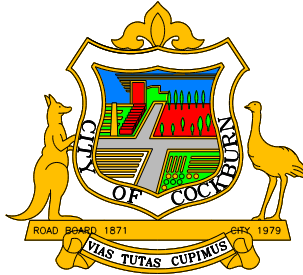


# **CITY OF COCKBURN**



**ORDINARY COUNCIL**

**AGENDA PAPER**

**FOR  
TUESDAY 15 OCTOBER 2002**



## CITY OF COCKBURN

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## **CITY OF COCKBURN**

### **AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 15 OCTOBER 2002 AT 7:30 P.M.**

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- 1. DECLARATION OF MEETING**
  
- 2. APPOINTMENT OF PRESIDING MEMBER (If required)**
  
- 3. DISCLAIMER (To be read aloud by Presiding Member)**  
Members of the public who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.
  
- 4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)**
  
- 5. APOLOGIES AND LEAVE OF ABSENCE**
  
- 6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
  
- 7. PUBLIC QUESTION TIME**

**8. CONFIRMATION OF MINUTES**

**8.1 (Ocm1\_10\_2002) - ORDINARY COUNCIL MEETING - 17/9/2002**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 17 September 2002, be accepted as a true and accurate record.

**COUNCIL DECISION**

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

**10. DEPUTATIONS AND PETITIONS**

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

Nil

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

**13. COUNCIL MATTERS**

**13.1 (Ocm1\_10\_2002) - NATIONAL GENERAL ASSEMBLY - A.L.G.A. CONFERENCE - ALICE SPRINGS (1027) (DMG)**

**RECOMMENDATION**

That Council:

- (1) approve the attendance of Councillor Humphreys at the National General Assembly of Local Government being held in Alice Springs, Northern Territory from 3 – 6 November, 2002; and

- (2) approve alternative travel arrangements for Councillor Humphreys to attend the Assembly.

## COUNCIL DECISION

### Background

Elected Members were circulated information in June 2002 on this Conference seeking registrations of interest to attend as a Council delegate. Subsequently, Councillor Waters was registered to attend as a Council Delegate and was granted approval to travel by alternate means.

Since then, Councillor Humphreys has expressed an interest in attending the Assembly and also seeks to travel by the alternative arrangements. He had previously proposed to be out of the country at the time of the assembly however, these arrangements have since not eventuated hence his availability to attend.

### Submission

To approve attendance and alternative travel arrangements to the Conference by Councillor Humphreys.

### Report

An alternative travel itinerary to this year's National General Assembly in Alice Springs (to commemorate the "Year of the Outback") has been arranged by the W.A. Local Government Association (W.A.L.G.A.).

The itinerary involves air travel from Perth – Kalgoorlie on 31 October 2002, then coach travel from Kalgoorlie – Laverton, Laverton – Giles (1 November), Giles – Ayres Rock (2 November) and Ayres Rock – Alice Springs (3 November).

From that point on, the coach party joins other delegates at the Assembly as normal. Return air travel from Alice Springs to Perth applies following the Assembly. Along the route, the delegates on the coach (up to 50) will visit councils to discuss issues of local interest.

Estimated costs for this mode of travel is between \$1,200 and \$1,500 per delegate, as opposed to direct return airline travel at \$720. Accommodation costs while in Alice Springs are additional.

Sufficient funds are available within the Elected Members Conference Account to cover all costs associated with the Assembly, estimated to be around \$3,000 in total, including registration fees, accommodation, travel and incidentals.

Director, Community Services will also be attending the conference.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.  
Council Policy AES6 "Attendance at Conferences" refers.

**Budget/Financial Implications**

Funds are available within the "Councillors Expenses – Conferences" A/C No. 110290.

**Legal Implications**

Nil.

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

Nil.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (Ocm1\_10\_2002) - CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS: AMENDMENTS (1116) (WJH) (ATTACH)**

**RECOMMENDATION**  
That Council formally adopts the City of Cockburn (Local Government Act) Local Laws 2000 Amendments as detailed in the attachment to the Agenda.  
  
**TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**

**COUNCIL DECISION**

**Background**

At the meeting of Council held on 16 July 2002, it was resolved to proceed with the making of amendments to the *City of Cockburn (Local*



Government Act) Local Laws 2000 in accordance with statutory procedures.

### **Submission**

N/A

### **Report**

Advertisements were placed in the Local Government Notices Column of The West Australian Newspaper on 27 and 31 July 2002, informing the public of Council's intention to amend its Local Laws. The notice also advised the public that they could lodge a submission regarding the proposed amendments if they so wished.

The submission period for the receipt of submissions closed on 9 September 2002.

No submissions were received and therefore the amendments are recommended unchanged to Council for adoption.

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

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

#### Managing Your City

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

#### 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."*

#### Conserving and Improving Your Environment

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

### **Budget/Financial Implications**

Funds are available in Council Budget.

### **Legal Implications**

Nil

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

Nil

**14.2 (Ocm1\_10\_2002) - PERTH AIRPORTS MUNICIPALITIES GROUP - WITHDRAWAL OF MEMBERSHIP (1212) (WJH)**

**RECOMMENDATION**

That Council:

- (1) withdraw from membership of the Perth Airports Municipalities Group; and
- (2) advise the Perth Airports Municipalities Group accordingly.

**COUNCIL DECISION**

**Background**

The Perth Airports Municipalities Group (PAMG) is constituted primarily *“...to provide a forum for meaningful discussion on issues which affect the Perth International Airport and Jandakot Airport and their environs and to investigate, report and formulate recommendations in respect of matters affecting or likely to affect the development of these airports and to monitor their use and environmental impact on neighbouring communities.”*

The City of Cockburn has been a member of PAMG for at least 7 years. Councillor Martin Reeve-Fowkes is Council’s current delegate to the group and Council’s Principal Environmental Health Officer (PEHO) attends group meetings as an observer.

**Submission**

In conversations with the PEHO, Councillor Martin Reeve-Fowkes has recently expressed the view that the City of Cockburn should withdraw from membership of the PAMG. He has expressed the view that business dealt with by the group is predominately Perth Airport related and not relevant to the City of Cockburn. In recent years, the Jandakot Airport Community Consultative Committee (JACC) has provided a more relevant forum for addressing matters related to aircraft noise and airport related issues affecting the City of Cockburn.

## Report

The PEHO concurs with the views expressed by Cllr Reeve-Fowkes. It is recommended that Council withdraw from membership of the Perth Airports Municipalities Group.

## Strategic Plan/Policy Implications

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

Managing Your City

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

## Budget/Financial Implications

N/A

## Legal Implications

Nil.

