputy Mayor Graham, Clr Allen, Clr Reeve-Fowkes and Clr Tilbury as members of the



Committee, with Cllr Limbert as the Deputy Member;

- (4) in accordance with Clause 17.7(c) of Council's Standing Orders, the duties and powers of the Committee are to:
1. Review the performance of Council's Chief Executive Officer ("the CEO") consistent with any terms of the Contract of Employment between Council and the CEO.
  2. Make recommendations to Council regarding variations to the CEO's Performance Criteria, consistent with the terms of the Contract of Employment between the Council and the CEO.
  3. Make recommendations to Council regarding the CEO's remuneration package.
- (5) in accordance with Clause 17.7 of Council's Standing Orders, the Committee shall report to Council as and when required by Council or determined by the Committee.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

### **Explanation**

The Members of the Committee are the Members who conducted the interviews for the appointment of CEO.

### **Background**

At its meeting on 21 September 2004 Council decided that it was satisfied with the provisions of the proposed Employment Contract for the new Chief Executive Officer (CEO), Mr Stephen Cain and that he should be employed as CEO on the terms contained in the Employment Contract with effect from 8 November 2004.

The Contract of Employment requires a Performance Review Committee to carry out performance reviews of the Chief Executive Officer, review the Performance Criteria etc.

### **Submission**

N/A

### **Report**

Deputy Mayor Graham has requested the Mayor to follow-up on the establishment of the Performance Review Committee required under



the terms of the Contract of Employment for the Chief Executive Officer. A copy of the email is attached to the Agenda. The Contract has recently been signed by Mr Cain, who has been appointed as from 8 November 2004. His Contract of Employment requires a Performance Review Committee to carry out a number of tasks in relation to his performance. The Contract defines the Performance Review Committee as *the Mayor and other Elected Members formed as a Committee for the purposes of reviewing the performance of the Employee.*

The recommendation is designed to establish the required Committee.

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

Key Result Area *Managing Your City* refers.

### **Budget/Financial Implications**

No additional funding will be required as a result of the recommendation.

### **Legal Implications**

Sec. 5.8 of the Local Government Act, 1995 refers.

### **Community Consultation**

N/A

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

Nil.

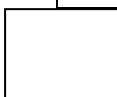
## **14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

### **14.1 (MINUTE NO 2582) (OCM 19/10/2004) - FARRINGTON ROAD - POSSIBLE DUPLICATION - PUBLIC RESPONSE (450501) (SMH) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) engage the services of a suitably qualified and experienced road safety auditor to undertake a safety audit of Farrington Road between Bibra Drive and North Lake Road;



- (3) not consider the possible duplication of Farrington Road further until the road safety audit is completed.
- (4) acknowledge the public submissions received during the public advertising period, together with the results from the random community survey conducted by Advantage, as an indication of the community views on the possible duplication of Farrington Road between Bibra Drive and North Lake Road;
- (5) accept the invitation from the City of Melville to attend an information session at the City to share views about Farrington Road, Roe Highway and the Fremantle Eastern Bypass;
- (6) advise the Aboriginal Advisory Committee that a late response can still be made to Council.

#### **COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr A Tilbury that Council:

- (1) receive the report;
- (2) not support the possible duplication of Farrington Road at this time; and
- (3) contracts a suitably qualified Consultant to undertake a Safety Audit of Farrington Road-

**CARRIED 7/1**

CLR EDWARDS REQUESTED HIS VOTE AGAINST THE MOTION BE RECORDED

#### **Explanation**

The public surveys on this issue were totally inconclusive on the possible duplication of Farrington Road, with 50% in favour and 50% against or in the 'don't know' category on the telephone survey. The Cockburn Soundings Survey had some 70% against the duplication, and only 26% in favour of duplication. The State Elections in the new year may see major changes to the State Government's current position on Roe Highway Stage 8. This Council needs to do nothing with Farrington Road until after all these possible changes and their implications are known.

#### **Background**



Council at its meeting held on 15 June 2004 resolved as follows:-

- “(1) *receive the report;*
- (2) *undertake extensive community consultation to ascertain the views of the residents on the possible duplication of Farrington Road, between North Lake Road and Bibra Drive by:*
1. *Publishing a report in Cockburn Soundings with a balance of facts and concerns in regard to the issue being provided to the residents. A tear-off strip on the bottom of the page be provided for residents to be able to voice their thoughts in regard to Farrington Road after being given the relevant facts.*
  2. *Conducting a telephone survey of an equal number of residents in each Ward, investigating their opinions in regard to the duplication of Farrington Road by an independent marketing company, based on a representative and statistically valid sample as determined by the marketing company.*
- (3) *approach the following authorities to ascertain their view on the possible duplication of Farrington Road, based on the Council report, namely:*
1. *City of Melville;*
  2. *Main Roads Western Australia;*
  3. *Environmental Protection Authority, under section 16(i) of the Environmental Protection Act;*
  4. *Aboriginal Advisory Committee;*
- (4) *reaffirm its support for the full connection of Karel Avenue to Berrigan Drive over the Roe Highway and the standard gauge railway line by a common traffic bridge, to be constructed as part of the Roe Highway Stage 7 and that the Council confirm that it would be prepared to seek Federal funds towards this work in conjunction with the State Government and Jandakot Airport Holdings, and that the Roe Highway Stage 7 Alliance be advised accordingly.*

**CARRIED 6/4”**

### **Submission**

Responses were received from the City of Melville, Main Roads WA, the EPA and the Department of Indigenous Affairs. No response has been received from the Aboriginal Advisory Committee.

In addition, the results of the telephone survey conducted by Advantage in August 2004 were also received and the outcome was:-





Ward	For		Against		Undecided		Total	
Central	67	(50%)	33	(25%)	34	(25%)	134	(100%)
East	58	(44%)	30	(23%)	45	(33%)	133	(100%)
West	74	(56%)	27	(20%)	32	(24%)	133	(100%)
Total	199	(50%)	90	(23%)	111	(27%)	400	(100%)

It can be seen that the independent random community survey resulted in a clear preference to duplicate Farrington Road between Bibra Drive and North Lake Road.

The community survey conducted through the Cockburn Soundings produced a strong response which resulted in:-

<b>For</b>	172	26%
<b>Against</b>	461	70%
<b>Undecided</b>	21	4%
<b>Total</b>	654	100%

An overwhelming response was received from North Lake and Kardinya residents, most of whom did not support the possible duplication of Farrington Road.

Details relating to the agency submissions, the random telephone survey and the public submissions are contained in the report attached to the Agenda.

### Report

A detailed report is attached to the Agenda, in support of the officer's recommendation as provided.

### Strategic Plan/Policy Implications

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

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



2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
5. Maintaining Your Community Facilities
  - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and convenient and safe for use by vehicles, cyclists and pedestrians."*

### **Budget/Financial Implications**

The possible duplication of Farrington Road between Bibra Drive and North Lake Road has been provided for in the Council's Principal Activities Plan 2004/05 – 07/08, in the years 2005/06 and 2006/07.

### **Legal Implications**

N/A

### **Community Consultation**

A comprehensive community consultation program has been completed, and forms the basis to the report.

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

Nil.

### **DECLARATION OF INTEREST**

Clr Reeve-Fowkes declared an interest in the following item. The nature of the interest being, that his property adjoins Cockburn Road, which may be the subject of P.O.S. consideration in future.

CLR REEVE-FOWKES LEFT THE MEETING AT THIS STAGE THE TIME BEING 8.13 PM.

### **14.2 (MINUTE NO 2583) (OCM 19/10/2004) - EXPENDITURE OF PUBLIC OPEN SPACE CASH-IN-LIEU MONIES IN THE CITY OF COCKBURN (9477) (JLU) (ATTACH)**



**RECOMMENDATION**

That Council:

- (1) support the proposed expenditure of public open space cash – in – lieu money to fund the projects listed in the Attachment to the Agenda;
- (2) refer the proposals to the Western Australian Planning Commission for consideration and recommendation to the Hon. Minister for Planning and Infrastructure; and
- (3) upon receipt of advice from the Minister for Planning and Infrastructure on the expenditure of public open space cash-in-lieu money, that a final report be presented to Council on the timeframes for expenditure.

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr A Tilbury that Council:

- (1) receive a full briefing and workshop/tour of the widespread projects listed in the attachments;
- (2) also consider the purchase of additional Public Open Space as part of the opportunities available; and
- (3) defer consideration of this item until (1) and (2) have been achieved.

**AMENDMENT TO MOTION**

MOVED Clr A Edwards SECONDED Clr S Limbert that Council:

- (1) receive a full briefing and workshop/tour of the widespread projects listed in the attachments;
- (2) also consider the purchase of additional Public Open Space as part of the opportunities available; and
- (3) investigate the possibility of using CSRFF funds for the construction of the Atwell Changerooms; and
- (4) defer consideration of this item until (1), (2) and (3) have been achieved.

**AMENDED MOTION PUT AND CARRIED 6/1**



### **Explanation**

This is a major item of Council expenditure with wide-ranging proposed projects and Council should not make this commitment without a full workshop of all the options available. There are areas of Road Reserve in Roe 8 and Cockburn Road, which may emerge in the near future and may be of interest to Council as possible additional areas of POS.

It was considered that the cash-in-lieu funds should be better utilised for public open space purposes rather than the extensions to the Atwell Changerooms. Therefore, it was suggested that perhaps application should be made for CSRFF funds to progress with the construction of the Atwell Changerooms.

### **Background**

In order to preserve the amenity and contribute to the quality of life of residents, the Western Australian Planning Commission has adopted a Policy on the provision of Public Open Space (DC 2.3 – Public Open Space in Residential Areas) within all residential subdivisions.

Section 3.1.1 of the Policy states that where practicable, 10% of the gross subdividable area of land being subdivided for residential purposes is to be set aside free of cost as a Reserve for Recreation. Section 4.3 of the Policy provides that under certain circumstances where the Commission, Council and the subdivider agree, the POS requirement can be satisfied by a cash-in-lieu payment being made by the subdivider to Council.

As a result of cash in lieu payments over the years, currently there is a total of \$1,598,628.28 in the POS account.

The administrative requirements for POS cash in lieu payments are set out in Sections 20C (1) to 20C (7) of the Town Planning and Development Act. Additional guidance and requirements are set out in Policy DC 2.3. There are very specific purposes for which cash-in-lieu monies can be used for and approvals that are required.

Strategic Planning Services in conjunction with Parks, Engineering, Environmental Management and Community Services has prepared a strategy for using the funds having regard to requirements of the Town Planning and Development Act and the Commissions Policy DC 2.3.

### **Submission**

N/A

### **Report**



Section 20C (1) of the Town Planning and Development Act provides that where the local authority, the Western Australian Planning Commission and the subdivider all agree, the owner may make a cash payment to the local authority in lieu of POS, which is to be paid into a separate account and is only to be used for the following purposes;

- (a) For the purchase of land for parks, recreation grounds, or open spaces generally, in which the land included in the plan of subdivision for which the cash in lieu payment is situated;
- (b) To repay loans raised by the local authority for the purchase of such land; or
- (c) With the approval of the Minister, for the improvement or development of parks, recreation grounds or open spaces generally of any land in the locality of the subdivision that is administered by the local authority for any of those purposes.

All requests to expend cash in lieu monies under (c) are submitted to the Western Australian Planning Commission in the first instance. Policy DC 2.3 requires that all applications be accompanied by a map and schedule showing the following:

- Location and Commission reference from which the funds were obtained;
- The amount obtained;
- The location of where the funds are to be expended;
- The nature of the expenditure; and
- The program for the expenditure.

Policy DC 2.3 also states that the use of cash in lieu would not normally be acceptable for community halls or indoor recreation centers, enclosed tennis courts, bowling greens for clubs, facilities for private clubs or similar facilities where access by the general public is 'restricted'. Acceptable expenditure of funds may be for;

- Clearing and earthworks;
- Grass planting, landscaping and reticulation;
- Seating and spectator cover;
- Toilets and change rooms;
- Lighting;
- Play equipment;
- Pathways and walk trails;
- Fencing;
- Car parking;
- Signs relating to recreation pursuits.

Expenditure of cash in lieu funds must be directly related to the use or development of land for public open space purposes, which is vested



or administered for recreation purposes with unrestricted public access. Accordingly it cannot be used for general POS maintenance, entry statements unless associated with POS land or streetscape projects.

Based on previous experience, the requirement to expend the funds in the locality of the subdivision from which cash in lieu was collected is interpreted by the Commission and Minister as being very localized. It is not interpreted as being the suburb boundaries unless it is reasonably small. Notwithstanding this, there may be areas where no works are identified in a particular area from which a payment was collected in which case the Commission may have to give consideration to works within a wider area. However this has not been tested with the Commission to date.

In accordance with the Policy DC 2.3, Strategic Planning Services have prepared plans and schedules showing the details of cash-in-lieu funds currently held by Council. These are included in the Agenda attachments.

Parks, Engineering, Community Services and Environmental Management Services have examined the areas for which cash in lieu has been contributed and have recommended works that should be undertaken with the funds. The proposed works, which are outlined in the Agenda attachments, are in accordance with the requirements of Policy DC 2.3.

The proposals include:

- Provision of shade shelters, seating and playground equipment;
- Lighting of playing fields;
- Construction of pathways;
- Landscaping, revegetation, earthworks and reticulation;
- Setting aside money in the South Lake and Yangebup areas for the future purchase of POS in excess of the 10% requirement. Commitments to purchase this land have already been made in adoption of Structure Plans for these areas.
- Extensions to the Atwell Club Rooms (store rooms) – despite Policy DC 2.3 suggesting money would not normally be considered for club rooms, Council Officer's believe it is appropriate for funds to be set aside for this project for the following reasons:
  - The proposed extensions will enable sufficient storage space included in the Club Rooms;
  - Atwell Reserve is currently the only active recreation reserve in the south – east of the City and is extensively used by the over 700 direct participants. There are six clubs using the Reserve;
    - Southern Districts Softball Associate (113 members)
    - Jandakot Little Athletics (60 + members)
    - South Fremantle Football Club (230 members)



- Jandakot Eagle Softball Club (60 members)
- Jandakot Jets Junior Football Club (260 + members)
- South Fremantle District Development Council – Umpire Training (20 members);
- The City has been approached by a number of clubs seeking grounds in the south – east of the City. These clubs have been turned away as a result of the lack of facilities on the site;
- Atwell Reserve is located in a fast growing area of the City and there is a demand for these facilities to be provided immediately;
- Atwell Reserve is one of the City's premier sporting facilities and the only existing regional level active recreation reserve within the south – east of the City. The Reserve has been used in the past for regional sporting events, such as the Fremantle Masters Games. Further reserves will be available in the future in the south – east and south – west areas as development continues, however it will be a number of years before other facilities are available.

The following table provides a breakdown of the expenditure of the monies:

Area	Amount available	Expenditure		Balance
		Amount proposed to be spent on works	Amount to be held for the purchase of POS	Balance to be held for future works in the area
Hamilton Hill	28,658.05	28,658.05	0	0
Coogee	624,107.30	506,024.00	0	118,083.30
Munster	62,844.21	20,000.00	0	42,844.21
Yangebup	26,094.00	14,094.00	12,000.00	0
St Paul's Estate	42,390.00	42,390.00	0	0
Bibra Lake	375.00	375.00	0	0
South Lake	226,091.50	46,180.00	179,911.50	0
Spearwood	155,622.45	155,622.45	0	0
Jandakot	83,500.00	83,500.00	0	0
Atwell	227,033.00	227,033.00	0	0
Beeliar	16,500.00	16,500.00	0	0
Hammond Park	700.00	700.00	0	0
General funds	104,712.77	33,077.00	0	71,635.77
<b>Total</b>	<b>1,598,628.28</b>	<b>1,174,153.50</b>	<b>191,911.50</b>	<b>232,563.28</b>

The works will be carried out as follows:

Department	Financial Years			Total \$
	2004/05 \$	2005/06 \$	2006/07 \$	
Parks	378,233.05	105,180.00	107,216.45	590,629.50
Engineering (includes Facilities Management and Roads)	140,000.00	181,500.00	0.00	321,500.00
Environment	0.00	121,740.00	40,284.00	162,024.00
Planning	40,000.00	179,911.50	12,000.00	231,911.50

Social Services	60,000.00	0.00	0.00	60,000.00
<b>Total</b>	<b>618,233.05</b>	<b>588,331.50</b>	<b>159,500.45</b>	<b>1,366,065.00</b>

The previous application for approval to expend cash-in-lieu funds took some 10 months to be approved. Therefore, the timeframes shown in the attachments are indicative only. The commencement date of projects is dependant upon the Minister granting approval for the projects. These timeframes may need to be adjusted to reflect the Minister's approval date.

A number of the proposals will run over financial years. The above table reflects the start date of the projects.

As the proposals comply with the Western Australian Planning Commissions Policy DC 2.3 it is recommended that Council endorse the schedule of works that are proposed to be undertaken with funds from the public open space account and submit the proposals to the Western Australian Planning Commission and the Minister for Planning and Infrastructure for approval.

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

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

1. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
2. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
3. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
  - *"To determine by best practice, the most appropriate range of recreation areas to be provided within the district to meet the needs of all age groups within the community."*
4. Maintaining Your Community Facilities
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*





The Council Policies which apply to this item are:-

SPD2	COMMUNITY FACILITIES	INFRASTRUCTURE	-
	10 YEAR FORWARD PLAN		
APD4	PUBLIC OPEN SPACE		

### **Budget/Financial Implications**

The total funds available in the POS account is \$1,598,628.28. The proposals put forward in this agenda item total \$1,174,153.50. \$424,474.78 will be retained in the POS account for future works or the acquisition of POS land in excess of the 10% requirement.

The proposal is to expend the funds in the trust account over the next 4 years (ie. 2005-2008 inclusive).