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

Nil

### 14.3 (Ocm1\_10\_2002) - PORT CATHERINE WATERWAYS ENVIRONMENTAL MANAGEMENT PROGRAM (3209006; 9101033) (SMH) (ATTACH)

#### RECOMMENDATION

That Council:

- (1) receive the report;
- (2) advise Australand and the Western Australian Planning Commission that because the Council has not had the opportunity to formally consider the Structure Plan for the Port Catherine Marina at Coogee, the Council is considering its position in respect to being the nominated management body in the absence of having established a position in respect to the plan;
- (3) advise Australand that in the event that the marina proceeds:-
  1. it is prepared to be the nominated management body to

implement the Waterways Environmental Management Program, subject to the program being financially and technically acceptable to the Council subject to;

- (i) the Waterways Environmental Management Program, prepared to the requirements of the Western Australian Planning Commission, being referred by the Council to an independent party for review and advice prior to making a final decision on becoming the nominated manager;
  - (ii) the management and implementation of the Waterways Environmental Management Program will need to be cost neutral to the Council through the utilisation of seed capital and the imposition of a Specified Area Rate, applying to the land within the project area;
  - (iii) the implementation of the program must be capable of being undertaken by a suitably experienced contractor on behalf of the Council;
  - (iv) the Council having the opportunity of establishing a formal position on the proposed Structure Plan for the marina.
- (4) advise the Western Australian Planning Commission that in the event that the marina proceeds:-
- 1. it has responded to Australand in the terms set out in (2) above;
  - 2. unless the Waterways Environmental Management Program is acceptable to the Council it reserves the right to withdraw its acceptance of nominated management body;
  - 3. despite the fact that the program must be prepared prior to the approval of the local Town Planning Scheme Amendment, the Council will require a structure plan to have been prepared and accepted by the Council and the WAPC in order that the area the subject of the management program can be satisfactorily identified and the implications understood;
  - 4. it appears that there is nothing in either the Port Catherine Marina Project Agreement or the Environmental Report (Bulletin 1060) which obligates the local government to be the management body, for the implementation of the Waterways Environmental

Management Program/Plan, and that the Commission is responsible for resolving this matter to the satisfaction of the EPA.

## **COUNCIL DECISION**

### **Background**

The Port Catherine Marina Project is proceeding. The MRS Amendment 1010/33 has yet to be finalised.

The important issue for both the proponent and the WAPC is the identification of a body with adequate financial and technical resources and authority to ensure that the objectives of the Waterways Environmental Management Program/Plan will be achieved.

To date informal discussions have been undertaken over an extended period with Australand over the possibility that the Council would be prepared to take on the management responsibility for the marina on the basis that it would be cost neutral. To achieve this the proposal was that a Specified Area Rate could apply to the project area to cover the additional costs to the Council for this specialised maintenance program, it is likely that the Specified Area Rate will also include the maintenance of other areas and facilities in the marina, over and above "normal" Council responsibilities.

Representatives of Australand have presented their proposal to the Elected Members, demonstrating the approach, technical aspects and the creation of a 'seed' fund.

The project developers would be responsible for the management and operation of the marina for at least 5 years after commencement.

Recently the EPA released the Environmental Review – Bulletin 1060 on the marina which requires as a condition that the WAPC be responsible for resolving the matter of the waterways management. The City of Cockburn is to provide advice.

The publication of the Bulletin shifted the emphasis from a matter to be resolved between Australand and the Council to one for Australand to resolve with the WAPC.

As a result of this, a letter was sent to Australand with a copy to the WAPC, advising that they should be discussing the matter with the WAPC and that the Council may be one of a number of entities that

could be responsible for the implementation of the Waterways Environmental Management Program. Refer to **Attachment 2** (9 September 2002).

Although the Council has indicated its support for the Port Catherine Marina at Coogee, the Council has not had the opportunity to formally consider the Structure Plan for the project. This is a fundamental requirement prior to committing to become the manager of the waterways program.

To date the Council has supported the MRS Amendment and the initiation of a local scheme Amendment to facilitate the marina development.

### **Submission**

Refer to **Attachment 1** from Australand (14 August 2002)

Refer to **Attachment 3** from the WAPC (17 September 2002)

Refer to **Attachment 4** from Australand (23 September 2002)

### **Report**

The management of the Waterways Environmental Management Program is an important issue for the Council to consider as it will be an on-going commitment for the life of the marina at Port Catherine.

The Mayor, Deputy Mayor, CEO and Director of Planning and Development visited the Shire of Busselton in February 2002, where the management, monitoring and financial issues associated with the Geographe Bay Marina were discussed with the President, Councillors and senior staff. It was clear from this visit that the Shire was confronted with major sand by-pass problems and potential financial imposts. This was due to the project suffering financial problems and the Council having to take over responsibilities. This was a major concern, but is a unique situation.

The Elected Members also visited the marina at Mandurah in March 2002 to inspect the situation there.

The Director of Planning and Development visited the City of Mandurah and spoke to representatives about the responsibilities, outcomes and associated aspects of the marina.

The City of Mandurah is the Council with the most experience in respect to the management of canal and marina development in the Metropolitan Area. They suggested that any management arrangement should be the subject of a review by a third party before accepting any responsibility.

Discussions with the City of Geraldton is that the marina there which was initially controlled by DOT is now managed by LandCorp.

Mindarie Quays and the Hillarys Boat Harbour are managed by DOT.

Fremantle Harbour, the Fishing Boat Harbour and Yacht Club marina are managed by others, but not the City of Fremantle.

City of Mandurah manage the Mandurah Marina which was built by LandCorp and after 12 months handed over to the City. The City is responsible for part of the marina and is able to let around 180 pens, from which income is received. This is an important source of revenue to the City.

Port Bouvard together with other canal estates are or will become the responsibility of the City of Mandurah.

It can be seen that the management of marinas varies from one to another depending upon the circumstances prevailing and the background to the development.

Therefore, it is fair to say that the Council has a choice as to whether it takes on the responsibility of the Port Catherine Marina or not.

Never-the-less, the request from Australand (attachment 1) is clear, and reflects the proposals presented to the Council on 6 August 2002.

The proposal is self explanatory, but includes the following features:-

- a beach maintenance program,
- maintenance by the developer for 5 years,
- the establishment of a seeding fund to accumulate \$1.5 Million by 2010.

If the Council were to become the manager then this approach has benefits for the Council in minimising the risk to Council, coupled with the ability to apply a Specified Area Rate.

The letter to Australand (Attachment 2) is also self explanatory, and includes extracts from the EPA Bulletin 1060 which demonstrate that the WAPC is responsible for resolving the Waterways Management issue.

The WAPC letter (Attachment 3) acknowledges the EPA Bulletin requirements, but seeks the Council's agreement to take on the responsibility of the Waterways Environmental Management Program, so that it can comply with the requirements of the Project Agreement. The Council is not a party to the agreement. This letter is also self explanatory.

The letter from Australand (Attachment 4) simply confirms the WAPC request.