Before the Council can spend money from the account it is necessary to have the approval of the Hon. Minister for Planning and Infrastructure. Once the approval is received, the Council will have to approve the transfer of the funds for 2005 into municipal funds so it can be accessed for its approved purpose, and the balance of the funds for 2006, 2007 and 2008 will be included in the next review of the Principal Activities Plan.

In the 2004/05 financial year \$618,233.05 will be required to implement the strategy and it will require the approval of the Council to transfer the funds from the POS cash-in-lieu trust account to the municipal account.

Expenditure of cash-in-lieu funds will increase Council's ongoing commitment towards maintenance costs.

### **Legal Implications**

N/A

### **Community Consultation**

Nil undertaken.

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

Nil.

CLR REEVE-FOWKES RETURNED TO THE MEETING AT THIS POINT THE TIME BEING 8.19 PM



**14.3 (MINUTE NO 2584) (OCM 19/10/2004) - LAND MANAGEMENT STRATEGY 2004 - 2010 (4809) (SMH) (ATTACH)**

**RECOMMENDATION**

That:

- (1) Council:
  - 1. receive the report.
  - 2. adopt the Land Management Strategy 2004 – 2010.
- (2) the Land Management Strategy be the basis of proceeding with the development and sale of Council owned land.

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that this item be deferred to a future Council Meeting after it has been considered at a Concept Forum, to be convened at a time to be determined by the Mayor.

**CARRIED 8/0**

**Explanation**

Members require a Concept Forum to consider the strategic issues associated with this item.

**Background**

The Council has identified a number community facilities needed in the community over the next 6 years.

To achieve the facilities proposed, it is necessary for the City to sell Council owned land as an important source of funding.

**Submission**

The Principal Activities Plan 2004/05 to 2007/08 forms the basis of the Land Management Strategy.

**Report**

The Land Management Strategy 2004 – 2010 is attached to the Agenda, in support of the officer's recommendation as provided.



### Strategic Plan/Policy Implications

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

### Budget/Financial Implications

The Land Management Strategy should form an integral part of the Principal Activities Plan and the deliberations of the Annual Budget.

### Legal Implications

The provisions of Section 3.59 of the Local Government Act apply to land transactions undertaken by the City.

### Community Consultation

No community consultation is required in regard to the consideration and adoption of a Land Management Strategy. However, the Strategy would, as part of the procedures associated with the publication and adoption of the Principal Activities Plan and the budget, be the subject of advertising and public scrutiny.

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

Nil.

#### 14.4 **(MINUTE NO 2585)** (OCM 19/10/2004) - PEDESTRIAN ACCESSWAY - FREDERICK ROAD TO JACOB PLACE, HAMILTON HILL (450217) (KJS) (ATTACH)

##### **RECOMMENDATION**

That Council not close pedestrian accessway Jacob Place to Frederick Road, Hamilton Hill and advise the Cockburn RSL of their decision.

##### **COUNCIL DECISION**

MOVED Cllr A Tilbury SECONDED Mayor S Lee that Council:

- (1) receive the report;



- (2) request the Minister for Planning and Infrastructure to close the pedestrian accessway between Jacob Place and Frederick Road, Hamilton Hill; and
- (3) advise the Cockburn RSL and all other owners adjoining the pedestrian accessway of the Council's decision.

**CARRIED 8/0**

### **Explanation**

There has been repeated break-ins and vandalism to vehicles near this PAW due to the easy escape route provided by the PAW. The elderly are now being escorted outside to their vehicles by the elderly and this is not a safe situation. Given that the closure of the PAW is not considered to result in a significant reduction in the walkability of the immediate area, the PAW should be closed.

### **Background**

The accessway is shown on Diagram of Survey 26628 as a footway. Diagram 26628 was surveyed in 1961.

### **Submission**

The Cockburn RSL Sub Branch has written to the City seeking closure of the accessway.

The issue concerning the RSL Club is mostly the number of break-ins. The members believe that these break-ins are easier from the accessway.

### **Report**

Pedestrian accessway closures are subject to consideration by the Western Australian Planning Commission (WAPC). The WAPC has prepared a planning bulletin that sets out the range of issues to be considered when assessing requests for pedestrian accessway closure.

The WAPC was the approving body of the plan of subdivision which included the provision of the accessway linking Jacob Place to Frederick Road.

A "*Closure of Pedestrian Accessway Planning Considerations*" report has been prepared covering all of the required aspects. The report



concluded that it may be appropriate to close the PAW for the following reasons:

- The closure of the PAW would not result in an increase in walking distance to Port Community High School.
- The closure of the PAW would not result in an increase in walking distance to the neighbourhood shopping centre.
- Although the closure of the PAW would slightly increase some residents' walking distance to the bus service, it is not considered as a substantial increase (less than 100 metres).
- Although approximately eight properties would be excluded from the 400 metres walkable catchment to the POS area located at the western entrance of the PAW with the closure of the PAW, it is not considered as a significant reduction in the walkability of the immediate area.
- The PAW is not part of a continuous access route.

It is also a WAPC requirement that the proposal be advertised locally.

Signs were placed on site as required by the WAPC and at the conclusion of a 35 day period of advertising, the City received objections from 16 nearby residents. Before the advertising period the City had received a form letter in support of the accessway closure. Of the 60 copies of the letter, 13 came from residents in the vicinity of the accessway with the remainder from other suburbs not necessarily in Cockburn.

A second inspection was carried out on 13 September 2004. The accessway was clean and well maintained. It is noted that the fence on the northern side is a new metal deck fence above a low limestone wall, making a total height of approximately 2.2 metres. It is not possible to see into the property on the northern side. The fence on the southern side is a fibro fence without capping, of approximately 1.8 metres in height. The RSL Clubrooms are reasonably visible from the accessway.

The objectors to the closure maintain that the accessway affords a safer route to bus stops etc, than does the footpath along Forrest Road. They also state that there seems to be no evidence of anti-social behaviour in the accessway and that it is clean and tidy. They state that there is no reason to close the accessway.

If the WAPC rejects the proposal, it is not possible for the City to close the accessway as the land is in the ownership of the State of Western Australia. The agency controlling state owned land is the Department for Planning and Infrastructure who will not act without WAPC consent.



Should Council decide to approve the closure of the PAW the approval of the WAPC is required.

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

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

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

Signs were placed on site for the 35 day advertising period required by WAPC.

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

Nil.

**14.5 (MINUTE NO 2586) (OCM 19/10/2004) - SINGLE HOUSE CODES APPROVAL - BOUNDARY WALL - LOT 274; 27 DUNLAP AVENUE, SUCCESS - OWNER: D & D DONNELLY - APPLICANT: DALE ALCOCK HOMES PTY LTD (6001652) (MD) (ATTACH)**

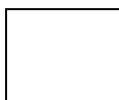
#### **RECOMMENDATION**

That Council:

- (1) grant approval to a Single (R-Code) House on Lot 274 (No. 27) Dunlap Avenue, Success subject to the following conditions:

#### **STANDARD CONDITIONS**

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse



compliance with all relevant written laws in the commencement and carrying out of the development.

3. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

#### SPECIAL CONDITIONS

5. The surface finish of the boundary wall abutting the adjoining lot to be constructed to the satisfaction of the Council.

#### FOOTNOTES

- (a) The development is to comply with the requirements of the Building Code of Australia.
  - (b) In regards to Condition 5, the surface finish of the boundary wall of the adjoining lot should be to the satisfaction of the adjoining landowner and to be completed as part of the building licence. In the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the Council.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant accordingly;
  - (3) advise the complainant of Council's decision.

#### **COUNCIL DECISION**

MOVED Cllr M Reeve-Fowkes SECONDED Cllr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

#### **Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Vacant	
LOT SIZE:	641 m <sup>2</sup>	

AREA OF House:	295 m <sup>2</sup>
USE CLASS:	Single (R-Code) House 'P' Permitted

### Submission

The applicant has provided the following reasons in support of the application for a Single House with a garage parapet wall forward of the 6m setback: -

- The garage has been setback 4.5 metres, which is consistent with the minimum setback for a garage that would be permitted with a 1.0m side boundary setback. The garage will not have any additional adverse impact in terms of height, bulk and scale and setback of a garage that would otherwise be permitted as of right;
- The positioning of the garage boundary wall contributes to the desired streetscape, provides adequate privacy and open space for the dwelling and does not obstruct views of dwellings from the street and vice versa.
- It is the landowner's intention to install permanent screening (fencing) along the boundary to screen the boundary wall.

A copy of the site plan is with the Agenda attachments.

### Report

One letter of 'Objection' was received from an adjoining resident in relation to the reduced setback to the garage boundary wall. As such, the application has been referred to Council for determination, as Council officers do not have delegated authority to deal with an application where an objection has been received.

### Residential Design Codes (the 'Codes')

In determining the application, the Council is to have regard to the performance criteria under Clause 3.3.2 P2 of the Codes, which states:

*"3.3.2 P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:*

- *Make effective use of space; or*
- *Enhance privacy; or*
- *Otherwise enhance the amenity of the development; and*
- *Not have any significant adverse effect on the amenity of the adjoining property; and*
- *Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted".*

It is considered that the proposed garage boundary wall will comply with the above performance criteria as the garage has been setback 4.5 metres, which is consistent with the minimum setback for a garage that would be permitted with a 1.0m side boundary setback. It is





considered that the garage boundary wall will not have any additional impact than if it were setback 1.0m from the side boundary. Further, the boundary wall will not obstruct views to the street from the neighbour's windows.

### Community Consultation

The applicant consulted with the adjoining landowner with respect to the boundary wall within the front setback prior to lodging the application. The adjoining landowner has objected to the proposal on the basis that if they were to set their dwelling back 6 metres from the front boundary then the garage boundary wall will be 1.5 metres forward of the master bedroom and this could spoil the views and the streetscape.

Since lodging the above objection, the neighbour has submitted a building licence application for a house, which is setback 5.02 metres from the front boundary. It is considered that the positioning of the boundary wall will not have an impact on the views to the street from the objector's master bedroom as the boundary wall is only 520mm forward of the objector's future bedroom windows.

A plan showing the objectors proposed house plans alongside the applicant's proposed house plans is with the agenda attachments to demonstrate that the reduced setback to the boundary wall will not have a negative impact on views to/from the objector's master bedroom windows.

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

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

2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To conserve the character and historic value of the human and built environment."*

### **Budget/Financial Implications**

Any decision to refuse or approve (with conditions) is appealable where costs could be incurred by Council in defending an appeal.

### **Legal Implications**



Town Planning Scheme No. 3  
Residential Design Codes 2002 (clause 3.3.2)

**Community Consultation**

- The applicant has consulted with the adjoining landowner.
- One letter of objection was received.

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

Nil.

**14.6 (MINUTE NO 2587) (OCM 19/10/2004) - PROPOSED STRUCTURE PLAN - LOT 446 LYON ROAD, AUBIN GROVE - OWNER: PRIZELAND PTY LTD - APPLICANT: ROBERTS DAY (9645E) (JLU) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Structure Plan for Lot 446 Lyon Road, Aubin Grove subject to the applicant modifying the Structure Plan report and plan, to demonstrate how an R30 density will be achieved;
- (2) provide the applicant with the Water Corporation submission and further advise that nutrient management will be required as part of the subdivision drainage network;
- (3) adopt the officer's comments made on the Schedule of Submissions as contained in the Agenda attachment; and
- (4) advise those persons who made a submission of Council's decision and forward a copy of the Structure Plan (revised) to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3.

**COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**



ZONING:	MRS:	Urban
	TPS:	Development Zone – DA11
LAND USE:	Currently semi rural	
LOT SIZE:	4.0469ha	

### Submission

The City received a Structure Plan on the 28 July 2004 for Lot 446 Lyon Road, Aubin Grove. A locality plan and the Structure Plan are shown in the agenda attachments.

The proposed Structure Plan area is likely to yield approximately 49 lots, with 32 of these at a density of R20 (500m<sup>2</sup> average) and 17 at a density of R30 (300m<sup>2</sup> average). The Structure Plan also proposes a public open space (POS) area of 4,096m<sup>2</sup>, complying with the 10% POS requirement.

### Report

The Plan was advertised from the 20 August 2004 to 10 September 2004. Five submissions were received during the public advertising period and three outside the period. There was only one objection to the proposed Structure Plan. The Schedule of Submissions is contained in the agenda attachments. All issues raised in the submissions have been dealt with in the Schedule of Submissions.

The Structure Plan is generally consistent with the Southern Suburbs District Structure Plan – Stage 2-Banjup, and only one objection was raised. The issues raised in the submissions can and have been addressed through minor modifications and as such the proposal is appropriate for the development of the site and it is recommended that the Council endorses the Structure Plan subject to minor modifications.

### Strategic Plan/Policy Implications

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

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



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

The Planning Policies which apply to this item are:-

SPD1	Bushland Conservation Policy
SPD3	Native Fauna Protection Policy
SPD4	'Liveable Neighbourhoods'
APD4	Public Open Space
APD31	Detailed Area Plans

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3

### **Community Consultation**

The Structure Plan was advertised for 21 days in accordance with Clause 6.2.8 of the City of Cockburn Town Planning Scheme No. 3. Nine adjoining/potentially affected landowners were notified of the proposal and the following government agencies:-

- Department for Education and Training;
- Alinta Gas;
- Water Corporation;
- Western Power;
- Department of Environment;
- Main Roads WA

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

Nil.

- 14.7 (MINUTE NO 2588) (OCM 19/10/2004) - PROPOSED STRUCTURE PLAN - LOT 21 AND PT LOT 261 HAMMOND ROAD, SUCCESS - OWNER: WRF MANAGEMENT PTY LTD AND DM & SF HAMMOND - APPLICANT: TAYLOR BURRELL BARNETT (9638E) (JLU) (ATTACH)**

### **RECOMMENDATION**

That Council:



- (1) receive the report;
- (2) advise the applicant that:-
  - 1. It is prepared to advertise the proposed Structure Plan in accordance with Clause 6.2.8 of Town Planning Scheme No. 3, subject to the plan being amended by deleting all of the Residential R40 lots located on the eastern side of the public open space edge road on both Lot 21 and Pt Lot 261, and replace this with open space consistent with the objective of bushland/wetland conservation, to the satisfaction of Council;
  - 2. Until the plan is modified the Council is of the opinion that the proposed Structure Plan is not consistent with orderly and proper planning as provided for under Clause 6.2.6.4 of Town Planning Scheme No. 3;
  - 3. Council would be prepared to increase the density of the Residential R20 coded lots proposed on the western side of the public open space edge road to R40 in order to maintain the same number of dwelling units that could be potentially generated by the subdivision calculated as a base coding of R20, on both Lot 21 and Pt Lot 261;
- (3) advertise the Structure Plan following receipt of the amended Structure Plan; and
- (4) advise the Department for Planning and Infrastructure and Department of Environment of the Council's decision.

**COUNCIL DECISION**  
 MOVED Clr M Reeve-Fowkes SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban
	TPS:	Development – DC 8 Development Contribution Area No. 2
LAND USE:	Residential	
LOT SIZE:	Total area of 3.5056ha	



Lot 21 and Pt Lot 261 Hammond Road, Success are zoned 'Development' under the City's Town Planning Scheme No. 3 requiring a 'Structure Plan' be prepared for the land prior to any subdivision or development being considered by Council.

As of 30 September 2003 Council Officers have been providing advice on the development of the lots and in particular requirements for the retention of locally significant vegetation on the site. This advice has included numerous written correspondence and site inspections with prospective developers (including WRF Management Pty Ltd), planning consultants (including Taylor Burrell Barnett) and owners of the land. It also included the provision of a Plan showing approximately 23% of the Lot 21 being required for POS.

On the 26<sup>th</sup> May 2004 the City received a proposed Structure Plan for Lot 21 and Pt Lot 261 Hammond Road, Success (see Agenda Attachments). This plan shows the majority of the site being developed for residential R40, with some residential R20 and 10% public open space (POS).

On the 28<sup>th</sup> June 2004 Council Officers wrote to the applicant advising that they did not support the proposed Structure Plan and requested a number of issues be addressed (see letter to Taylor Burrell Barnett contained in the Agenda Attachments).

On the 10 August 2004 Council Officers met with the applicant and the owner of Lot 21 Hammond Road to discuss the issues raised in the above letter. At this meeting further information was provided on the location of significant trees within Lot 21 and the lodgement of a revised Plan (see Agenda Attachments). This information led to a subsequent site inspection on the 12 August 2004 by Council Officers and the owner of Lot 21 to identify these trees. The revised Plan related to Lot 21 only and shows six lots abutting the POS and approximately 14.9% POS, with the remainder of the site being developed for residential R20.

On the 20 August 2004 Council Officers wrote to the applicant advising that they did not support the inclusion of lots abutting the POS as the remnant bushland and dampland are considered to be locally significant and worthy of retention (see letter to Taylor Burrell Barnett contained in the Agenda Attachments). To facilitate the requirement to provide additional POS Council Officers suggested that a density bonus of R40 be provided in the area to retain the same number of potential dwelling units generated from the development.

On the 30 August 2004 Council's Director of Planning met with the applicant and owner of Lot 21 to discuss the above letter. The Director of Planning, Acting Manager Planning and Council's Bushland Management Officer carried out a further site inspection on the 31 August 2004. A subsequent letter was sent to the applicant on the 2



September reiterating the advice provided on the 20 August 2004 (see letter to Taylor Burrell Barnett contained in the Agenda Attachments).

### Submission

On the 16 September 2004 the City received a further revised Structure Plan for Lots 21 and Pt Lot 261(see Agenda Attachments). This Plan shows the majority of the site as residential R20, eight residential R40 lots abutting the POS and 11.76% POS being provided. Approximately 14.9% of the total area of Lot 21 is shown as POS.