Based on the foregoing a recommendation has been formulated for the Council's consideration, which recommends the Council agree to be the nominated manager of the Waterways Environmental Management Program, subject to the arrangement being satisfactory to Council.

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

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

#### Managing Your City

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

#### Planning Your City

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

#### Conserving and Improving Your Environment

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

### **Budget/Financial Implications**

The financial implications of the Waterways Management Environmental Program needs to be examined by a third party to ensure that the proposal is acceptable.

The proposal suggests a Specified Area Rate be applied to the area of \$250 per lot and \$200 per unit. Specified Area Rates are based on property values the same as general Council rates so the amount would vary per property based on Gross Rental Valuations.

A fixed sum can only be imposed by way of a Service Charge. However, a Waterways Management Charge is not one of the prescribed services for which a Service Charge is allowed under Section 54 of the Local Government (Financial Management) Regulations 1996.

Specified Area Rates and Service Charges are generally imposed with the intention of spending funds raised on specific works, services or facilities in the area for which the rates and charges are levied. The Local Government Act does allow for funds raised to be placed in a Reserve Account. The proposal to levy Specified Area Rates or Service Charges for five years to provide a Sinking Fund before any



funds are expended is unusual and the view of the Local Government Department should be sought at an early stage to ensure that the proposal is provided for under the Local Government Act.

### **Legal Implications**

Entering into an arrangement requiring the Council to be the nominated manager responsible for the implementation of the Waterways Management Environmental Program with Australand and/or the WAPC will necessitate legal advice and the preparation of legal documentation. This should be undertaken at the expense of either the developer or the WAPC.

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

Nil.

#### **14.4 (Ocm1\_10\_2002) - ALTERNATIVE ESTATE NAME FOR PORT CATHERINE MARINA (3209006) (CHE)**

##### **RECOMMENDATION**

That Council:

- (1) receive the report; and
- (2) retain "Port Catherine" as the estate name for the proposed Port Catherine Marina.

##### **COUNCIL DECISION**

### **Background**

Australand is proposing to construct a marina development immediately north of Coogee Beach, with a marketing name of "Port Catherine".

Council has been concerned for some time that Port Catherine is a name not associated with the City of Cockburn and another name should be considered.

The Elected Members were surveyed with responses being returned to the Mayor. The Mayor advised that the outcome of the survey was a preference for "Port Coogee".

At the Ordinary Meeting of Council held on 16 July 2002, there was some public concern expressed at the suggestion of Port Coogee and therefore it was considered important that the public be given the opportunity through the 'Cockburn Soundings', to make suggestions on possible names which could then be provided to the developer for their consideration.

28,850 copies of 'Cockburn Soundings' are distributed via Australia Post to businesses and private residents in the district every other month.

Council decided *"that the matter be deferred for two months to allow for public consultation through the Cockburn Soundings, on possible names for the project to be put to the developer for consideration."*

In the August/September 2002 edition of 'Cockburn Soundings', a survey form was included on page 6, asking readers to write down their suggestion for naming Port Catherine and return the form to Council. The survey was not a scientific survey, merely a straw poll of people interested enough to take the time to complete the form and return it to Council.

### **Submission**

As of Monday 23 September, 103 surveys had been returned. The survey results are as follows:

Port Coogee	40	(38.83%)
Port Catherine	39	(37.87%)
Anti-port	4	(3.89%)
Port Cockburn	3	(2.91%)
*Other	17	(16.5%)

\*Other is made up of names that received one vote each.

The results show a very slight preference for "Port Coogee" with 40 votes, 38.83% of the total votes. "Port Catherine" is a close second with only 1 vote less than "Port Coogee".

The 103 returned surveys represent only 0.35% of the total number of 'Cockburn Soundings' distributed throughout the district.

Neither the response rate, nor the difference between the top two names is statistically valid and cannot be relied upon for the purposes of decision making.

## Report

Given that the Port Catherine Marina is still in its initial stages of planning and promotion, it is desirable that if the Council is concerned about the current name for the project, it should make the proponent aware of this earlier rather than later and also provide a preferred name for the developer to consider.

The low response rate would seem to indicate that there is little public interest in changing the name of the proposed development. All that can be said is that among those few who are interested, an almost equal number support both 'Port Coogee' and 'Port Catherine' as the preferred name.

It is recommended that given the poor public response and the lack of difference in the level of support for either 'Port Catherine' or 'Port Coogee', that the name Port Catherine be retained.

## Strategic Plan/Policy Implications

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

Planning Your City

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

## Budget/Financial Implications

N/A

## Legal Implications

Nil.

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

Nil.

### 14.5 (Ocm1\_10\_2002) - HOPE VALLEY WATTLEUP REDEVELOPMENT AREA - DRAFT STRUCTURE PLAN (9332) (SMH) (ATTACH)

#### RECOMMENDATION

That Council:

- (1) receive the report; and
- (2) use the report as the basis of an informal submission to the

Hope Valley Wattleup Redevelopment Project on the draft Structure Plan prepared for the Redevelopment Area dated September 2002.

## COUNCIL DECISION

### Background

The Hope Valley – Wattleup Redevelopment Act (December 2000) requires that a Master Plan for the Redevelopment Area be prepared within 4 years of the gazettal of the Act.

LandCorp has appointed consultants to prepare the Master Plan. The consultant team recently presented the draft Structure Plan to the Community Committee and circulated a number of brochures for information, but only a few of the Elected Members were able to attend.

Community information sessions have been held between 12 and 15 September.

Following a telephone inquiry from a planning consultant's office on 24 September asking whether the Council was intending to lodge a submission on the draft structure plan, as their office would be, the Director of Planning and Development rang the project office to find out if submissions were being invited. The advice was that there was no formal submission period however, the Council could submit comments if it wanted to, so long as it was within the next few weeks.

### Submission

During September the Hope Valley – Wattleup Redevelopment Area Master Plan team released a brochure which outlined in general terms, the master planning process and a description of the plan by:-

*"This plan outlines proposals for key elements such as land use and timing for each stage of the redevelopment. It does not, however, include zonings for land within the redevelopment area. This will be determined later in the planning process.*

*This structure plan will give you an idea, in broad terms, of how it is envisaged the project area will be redeveloped and when.*

*Analysis has shown that redevelopment as outlined in the structure plan would meet the project's objective of creating a sustainable*

*industrial development that provides social and economic benefits in an environmentally sound way.*

*Planning to date proposes the project area being divided into 23 development areas, or cells. Each cell is reserved for particular types of land use.*

*There are six land use categories: transport-related industry, general industry, eco-industry/business park, resource recovery, commercial and rural/special use.*

*Sufficient land will be made available to meet the projected needs of each land use category. Areas of public open space, landscaping and natural vegetation have also been identified."*

A copy of the draft Structure Plan is attached, together with the Staging Plan.

It is anticipated that the draft Master Plan will be completed by the end of 2002.