### Report

Clause 6.2.6.1 of Town Planning Scheme No. 3 outlines the requirements to be contained in a Structure Plan. Whilst the Structure Plan and Report largely fulfils the requirements of Clause 6.2.6.1 it does not meet Clause 6.2.6.4 which states:

*“6.2.6.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning”.*

The Plan does not meet this clause for the following reasons:

1. Public open space and retention of remnant vegetation – The proposed Plan shows 11.76% POS. The Southern Suburbs District Structure Plan – Stage 1 and Stage 2 identify the remnant bushland on site as being included in the POS. Council Officers have continuously advised since September 2003 that at least 20% of the site was covered by local bushland and that the City would require the retention of the older, larger tree specimens. Any removal of paperbarks must be offset by enhancement works. Any hard edges between the bushland and development and the batter to the road should not intrude into the POS. On the 11 November 2003 an alternative layout was provided to the applicant (see Agenda Attachments). The alternative layout intended to complement the City’s Policy APD20 – “Design Principles for Incorporating Natural Management Areas including Wetlands and Bushlands in Open Space and/or Drainage Areas”, and applied in order to retain some of the large flooded gums that are unique to the district and to reduce edge effects between the road and bushland.

Following the provision of information by the applicant on the existing vegetation on Lot 21 Hammond Road, subsequent site inspections and the laying of the applicants proposal over aerial photography, Council Officers concluded that approximately 25% of Lot 21 Hammond Road should be retained as POS because of the local significance of the vegetation and dampland. As outlined above a modified Plan was presented to the applicant for consideration.



The applicant argues that the setting aside of 25% of the site for POS without compensation is an onerous and unreasonable requirement.

WA Planning Commission DC Policy No. 2.3 – Public Open Space in Residential Areas specifies that 10% POS is to be provided in residential developments. One of the policy objectives however is “to protect and conserve the margins of wetlands, water-courses and the foreshores adjacent to residential development”. Whilst the City is requiring more than 10% POS be provided the provision of the extra land is to achieve the policy objectives of DC No. 2.3.

Council Officers requested that the Department for Environment – Water and Rivers Commission provide comment on the latest version of the Structure Plan. The following comments were received:

*“Department of Environment has made a secondary assessment of the proposal, at your request, and objects to the development due to the following reason:*

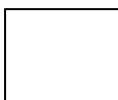
## 2. Vegetation Conservation

The vegetation on the site has been identified as Bassendean Complex Central and South. To encompass recognised levels of remnant native vegetation retention current DoE Guidance uses a standard level of native vegetation retention of at least 30% of the pre-clearing extent of the ecological communities. These levels have been most recently recognised in the National Objectives and Target for Biodiversity Conservation 2001-2005 (Commonwealth of Australia 2001a) which recognises that the retention of 30% or more, of the pre-clearing extent of each ecological community was necessary if Australia’s biological diversity was to be protected. This level of assessment is in keeping with targets set in the EPA’s Position Statement No. 2 Environmental Protection of Native Vegetation in Western Australia. Clearing of Native Vegetation, with particular reference to the agricultural area (EPA 200a)

*Bassendean Complex-Central South vegetation representation is currently at 27% which is below the 30% threshold with only 0.7% in secure tenure.*

*The Department of Environment would therefore object to the further clearing of this vegetation type and supports the retention of native vegetation within Public Open Space (POS).”*

The Department previously commented on the Structure Plan stating that it had no objections to the development subject to conditions being set. The Department recognised the Multi Use wetland on the site however did not consider this to be an





environmentally sensitive area but recognises that the stands of canopy species in the area may have particular values in a parkland setting.

It is also important to note that the POS located on Lot 21 and Pt Lot 261 Hammond Road will ultimately be consolidated with an overall area of POS within the adjoining Magnolia Gardens. The total area of POS that will eventually be provided is approximately 3.5ha.

3. Dampland – There is a Multiple Use Dampland affecting the lots. Water and Rivers Commission Position Statement; includes management objectives for Multiple Use wetlands which are “*Use, development and management should be considered in the context of ecologically sustainable development and best management practice catchment planning through landcare*”. The Structure Plan Report argues that given this category and a number of other factors that the setting aside of 23% of the site is onerous and unreasonable without compensation. The following points are made in regard to this argument:

- The Position Statement states that use, development and management should be considered in the context of ecologically sustainable development and best management practices, the Position Statement does not state that development can simply happen without taking the wetland into consideration. The proposed Structure Plan and Report do not adequately address the Position Statement;
- It is acknowledged that weed infestation has occurred in the dampland, however, the weeds can be controlled as has been done elsewhere which makes rehabilitation possible. Weed infestation is not an argument for not protecting the remnant bushland area;
- With respect to Magnolia Gardens almost all the remnant bushland which forms part of this wetland has been preserved, except a small portion which is required to be cleared to accommodate a roundabout. The Magnolia Gardens Structure Plan provides for slightly over 10% POS with a large proportion of this is located in the south-west corner abutting the proposed Structure Plan;
- There are many examples throughout the City where POS has been provided as buffers to wetlands. In assessing proposals affected by wetlands Council has taken the approach of identifying the wetland dependant vegetation and then determining a buffer from this vegetation regardless of the wetland category. This is the situation that has occurred on the same dampland to the south-east of the Lots 21 and 261. Pt Lot



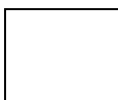
203 and Pt Lot 22 Baler Court was required to give up more than 15% of the site for POS as a result of remnant bushland. This Structure Plan also contained a 30m enhanced buffer from the wetland dependant vegetation which is not being contemplated in the proposed Plan.

Council sought further clarification from the Department of Environment – Wetlands Unit on the status of the Water and Rivers Commission Position Statement. The following advice was provided:

“The DoE has not decided that Resource Enhancement and Multiple Use wetlands do not need to be protected. The DoE supports Local Government efforts to protect all wetlands consistent with the management objectives detailed in the Position Statement.”

Given the significance of the remnant bushland, the dampland, Council’s practice in determining potential development on land affected by wetlands and the advice provided by the DoE, Council Officers have not been not willing to negotiate the reduction of the POS.

4. Disposal of stormwater – The proposed Structure Plan Report discusses the inclusion of a drainage swale within the POS to be located to minimise disturbance to the existing vegetation however this swale is not shown on the Plan. Council Officers have previously advised the applicant that it is not considered possible that a drainage swale could be located in the POS area without disturbing existing vegetation. This proposal is inconsistent with the objectives of Council Policy SPD 5 – Wetland Conservation Policy.
5. Inconsistency with Policy – The proposed Structure Plan is inconsistent with a number of Policies as outlined below:
  - **Council Policy APD 20 – Design Principles for Incorporating Natural Management Areas Including Wetlands and Bushlands in Open Space and/or Drainage Areas:** the purpose of this policy is to ensure that open space/drainage areas that are to include wetland and bushland Natural Management Areas are to be designed and developed in accordance with the principles which protect and enhance the areas environmental qualities and minimise Council’s ongoing management and maintenance requirements. The Policy goes on to further state *“to ensure that the integrity of the area is protected and disturbance is minimised, the limit of the Natural Management Area shall be determined at the earliest opportunity in consultation with Council and clearly marked on site prior to any works being undertaken and no works including earthworks, clearing or*



*pruning are to be undertaken in these areas without first obtaining Council approval."*

As outlined in the background section of this report Council Officers have advised the applicant and owner on numerous occasions of the location of "*Natural Management Area*". The applicant does not agree with Council Officer advice.

- **Council Policy SPD 1 – Bushland Conservation Policy:** the statement of position for this Policy is "*recognising the important environmental, social, cultural and educational values of bushland, Council will make every reasonable effort to ensure the conservation, protection and management of local bushland within the district.*" One of the strategies outlined in the Policy to achieve this statement is the consideration of development density trade offs to increase POS provision required for bushland conservation. This is being offered to the applicant with the removal of lots intruding into the bushland and a subsequent increase in residential density adjoining the POS to R40. The bushland on Lot 21 and Pt Lot 261 is specifically identified in the plan attached to this policy.
- **Council Policy SPD 5 – Wetland Conservation Policy:** the statement of position for this Policy is "*recognising the important environmental, social, cultural, educational and aesthetic values of the range of wetlands which exist within the district, Council will make every reasonable effort to ensure the conservation, protection and management of all wetlands within the municipality, with the exception of lakes protected under the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992.*" One of the objectives in the Policy to achieve this statement is requiring development adjacent to wetlands to be suitably set back from the wetland boundary to allow for wetland dependent vegetation and to maintain its environmental values and functions. A further objective states that drainage associated with the development should not impact on the integrity of the wetland and buffer vegetation is to be maintained. The proposed Structure Plan does not meet the objectives or the intent of this Policy as it proposes to allow development to encroach into the wetland vegetation. The drainage from the development is also proposed to be addressed through a drainage swale to be located within the POS which will require the further removal of vegetation.
- **Draft Statement of Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region (SPP 2.8):** In July 2004 the WAPC released SPP2.8 for public comment until the 12 November 2004. The Policy applies mainly to



vegetation identified in Bush Forever however it does also include locally significant bushland. The Policy contains three objectives, two of which are directly applicable to the preservation of vegetation contained on the subject land. These objectives are:

1. *To establish a conservation system that is, as far as achievable, comprehensive, adequate and representative of the ecological communities of the Swan Coastal Plain portion of the Perth Metropolitan Region (PMR);*
2. *To seek to protect and manage bushland within the PMR through a range of mechanisms based on site opportunities and constraints and as a collective and shared responsibility and general duty of care on the part of government, landowners and the community.*

Whilst the SPP recommends that areas of local bushland should be identified in a local bushland protection strategy, biodiversity strategy or similar, the SPP recognises that each proposal should be considered on its merits.

### Conclusion

There are inherent development impediments or constraints that affect the land. In this case the land is affected by a wetland with significant remnant vegetation. Any due diligence undertaken prior to purchase would have revealed this.

Since September 2003, before the transfer of the land from the previous owner to WRF Management Pty Ltd on 17 June 2004, the Council Officers had made the applicant aware of the likely planning requirements that would apply to Lots 21 and Pt Lot 261, Hammond Road. These circumstances have not changed.

Given the significance of the remnant bushland, the dampland, Council's practice in determining potential development on land affected by wetlands and the advice provided by the DoE, Council Officers have not been not willing to negotiate the reduction of the POS.

Therefore it is recommended that Council consent to advertising the proposed Structure Plan subject to the following modifications:

1. The eight lots shown as residential R40 on the eastern side of the proposed being deleted and the area being shown as public open space;
2. In recognition of these eight lots being removed the proposed lots proposed on the western side of the road be increased in density from residential R20 to residential R40 as shown in the plan in the Agenda Attachments; and



3. There being no drainage swale/s within the public open space that require the clearing any existing vegetation.

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

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

1. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  
2. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Council Policies which apply to this item are:-

SPD1	BUSHLAND CONSERVATION POLICY
SPD4	'LIVEABLE NEIGHBOURHOODS'
SPD5	WETLAND CONSERVATION POLICY
APD4	PUBLIC OPEN SPACE
APD20	DESIGN PRINCIPLES FOR INCORPORATING NATURAL MANAGEMENT AREAS INCLUDING WETLANDS AND BUSHLANDS IN OPEN SPACE AND / OR DRAINAGE AREAS
APD26	CONTROL MEASURES FOR PROTECTING WATER RESOURCES IN RECEIVING ENVIRONMENTS
APD28	PUBLIC OPEN SPACE CREDIT CALCULATIONS
APD30	ROAD RESERVE AND PAVEMENT STANDARDS

### **Budget/Financial Implications**

If the applicant does decide to appeal Council's decision there will be legal costs involved in defending the matter at the Town Planning Appeals Tribunal.

### **Legal Implications**

Clause 6.2.16.1 of Town Planning Scheme No. 3 provides for the applicant to appeal under Part V of the Town Planning Act when a Local Government fails to advertise a proposed Structure Plan within



60 days of receiving a proposed Structure Plan that complies with clause 6.2.6.

**Community Consultation**

N/A

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

Nil.

**14.8 (MINUTE NO 2589) (OCM 19/10/2004) - PROPOSED CONCRETE PRODUCTS FACTORY AND ASSOCIATED OFFICE (6000721) (MR) (ATTACH)**

**RECOMMENDATION**

That Council issue a Notice of Refusal for the proposed Concrete Products Factory and Associated Office on Lot 210 (No 96) Cutler Road, Jandakot for the following reasons:

- (1) the proposed development is defined as General (Licensed) Industry being Category No 77 under the Environmental Protection Regulations 1987, which is not permitted in the Light and Service Industry Precinct on the Structure Plan, adopted by Council pursuant to the City of Cockburn Town Planning Scheme No 3; and
- (2) the proposed development should be considered in the Industry Zone of Town Planning Scheme No 3 where the Council could approve the proposed development subject to compliance with the standard Scheme requirements.

**COUNCIL DECISION**

MOVED C/r M Reeve-Fowkes SECONDED C/r I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

This application was deferred at the September Council Meeting.

ZONING:	MRS:	Industry
	TPS3:	Development Zone (DA20)
LAND USE:	Vacant Lot	



APPLICANT:	Koltasz Smith & Partners
OWNER:	Navarac Pty Ltd
LOT SIZE:	6,585m <sup>2</sup>
USE CLASS:	General (Licensed) Industry "X" Not Permitted

The subject land was subdivided into industrial lots 2 years ago. Council adopted a Structure Plan on 17 June 2003.

The Structure Plan was prepared by Koltasz Smith on behalf of landowners within the Solomon/Cutler Road Development Area (DA 20), in order to provide a framework for the future development of Mixed Business, Light Industrial and Service Industrial uses in the area (See Agenda attachments for proposal location details).

The submitted Structure Plan was prepared for Solomon Road Development Zone (DA20) Jandakot. The Structure Plan provides for an extension of North Lake Road (Verde Drive) through the site joining with Armadale Road in accordance with approved MRS Amendments No.1038/33 – Thomsons Lake Regional Centre.

The Plan area covers approximately 63ha and includes 13 lots or portions of lots, some of which have been partially or fully developed. Existing residential areas are located south of Armadale Road in Atwell. Perth Urban Rail Development proposes a major transfer station to be constructed to service the Thomsons Lake area immediately north of Armadale Road and adjacent to the structure plan land. Industrial subdivision is presently being undertaken to the east of Solomon Road abutting the northern boundary of the eastern portion of the Structure Plan area.

The Structure Plan was adopted by Council at its Ordinary Meeting on 17 June 2004 and included the development of Mixed Business, Light Industrial and Service Industrial uses. As part of the Mixed Business uses, the allocation of precincts has been used to guide the development based on the property location within the Structure Plan area and the role they can be expected to play from a land use/service viewpoint. It also proposes a Regional Sportsground and a Public Open Space (also for drainage purposes) at the north-western portion of the Plan area, which are currently under review.

### **Submission**

The applicant seeks the Council's consent to develop a concrete product premises for Twinside on Lot 210. The applicant's submission indicates that the site was chosen to reflect the needs of Twinside, recognising its location advantages and being serviced by major transport networks such as the Kwinana Freeway, Armadale Road and the proposed North Lake Road extension.



The current operation of Twinside is based in Bassendean, which must be vacated. The proposed development includes the construction of a 1,500sqm factory and 192sqm office at the Cutler Road lot frontage. The proposal has been summarised as follows:-

- The current workforce is 13 people and could be increased to 15 people at the new premises;
- Hours of operation are 7am to 5pm Monday to Friday (Public Holidays excluded) and 8am to 12pm on Saturdays;
- Machinery such as the concrete mixer and associated bobcat and loader do not operate generally until 8:30am and finishes operations at 2pm as product moulds are poured at that time;
- Most of the finished product will be stored in the factory building;
- The finished product will be stored in the building to cure and then loaded onto trucks for delivery. Other products will be stored in external areas no greater than 1.8m in height;
- Waste materials such as water, concrete and sand are removed off-site directly by a tanker and truck to an approved tip;
- The proposed building will be of a contemporary design and constructed concrete tilt up panel building. The building will be in keeping with other buildings nearby;
- 68 parking bays are provided as opposed to only 34 bays required;
- The processes carried out by Twinside development will not cause any injury or adversely affect the amenity of the locality and will therefore comply with the light industrial Scheme definition.
- The Twinside facility currently operates in Bassendean Light Industrial Area within an inadequately sized building and yards that have not created a nuisance in 23 years of operation to adjoining industrial development or nearby residential properties;
- The use is currently licensed by the Environmental Protection Authority and Twinside has no knowledge of any noise or dust complaint having been made against them.
- Herring Storer Acoustics have prepared an acoustic report which states that the predicted noise emission levels at noise sensitive premises are within the criteria in the EP Noise Regulations 1997.

The applicant has requested that this application be referred to Council for determination despite that such an application would normally be dealt with under delegated authority of Council.





## Report

The land is within the Development Zone under Town Planning Scheme No 3 and is zoned Industry in the Metropolitan Region Scheme. TPS3 classification of Development Area 20 provides the following requirements applying to the land:-

*“1. Structure Plan adopted to guide subdivision, land use and development.*

*2. To provide for light and service industrial and mixed use development, to complement the Thomsons Lake Regional Centre.*

*3. Land uses classified on the structure plan apply in accordance with clause 6.2.13.*

The Structure Plan adopted by Council on 17 June 2003 includes the subject land within the Light and Service Industry Precinct. Clause 6.2.6.3 of the Scheme enables a Structure Plan to impose a classification on the land included in it by reference to reserves, zones when recommending or approving development of land within a Development Area.