The development is planned to commence in the south at Hope Valley (Anketell Road) and move progressively north over the next 30+ years to include the Cockburn Cement land.

The Council's Henderson landfill site is proposed to be developed within the next 10 to 20 years (Stages 3 and 4).

The plan also shows that the port at Challenger Beach could be developed within the next 5 to 10 years (Stage 2).

## **Report**

The following comments are made in respect to the proposed draft Structure Plan, in the absence of any supporting documentation.

1. It is noted that a 200m buffer has been established around the wetland (category 1) at the southern end of Lake Coogee. Although outside the master plan area, this constraint will cause the Marine Industry Technology Park (MITP) to be severely restricted and confined to the northern sector of the proposed park. This may mean that the future of the wetland or the future of the MITP may need to be reviewed.
2. Given the very limited access to the Redevelopment Area, it is recommended that Russell Road be retained as a major regional road. The road is strategically important as it is the only crossing of the Beeliar Park between Beeliar Drive and Rowley Road and links the Australian Marine Complex to the Kwinana Freeway via a constructed interchange. Russell Road also

crosses the railway line at one of only three crossings between Cockburn Cement and Rowley Road.

3. It is not clear how the road and pedestrian/cycle link will connect between Holmes Road and Beeliar Drive, east of the railway reserve, given portion of the land falls within the Cockburn Cement Industries Act and the balance already has structure plans and subdivisions pending. This road connection may not be achievable. Moreover, it is undesirable to have a road junction alongside a railway bridge. Because of the lack of access to the area, there is little doubt that such a connection would be heavily trafficked so that district and regional access for industrial traffic can be achieved using Beeliar Drive.
4. Because of the potential problem in achieving the Holmes Road/Beeliar Drive connection next to the railway reserve, consideration should be given to extending Spearwood Avenue, a district distributor road, south to follow Henderson Road to Russell Road. This would extend the district road network and also enable district to district road connections to be made.
5. The difference between General Industry, Eco Industry and Business Park is not appreciated and these terms will need to be elaborated on when the final draft Structure Plan is produced for public information.
6. The realigned Fremantle to Rockingham Transitway is supported.
7. The northern section of Cell 18 adjacent to Russell Road is a Crown Reserve 1712. It comprises relatively undisturbed native bushland. It represents about the only piece of intact bushland in the Redevelopment Area. Despite this the reserve has been identified as a basic raw materials site, leading to an eco-industry or business park. Given its connection to the proposed linear open space it would be prudent to design any future earthworks to achieve both developable levels and the retention of fringing vegetation.
8. The open space shown in Cell 17 which represents part of the Council's Henderson landfill site, is supported however, it should extend south through Cells 16 and 14 to include the previously filled areas. The Council support is conditional upon the open space being confined to only those areas that have been or will be filled in accordance with WAPC approvals. Areas of the landfill site that have not been filled should be identified for subdivision and development under the Master Plan.

9. The Council does not object to the proposals to include its freehold land at Henderson as future Resource Recovery (Cell 16) or Transport uses (Cell 14).
10. The proposed road extending east from Rockingham Road between Cells 16 and 14 is in the wrong location and needs to be moved north to follow the current approvals for the landfill in Cell 17 issued by the Western Australian Planning Commission.
11. It is not clear what the future holds for the land affected by the EPIC gas easement. This will need to be explained in more detail when the draft Master Plan is published for public comment.
12. Currently the City of Cockburn has one pedestrian bridge over Stock Road, serving the Hamilton Hill High School. Given this, it is difficult to envisage 6 grade separated pedestrian crossings being included in an industrial estate. By comparison, there are only 2 pedestrian bridges on Leach Highway between Kewdale and Fremantle, which serve the Rossmoyne and Melville High Schools respectively.
13. The proposed Commercial Service Centre (Cell 12) appears very large for the area served. It is not clear what is meant by "local community provider" in the context of regional industrial estate.
14. The proposal to make the eastern sector of both Cells 9 and 10 as Rural/Special Use is not understood on the basis that the FRIARS Report was adamant that all of the 900 hectares was required to provide for the future needs for industrial land in the South West Corridor.

Given this, regardless of where the air-quality buffer line is located, the future of this area should be determined by need for industrial land in the first instance. As this area is buffered from the transport industries to the west in Cells 5 and 13 by Eco-Industry/Business Park, it could be open to identify this area for residential use, to follow Wattleup Road to link into the Southern Suburbs Structure Plan. Moreover, if the land east of Power Avenue is also outside the buffer, the scope for residential development north to Russell or Holmes Road may be possible. The proposed realignment of the air-quality buffer line opens up a greater range of land use possibilities.

15. The plan relies on Rowley Road as the only east-west connection between the coast, Rockingham Road and the Kwinana Freeway. This road is essential, even more so if it connects directly to the proposed outer harbour at Challenger Beach.

16. The acceleration of the establishment of the outer harbour should be a primary objective in order to act as a catalyst to the development of the Redevelopment Area and this is supported by the Council. It is considered a fundamental pre-requisite that a state-of-the-art container port be located on the doorstep of the Redevelopment Area. Such a decision will bring the port to the industry rather than continuing to rely on taking the industry to the port at Fremantle. It is only the proximity of the future Port that makes sense of the large areas dedicated on the plan to transportation related activities.
17. Similarly the options for the private port need to be kept open and access should be via Anketell Road. It is noted that the private port proposed at James Point is not included in the staging plan and should be.
18. The road and rail junction at the southern end of Cell 4 where Rowley Road, Rockingham Road, the railway and the Western Power easement all converge, will require grade separation. Special detailed design considerations will be required to enable this junction to work. In addition, it is unlikely that the railway line curves connecting from the north/south line to the port (ie. end of Cell 4) are adequate to accommodate double stacked container trains up to 1800m long. Also in the future, the Fremantle to Rockingham Transit service may become a light rail system. Due regard should be had for this, particularly the need to provide for the overhead electrical gantries.
19. According to informal discussions with LandCorp, one of the prime assets of the Redevelopment Area is the fact that it has rail access. The use of rail spur lines will enable land adjacent to the line to have sidings to move freight by rail. This is in keeping with the State's desire to move 30% of container traffic by rail rather than by road. However, this presents a potential difficulty for the planning and development of the project area because:-
  - (a) spur lines usually require an easement, but as a minimum excludes the land utilised by the right of way from the developable area.
  - (b) spur lines could serve land set aside for both industrial and transportation use, and therefore could serve all cells except 1, 7, 8, 9, 10, 12, 17 and 21.
  - (c) spur lines could penetrate the cells to maximise access to the rail service, or alternatively have sidings parallel to the main line, where the latter configuration would limit accessibility and use.