The applicant contends that the use is consistent with the light industrial definition of TPS3 because all impacts are contained on-site. Light Industry means an industry –

*“(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause an injury to or adversely affect the amenity of the locality;*

*(b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services.”*

Twinside is currently operating in Bassendean and is a registered premises with the Department of Environment (Registration Category 77) as follows:-

*“77. Concrete batching or cement products manufacturing: premises on which cement products or concrete are manufactured for use at places or premises other than those premises. – Production design capacity 100 tonnes or more per year.”*

*General Industry (Licensed) means an industry which is a category of prescribed premises set out in Schedule 1 of the Environmental Protection Regulations, notwithstanding the production or design capacity for each category of prescribed premises specified in the Schedule, but where a prescribed premises is also included in*



*Schedule 2 of the Health Act, the Health Act prevails, for the purpose of the Scheme.”*

Regardless of the production design capacity the proposed Twinside development is defined as General Industry (Licensed) as this is a specific use mentioned in the Zoning Table and it is deemed to be excluded from the general terms used to describe the light industrial use, pursuant to clause 4.4.1 of TPS3. Accordingly the proposed development is not permitted in the Light and Service Industry Precinct depict on the adopted Structure Plan.

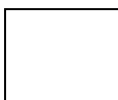
The Twinside operation also involves the processing of raw materials such as sand and blue metal and cement that is inserted into a concrete mixer via a loader operation. The proposed development requires the construction of a large factory building of 1,500sqm and associated office building. The scale of the operation and industrial processes involved could have off-site impacts associated with noise, dust and visual impacts on existing and future residents that will occupy adjacent land.

There is a foam factory within the same subdivision as the proposal that is also a Prescribed Premises, but this development was approved on 2 October 2002 at the same time lots were created as part of the industrial subdivision. The foam development was approved on the basis of the Industrial zoning in the MRS and was prior to the Council adoption of the Structure Plan on 17 June 2003, which included the land in the Light and Service Industry Precinct. The foam factory approval is not a sufficient reason for similar prescribed premises to be established in this light and service industrial estate.

Prior to preparing this report Council Officers met with the applicant and operator at their Bassendean premises to view their current operations, which has provided a better insight into the intended operations at Jandakot. The potential off-site impacts are such that they could probably be managed on-site by simply enclosing the rear processing area, but the use designation in TPS3 is a major impediment to granting an approval.

Despite that the proposal complies with the Scheme standards (e.g. car parking etc.) while the Twinside operation is specifically defined as a General Industry (Licensed) use it must be treated as a use that is not permitted under the Scheme. Accordingly, the application must be refused. Approval of the proposed development could also set a precedent for other similar Prescribed Premises to be approved in other Light and Service Industrial Zones in the district that could lead to future land use conflicts with adjacent residential land uses.

If Council refuses the proposed development the applicant has the right of appeal under Part V of the TYPED Act. The Council could contest



an appeal if lodged given that the use is not permitted and could argue that it had no discretion to approve the proposed development.

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

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

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

### **Budget/Financial Implications**

Council's decision is appealable. Legal representation will be required if an appeal is lodged with the Tribunal.

### **Legal Implications**

Town Planning Scheme No 3  
Structure Plan (DA20)

### **Community Consultation**

The proposal was not advertised because it involved a use that was not permitted.

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

Nil.

- 14.9 (MINUTE NO 2590) (OCM 19/10/2004) - EXTRACTIVE INDUSTRY - CONTINUATION OF SAND EXTRACTION - LOT 130; 367 JANDAKOT ROAD, BANJUP - OWNER: VINCENT NOMINEES PTY LTD - APPLICANT: BUSHBEACH HOLDINGS PTY LTD T/A NLG SAND SUPPLIES (5513178) (MD) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) grant approval to an Extractive Industry (sand) on Lot 130 (No. 367) Jandakot Road, Banjup, for a period of five (5) years only, subject to the following conditions:

#### **STANDARD CONDITIONS**

1. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the

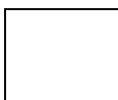


commencement and carrying out of development.

2. Development may be carried out only in accordance with the commitments and plans contained within the report entitled 'Excavation and Environmental Management Plan' dated 17 November 2003, unless superseded by conditions of this approval or subsequent plan required by this approval.
3. The premises shall be kept in a neat and tidy condition at all times by the occupier to the satisfaction of Council.
4. All stormwater being contained and disposed of on-site to the satisfaction of Council.
5. Excavation works being restricted to between the hours of 7am to 5pm Monday to Saturday and not at all on Sunday or Public Holidays.

SPECIAL CONDITIONS

6. This approval remains valid for a period of five (5) years only. If development is not completed within this time the approval shall lapse. Where an approval has lapsed, no development shall be carried out without the further approval of Council having been first sought and obtained.
7. The minimum excavation level being not less than 30 metres ADH.
8. The rehabilitation bond or bank guarantee in the sum of \$40,000 to secure the rehabilitation of previous and the proposed excavation, including areas previously rehabilitated requiring remedial works, to the satisfaction of the Council.
9. No stockpiling of materials other than materials associated with sand excavation or rehabilitation occurring on site.
10. Applicant to lodge with Council a detailed and comprehensive annual report on site performance in respect to conditions attached to the operation of site by 1 December annually to the satisfaction of Council. (Refer to Footnote 14)
11. The proponent watering all new planting for at least one summer after planting to the satisfaction of the Council.



12. Internal access road to be maintained by the proponent to the satisfaction of Council.
13. All chemical and fuel storage drums shall be kept within a compound, designed to contain leaks or spills, and to prevent contamination of soil or groundwater.
14. A Landscape buffer abutting the site boundaries shall be provided and maintained to the following extent to the satisfaction of Council:
  - a) A 40 metre buffer to the boundaries abutting Jandakot and Fraser Road. Additional planting shall occur within this buffer prior to the 1 July 2005 to the satisfaction of Council.
  - b) A 20 metre buffer to the north-eastern boundary abutting land reserved for Parks and Recreation. Additional planting shall occur within this buffer prior to the 1 July 2005 to the satisfaction of Council to replace vegetation cleared or damaged within the buffer.
  - c) A 20 metre buffer to the south-eastern boundary. The 20 metre buffer shall be designed, planted prior to the 1 July 2005.
15. A Landscape Management Plan being prepared and implemented along the south-eastern boundary prior to the 31 January 2005, detailing the design, density of plantings and maintenance of the buffer to the satisfaction of Council.
16. All practicable measures being undertaken to stabilise the hill slope on the eastern face of the excavation to prevent sand drift prior to the 31 January 2004, to the satisfaction of the Council.

#### AIR QUALITY

17. Measures being undertaken to prevent visible dust emissions passing outside the boundary of Lot 130.
18. The main access road from Jandakot Road to Lot 130 being watered down and stabilised so as not to produce dust emissions.

#### WATER QUALITY

19. Environmentally hazardous chemicals including but not limited to, fuel, oil, or other hydrocarbons do not contaminate soil or water resources; and where the total



volume of a substance stored on the premises exceeds 250 litres, that substance shall be stored within a low permeability compound(s) designed to contain not less than 110% of the volume of the largest storage vessel or interconnected system, and at least 25% of the total volume of all substances stored in the compound. Collected matter shall be disposed of by export off-site to an approved disposal facility, or an alternative method approved by the Council.

20. A register being kept of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Council.
21. No chemicals or potential liquid contaminants are to be disposed of on-site.

#### WASTE DISPOSAL

22. No burning of stockpiled vegetation or any other material to occur on site at any time.
23. All wastes are to be disposed of at a suitably licensed waste disposal facility or recycled.

#### HABITAT PROTECTION

24. A native vegetated buffer zone being maintained as shown on the plan entitled 'Staging of Excavation and Rehabilitation' dated 2003 to the satisfaction of Council. No vegetation is to be disturbed or damaged within the native vegetated buffer zone.

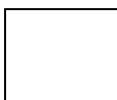
#### FOOTNOTES

Further advice will be provided to the applicant.

#### **COUNCIL DECISION**

MOVED Clr A Tilbury SECONDED Clr I Whitfield that the recommendation be adopted subject to amending Clause (1) to read as follows:

- (1) grant approval to an Extractive Industry (sand) on Lot 130 (No.367) Jandakot Road, Banjup, for a period of two(2) years only, subject to the following conditions.



**CARRIED 8/0****Explanation**

The applicant had not complied with conditions that were imposed on the previous approval. Therefore, any renewal of the approval should be limited to two years to ensure that the quarry operator complies with both the previous and current conditions within a reasonable time. The reduced approval period will enable the Council to review the performance of the operator prior to granting any further extensions.

**Background**

ZONING:	MRS:	Rural – Water Protection
	TPS3:	Resource
LAND USE:	Sand Excavation	
LOT SIZE:	41.27 ha	
AREA:	41 ha	
USE CLASS:	Extractive Industry 'AA' Discretionary Use	

Council at its Meeting held 16 March 2004 resolved the following in respect to the application dated 23 December 2003 for renewal of an extractive industry on the subject lot:

- “(1) *advise the applicant that as previous conditions number 8, 11, 15 of the planning approval issued on 23 November 1998 have not been complied with the Council is not prepared to grant a renewal of approval to an extractive industry (sand) on Lot 130; 367 Jandakot Road, Banjup; and*
- (2) *reconsider the renewal of the application following a response from the applicant in relation to the Council’s decision or the applicant demonstrating that the owner of the land has complied with the outstanding conditions of approval referred in (1) above”.*

The applicant has subsequently written to the Council and has provided written commitments in response to Council’s decision. The commitments are discussed in the report below.

**Submission**

The applicant is seeking renewal of approval for an Extractive Industry (sand) for a further 10 year period.

A copy of the development plan and summary of the proposal are with the attachments.



## Report

### Statement of Planning Policy No. 2.3 – Jandakot Groundwater Protection Policy (SPP No. 2.3)

The application has been referred to the Department of Environment in accordance with the requirements of SPP No. 2.3. The Department has no objections to approval of the proposed application subject to the following comments summarised below:

- Activities such as sand extraction, access roads, buildings etc, shall be located outside the 50m buffer of the Resource Enhancement wetland.
- There shall be a 2m undisturbed profile between the likely maximum water table and the proposed surface level at all times.
- Rehabilitation (including screening, parkland and vegetated areas) shall use local endemic flora species (representative of the area). Cluster plantings of trees, shrubs and groundcovers within pasture areas is encouraged for the protection and maintenance of the water quality for the Jandakot Mound.

A copy of the Department's comments is in the attachments.

### Statement of Planning Policy No. 2.4 - Basic Raw Materials (SPP No. 2.4)

The subject land is identified within Statement of Planning Policy No. 2.4 – Basic Raw Materials as a priority resource area for sand extraction. The policy states that priority resource locations are of regional significance, which should be recognised for future resource extraction and not be constrained by incompatible uses or development.

### Compliance with Conditions

Of the 17 conditions of approval the applicant has failed to comply with the following conditions relating to:-

5. Annual Excavation Report being submitted.
8. No disturbance of the retained vegetation.
11. No stockpiling of rubble. Existing to be removed.
15. Maintenance of vegetation buffers to boundary.

The proponent has subsequently submitted written commitments to address the outstanding conditions. Refer ' Commitments' section of the report below.

### Rehabilitation Bond





Council, as a condition of its approval dated 23 November 1998 required a bond of \$74,000 to be lodged with the City for the purposes of rehabilitation of the land. The condition was the subject of an appeal in which the appeal was upheld and the bond amount was reduced to \$20,000. The decision was made on the basis that the original figure of \$74,000 was required to rehabilitate the whole site, including areas that had previously been rehabilitated.

It is recommended that the bond amount be increased to \$40,000. While this is not the original amount approved, the doubling of the bond/bank guarantee will compel the applicant to fulfil the rehabilitation requirements of this approval and to comply with the additional rehabilitation commitments.

### Community Consultation

In accordance with Clause 9.4 of the Scheme, the application was advertised to nearby owners that were likely to be affected by the proposal. At the conclusion of the advertising period, 9 letters of objection and 3 letters of no objection were received.

The main issues raised in the submissions are outlined below:

- Generation of dust;
- Generation of noise;
- Extractive industry should be closed and the land subdivided into rural living lots;
- Objection to the extractive industry being approved for a 10 year period.

These concerns can be addressed by way of conditions of approval.

A copy of the Schedule of Submissions and officer's comments are in the attachments.

### Proponent's Commitments

Refer written commitments with the Agenda attachments.

A summary of the proponent's commitments are as follows:-

- The proponent has undertaken to plant approximately 2000 tube plants in previously excavated areas
- The proponent has undertaken to plant approximately 50 tube plants in the buffer to Jandakot Botanical Park.
- The proponent has undertaken to plant approximately 200 trees in the buffer to Jandakot Road.

It is considered that the above commitments are sufficient to consider renewing the extractive industry approval for the subject land.



### Conclusion

It is recommended that the application for renewal be approved for a period 5 years.

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

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

2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

### **Budget/Financial Implications**

The applicant has the right of appeal to the Tribunal where legal costs associated with defending a case would be incurred by Council.

### **Legal Implications**

Town Planning Scheme No. 3  
WAPC Statement of Planning Policy No. 6 – Jandakot Groundwater Protection Policy.

### **Community Consultation**

The application was referred to surrounding landowners for comment, in accordance with Council policy.

9 letters of objection and 3 letters of no objection were received.

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

Nil.

**14.10 (MINUTE NO 2591) (OCM 19/10/2004) - PROPOSED DRAFT COOGEE BEACH STRUCTURE PLAN - COOGEE BEACH FROM PORT COOGEE TO POORE GROVE (9668) (JW) (ATTACH)**



**RECOMMENDATION**

That Council:

- (1) receive the report and the Public Submissions;
- (2) adopt the officer comments on the Schedule of Submissions;
- (3) adopt the proposed Draft Coogee Beach Structure Plan dated April 2004 subject to the following:
  1. Modify the plan to indicate the deletion of the proposed dual use path along the western side of the Coogee Beach Caravan Park;
  2. Modify the plan to indicate that the redevelopment of the existing Coogee Beach shop is currently under review;
  3. Further study being undertaken to determine the need for the tennis courts and if so their most appropriate location;
  4. The Structure Plan report being amended to reflect the above requirements.
- (4) support the proposed location of Coogee Beach Surf Life Saving Club (SLSC) at Poore Grove in accordance with the Draft Coogee Beach Structure Plan;
- (5) write to the Department for Planning & Infrastructure (DPI), Department of Conservation and Land Management (CALM), Bush Forever Office and Department of Environmental Protection (DoE), advising the Council's decision;
- (6) forward a copy of the Draft Coogee Beach Structure Plan, together with the Agenda report, Public Submissions and Schedule of Submissions to the Western Australian Planning Commission (WAPC) for endorsement;
- (7) advise those persons and government agencies who made a submission of Council's decision.

**COUNCIL DECISION**

MOVED Cllr M Reeve-Fowkes SECONDED Cllr I Whitfield that Council:

- (1) receive the report and the Public Submissions;
- (2) adopt the officer comments on the Schedule of Submissions;



- (3) adopt the proposed Draft Coogee Beach Structure Plan dated April 2004, subject to the following:
1. Modify the plan to indicate the deletion of the proposed dual use path along the western side of the Coogee Beach Caravan Park.
  2. Modify the plan to indicate that the redevelopment of the existing Coogee Beach shop is under review.
  3. Modify the plan to indicate that the alignment of Cockburn Road along the Railway Reserve, should only be located west of the existing reserve in order to avoid the Heritage Sites of the Coogee Hotel, Post Office and the Lime Kiln works site north of Amity Boulevard and the road return to the gazetted Road Reserve alignment south of the Kilns.
  4. Further study being undertaken to determine the need for the tennis courts and if so, their most appropriate location.
  5. The Structure Plan report being amended to reflect the above requirements.
- (4) support the proposed location of Coogee Beach Surf Life Saving Club (SLSC) at Poore Grove in accordance with the Draft Coogee Beach Structure Plan;
- (5) write to the Department for Planning & Infrastructure (DPI), Department of Conservation and Land Management (CALM), Bush Forever Office and Department of Environmental Protection (DoE), advising the Council's decision;
- (6) forward a copy of the Draft Coogee Beach Structure Plan, together with the Agenda report, Public Submissions and Schedule of Submissions to the Western Australian Planning Commission (WAPC) for endorsement;
- (7) advise those persons and government agencies who made a submission of Council's decision.

**CARRIED 8/0**

### **Explanation**

Whilst Council should support the realignment of a duplicated Cockburn Road around the Heritage Sites and acknowledging the impinging of the second carriageway into the railway reserve, it should not be



Council's intention that the duplicated carriageway continue southward within the rail reserve, but should resume its original planned route within the road reserve south of the Lime Kilns and Amity Boulevard junction and as much of the former rail reserve as possible should remain as part of the Park and Reserve, and not be utilised as road reserve.

### **Background**

Council at its meeting held on 18 May 2004 resolved as follows:-

- “
- (1) *receive the Draft Coogee Beach Structure Plan and report;*
  - (2) *adopt the Draft Coogee Beach Structure Plan and Report for the purpose of public consultation; and*
  - (3) *advertise the Draft Coogee Beach Structure Plan in accordance with the provisions of Clause 6.2 of Town Planning Scheme No.3.”*

### **Submission**

The draft Coogee Beach Structure Plan was advertised from 22 June 2004 to 23 August 2004 in accordance with the provision of Clause 6.2 of Town Planning Scheme No.3. The proposal for the Coogee Beach Surf Life Saving Club was advertised concurrently with the Structure Plan.

At the conclusion of the public comment period, a final valid total of 440 submissions were received. In summary the submission outcome is:

Support	270	61.4%
Object	151	34.3%
Government Comments	8	1.8%
Council internal Comments	1	0.2%
Comments & Undecided	<u>10</u>	<u>2.3%</u>
Total	440	100.0%

A number of issues were raised from the public submission and the government agencies. These have been identified and responded to in the report *Public Submissions* attached to the Agenda.

### **Report**

Details relating to the public submissions and agency submissions are contained in the Schedule of Submissions. (Available to Councillors on request)

The location of Coogee Beach Surf Life Saving Club (SLSC) is one of the primary concerns from the public and DPI and CALM. However, a



comprehensive location assessment previously undertaken by the city concludes that Poore Grove is the preferred site for the club.

Should the Council resolve to proceed with the location of the SLSC at Poore Grove, negotiation with DPI, CALM, Bush Forever and other relevant agencies will be required to resolve outstanding issues.

It is recommended that Council adopt the Draft Coogee Beach Structure Plan with modifications detailed above.

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

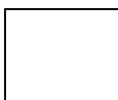
The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - *"To conserve the character and historic value of the human and built environment."*
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
  - *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*

The Planning Policies which apply to this item are:-

SPD1	Bushland Conservation Policy
SPD3	Native Fauna Protection Policy
APD30	Road Reserve And Pavement Standards

### **Budget/Financial Implications**



N/A

### **Legal Implications**

N/A

### **Community Consultation**

Advertising for public comments from 22 June 2004 to 23 August 2004 in local papers and Cockburn Sounding. Displays were erected in local libraries and Council's Administration office as well as Council's web site. The adjoining owners and relevant authorities were sent letters advising the proposal.

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

Nil.

**14.11 (MINUTE NO 2592) (OCM 19/10/2004) - FINAL ADOPTION OF THE FRANKLAND LOCAL STRUCTURE PLAN - LOT 202 RUSSELL ROAD, HAMMOND PARK - OWNER: AUSTRALAND HOLDINGS PTY LTD - APPLICANT: TAYLOR BURRELL BARNETT (9643A) (CP) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) grant final adoption to the Frankland Local Structure Plan for Lot 202 Russell Road, Hammond Park pursuant to Clause 6.2.9.1 (a) of the City of Cockburn Town Planning Scheme No.3;
- (2) refer the Frankland Local Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of the City of Cockburn Town Planning Scheme No.3; and
- (3) inform the applicant of the Council's decision.

#### **COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr A Edwards that the recommendation be adopted.

**CARRIED 8/0**



## Background

The Council and the Western Australian Planning Commission (i.e. “the Commission”) have considered the Frankland Local Structure Plan on previous occasions, as follows:

- 20 February 2001 (Item 14.12) – Council adopted the Frankland Local Structure Plan, for a portion of Lot 202 Russell Road (Stage 1) subject to modifications.
- 22 May 2001 – the Commission resolved to endorse the Stage 1 Local Structure Plan for Frankland Springs subject to modifications.
- 16 July 2002 (Item 14.11) – Council resolved to adopt the Frankland Local Structure Plan covering the remaining undeveloped portion of Lot 202 Russell Road, subject to modifications.
- 5 November 2002 – the WAPC advised it is prepared to endorse the Frankland Local Structure Plan, subject to modifications.

The land has been the subject of seven subdivision approvals to date, with clearances being issued on a staged basis.

It is worthy to note that due to the final alignment of Russell Road being undetermined at the time of preparation of the Local Structure Plan (LSP) two concept plans were incorporated into the LSP document providing for both possible Russell Road alignment scenarios.

Although the City’s Planning Department and the Engineering Department preference is to realign Russell Road to the existing MRS “Other Regional Roads” alignment (Figures 11 in the LSP), Australand prefers to relocate the MRS alignment to the north as shown in Figure 9 of the LSP. As yet, no decision has been made by the Commission, in respect to the preferred alignment of this section off Russell Road.

## Submission

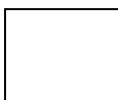
Due to minor variations incorporated in the subdivision approvals, and the modifications required by Council and the Commission in previous adoptions/endorsements of the LSP, it is appropriate for the Council to issue final adoption for the structure plan prior to referral back to the Commission for final endorsement.

## Report

The Frankland Local Structure Plan has been amended as follows:

### Public Open Space:

Four areas of Public Open Space (“POS”) have been provided throughout the estate, with the north-eastern and south-western reserves (POS Areas 1 and 4) being based upon the preservation of





remnant vegetation and damplands. POS Area 3, in the north-western corner of the estate has been reduced in size and integrates a drainage function.

The POS schedule contained in the LSP has been updated to reflect the actual extent of POS provided to date relative to the POS proposed to be provided in the final stages.

Overall, the developer has provided the required 10% contribution for POS, while maintaining wetland credits below 20% of the overall contribution as per Council Policy.

#### R-40 Lots:

Two R-40 sites are shown on the southern fringe of the Neighbourhood Centre on previous versions of the Local Structure Plan. The Council resolved at it's Ordinary meeting on 17 August 2004 (Item 14.15) to adopt a Centre Plan for the neighbourhood centre, but excluded the two R-40 pockets referred to above. These are now shown as Residential R-40 on the final LSP contained in the agenda attachments. The exclusion of this land from the neighbourhood centre has been taken into account in assessing the POS calculations.

#### R25 Lots:

Figure 11 (version 2) of the LSP has been updated to show a row of R-25 lots opposite the northern boundary of POS Area 4, to make the two versions (i.e. Figures 9 & 11) of the concept plans consistent.

#### Lot Configuration Changes:

Minor variations to the configuration of some lots have occurred as part of the subdivision process, which necessitate changes to the LSP. Specifically, the configuration of lots within the block to the west of POS Area 2 has changed. In addition, lot orientation has changed for some lots to the north and south-east of POS Area 4. There are no planning consequences for these changes, which can be supported.

#### Other Amendments:

Amendments have been made to the text of the LSP document to reflect the above changes and to update information regarding drainage; the POS schedule and the like.

The extent of changes to the structure plan have not been so significant to warrant readvertising pursuant to Clause 6.2.9.3 of Town planning Scheme No.3.

It is recommended that Council adopt the Frankland Local Structure Plan.



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

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

1. Managing Your City
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

The Planning Policies which apply to this item are:-

SPD4	'Liveable Neighbourhoods'
SPD5	Wetland Conservation Policy
APD4	Public Open Space
APD28	Public Open Space Credit Calculations
APD30	Road Reserve and Pavement Standards
APD31	Detailed Area Plans

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

The Frankland Local Structure Plan was advertised for public comment in June 2002. The modifications to the structure plan since then are of a minor nature only and are not considered to adversely affect any party. Further public advertising is not considered necessary in the circumstances.

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

Nil.



**14.12 (MINUTE NO 2593) (OCM 19/10/2004) - COOLBELLUP PRIMARY SCHOOL - LEN PACKHAM RESERVE, COOLBELLUP - VESTED IN THE CITY OF COCKBURN (9624) (JLU/MR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) advise the Department of Education and Training that:
  1. it supports the development of the new Coolbellup Primary School Site which includes a battleaxe leg providing access to the school site on the Len Packham Reserve as shown on the Plan attached to the Agenda.
  2. An area of 1486m<sup>2</sup> is to be compensated on one or a combination of the existing school sites in addition to the previously agreed public open space provisions. The location of this public open space is to be determined at the time of Structure Plans being prepared for the redevelopment of the school sites.
- (3) it is expected that the Department of Education and Training will provide at its cost the following infrastructure as part of the development of the new school on part of Len Packham Reserve:
  1. All costs associated with the preparation of the site including removal of all existing infrastructure.
  2. Three multi use hard courts with lighting and fencing.
  3. Approximately 90 car-parking bays, which will also be available to the community out of school hours.
  3. Contribute the balance of funds for the replacement of the club change rooms on the reserve with the total figure being dependant on the level of grants from other sources.
- (4) write to the Department for Planning and Infrastructure – Land Assets Management Services requesting that they continue to consider the proposal currently with the Department for the excision of the 2ha from Len Packham Reserve for the proposed primary school site and advise the Department that the inclusion of a further 1486m<sup>2</sup> into the school site is required;
- (5) advise the Minister for Education of the Council's decision on this matter.





**COUNCIL DECISION**

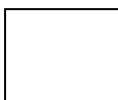
MOVED Cllr V Oliver SECONDED Cllr A Tilbury that Council:

- (1) receive the report;
- (2) advise the Department of Education and Training that:
  1. Council supports the development of a new Primary School but requests that further investigations are made to identify an alternative school site in Coolbellup such as retaining the Koorilla Primary School instead of siting the school at the Len Packham Reserve, as the students from all three schools will be attending Koorilla Primary in 2005.
  2. Council doesn't support the proposal to build a school access road from Waverley Road to Cordelia Avenue because it would:
    - (i) cause problems with people using it as a thoroughfare;
    - (ii) create traffic congestion in the library car park;
    - (iii) compromise the safety of children using the play area; and
    - (iv) impact upon the accessibility by the elderly to the shopping centre from surrounding hostel and units.
  3. The Len Packham reserve has insufficient area to accommodate car parking needed as the school will take up a large parking area at the back of the local halls and there will be unnecessary demolition and rebuilding of reasonably new roads.

**MOTION LOST 1/7**

MOVED Cllr S Limbert SECONDED Cllr I Whitfield that Council:

- (1) receive the report;
- (2) in the long term, also pursue the conversion of the laneway behind the shopping centre into a public road that could provide further access to the primary school site;
- (3) advise the Department of Education and Training that:
  1. It supports the development of the new Coolbellup Primary School site which includes a battleaxe leg



providing access to the school site on the Len Packham Reserve as shown on the Plan attached to the Agenda.

2. An area of 1486m<sup>2</sup> is to be compensated on one or a combination of the existing school sites in addition to the previously agreed public open space provisions. The location of this public open space is to be determined at the time of Structure Plans being prepared for the redevelopment of the school sites.
3. It is expected that the Department of Education and Training will provide, at its cost, the following as part of the development of the new school on part of Len Packham Reserve:
  - (i) All costs associated with the preparation of the site including the removal of all existing infrastructure.
  - (ii) Three multi use hard courts with lighting and fencing.
  - (iii) Approximately 90 car parking bays, which will also be available to the community out of school hours.
  - (iv) The balance of funds for the replacement of the club change rooms on the reserve with the total figure being dependent on the level of grants from other sources.
- (5) write to the Department for Planning and Infrastructure – Land Assets Management Services requesting that they continue to consider the proposal currently with the Department for the excision of the 2ha from Len Packham Reserve for the proposed primary school site and advise the Department that the inclusion of a further 1486m<sup>2</sup> into the school site is required; and
- (6) advise the Minister for Education of Council's decision on this matter.

**CARRIED 8/0**

### Explanation

Apart from one typing error, the minor changes reiterate some important issues contained in the Officer's Report.

### Background



The development of a new primary school on a portion of the Len Packham Reserve and the revitalisation of the shopping centre precinct has a long history. At its meeting in February 2004 Council resolved the following in relation to the new primary school:

- “(1) support the development of the new Coolbellup Primary School on the south western portion of Len Packham Reserve, subject to receiving written agreement from the Department for Education and Training on the following;*
- 1. An area of open space equivalent to that taken from Len Packham Reserve is to be provided within the existing school sites to ensure there is no net loss of open space in Coolbellup. This is separate and in addition to the open space requirement that will apply to the subdivision and development of the school sites.*
  - 2. To enter into an agreement for shared facilities which sets out the responsibilities of each party and use protocols which ensures the needs of both the Education Department and Council on behalf of current user groups are accommodated.*
  - 3. Existing Council infrastructure affected by the school site will be replaced in an agreed location on Len Packham Reserve at no cost to Council.”*

Council also resolved at this meeting to adopt Amendment No. 10 which saw the rezoning of portion of Len Packham Reserve and the town centre to ‘Development’ zone and on the 30 March 2004 the Minister for Planning and Infrastructure approved the amendment.

At the time of considering Amendment No. 10 Council also considered the outcomes of the Coolbellup Enquiry – by – Design and resolved to pursue Town Centre – Scenario 3 as the preferred option for the redevelopment of the town centre. Scenario 3 proposed the relocation of the Shopping Centre to the Koorilla School site and redevelopment of the existing shopping centre for residential. A copy of Scenario 3 is contained in the attachments.

Since the finalisation of Amendment No. 10 Council Officers have been negotiating with the Department of Education and Training on the proposed configuration of the new Coolbellup School on Len Packham Reserve.

### **Submission**

The Department of Education and Training (DET) have considered the locality of the proposed primary school on Len Packham Reserve and



advise that a portion of the property needs to have a road frontage. A plan has been prepared for the school site and has been submitted for consideration. This plan is contained in the agenda attachments. The new primary school is due to open in February 2006.

## Report

During the negotiations with the Department on the configuration of the new school a number of issues have arisen including:

1. Access to the site: The Department of Education and Training have conducted a Traffic Study that proposes a new access road be constructed from Waverley Road to the northern boundary of the school site across the north-western corner of Len Packham Reserve. This access road is to be used by the patrons of the school only and would provide the school with a lot frontage to Waverley Road. It would also allow services to be provided to the site across land vested in the Education Department. The Traffic Study recommends that the access road continue through to the proposed expanded Library car park but does not connect to Cordelia Avenue directly as the entry point into the expanded car park and the existing shopping centre access are to close.

Direct access to the proposed school site is critical and without this access the Department would reconsider the use of Len Packham Reserve for the new Coolbellup School.

The agenda attachments show a plan of the approved 'Development' zone and the proposed access road requirements.

2. Area of Public Open Space (POS): Council and the DET have previously agreed that any area of POS taken up for the proposed school on Len Packham Reserve would be compensated by additional POS being provided over and above the standard 10% POS provision on the existing schools sites, North Lake and Coolbellup school sites in particular.

The 1486m<sup>2</sup> required for the access road will be required to be compensated on one or a combination of the existing school sites. The location of this additional POS can be determined at the Structure Planning stage for these sites.

Due to the slope of the existing bank in the north-west corner of Len Packham Reserve (the area where the proposed access road is to be constructed) this area of the Reserve is currently unable to be used for any form of recreation. Potentially the compensated 1486m<sup>2</sup> area to be located on one of the existing school sites is likely to be much more usable.



3. Scenario 3: Shows the School located immediately north of the Council hall and community centre. The existing laneway behind the Shopping Centre is to be converted into a street to provide a road frontage not only to the new school but also any new residential development that is proposed to occur in this scenario on the existing shopping centre site. In recognition of Council's and those who participated in the Enquiry – by – Design general support of Scenario 3 for the redevelopment of the Shopping Centre, Council Officers wrote to the Department for Education on the 22 July 2004 requesting that the Department explore the possibilities of converting the existing laneway behind the Shopping Centre into a gazetted road.

On the 6 September 2004 the Department advised that it does not have the resources to carry out negotiations of this complexity and does not consider it appropriate that it leads negotiations of this type, however, full support would be provided if the City should lead these negotiations.

Council Officers recognise that the potential for Scenario 3 to come to fruition will take some years to be achieved. It is also seen as unadvisable for the access road to the School to be shared with hotel/bottle-shop patrons and shop service vehicles. Given the urgency to address the access issue for the new school it is considered that the Council allow the proposed access road to the new school site to be constructed in the interim and should still pursue the conversion of the laneway behind the Shopping Centre into a public road in the long term.

4. Vesting of the Reserve: In April Council Officers wrote to the Department for Planning and Infrastructure – Land Asset Management Branch requesting that part of Len Packham Reserve (2ha) be excised and vested with the Education Department for the purpose of a primary school. The excision has not been finalised, however, it is advised that Council request that DPI proceed with the existing excision.

An additional area of 0.1486 ha. is required to create the new access road to the School. The total area of the Reserve is 6.90025 ha. This represents 3.0% of the area of the Reserve after the original 2.0 ha. of land required for the School is taken into account.

As stated in Section 2 above the land required for the access road will be compensated for on one or a combination of existing school sites in the area.

It is not considered necessary to seek comments from the public on this relatively minor variation from the previously adopted plans. The Council may wish to undertake formal advertising, however this may delay the opening of the School.





5. Replacement of infrastructure: With the school proceeding on the Len Packham Reserve site there will be a number of Council assets that will be required to be replaced. There are currently 6 lit multi-functional hard courts, Club/change rooms and extensive parking areas on the site. Council at its meeting of the 17<sup>th</sup> of February 2004 resolved to support the development of the new primary school for Coolbellup on a portion of Len Packham Reserve subject to a number of conditions including that *“existing Council infrastructure on the site be replaced in an agreed location on Len Packham Reserve at no cost to Council.”*

Current Council assets on the proposed school site:

• 6 hard courts fenced and lit (replacement cost)	\$194,000
• Parking 100 bays (replacement cost)	\$150,000
• Club/change rooms (insured value)	<u>\$235,375</u>
	<u>\$579,375</u>

The City has provided to the school and the community a grassed and irrigated partly lit active reserve with a replacement value of approximately \$200,000 exclusive of earth works.

The Education Department has committed to the following:

- All costs associated with the removal of all infrastructure on the proposed school site.
- Replacing the hard courts with 3 lit courts suitable for tennis, basketball and netball. This will be an adequate number for the school and public use.
- Providing approximately 90 car park bays on the school site which will be available to the public out of school hours.

The funding for this project is anticipated to come from the Community Sporting Recreational Facilities Fund, Mirvac Fini and the Department of Education and Training.

The proposed design for the school, community facilities and associated parking will require the removal of the old Coolbellup Infant Health Clinic. This is currently being used by the Library for storage. The Hamilton Hill Clinic in Redmond Road is available and suitable as an alternate location for library storage.