- (d) if Fremantle Port continues to be a primary container handler, then the spur lines would need to be orientated north to south to minimise land requirements.
  - (e) if the Outer Harbour is to become the primary container port, then the spur lines would need to be orientated south to north to minimise land requirements.
  - (f) if both Fremantle Port and the Outer Harbour are to handle containers then it may be necessary to connect the spur lines to the north and the south, which would consume a substantial area of developable land.
  - (g) the length of the spur lines is also an important consideration if the ports are to be served by racks of trains of between 800 and 1800 metres in length.
20. The need to relocate the EPIC gas easement to maximise the developable area, is not understood given the pipe appears to be located at the rear of lots on the western side of Power Avenue which is a desirable demarcation between industrial and other non-industrial activities. It is not understood because:-
- (a) the relocation of the pipe is likely to be at a high cost for minimal gain.
  - (b) based on the "*Review of the Kwinana Air-Quality Buffer*" Report, it appears that the lots on the western side of Power Avenue are unconstrained by generic buffers, except for the possible extraction of basic raw materials from Crown Reserve 1712 on Russell Road (Cell 18). Therefore the strip of lots affected by the EPIC gas pipe are essentially in the same position as the "yellow" lots in Cells 9 and 10 of the Master Plan, and could be outside the buffer if the buffer line was shifted to the rear of the lots instead of arbitrarily following Power Avenue.
  - (c) to say on one hand that the EPIC gas pipe needs to be moved to maximise the developable area, presumably for industrial uses, and on the other recommend the removal of the "yellow" area from the developable areas of Cells 9 and 10, is very difficult to reconcile.
21. In the event that rail spur lines are not used to serve the transportation industries along the main railway line, and given that it is proposed that Rowley Road and Anketell Road will provide direct links between the port facilities and the Kwinana Freeway interchanges for transport based industries, it may be more appropriate for Cells 1, 6, 7, 8 and 9 to be for transport based activities and for Cells 13, 14 and 15 being for general

industry. Simply, the transport industries should be closest to the port and other industries further away, if spur lines are not used as part of the redevelopment proposal.

22. The finalisation of the draft Structure Plan should be delayed until the outcome of the review of the Kwinana Air-Quality Buffer is completed. Public submissions closed on 27 September 2002. It is presumptuous of the plan to note in relation to Cells 9 and 10 that *"the review of the air buffer has lifted the constraint on this land, providing for its continued use in a manner similar to its current use."* This has yet to be decided.

The Council position would welcome any reduction in the Kwinana EPP buffer, thereby releasing land for other optional uses, such as residential development. However, the Council believes that any change to the buffer should be based on scientific data not generic buffers or arbitrary lines. The Council lodged a submission on the Review of the Kwinana Air-Quality Buffer on 19 September 2002.

### **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 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 identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

### **Budget/Financial Implications**

At this stage in the preparation of the Master Plan there does not appear to be any financial implications for the Council. However, the roles and responsibilities of the local governments (Cockburn and Kwinana), if any, in the implementation of the plan have not been identified.

In terms of the Council owned land comprising the Henderson landfill site, the draft Structure Plan shows that its potential is for public open space (filled area 30%) and the balance, for Resources Recovery and Transport Industries. This should improve the future value of the land.

### **Legal Implications**

Nil.

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

Nil.

## **14.6 (Ocm1\_10\_2002) - PROPOSED POLICY - ANCILLARY ACCOMMODATION ON RESIDENTIAL ZONED LAND - DEVELOPMENT GUIDELINES (9003) (VM) (ATTACH)**

### **RECOMMENDATION**

That Council not proceed with the proposed Policy "Ancillary Accommodation on Residential Zoned Land – Development Guidelines".

### **COUNCIL DECISION**

### **Background**

The policy was referred to the Council Meeting of 16 April 2002 when Council resolved to adopt the proposed policy for the purpose of advertising it under Clause 11.1.1 of the City of Cockburn District Zoning Scheme No. 2.

The policy was advertised in the Cockburn Herald for 21 days from 11 to 31 May 2002. No submissions were received.

### **Submission**

Draft Policy attached to the Agenda.

### **Report**

The purpose of this report is to not proceed with the final adoption of the Ancillary Accommodation Policy as the new Residential Design Codes will be gazetted in October 2002. The new Codes will address

the same issues considered included in the policy, therefore the policy is not required.

The reason to initiate the policy was to overcome a deficiency in the Residential Planning Codes (the Codes). The current (1991) Codes do not specify a maximum floor area for Ancillary Accommodation.

The proposed Residential Design Codes under Part 4 – Special Provisions details specified acceptable development standards, including restrictions on maximum plot area (ie. 60m<sup>2</sup>), for Ancillary Accommodation.

The proposed Residential Design Codes do not specify the requirement for landowners to prepare a Notification to be placed on a title informing purchasers of the conditional use of the Ancillary Accommodation. A Notification would state that the Ancillary Accommodation "must only be used by members of the family of the occupiers of the main dwelling."

Under proposed Town Planning Scheme No. 3, Planning Approval is required for Ancillary Accommodation. Therefore a condition (Standard Condition APD17) can be imposed to ensure the proponent includes a Section 70A Notification on the Certificate of Title prior to the issue of a building licence. In this manner, prospective purchasers will be advised of how the Ancillary Accommodation can be correctly occupied.

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

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

#### Managing Your City

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

#### 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."*

#### Facilitating the needs of Your Community

- *"To facilitate and provide an optimum range of community services."*

The Planning Policy which applies to this item is:-

APD11      Aged or Dependant Persons Dwellings and Ancillary Accommodation on Rural and Resource Zone Lots

**Budget/Financial Implications**

N/A

**Legal Implications**

Nil.

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

Nil.

**14.7 (Ocm1\_10\_2002) - POLICY - RESIDENTIAL DESIGN CODES (9003) (MR) (ATTACH)****RECOMMENDATION**

That Council:

- (1) adopt Administrative Policy APD32 - "Residential Design Codes" and a modified version of "Strata Titles" Policy APD8, for inclusion in the Councils' Policy Manual;
- (2) adopt Delegated Authority "Residential Design Codes" APD58, attached, for inclusion in the Council's Delegated Authority Register;
- (3) delete Administrative Policy APD32 "Residential Planning Codes – Interpretations in relation to car parking, setbacks and boundary walls and the applicable Delegation APD58; and
- (4) notify building companies recorded by the City accordingly.

**COUNCIL DECISION****Background**

The R-Codes Review commenced in 1999 and included opportunity for public comment at various periods. The Codes have now been adopted by the Commission and approved by the Minister. The new Codes were gazetted on 4 October 2002.

The Residential Design Codes, once gazetted, will automatically supersede the Residential Planning Codes. Council does not have to

readopt the Codes since they form part of the City's District Zoning Scheme No 2, which include provision for amendments.