### Conclusion

The above issues have arisen as a result of detailed planning of the school on part of Len Packham and have largely been addressed by negotiations between Council Officers and Officers of the Department



for Education. However the proposed changes vary from Council's resolution on the 17 February 2004 and therefore these changes are presented to Council for consideration.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
  - *"To determine by best practice, the most appropriate range of recreation areas to be provided within the district to meet the needs of all age groups within the community."*
4. Maintaining Your Community Facilities
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*
  - *"To construct and maintain community buildings which are owned or managed by the Council, to meet community needs."*

The Council Policies which apply to this item are:-

SPD2	COMMUNITY FACILITIES INFRASTRUCTURE – 10 YEAR FORWARD PLAN
SPD4	'LIVEABLE NEIGHBOURHOODS'
APD4	PUBLIC OPEN SPACE



APD5 PUBLIC WORKS AND DEVELOPMENT BY PUBLIC  
 AUTHORITIES  
 APD30 ROAD RESERVE AND PAVEMENT STANDARDS

### **Budget/Financial Implications**

Council has placed on its Principal Activity Plan for 2004/05 the sum of \$750,000 for the upgrade of the Coolbellup Community Facilities. There is a commitment from Mirvac Fini of \$350,000 toward the upgrade of the club change rooms. In light of the Council decision that there be no cost to Council associated with the location of the school on the Len Packham Reserve there is \$400,000 available for other purposes such as a contribution toward the upgrade of the Centenary Hall and Community Centre.

It is intended that an application will be submitted to the Department of Sport and Recreation toward the cost of the new club/change rooms. Should this application not be successful the contribution from the Department of Education and Training would increase substantially from \$184,000 to \$450,000 to establish a facility as proposed.

The costs of maintenance of the playing fields will be shared between the City of Cockburn and the Education Department.

### **Legal Implications**

N/A

### **Community Consultation**

Community consultation in relation to the excision of 1486m<sup>2</sup> from the north-western corner of Len Packham Reserve will be carried out in accordance with the Department for Planning and Infrastructure Guidelines for the Administration of Section 20A "Public Recreation" Reserves, given the minor area of land involved.

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

Nil.

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

### **15.1 (MINUTE NO 2594) (OCM 19/10/2004) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)**

#### **RECOMMENDATION**

That Council receive the List of Creditors paid for September 2004, as attached to the Agenda.

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**COUNCIL DECISION**

MOVED Clr A Edwards SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

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

**Submission**

N/A

**Report**

N/A

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.

15.2 **(MINUTE NO 2595)** (OCM 19/10/2004) - VARIOUS DEBTS - WRITE OFFS (5651) (KL)

<b>RECOMMENDATION</b>
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That Council write off the following debts:

- Fremantle Yamaha \$88.00
- Robert Ruscitto \$50.00

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

**COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr S Limbert that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Background**

Council's Auditors has in the past suggested that where all avenues for the recovery of debts have been fully examined and exhausted that those debts be removed from the Debtors Ledger.

**Submission**

N/A

**Report**

Fremantle Yamaha – Henderson Tip Fees - \$88.00

The above Debtor went into receivership before the final payment of this account. The insolvency firm who were dealing with administration of this company have advised that unsecured creditors may expect 5.87¢ in the dollar return on debts. Council may receive \$5.17 from its debt.

To date no funds have been received.

Robert Ruscitto – Costs associated with dog registration

The above was levied a \$50.00 Inspection Fee for the inspection and registration of a Pitbull Terrier. The fee was levied for the inspection of Collars, Signage and Fences at the owner's premises.

It is a requirement of the Restricted Breed Legislation that restricted breeds wear a special collar at all times, that signage is erected at the property and that the animal is kept in a secure place to prevent the



dog from escaping. Council Officers visited the premises on several occasions requesting payment of the \$50.00 fee.

Since then the Debtor has moved address. Collection agents have advised that the debt is uneconomical to commence legal action for recovery.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

Loss of potential revenue is \$138.00

**Legal Implications**

Debts which are non-recoverable require Council's authorisation under the provisions of the Local Government Act, s6.12(1)(c).

**Community Consultation**

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (MINUTE NO 2596) (OCM 19/10/2004) - HEAVY VEHICLES ACCESS ON ROADS WITHIN THE CITY OF COCKBURN (4331) (BKG) (ATTACH)**

**RECOMMENDATION**

That Council advise Main Roads Western Australia it endorses its proposal to change to a Notice System in lieu of the current Permit System for Class 2 Restricted Access Vehicles on Networks 1 to 4 subject to:

- (1) Main Roads WA not giving approval for Class 2 Restricted Access Vehicles for the following roads contained on the attached Main Roads list, namely;

Forrest Road	between North Lake Rd & Rockingham Rd
Spearwood Ave	between Stock Rd & Hamilton Rd
Rigby St	between Rockingham Rd & Mell Rd
Mell Rd	between Hamilton Rd & the railway line



Acourt Rd	between Nicholson Rd & the boundary
Miguel Rd	between Barrington St & Yangebup Rd
Hope Rd	between Pausin Cres & Progress Dr
Shallcross St	between Yangebup Rd & Erceg Rd,
Southwell Cres	between Blackwood Ave & Phoenix Rd
Hamilton Rd	between Rockingham Rd & Mayor Rd;

- (2) a clause being included in the Notice that will allow Main Roads to stop Restricted Access Vehicles using a road if the Local Government requests it because of safety concerns, noise concerns or if there is excessive deterioration of the road pavement.

**COUNCIL DECISION**

MOVED Cllr V Oliver SECONDED Cllr A Tilbury that Council advise Main Roads Western Australia that:

- (1) it endorses its proposal to change to a Notice System in lieu of the current Permit System for Class 2 Restricted Access Vehicles on Networks 1 to 4 subject to:

1. Main Roads WA not giving approval for Class 2 Restricted Access Vehicles for the following roads contained on the attached Main Roads list, namely;

Forrest Road	between North Lake Rd & Rockingham Rd
Spearwood Ave	between Stock Rd & Hamilton Rd
Rigby St	between Rockingham Rd & Mell Rd
Mell Rd	between Hamilton Rd & the railway line
Acourt Rd	between Nicholson Rd & the boundary
Miguel Rd	between Barrington St & Yangebup Rd
Hope Rd	between Pausin Cres & Progress Dr
Shallcross St	between Yangebup Rd & Erceg Rd
Southwell Cres	between Blackwood Ave & Phoenix Rd
Hamilton Rd	between Rockingham Rd & Mayor Rd
Farrington Rd	between North Lake Rd & Murdoch Dr

2. A clause being included in the Notice that will allow Main Roads to stop Restricted Access Vehicles using a road if the Local Government requests it because of safety concerns, noise concerns or if there is excessive deterioration of the road pavement.

- (2) no permits should be issued for oversize trucks to use Farrington Road.

**MOTION LOST ON CASTING VOTE OF PRESIDING MEMBER 4/4**



**ORIGINAL MOTION PUT AND CARRIED 8/0****Background**

Any vehicle that is longer than 19 metres, wider than 2.5 metres, higher than 4.3 metres or heavier than 42.5 tonnes is classified as a Restricted Access Vehicle (RAV) and requires permission to operate on the road network in Western Australia. This access is currently managed through a Permit system and Main Roads at present processes approximately 50,000 permits per year. In recent times this figure has been increasing at a rate of 9% per annum.

In many instances the roads on which these vehicles are travelling are under the control of Local Government.

Main Roads has initiated the Heavy Vehicle Access Project (HVAP) as a means for improving the delivery of heavy vehicle access to industry, whilst still allowing for the safety of other road users and preservation of the road asset. The project is based upon a three-fold approach encompassing:-

- Development and delivery of "Area-Wide" Notices, where practical, to replace permits;
- Short term initiatives aimed at improving and streamlining current permitting systems and practices; and
- A major review of the current approach and systems used by Main Roads to facilitate network access for heavy vehicles.

The initial work of the HVAP has focussed on the development of the Notice network. The provision of new legislation (*Road Traffic Vehicle Standards Regulations 2002* and *Road Traffic Vehicle Standards Rules 2002*) has contributed to the need for modifying the current access arrangements. All heavy vehicles now fall into one of three Classes of Restricted Access Vehicle – Class 1, Class 2 and Class 3.

Class 1 vehicles are not being considered for the Notice System at this stage, Class 2 vehicles are those specified in the regulations and their configuration is shown in the attachments.

Class 3 vehicles are those not currently covered by the regulations and are not part of the officer's recommendation to be included in the Permit System.

The Notice is described as:-

*"Blanket approval from the Commissioner of Main Roads Western Australia for a particular class of restricted access vehicle to operate under specified conditions on a specified network of roads without the requirement to obtain individual permits"*





The benefits to be derived from Notices include:

- *Network Stability* – the opportunity to ensure network access remains constant for a given period (eg 1 year)
- *Equitable Access* – access to the network will be consistent for all operators – provides the opportunity to remove some of the anomalies that have evolved over time with the current permit system
- *Easy / Affordable Access* – operators will not need to approach Main Roads / Councils to access particular routes.

Some of the key vehicle combinations to be incorporated in the initial Class 2 and 3 Notice include:

- 19/20m Truck and Trailer
- 27.5m Prime Mover, Semi Trailer towing a Pig Trailer
- 27.5m Pocket Road Train
- 27.5m B-Double
- 36.5m Double Road Train
- 36.5m Truck and two Dog Trailers

The development of the Notice network is designed to complement the existing Permit system. The intention is that over time access to the network will 'transition' from Permits to Notices. It should be recognised that regardless of whether a vehicle operates under a Notice or under a Permit the same conditions or controls can still be applied.

### **Submission**

A letter was received from Main Roads Western Australia requesting Council's endorsement of roads within the municipality that will be used by Class 2 and 3 overlength and overwidth vehicles by Notice rather than the current Permit system. They propose that the maximum permitted length and mass of the RAV in this regard is 36.5 metres and 87.5 tonnes as exists under the Permit system.

### **Report**

At present overlength and overwidth vehicles obtain permits from the Main Road Heavy Haulage Department to use particular roads as routes for the transport of their goods.

There is no input from this Local Government in this system. These routes are the regional roads and the industrial roads. Perth is very dependent on trucks to transport freight. The proposal is for as of right permission to be given to these trucks to use specific roads.



A list of the roads by RAV Network is attached to the Agenda. It should be noted that Network 1 for Group 1 RAV's consists of all roads statewide as per current permit arrangements and identifies the configuration of RAV groups applicable to each Network. There are no Network 7 to 10 within the City and the recommendation excludes Networks 5 and 6 for the Permit System at this stage.

An outline of the trucks in diagrammatic form is attached to the Agenda.

In Cockburn approximately 28% of the rates revenue comes from commercial and industrial properties. This means that there will be a high proportion of truck traffic on roads leading to and from these premises, and this system will streamline the process for approvals for the trucking industry.

It is proposed to implement the new system for Class 2 and Class 3 restricted vehicles initially. An "*Extract of instructions to be forwarded to Parliamentary Council for the formal drafting of the Notice detailing general conditions*" is attached to the Agenda.

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

An objective of the Corporate Plan is to construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and convenient and safe for use by vehicles, cyclists and pedestrians.

### **Budget/Financial Implications**

It is not expected to be any increased maintenance expenditure as these trucks currently use the road system within the City of Cockburn.

### **Legal Implications**

N/A

### **Community Consultation**

Nil by Council, but there has been a series of workshops held by Main Roads WA throughout the State with stakeholders.

The stakeholders were road transport industry, local government representatives and Main Roads regional staff.

A copy of the report on Stakeholder Consultation Workshops on the Heavy Vehicles Access Project is available from the Director – Engineering and Works.



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

Nil.

**16.2 (MINUTE NO 2597) (OCM 19/10/2004) - SOUTH BEACH VILLAGE  
- PUBLIC OPEN SPACE MAINTENANCE COSTS (9653) (AC)  
(ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) confirm that the annual ongoing maintenance cost for public open space maintenance for the South Beach Village project is to be the same maximum rate for public open space maintenance as at other locations within the City, which is currently set at \$15,000 per hectare per annum;
- (3) confirm that it will not be varying Position Statement PSEW16 regarding the maintenance responsibilities of street landscaping adjacent residential properties, for the South Beach Village project; and
- (4) advise MGA Town Planners accordingly.

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 8/0**

**Background**

On Friday 3rd September 2004 the City received a formal submission from MGA Consultant Town Planners on behalf of Stockland and LandCorp, developers of the South Beach Village project, requesting to vary the Council's policy of restricting annual ongoing maintenance expenditure to greater than the maximum of \$15,000 per hectare per annum, set for the district.

Representatives from Stockland and LandCorp presented their request and rationale to the Council at 5:30pm on Tuesday 10th August 2004.

**Submission**

The submission requests that Council treat the South Beach Village subdivision as a special case and endorse a variation to the Council's practice of restricting annual ongoing maintenance expenditure to a maximum of \$15,000 per hectare per annum.

In addition, the developers are requesting that the Council also vary its policy of encouraging residents/tenants/owners to undertake maintenance of verges abutting boundaries of developed land, by treating the landscaping within the street verges as part of the public open space maintenance costs, and instead be maintained by the City.

Maintenance costs contained in the submission indicate that the average annual ongoing cost of maintaining public open space and streetscapes within the South Beach Village subdivision is approximately \$33,000 per hectare.

Reasons given in the submission for requesting a variation to the Council's policies are:

1. Nature of development and sustainability;
2. Approved plan;
3. Comparison of South Beach with a conventional development;
4. Need for high quality landscaping and maintenance;
5. Landscape philosophy;
6. Intensity of open space use; and
7. Estimated maintenance costs.

## Report

Each reason will be addressed in turn as follows:

### 1. Nature Of Development And Sustainability

The submission states that the South Beach Village project is an urban infill/consolidation development converting inner city, redundant industrial land into a relatively high-density new community. To this extent it helps contain urban sprawl with social, economic and environmental benefits.

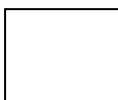
#### *Officer's Comment:*

Council's adopted South Beach Structure Plan outlines the subdivision design as the basis for generating social, economic and environmental benefits.

### 2. Approved Plan

The approved structure plan meets the minimum requirement of 10% public open space. The open space includes a lake.

#### *Officer's Comment:*



The lake effectively diminishes the area and functionality of public open space.

3. Comparison Of South Beach With A Conventional Development

The submission quotes a difference of 34.2 square metres per dwelling for the South Beach Village development compared with an estimated 84 square metres per dwelling for a conventional subdivision.

*Officer's Comment:*

This indicates that the volume of public open space available per dwelling is less than half that available per dwelling for a conventional subdivision. Consequently, the area of public open space may be insufficient to meet the needs of the incoming community, and therefore the useability of the 10% open space provision needs to be maximised.

4. Need For High Quality Landscaping And Maintenance

The submission states that the South Beach Village is considerably denser than a standard housing development, resulting in smaller private gardens and less greenery around dwellings. Therefore, very high quality landscaping is proposed for aesthetic reasons and to ensure residents remain "in touch with nature".

*Officer's Comment:*

It could be argued that more public open space is needed in subdivisions that yield a higher density housing than other developments, not necessarily a higher quality. The landscape concept plan submitted does not appear to offer any additional amenity than those submitted for traditional subdivisions. Given the reduced area of private open space, it should be expected that the verge be maintained by the owner as applies to the other suburbs within the district.

The Council's current position is to encourage Residents / tenants / owners to undertake maintenance of verges at their cost and to a level commensurate with their personal tastes, thereby allowing the costs to be shared according to the standard that they have set for themselves.

5. Landscape Philosophy

The submission states that the landscape design proposes to reflect Fremantle's architectural style, the coastal setting and past industrial uses. Suggested construction materials are red brick, timber, steel, rammed earth walls and limestone paths in some locations. Soft landscaping is to be simple mass plantings of local coastal species.

*Officer's Comment:*



The described treatments are typical of many park developments in the Perth metropolitan area and should not incur costs in addition to \$15,000 per hectare per annum.

6. Intensity Of Open Space Use

The submission states that overall there will be less open space per household and therefore more intensive use of the space is provided.

*Officer's Comment:*

It is assumed that this refers to the inclusion of road reserve land as part of the usable open space areas. Smaller lots with restricted frontage space for street trees, driveways, footpaths, car parking bays and utility services usually result in relatively treeless environments, because of the intensity of use. For this reason, the developer should install street trees as part of the subdivision works or following the occupancy of each dwelling for residents to assume responsibility for, as is the case in other residential estates in the district.

7. Estimated Maintenance Costs

The submission states that the high quality of the proposed landscaping responds to the issues raised above which necessitates a greater commitment to maintenance. To this extent, it is understood that Council policy restricts maintenance expenditure to \$15,000 per hectare of public open space per annum. In a conventional subdivision, this equates to around \$126 per household per annum.

At South Beach Village, it is estimated that maintenance costs will be about \$55,000 per annum for the open space and streetscapes. This equates to \$122 per household per annum

*Officer's Comment:*

The figures provided in the submission indicate that the public open space maintenance cost allocation per dwelling is similar to that of a conventional subdivision. However, in this instance, the area of public open space per dwelling is approximately half that of a conventional subdivision.

After consideration of the submission it is recommended that the Council:

- (1) Set the annual ongoing maintenance cost for public open space for the South Beach Village project at the same maximum rate for public open space maintenance as applies to the remainder of the City, being \$15,000 per hectare per annum;

The recommendation is based on:



- Disproportion Of Cost To Benefit - From the landscape master plan submitted, it is not apparent that doubling the rate per hectare cost of maintaining this public open space is going to double the benefits available to the community. Conversely, there is no indication that maintaining the rate at \$15,000 per hectare per annum is likely to significantly reduce the benefits available to the community. This assertion is predicated on the conviction that this public open space has limited function.
- Limited Function Of The Public Open Space - The shape, size and location of the public open space limit and its primary function is that of road drainage and pedestrian access through the subdivision to adjacent existing foreshore public open space, make it off limited recreational value.
- Benefit Of Adjacent Existing Public Open Space - Significant areas of foreshore public open space exists adjacent to the South Beach Village project. It is anticipated that this public open space will provide the majority of public open space amenity to the incoming South Beach Village community. Therefore, it is anticipated that the Council will be required to increase maintenance at this location, which will benefit the South Beach Village and surrounding community.

If the Council agreed with the applicant's proposal to increase the maintenance costs of public open space from \$15,000 per hectare per annum to \$33,000 per hectare per annum, this could be offset through the allocation of a Specified Area Rate to the South Beach Village development area to ensure that the wider community is not burdened by any extra costs. However, regardless of the financial position, the proposal offers no significant additional community benefit and, therefore, it is not supported.

Specified Area Rates are calculated by setting an additional rate in the dollar and the amount will depend on the property's gross rental value. It is not a charge or levy where each ratepayer pays the same amount.

### Conclusion

In conclusion, South Beach Village is a medium to high residential density coastal estate which already has access to the existing Hollis and Wilson Parks in the City of Fremantle, as well as the South Beach Recreation Area, and within the City of Cockburn the C Y O'Connor Reserve and Beach.

The linear open space proposed as part of the South Beach Village provides a public access link to the beach and functions as a drainage swale. The open space does not provide any real utility to the residents because of its restricted width, hard paved areas and areas dedicated to compensating drainage basins.



## **Strategic Plan/Policy Implications**

### **5. Maintaining Your Community Facilities**

*To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*

Position Statement PSEW16 Unkempt Verge Mowing states, in part, that:

*"The City of Cockburn recognises that the appearance of street verges abutting boundaries of developed land is important to owners, because of the significant aesthetic impact on their properties. Residents/ tenants/ owners are encouraged to undertake maintenance of these verges at their cost and to a level commensurate with their personal tastes, thereby allowing the costs to be shared according to the standard that individuals have set for themselves."*

## **Budget/Financial Implications**

The Council has adopted a rate of \$15,000 per hectare for the maintenance of active and passive areas of public open space throughout the district.

## **Legal Implications**

It is important that Council ensure that when it approves a landscape plan or accepts responsibility for a public open space and facilities that it does not become responsible for any unacceptable liability or risk.

## **Community Consultation**

The Structure Plan was published for public comment. The plan has been adopted by the Council.

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

Nil

## **DECLARATION OF INTEREST**

Clr Whitfield declared an interest in the following item. The nature of the interest being that he is an Office Bearer of the Old Jandakot Primary School Management Committee.

CLR WHITFIELD LEFT THE MEETING AT THIS STAGE THE TIME BEING 8.55 PM.





## 17. COMMUNITY SERVICES DIVISION ISSUES

### 17.1 (MINUTE NO 2598) (OCM 19/10/2004) - EXTENSION TO OLD JANDAKOT PRIMARY SCHOOL (5514364) (RA)

#### RECOMMENDATION

That Council:

- (1) permit the Portuguese Cultural and Recreational Centre WA (Inc) to extend the brick building on the site subject to:
  1. all costs associated with the project being borne by others and building works meet all statutory requirements.
  2. Lotterywest and/or another funding source agreeing to pay for all costs associated with the development of facilities for the specific needs of the Portuguese Cultural and Recreational Centre (Inc);
- (2) subject to the above, enter into a lease agreement with the City on the following conditions:
  1. A lease period of 5 years with two options of 3 years with the options exercisable by the City.
  2. For peppercorn rental with the Lessee responsible for all maintenance and outgoings associated with the property.
  3. All other terms and conditions agreed to the satisfaction of the Chief Executive Officer.

#### COUNCIL DECISION

MOVED Clr M Reeve-Fowkes SECONDED Clr S Limbert that the recommendation be adopted.

**CARRIED 7/0**

#### Background

The Portuguese Cultural and Recreation Centre (Inc) has had the use of a portion of the Old Jandakot School site for a number of years to run events and services primarily for the Portuguese community.

The Old Jandakot Primary School is vested as a reserve for community purposes and is under the control of a user management group.



At its meeting of October 2003 Council supported the associations application to acquire a restricted liquor license which it is understood has been approved by Racing Gaming and Liquor.

### **Submission**

The association has submitted draft plans for an extension of approximately 6 metres by 8.5metres to the brick building on the site.

A letter has been provided identifying the names of the Office bearers of the association and included is a request for a lease of 30 years or 'the longest possible term'.

The President of the Old Jandakot School Management Committee Councillor Whitfield has contacted the City by email on behalf of the management committee advising that they support the proposed extensions to the building and outlining the services and functions the group perform.

### **Report**

The Association advises that it was established in 1992 and incorporated in 1994. In 2001 it acquired a community radio broadcasters license 91.3 CCFM that it operates from the old school site. The centre has expanded its services to include activities for seniors and has sought funding from HACC to provide more intense support for the frail aged. To date they have not been able to attract a grant from this source. Lotterywest has indicated that they would require some certainty that the Association would continue to have access and usage to the premises for funding to be provided. A lease would be an arrangement that would satisfy the requirements of Lotterywest. Lotterywest has fairly recently provided funds for the purchase of a bus and for the construction of a garage on the site.

The Association has been operating for some time from the current premises. There appears to be few financial resources available to the association and no regular significant source of income. These factors lead to the conclusion that the long-term viability of the association could be problematic. Given these circumstances it is proposed that the Council not enter a long-term lease with the association but rather a shorter-term lease with options to extend at the discretion of the lessor. It is proposed that the initial term be 5 years with two (2) three(3) years options of extension. This will provide the opportunity for the Council to take back control of the facility should the association become defunct or dysfunctional.

It is evident that from the audit statements to June 2003 that the association has limited financial resources and would require a grant from Lotterywest or similar organisation to fund the proposed building



extensions. A grant directly to the association from a funding source is likely to place a great deal of responsibility on the association which given its resources may result in the project not proceeding as would be desired. An alternative would be for the City to receive a grant(s) for the total all-inclusive cost of constructing the additions and overseeing the expenditure to ensure that the project proceeded at a satisfactory standard.

The Old Jandakot Primary School site is some distance from residential areas and in close proximity to the under-utilised Jandakot Hall. The City has little interest in this building, other than its historical importance. The present management arrangement and use of a portion of the facility by the association suites the City's requirements. Whilst there is no reason not to support the request from the association to construct additions to the building for their use this project is of a very low priority to the City.

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

Facilitating a range of services responsive to community needs.

### **Budget/Financial Implications**

It is expected that there will be no direct financial contribution from the City toward this project. Should Lotterywest fund the refurbishment a requirement will be for the project to be totally funded by them or sources other than the City.

Any building works carried out will be at the expense of others.

### **Legal Implications**

N/A

### **Community Consultation**

Not required as it is a minor addition to the existing building.

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

Nil.

CLR WHITFIELD RETURNED TO THE MEETING AT THIS POINT  
THE TIME BEING 8.57 PM.

**17.2 (MINUTE NO 2599) (OCM 19/10/2004) - MINUTES OF BUSH FIRE  
ADVISORY COMMITTEE MEETING - 26 AUGUST 2004 (1550) (RA)  
(ATTACH)**



**RECOMMENDATION**

That Council receives the Minutes of the Bush Fire Advisory Committee dated 26 August, 2004, and adopts the recommendation contained therein.

**COUNCIL DECISION**

MOVED Cllr V Oliver SECONDED Cllr M Reeve-Fowkes that the recommendation be adopted.

**CARRIED 8/0**

**Background**

The Bush Fire Advisory Committee conducted a meeting on 26 August, 2004. The Minutes of the Meeting are required to be presented to Council and its recommendations considered by Council.

**Submission**

The Minutes of the Bush Fire Advisory Committee Meeting is attached to the Agenda. Items dealt with at the Committee Meeting form the Minutes of that Meeting.

**Report**

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council.

Any Elected Member may withdraw any item from the Committee Meeting for discussion and propose an alternative recommendation for Council's consideration.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

Committee Minutes refer.

**Legal Implications**

Committee Minutes refer.

**Community Consultation**



Committee Minutes refer.

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

Committee Minutes refer.

**17.3 (MINUTE NO 2600) (OCM 19/10/2004) - ABORIGINAL ADVISORY COMMITTEE (8978) (CC) (ATTACH)**

**RECOMMENDATION**

That Council:

(1) in accordance with Section 5.10 of the Local Government Act 1995, appoint the following individuals as members of the Aboriginal Advisory Committee:

- Corina Abraham- Community representative
- Gail Beck- Community representative
- Lorna Corbett- Community representative
- Alana Loo- Community representative
- Susan Pickett- Community representative
- Marie Walley- Community representative
- David Austin – Youth Representative
- Candice Pickett – Youth Representative
- Tenika Calgarett – Youth Representative (Proxy)
- Darren Cornwall – Youth representative (Proxy)
- Clr Val Oliver .(Elected Member)
- Clr Ian Whitfield (Elected Member ) as deputy delegate
- Gail Bowman- Social Services Manager (or delegate advisor)
- Kay Walley- Aboriginal Community Development Officer (advisor)

One member Representative from the following community service providers and organisations:

- Burdiya Aboriginal Corporation
- Waalitj Aboriginal Corporation
- Police Service
- Centrelink

(2.) adopt the revised changes to the Aboriginal Advisory Committee's Terms of Reference as attached to the Agenda.

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

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Clr S Limbert that



Council adopt the recommendaton subject to Clause (2) being amended to read:

- (2) adopt the revised changes to the Aboriginal Advisory Committee's Terms of Reference as attached to the Agenda, subject to each provision being assigned an identifying clause number.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

### **Explanation**

Council only adopts Terms of Reference that have identifying clause numbers.

### **Background**

In 2003 Council resolved to establish an Aboriginal Advisory Committee to assist and support the City of Cockburn to establish strong relationships and partnerships with the local Indigenous community.

Nominations for new members were called for this committee through posters, mailing lists and announcements at public meetings. Posters were also mailed to Aboriginal Organisations in Cockburn. Applicants were required to be a resident or work within the City of Cockburn and be an Aboriginal or Torres Strait Islander person. All applicants met the required criteria and are duly recommended for appointment by Council.

In the first twelve months the Aboriginal Advisory Committee has established itself in the community and has been proactively involved in assisting with a successful funding application for a full time Aboriginal Community Development worker.

The committee has also been successful in obtaining funding to run Oral History Courses.

The committee have also assisted the City with consultation on planning issues.

### **Submission**

N/A

### **Report**



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

In addition to the appointment of Members to the Committee, there have been changes recommended to the "Terms of Reference".

A recommendation that the revised Terms of Reference be adopted was carried by all members of the Committee at the Annual General Meeting held on 29<sup>th</sup> September 2004.

As with other Council appointed committees the Aboriginal Advisory Committee has the ability to make recommendations to the Council within the scope of the terms of reference.

In summary, the Terms of Reference have been revised following the first 12 months of operation to adapt to any changes, ensure the committee's role is clear and concise, and improve the operation of the Committee.

The Aboriginal and Torres Strait Islander Commission (ATSIC) representative has been removed from the membership due to the planned cessation of ATSIC.

The quorum has also been adjusted to a more feasible number that is comparable with other Council committees.

Other changes to the terms of reference aim to make the Committee's role clearer and explain it more concisely.

Full copies of the revised and current Terms of Reference are attached to the Agenda.

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

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

### **Budget/Financial Implications**

A budget allocation of \$2,000 has been made in the 2004/05 budget for administrative purposes.

### **Legal Implications**

Sec. 5.9 and 5.10 of the Local Government Act, 1995, refer.

### **Community Consultation**

The call for nominations for the Committee was well advertised within the local Aboriginal Community.



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

Nil.

**(MINUTE NO 2601) (OCM 19/10/2004) – EXTENSION OF TIME**

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr M Reeve-Fowkes that pursuant to Clause 4.13 of Council's Standing Orders Council grant an extension of time to 9.30 pm to enable the unresolved business of the meeting to be considered.

**CARRIED 8/0**

**17.4 (MINUTE NO 2602) (OCM 19/10/2004) - LIBRARY VOLUNTEERS FOR COCKBURN (710400) (DKF) (ATTACH)**

**RECOMMENDATION**

That:

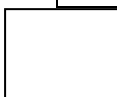
- (1) Council direct the Library and Information Services to develop a Plan for the establishment of a Cockburn Friends of the Libraries group, and
- (2) a report be prepared on its establishment and presented to the April 2005 Meeting for consideration.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor R Graham that:

- (1) Council direct the Library and Information Service to develop a Plan in accordance with the Australian Library and Information Association Policy, on the use of volunteers for the establishment and implementation of a Cockburn Friends of the Library Group; and
- (2) a report be prepared on its establishment and implementation to be presented to the February 2005 Council Meeting for consideration.

**CARRIED 8/0**





## **Explanation**

Council is keen to establish and implement a Cockburn Volunteers' Library Program as soon as practicable.

## **Background**

At its ordinary meeting on 17 August 2004 Council adopted the following:

“... (4) Council adopts the opinion that a volunteers services programme, in accordance with the Australian Library and Information Association (ALIA) Policy on the use of volunteers<sup>1</sup> be initiated in its libraries; and

(5) a report be presented to the October Council Meeting providing options to Council for the development of a volunteers programme for Library Services.” This paper will discuss the issues involved and provide as requested possible options for Council’s consideration.

## **Submission**

N/A

## **Report**

### **(1) What is not included**

In the context of this paper the term volunteer refers only to people who for altruistic reasons offer their time to support a service or programme being undertaken by Council. It does not include anyone who may be working under some level of coercion such as Work for the Dole, a community service order or some similar scheme. As well it excludes people on a programme of work experience or professional practicum. These latter programmes have for many years been supported by the library service. They require a significant commitment and involve both the provision of a learning and mentoring environment. Professional practicum in particular is seen as an essential responsibility that contributes to quality professional training and education. The focus therefore will be solely on those people who act from a wholly altruistic perspective.

### **(2) What happens now**

Extensive use of volunteers in Cockburn libraries would have the potential to change in a profound way the approach of the library to the provision and delivery of a number of its services.



The use of volunteers except in a very limited way has not been one of the challenges faced by the library service. A volunteer is presently being used to provide a story time to children in day care services. This takes place only at the time of changeover of the bulk loan. The volunteer delivers the new loan and retrieves the old one and while there, conducts a story time session. In the last three years three people have been involved in this practice. Volunteers are not utilised at any stage of the housebound service and have not been for over twenty years. When they were we experienced considerable problems with their reliability. This was disruptive to other staff as remedial action had to be taken at very short notice in order to provide the expected service. Because of this the decision was taken to use only library staff to provide the service. While over the intervening years many changes have been made to effect a better service none has been predicated on other than staff provision.

(3) **What happens elsewhere**

Because until now the use of volunteers has not been an issue, staff, while knowing that they are being used elsewhere, are not aware of the extent of their use. To discover this a questionnaire was developed and circulated to a selection of libraries, mainly in the metropolitan region but to the country as well. Of the twelve sent out ten responded; enough to give a reasonable picture of the situation.

The questions posed not only asked about raw numbers, but also covered a range of topics including type of duties performed, the hours people worked, recruitment, training, ethics, supervision, rewards and acknowledgement and of course general comments. While the responses were varied what was immediately clear is that volunteers are engaged in a range of activities and this is the case in a majority of the libraries surveyed. The activities in which volunteers are engaged fall broadly into two major areas; housebound service and local history. Some are however engaged in limited general clerical work such as stamping date slips, shelf checking, photocopying mail outs, children's activities and so on. Most work in housebound service involves driving and making deliveries to readers. Some are involved in selection. Local history however was in many ways quite different, as it generally involved, except in one case, the majority of volunteers. The work undertaken is on the whole of a nature that requires greater intellectual input, pre-existing skills and local knowledge.

Recruitment is in most situations not seen as a problem and while some did advertise from time to time most arise from people making enquiries at the library. Some are recruited



through Council or similar referral services and these services are used for induction and training.

The level of induction and training ranges from detailed to very little however for local history, people are fitted to tasks that use their existing skills and make use of their qualifications and experience. Other matters dealt with to varying degrees included ethics and confidentiality and occupation and health issues as well as the need to provide a positive image of the library service and of Council.

Supervision is in all cases undertaken by paid staff members. The need for it was reported as variable from very little post induction for housebound volunteers to, "quite a bit", for people involved in local history. One library reported that the level of supervision had been such that it had decided to significantly reduce the use of volunteers in its local history programme.

Turnover is on the whole with the exception of one case seen as manageable. All appeared resigned to the fact that as with paid staff, some stay, others move on to different or better things and others simply move on because of old age.

In terms of reward the range is from none to various social functions, morning/afternoon teas, luncheons, recognition ceremonies, certificates of appreciation, Christmas presents and invitations to library functions.

In many respects the comments supplied by respondents were the most interesting. They covered a broad field, some being very positive especially in respect to local history and in the housebound service. Most respondents who had people assisting with their local history programmes are of the view that much of what is done would not have been achieved if they had to rely on the resources available to the library. Some indicated very clearly that volunteers are only being used because their library is not sufficiently resourced to cope with the demand and that this is the only way that the service can be provided. Such sentiments related mostly to housebound provision but were also echoed in local history. There were quite positive comments from people who saw the value of having capable and interested people but cautioned about some only wanting to volunteer just to be in the social situation. Others described previous experiences of unreliability particularly with housebound services where regularity is so important. Concerns were raised about ethical questions associated with volunteers doing work that should properly be done by paid staff and cases reported in some responses could easily be viewed as falling into this category. As well as questions of reliability issues such as health and safety, duty of care, liability,



insurance, fuel allowances, customer service and professionalism were also mentioned. While some respondents appeared to be addressing at least some of these they remained matters of concern. One respondent expressed the view that libraries are targeted by would be volunteers because they are seen, “..... as so attractive environment in which to work.”

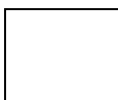
(4) **It's not a simple matter**

The utilisation of volunteers is not just a simple matter of well intentioned people coming along and helping out. Many important and quite critical matters have to be considered.