### **Submission**

The new Codes are divided into four parts – general application issues, site requirements, design elements and special provisions. These provisions allow Council the ability to create policies to vary specific parts of the Codes to clarify performance criteria. The Codes allow the applicant to decide on whether or not to adopt the *Acceptable Development Requirements* or to apply the *Performance Criteria* for residential development. Where the acceptable standards are not met, a Codes Approval is required using a Codes form from the Appendix. Consultation is restricted to adjoining property owners, while consultation itself is required only where discretionary decisions may adversely affect adjoining property owners.

The general site requirements for residential development contains several changes which require a more rigorous approach to the assessment of proposals.

The merging of single and grouped dwellings into a common minimum site area requirements is supported but this will have implications for Council's Strata Policy. The inclusions of battleaxe site area requirements will limit the ability in many cases for infill dwellings and could lead to an increase in the redevelopment of blocks where the existing house cannot be retained.

The assessment criterion has expanded dramatically in the Codes to address issues of privacy, overshadowing and streetscape issues. These aspects were not adequately addressed by the 1991 Codes. This will increase the complexity of granting approvals and place a greater administrative requirement on the City's Building Services and Statutory Planning Services.

### **Report**

The purpose of this report is to seek Council's adoption of the proposed Policy so as to position the City in the anticipation of the new Codes being gazetted.

The proposed Policy removes any conflict and duplication from the Council's existing Administrative Policies and reflects the latest criteria of the Residential Design Codes. For example, the new Codes duplicate the requirements for garages/carports, streetscape and boundary walls from Council's R-Codes Interpretation Policy. The current Residential Planning Codes Policy – Interpretations in relation to car parking, setbacks and boundary walls should therefore be deleted. There are also changes proposed to the existing Strata Titles Policy that are explained at the end of this report.

Approval of residential development is a statutory action and administrative function, which could be conducted within the scope of a simple Administrative Policy and delegated authority from the Council. This would still ensure the effective and efficient processing of plans at a detailed level.

There is no public advertising requirement for proposals that comply with the acceptable development requirements, which are expected to comprise the majority of applications. This further reaffirms the internal administrative process involved.

Attached, is a copy of a proposed Residential Design Codes Policy and amended Strata Titles Policy and Delegated Authority for the Council's consideration. The proposed Residential Design Codes Policy measures are briefly summarised below:-

- Retrospective applications lodged prior to the gazettal of the Residential Design Codes could be assessed in accordance with the performance criteria and would allow the Council to apply the 1991 Code requirements as a guide. This will allow a smooth transition from the 1991 Codes to the 2002 Codes. Applicants have an expectation of approval of plans based on the 1991 Codes and could otherwise be 'caught out' with the change to the new Codes;
- All applications received following the gazettal of the 2002 Codes will be assessed for conformity with the Acceptable Development and Performance Criteria;
- Removes the requirement to consult neighbours regarding proposed boundary walls since this aspect of the 2002 Codes is an acceptable development provision where the Council cannot exercise discretion. A boundary wall becomes an as of right in respect of R20+ Codes. New boundary wall standards are established for Codes less than R20;
- Re-affirms that the City's Town Planning Scheme varies the minimum site area requirement where notwithstanding the Codes, Council may approve two grouped dwellings on any lot with an area of 900m<sup>2</sup> or greater;
- Re-affirms the details to be submitted for a building licence and Codes Approval; and
- Introducing a new application fee to cover the costs of assessing Codes Approvals. Fees are proposed to follow the adopted Planning Services Fees and Charges applicable to MRS Form 1 planning applications.

The following modification was made to the existing Administrative Strata Title Policy:-

- Carries over the Strata Policy requirements dealing with Built Strata's and non-residential strata's. Adjusts residential survey strata and subdivision requirements as single house and grouped dwelling site requirements have merged in the 2002 Codes.

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

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

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

#### Conserving and Improving Your Environment

- *"To conserve the character and historic value of the human and built environment."*

#### Facilitating the needs of Your Community

- *"To facilitate and provide an optimum range of community services."*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil

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

Nil



**14.8 (Ocm1\_10\_2002) – NEW ADMINISTRATIVE POLICY - APD41  
AUTHORISATION OF DEVELOPMENT COMPLIANCE AND  
PLANNING OFFICERS TO ENTER LAND WITHIN THE DISTRICT  
(9003) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt Administrative Policy APD41 "Authorisation of Development Compliance and Planning Officers to enter land within the district" for inclusion in the Councils' Policy Manual; and
- (2) adopt Delegated Authority APD65 "Authorisation of Development Compliance and Planning Officers to enter land within the district" attached, for inclusion in the Councils' Delegated Authority Register.

**COUNCIL DECISION**

**Background**

The power of entry to land within the district comes from Part 7 of the City's Town Planning Scheme No 2 as follows:-

*"(c) An officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any Building or Land for the purpose of ascertaining whether the provisions of the Scheme are being observed."*

**Submission**

Nil

**Report**

The purpose of this report is to seek Council's adoption of the proposed Policy and Delegation.

The proposed Policy would enable the City's Development Compliance Officer to perform the responsibilities of his position if challenged by a person(s) who may be in breach of the City's Town Planning Scheme. City Planning Officers also are required to inspect properties in the assessment of applications for planning approval.

This is an internal administrative process.

Attached, is a copy of a proposed "Authorisation of Officers to enter land within the district" and Delegated Authority for the Council's consideration which are self-explanatory.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

**Legal Implications**

Nil

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

Nil

**14.9 (Ocm1\_10\_2002) - HOME BUSINESS AND KEEPING OF HORSES - LOT 17 (192) GIBBS ROAD, BANJUP - APPLICANT/OWNER: R M TROUP, M J & D E MURFIT (5500134) (CP) (ATTACH)**

**RECOMMENDATION**

That Council:

(1) refuse the application to operate a business from the property at Lot 17 (192) Gibbs Road, Banjup, as proposed in the application dated 14 March 2002 for the following reasons:

1. The nature and scale of the business is such that it falls outside the definition of a "home business" as provided for in the Statement of Planning Policy No.6;
2. The Council does not have discretion to approve the proposal as it is a use that is not permitted in the Resource Zone;

Footnote

The owners are advised that:

1. All unauthorised buildings/structures must be removed from the land within 3 months of the date of this decision.

- (2) refuse the application to keep three horses at Lot 17 (192) Gibbs Road Banjup, as proposed in the application dated 14 March 2002, for the following reasons:
1. the land the subject of this proposal is located within the Jandakot Underground Water Pollution Control Area (UWPCA), which has been declared for Priority 2 (P2) source protection. Stables are a conditional land use in P2 areas according to the Water Quality Protection Notes on Land Use Compatibility in Public Drinking Water Source Areas. On the basis of the soil type at this property, an acceptable stocking rate is 1ha per horse. Therefore, the keeping of three horses is inappropriate.
  2. notwithstanding (i) above, the concentration of nitrogen recharging into the groundwater for P2 Jandakot UWPCA from this property exceeds the recommended concentration of the National Health and Medical Research Council's guidelines according to the Draft Environmental Guidelines for Horse Activities. Therefore, the keeping of horses is inappropriate.
  3. the proposal is inconsistent with the objectives of the Statement of Planning Policy No.6.