While generic guidelines for the employment of volunteers exist there is little if anything in Australia that is specific to libraries. However in 2001 the professional association in the United Kingdom, The Library Association, now known as the Chartered Association of Library and Information Professionals, published a paper, Involving Volunteers in Public Libraries: Guidelines. This publication sets out in considerable detail probably all the matters that need to be considered. The document indicates how important it is for a library to develop its own policy and guidelines for volunteers, the content of the policy which should include matters such as the volunteers relationship to paid staff, supervision, budgeting etc. It also emphasizes the need for consultation with staff and unions and the methods and criteria relating to recruitment and selection including things such as job descriptions, vetting, references and the need for a “volunteer agreement”. Other matters to be included are reviews, disciplinary procedures, training, its costs and safety issues and expenses. It suggests that expenses should include travel to and from the place of voluntary work and to any training courses, meals, tea and coffee, postage and telephone (if working from home), crèche facilities, materials and other essential equipment. For some these guidelines may be seen as creating more problems than they solve. While it may not be necessary to include every last detail they however give a very good idea of what the fundamental matters are that need to be taken into account.

(5) **What could happen at Cockburn**

In relation to this matter Council's decision contains two elements. One, an opinion that there should be a “volunteers service programme” in the library service and two, a requirement to report with options for the development of such a programme. The decision is modified to the extent that it contains the caveat that it must accord with ALIA policy the main thrust of which is that volunteers must not be used to do work that should or would normally be done by trained and paid staff.



Having regard for the fact that a volunteer is doing periodic story times at day care centres there are several limited options that could be investigated.

(i) **Local history**

Local history is an area that has not been developed, less through lack of interest than lack of time and resources. However as the library is in the process of forming a closer relationship with the Azelia Ley Museum it has become an area of increasing importance and one to be developed. As the responses to the questionnaire indicated it is an area where suitable volunteers can be usefully and effectively employed particularly on shorter-term projects. It is also an area about which a good deal of advice can be obtained from colleagues in other libraries. Volunteers should not however be seen as a substitute for the employment of appropriately skilled staff, should local history resources be required. Indeed such a person would be the appropriate one to be closely involved in volunteer selection and provide supervision.

(ii) **Support duties**

Some libraries are using volunteers to do such jobs as shelf checking. This is a never-ending task and involves checking materials on shelves to ensure that each item is in its correct position and moving items to their correct location if they are not. Generally it is done by staff at the time of reshelving but is easily deferred when there is pressure to get returned material back on the shelves as quickly as possible. At Spearwood in particular it is made very much more difficult because of the shortage of space and hence very overcrowded shelves. It is an area that could be considered but would be questionable in terms of ALIA's policy.

(iii) **Story time**

A volunteer is at present engaged in providing a story time at day care establishments at the time of the changeover of their bulk loan. It is possible that some form of volunteering could be used to extend story times both externally and within the library. Such extensions would need to be arranged by the Young People's Services Librarian and she would need to assume the role of supervising any volunteers. Training of volunteers would very likely be required as well.



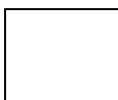
(iv) **Friends of the library**

The formation of a friends group is a way whereby people in the community can play a vital role in connecting the library to its community and promoting the library as an important local resource and cultural centre. There are many friends groups in Australia as there are in other countries. While each might have slightly differing objectives the main purpose is conducting various activities such as talks and functions to enhance the profile of the library and assist in the provision of extra resources to support the establishment of new “cutting edge” services. While friends groups usually require a small membership fee they provide a positive and constructive outlet for people to support and promote the library. ALIA’s policy on volunteers supports the establishment of such groups.

The big advantage of friends groups is that while they have the opportunity to provide advice and opinions the nature of their organization is such as to be separate from the day-to-day operations of the library. This means that the grounds for conflict and ethical dilemmas previously touched on cease to exist. In Australia there is a friends of libraries peak body, Friends of Libraries Australia (FOLA). Cockburn is already a member. FOLA undertakes a number of roles on behalf of members. It is available to give advice and publishes a Friends of Libraries Resource Book to assist libraries with the establishment of groups. A new edition to replace the current 1997 one is due at the end of this year and an order has been placed for it. Of all possibilities this is the one most favoured because it has the potential, more than any other to make a real difference to the place of the library in the community while providing a constructive outlet for interested people with energy to spare.

(6) **An investment is always required**

As with any proposal to mobilize and benefit from the energies of community members a corresponding investment is required from the library. Such investment includes time, money and other intellectual and physical resources. One that returns to the community rather more than is put in. It is hard to say if the costs associated with say a friends group will be more or less than those associated with a local history programme. Indeed the presence of a friends group could be what is needed to provide the conduit to the community and support for such a programme. Experience is really the only way that will determine the investment that will be required.



**(7) Conclusion**

This paper has endeavoured to meet Council's requirements for options to develop a volunteers' programme within the parameters of ALIA's policy. In doing so it has canvassed the practices that take place in WA public libraries and has pointed to the range of matters and responsibilities that need to be considered. The final recommendation though perhaps a little different from that which might have been anticipated provides a greater degree of flexibility and opportunity for people to support and promote and have ownership of their library service. It ought also be a means of contacting individuals with skills who may be able to provide the library with advice and assistance. A better outcome for the library and the community.

**References**

- 1) Australian Library and Information Association, Statement on voluntary work in library and information services, <http://www.alia.org.au/policies/volunteer.workers.html> accessed 3 August 2004.
- 2) Cockburn, City of, (Minute No 2546) (OCM 17/08/2004) – Proposal to open Spearwood Library on Wednesdays (710400) (DMG). Item 17.4, minutes 17 August 2004.
- 3) Involving volunteers in public libraries: guidelines, The Library Association, [London], 2001.
- 4) Justifying the economic value of public libraries in a turbulent local government environment/Brian Haratis; Australasian Public Libraries and Information Services, 8 (4) December 1995, pp164-172.

**Strategic Plan/Policy Implications**

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

**Budget/Financial Implications**

Support funding will need to be provided in the 2005/2006 municipal budget.

**Legal Implications**

N/A

**Community Consultation**

Questionnaire circulated to 12 Libraries for comparative purposes.

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

Nil.

**17.5 (MINUTE NO 2603) (OCM 19/10/2004) - COMMUNITY DAYS - WARD EVENTS (8113) (GB)**

**RECOMMENDATION**

That Council adopt Option 1 for the Community Days- Ward events, to be held on the following basis:

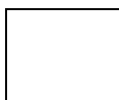
- (1) East Ward event will be held at the Atwell Sporting Oval on 29 January 2004;
- (2) West Ward event will be held at MacFaul Park on 26 February 2004; and
- (3) Central Ward event will be held at Nicholson Park on 12 March 2004.

**COUNCIL DECISION**

MOVED Mayor S Lee SECONDED Cllr S Limbert that Council:

- (1) adopt Option 2 for the Community Days – Ward Events, to be held on the following basis:
  1. East Ward event will be held at the Atwell Park Oval on 29 January 2005;
  2. West Ward event will be held at MacFaul Park on 26 February 2005;
  3. Central Ward event will be held at Nicholson Park on 12 March 2005.
- (2) amend the 2004/05 budget by transferring \$15,000 from CW 1026 (Electronic Signs - Council Events) to OP 9476 (Community Events Days), for the purposes of providing additional entertainment for the Community Days.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/2**





**Explanation**

The consensus of the Elected Members, at a recent workshop, was to provide additional entertainment for the ratepayers enjoyment during the 'Summer of Fun' and therefore additional funds would be required. This amendment identifies from where these funds can be sourced.

**Background**

The sum of \$45,000 was allocated for the 2004/2005 budget to conduct community events in parks across the City subject to a policy being developed.

**Submission**

N/A

**Report**

Elected members were invited to attend a short workshop meeting held on the 9th of September 2004 to discuss the preferred location, program of activities and date for each event. At this meeting it was proposed that a Night Tribute music concert and additional community activities were the preferred option in each ward. Elected members sought to also have entertainment activities during the afternoon as well as a music concert in the evening for each ward this would however increase the overall cost of the events beyond the budget.

Two options have been presented for consideration. One that includes the tribute event and activities that can be accommodated within the budget for each ward and another option which includes a tribute concert with a range of additional daytime activities.

The Elected Members proposed the following times and venues for the community days based on an event for each ward. The proposed program fits into the overall program of activities for the forthcoming year.

It is proposed the East ward event will be held at Atwell Sporting Oval due to parking issues on the 29<sup>th</sup> of January 2005. The Tribute show will include Queen as the main act with Rod Stewart, and Cher as support acts.

It is proposed the West ward event will be held at MacFaul Park on the 26<sup>th</sup> of February 2005. The Tribute show will include the "Fab Four" as the main act with Tom Jones, and Elvis as the support acts.

It is proposed the Central ward event will be held at Nicholson Park on the 12<sup>th</sup> of March 2005. The Tribute concert will include ABBA as the main act with Neil Diamond and Kylie as the support acts.



**Option one**

Includes the tribute concert, and the Black Powder Brigade who will fire a cannon just prior to the start of the concert. The Black Powder Brigade will do a parade and fire the cannon from 6.30 p.m. and the Concert will start at 7.00 p.m. This option would fall within the current budget of \$15,000 per ward event. This option would not be interactive and would not provide any fundraising opportunities for community groups.

**Option 1****Budget per event/ward**

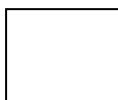
Tribute Show	\$7900
Equipment and consumables	\$1051
Generators and electrician	\$504
Security	\$522
Toilets and bins	\$1172
Advertising and banners	\$2410
Parking attendants	\$500
Cannon and black powder club	\$575
Additional staff hours	\$366
<b>Total</b>	<b>\$15000.00</b>

**Option two**

Includes a tribute concert in each ward as outlined in option one but would also include a variety of entertainment, rides and community activities for all age groups from 3.00 p.m. until 6.00 p.m. It will also include local community displays and fundraising opportunities for local community groups. This would be an afternoon where the community can interact with each other and participate in free children, youth and family activities and entertainment. The Black Powder Brigade and the cannon would then begin their parade and the cannon will be fired just prior to 7.00 p.m. when the concert will begin.

**Option 2****Budget event/ward**

Tribute Show	\$7900
Equipment and consumables	\$909
Generators and electrician	\$504
Security	\$522
Toilets and bins	\$1172
Advertising and banners	\$2410
Parking attendants	\$500
Cannon and black powder club	\$575



Additional staff hours	\$366
<b>Entertainment:</b> Science show, buster the fun bus, YMCA bus, water slide, face painters, human soccer table, animal farm, climbing wall, juggling, balloon frenzy rides, bouncy castle, merry go round, pillow bash, jungle obstacle	\$4642
Community group food stall fundraising opportunity	\$500.00
<b>Total</b>	<b>\$20000.00</b>

Option two would include a variety of activities for all age groups and would be more likely to be an interactive and inclusive community event.

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

To facilitate and provide an optimum range of community services

### **Budget/Financial Implications**

The budget for the community day events is currently \$45,000 and would need to be increased by \$15,000 to \$60,000, if Option 2 is adopted.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

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

Nil.

## **17.6 (MINUTE NO 2604) (OCM 19/10/2004) - DEVELOPMENT OF A DOG PARK (5402) (AGM) (ATTACH)**

### **RECOMMENDATION**

That Council:-

- (1) seek public comment on the possible use of one of McFaull, Dubove, Jarvis or Hargreaves Parks for a specifically designed dog park; and
- (2) requires a report which provides the results of the public



comment on the identified parks, site plans and ongoing operation and management costs for the proposed dog park.

**COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 8/0**

**Background**

Council, at its budget meeting of the 3<sup>rd</sup> August, 2004, allocated \$25,000 for the development of an area of park specifically designed to meet the needs of dogs. A report was required for presentation to Council prior to the work proceeding that identified a number of parks that may be suitable including Dubove Park.

In the City of Cockburn approximately 40% of households own one or more dogs, many of these regularly use the Dog Exercise areas where owners are allowed to run their dogs off lead. There are 27 Dog Exercise areas spread throughout the City.

This park provides an alternative environment catering for dogs and their owners, where dogs can play off lead with their owners. As the City's residential population increases so does the need for parks set aside for dogs. Public Open Space areas that can be set aside for dog exercise are becoming less available as they are required for active recreation purposes or as conservation areas.

The development of a dog park would provide the City of Cockburn with a prestigious area (the first of its kind in WA) which will include a fenced off and landscaped area with equipment where dog owners can meet, play and exercise their pets in a pleasant environment. The park would provide an outlet for meetings of dog training organisations and a venue for annual events such as Pets in the Park. An area of approximately 1 hectare is required for a pet park.

This venue would provide occasions for rangers to educate dog owners and provide them with leaflets giving information in relation to preventing and dealing with dog attacks, dog registration, and dog barking nuisances etc. as well as educating them about their responsibilities in relation to pet care.

**Submission**

N/A



## Report

There are a number of parks in the area which have been considered for developing into a dog park. The following criteria has been utilised to identify suitable parks.

- Parking close by (not off major road)
- Water available close by for drinking fountain and dog watering bowls
- Suitable trees for shade
- Pooch Pouch Station on site
- Toilets on site (desirable)
- Located near significant residential population

## Undesirable Factors

- Wetlands close by
- Motorbike activity complaints in park received
- Sporting activities conducted there

With this criteria in mind a survey of all the parks within a 3km radius of the Council Offices was conducted. It was decided not to go outside this distance at this stage as many of the outer suburbs have wetlands close by making them unsuitable for a dog park. As a result ten parks were assessed, these being:

- McFaul Park, Falstaff Crescent, Spearwood
- Dubove Park, Freeth Road, Spearwood
- Isted Reserve, Blackwood Avenue, Hamilton Hill
- Jarvis Park, Simons Street, Coolbellup
- Hargreaves Park, Counsel Road, Coolbellup
- Warthwyke Park, Magnolia Gardens, Yangebup
- Hagen Park, Fenimore Avenue, Munster
- Bishop Park, Huxley Place, Spearwood
- Vela Luka Park, Leonard Way, Spearwood
- Dixon Park, Hurford Street, Hamilton Hill

From these parks, most of which are already gazetted Dog Exercise Areas, the following four parks were selected in order of preference as meeting the required criteria, maps of these are attached:

### McFaul Park, Falstaff Crescent, Spearwood

This is a large reticulated park with plenty of trees for shade; the water controller is located on the northern side off Melun Street. It is a gazetted dog exercise area and has a pooch pouch station on site. There are many benches throughout the park and five sets of playground equipment located mostly on the north western corner.



The Joe Cooper centre is located within the park at the northern end, which may provide toilet facilities for large dog events. There is a fairly large car park behind the Joe Cooper centre. The most appropriate locations for the pet park appears to be the western side off Melun or the eastern side off Falstaff where further off road parking is available.

Dubove Park, Freeth Street, Spearwood

This park is presently used for obedience training every Wednesday morning by the K9 dog club. It has parking to the side in Bohemia Street and the park is reticulated with the controller being located at the northern end of the park on the Alfred Street side. Although this is not a dog exercise area, there is a pooch pouch station installed and no sporting activities take place on the park. There is a usable toilet block at the southern end of the park. It is situated in a quiet location with trees and bushes around the outside and the most appropriate location for the pet park would be at the northern end of the park.

Jarvis Park, Simons Street, Coolbellup

This park is similar in size to Dubove Park. It is a gazetted dog exercise area with a pooch pouch station on site. There are plenty of trees for shade all over the park and benches throughout. There are three sets of play equipment within the southern half of the park. The park is reticulated and the controller is located towards the northern tip of the park off Simons Street. Parking is most suitable off road in Simons Street and Quinlan Street. The most appropriate location for the pet park would be towards the northern tip of the park off Quinlan Street or Simons Street.

Hargreaves Park, Counsel Avenue, Coolbellup

This is another large very well developed park that is a gazetted dog exercise area with three pooch pouch stations. There are plenty of trees for shade all over the park and many benches throughout. There are four sets of play equipment mostly on the eastern side off Dorcas Way. The park is reticulated and the controller is located on the eastern side of the park off Hargreaves Road. Parking is only available on the Dorcas Way side. Being a large park there are many locations within the park that would be appropriate for the pet park.

**Strategic Plan/Policy Implications**

“Facilitating a range of services responsive to the Community Needs” refers.

**Budget/Financial Implications**

\$25,000 has been allocated on the 2004/05 Budget.



**Legal Implications**

N/A

**Community Consultation**

The development of a specific doggy park is a new provision by Council and one which may well generate significant community interest.

It is proposed that public comment be sought on the possible use of a portion of one of McFaul, Dubove, Jarvis or Hargreaves Parks for the development of facilities specific to the needs of dogs. The results of the public comment period will be provided to Council for a final decision on a park location.

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

Meets the requirements of s3.18(3) of the Local Government Act, 1995.

**18. EXECUTIVE DIVISION ISSUES**

Nil

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

Nil

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

Nil

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

Nil

**22 (OCM 19/10/2004) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Mayor Lee requested that a report be provided to the November Council Meeting, that overviews the allocation of resources in the customer services, media liaison and promotions area of Council activity, with specific emphasis on the position of Promotions Officer, to ensure that sufficient resources are



available for the effective promotion of Council activities. Council allocates significant funds for community events and activities and to ensure the maximum number of residents of the City gain the maximum benefits from these events and activities, they need to be actively and comprehensively promoted in a positive and professional manner by a person who may be solely allocated to that task.

**23. CONFIDENTIAL BUSINESS**

Nil

**24. (MINUTE NO 2605) (OCM 19/10/2004) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 8/0**

**25 (OCM 19/10/2004) - CLOSURE OF MEETING**

MEETING CLOSED 9.07 PM





**CONFIRMATION OF MINUTES**

I, ..... (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: ..... Date: ...../...../.....