#### Footnote

The owners are advised that:

1. All horses shall be permanently removed from the property within 12 months of the date of the decision.
- (3) issue two separate MRS Form 2 Notice of Refusals:-
1. Refusal to operate a business at Lot 17 (192) Gibbs Road, Banjup; and
  2. Refusal to keep 3 horses at Lot 17 (192) Gibbs Road, Banjup;
- (4) advise those who made submissions of the Council decision accordingly.

#### COUNCIL DECISION

## Background

ZONING:	MRS:	Rural –Water Protection Zone
	DZS2:	Resource Zone
LAND USE:	Existing earthworks business, the keeping of 3 horses, a house and sheds.	
APPLICANT:	RM Troupe, MJ & DE Murfit	
OWNER:	As above	
LOT SIZE:	2.0ha	
USE CLASS:	“X” use (earthworks business), “AA” use (stables)	

As a result of Council officers inspecting the property earlier this year, it became apparent the site was being used for the purposes described below without a prior planning approval pursuant to District Zoning Scheme No.2. The current application is a result of that monitoring action.

## Submission

Approval has been sought for the continuation of the following land uses on the subject site:

- as the base for a business associated with undertaking earthworks and constructing sites for transportable classrooms at Department of Education schools;
- the keeping of three horses.

In respect to the operation of the “home business”, it is noted that:

- the operation involves the temporary on-site stockpiling of quarried sand and topsoil for use at various jobs, being up to 50m<sup>3</sup> in volume. It has been indicated subsequently however that topsoil is no longer being stored on-site;
- in addition to weekdays, operations occur over weekend periods to coincide with schools not being occupied at the time of construction work;
- the proposal involves the use of two trucks (a 13 ton and a 20 ton truck), two bob-cat excavators, a front end loader and two utility vehicles;
- the operation involves 2 staff not being members of the household, who travel to and from the property each day.

A site plan and application documents are contained in the agenda attachments.

## Report

Five submissions were received during the 21 day advertising period, of which four opposed the application and one in support.

The opposing submissions raised concerns including:

- machinery and other noise from the activity disturbing nearby residences, particularly in the weekends;
- dust from the operation and cleared areas affecting nearby properties;
- concerns about the removal of vegetation from the property;
- expectations of the community in terms of the nature of activities permitted in the Resource Zone;
- suggesting the business relocates to an industrial zone;
- lack of concern of the applicant to the effects of their activity on other residents;
- concerns about the accuracy of the information provided to the Council by the applicant.

The Department of Environmental and Water Catchment Protection (“DEWCP”) does not support the keeping of horses on the property due to the soil characteristics of the site and that the concentration of nitrogen recharging into the groundwater exceeds the recommended concentration of the National Health and Medical Research Council’s guidelines, according to the Draft Environmental Guidelines for Horse Activities.

From a planning perspective, it is noted that the use of the property as the base for the business operation does not fall within the definition of a “home business” as the following criteria are not complied with in respect to:-

- “b) – does not cause injury or prejudicially affect the neighbourhood;*
- d) – does not entail employment of any person not a member of the occupier’s household;*
- e)- does not occupy an area greater than 50m<sup>2</sup>;*
- h) - does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonne tare weight”<sup>1</sup>.*

On the basis of the extent of non-conformance with the “home business” criteria, the scale and nature of the operation is such that it is not considered appropriate to be located in the Resource Zone. The activity would be more appropriate in an Industrial zone.

Furthermore, the Council has no discretion to approve the business aspect of the application in the Resource Zone. Failure to comply with the home business criteria of Statement of Planning Policy No.6 would

mean that the operation does not constitute a “home business” and is therefore not permissible.

A further issue is the extent of outbuildings erected on the property. Council Policy APD18 limits the extent of outbuildings in the Resource Zone to 200m<sup>2</sup>. Notwithstanding this, building licences have over time been issued for outbuildings up to 321m<sup>2</sup> in area. Several other outbuildings are located on the site without building licence. In this regard, it is recommended that all unauthorised structures be removed from the property.

It is recommended that the application be refused by Council for the reasons outlined in the recommendation. Two MRS Form 2 Refusals should be issued dealing with each part of the application.

**Strategic Plan/Policy Implications**

Consistent with Position Statement PSPD13 “Keeping of Horses and Other Animals in the Resource Zone”, adopted by Council at its Ordinary Meeting of 20 August 2002.

**Budget/Financial Implications**

Potential costs in defending any appeal to this decision.

**Legal Implications**

Nil.

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

Nil.

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

**15.1 (Ocm1\_10\_2002) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

**Background**

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

**Submission**

N/A

**Report**

N/A

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

**Legal Implications**

Nil

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

Nil.

**15.2 (Ocm1\_10\_2002) - DEBT WRITE OFF - WASA PERSONAL ASSISTANTS (5651) (KL)**

**RECOMMENDATION**

That Council resolve that the amount of \$1,221.00 (incl. GST) be written off.

**COUNCIL DECISION****Background**

WASA Personal Assistants were to enter into a lease agreement with the City of Cockburn to rent the Ngalla Maya Respite Cottage on the

corner of Healy Road and Ingram Street, Hamilton Hill. The City of Cockburn had the lease drawn up by McLeods - Solicitors at a cost of \$1,221.00 including GST, for which WASA Personal Assistants were invoiced to recoup the expenses.

After the lease was drawn up, the partnership of WASA Personal Assistants turned sour and they did not enter into the lease agreement. The matter was in the hands of a solicitor, who was trying to recover the books so the business could then go into liquidation and a Circular to Creditors could be distributed.

**Submission**

N/A

**Report**

Debts which are non-recoverable require Council's authorisation to be written off, under the provisions of the Local Government Act S6.12.1c.

Contact with the Solicitors, Stefan Alteruthemeyer, confirmed that the company has now gone into liquidation, the Liquidator being Dugall McClay. No Creditors were paid because the funds that had been recovered were tied up in employee entitlements.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

Loss of \$1,110.00 revenue.

**Legal Implications**

Nil

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

Nil.



## 16. ENGINEERING AND WORKS DIVISION ISSUES

### 16.1 (Ocm1\_10\_2002) - ROCKINGHAM ROAD BANNER POLES (5402) (450498) (JR) (ATTACH)

#### RECOMMENDATION

That Council:

- (1) does not proceed with the provision of banner poles in Rockingham Road which would facilitate the erection of Christmas lights and decorations, as proposed and provided for in the 2002/03 Municipal Budget;
- (2) support the concept of providing street lighting in Rockingham Road between Phoenix Road and Spearwood Avenue, which allows banners and other decorations to be attached as per the attachment to the Agenda and as outlined in the report; and
- (3) require a report to be provided to Council when the outcome of the Integrated Transport Plan for the South West Group/ City of Cockburn in regards to Rockingham Road is known.

#### COUNCIL DECISION

#### Background

At the Special Council Meeting held on 30 July 2002 to adopt the 2002/03 Municipal Budget, consideration was given to the budget item "Provision of Banner Poles – Rockingham Road" with an allocation of \$60,000.

#### Submission

In adopting this budget item, Council resolved that a report be presented to a future Council Meeting with regard to the provision of banner poles in Rockingham Road which will facilitate the erection of Christmas lights and decorations, prior to the expenditure as provided for in A/C No. 625800.

#### Report

Council requested further analysis in regard to determining the location and number of poles, capacity to connect to power and other functional administrative processes to be applied in arranging suitable banners.

At a briefing session, Elected Members considered the options and issues for the provision of banner poles and Christmas decorations. The Elected Members present were of the view that the most appropriate treatment was to incorporate the banners/decorations in a central street lighting system.

The street lighting in Rockingham Road between Phoenix Road and Spearwood Avenue is currently inadequate in meeting the minimum Category V5 lighting to Australian Standards for this type of road. To raise prestige, improve pedestrian safety and enhance commerce, "white light" (metal halide lamps) to a higher Category V3 lighting would be appropriate for the section between Phoenix Road and Coleville Crescent. Currently, the street lights are located only on the west side of the four lane road, with a distinct lack of after hours street lighting levels on the east side.

Having regard to:

- the need to upgrade the current street lighting levels,
- clearance restrictions imposed by the existing overhead power lines on the west side for additional verge poles and banners,
- the restricted verge space on both sides to accommodate additional poles, and
- the overhead clearance requirement (5.5 metres MRWA preference) for the road carriageway,

the most appropriate arrangement of street lighting and decorations is underground powered central lighting masts with double outreaches and incorporating decorative lighting/banner provisions. Typical poles are shown in the attachment to the Agenda.

A preliminary estimate and timeframe for the installation of underground powered central street lighting has been undertaken and indicates the following:-

	#Masts	Estimate	Construction Time
Stage 1 – Phoenix Rd/Lancaster St	7	\$170,000	4 weeks
Stage 2 – Lancaster St/Coleville Cr	7	\$210,000	6 weeks
Stage 3 – Coleville Cr/Spearwood Ave	8	\$190,000	4 weeks

Fourteen (14) weeks would need to be added to the construction time to allow for survey, design, Western Power approvals, community consultation and the tender process. The estimate includes civil works to incorporate additional traffic island constructions and modifications to accommodate the masts. The costs of lighting decorations and banners would be additional to the above estimates, together with the costs of assembling them on the poles and taking them down. Also, the cost of undergrounding the higher voltage power lines that feed adjacent properties would be additional.

There will also be difficulties in locating the masts in the ideal central location. Currently, the road deviates to accommodate the various turning movements at adjacent commercial and residential driveways and for safety reasons. Council has also indicated, subject to the finalisation of the Integrated Transport Plan for the South West Group/ City of Cockburn, that its favoured position for the redevelopment of Rockingham Road between Phoenix Road and Spearwood Avenue is to support traffic calming to one lane in each direction. To achieve this would require substantial alignment modifications that would shift, extend and modify the current central traffic islands and verge areas. An overall refurbishment plan would be required to accommodate the traffic modifications, pedestrian facilities, landscaping and paving, street furniture, public utilities and street lighting upgrades.

A preliminary indicative costing to construct the Rockingham Road refurbishment plan is in the order of \$900,000, but this would be subject to a detailed plan being developed. The refurbishment plan would require an extensive community consultation process.

Consequently, it would be premature to install poles for lighting/ banners/decorations prior to the Council making a decision on the redevelopment of Rockingham Road.

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

Relevant objectives from the Corporate Strategic Plan are:

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

### **Budget/Financial Implications**

The funds of \$60,000 currently allocated on the Budget to install banner poles in Rockingham Road are inadequate to provide a suitable result incorporating underground powered central street lighting.

### **Legal Implications**

Nil.

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

Nil

**18. EXECUTIVE DIVISION ISSUES**

Nil

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

**19.1 (Ocm1\_10\_2002) - CHRISTMAS DECORATIONS - COUNCIL ADMINISTRATION BUILDING (5402) (LCD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) transfer \$20,000 from Account No. 625800 to a new account, to be titled "Christmas Decorations – Council Administration Building";
- (2) utilise the funds for the installation and maintenance of Christmas decorations at the Council Administration Building in Spearwood, in accordance with Option 1 attached, provided the decorations can be installed on site at least three (3) weeks prior to Christmas; and
- (3) consider the installation of central street lights facilitating banners and decorations along Rockingham Road during budget deliberations for the financial year 2003/2004.

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

**COUNCIL DECISION**

**Background**

The following Notice of Motion was received by e-mail from Councillor Allen on 2 October 2002.

**MOTION**

That Council:

- (1) transfer \$20,000 from Account No. 625800 to a new account, to be:
  - (i) titled "Christmas Decorations – Council Administration Building", and
  - (ii) allocated an account number by the Director, Finance and Corporate Services;
- (2) direct the expenditure of funds in the new "Christmas Decorations – Council Administration Building" account be used for the installation and maintenance of Christmas decorations at the Council Administration Building in Spearwood;
- (3) direct the CEO to ensure the decorations represent a traditional Christmas image, are installed a minimum of 3 weeks prior to Christmas and are clearly visible from Rockingham Road;
- (4) require any proposed future access of funds from account No. 625800 during the financial year 2002/2003 be decided by Council;
- (5) reconsider the installation of banner poles along Rockingham Road during budget deliberations for the financial year 2003/2004, and for that purpose allocate an amount of \$160,000 in the first draft budget papers for consideration.

### **Submission**

That Council choose a decorative design for display on its Administration Building, Rockingham Road frontage, in time for the 2002 Christmas festive season.

### **Report**

At the time the Notice of Motion was received, Council staff took the opportunity to source information which could enable Council to make a more definite decision on the type of Christmas decorations it would prefer to display from the Administration Building.

In order to achieve this, it was necessary to research that information which had already been sought by Council staff during the 2002/03 Budget deliberations.

In addition, having regard to the most prominent location available for the display of the decorations, it was considered necessary to install a protective barrier to the roof to enable access to and from the display at any time without risking damage to the roofing material.

Therefore, an extension to the steel grid walkway on the roof for 40 metres to the proposed site has been factored into the estimates received for both options at a cost of \$5,500. Additionally, it would be necessary to install an all weather power supply to connect to the light display with a time switch set to the operating hours, as determined for the decorations. This cost is estimated to be around \$400.

Therefore, preliminary costs associated with either proposal are likely to be in the vicinity of \$5,900.

In order to determine cost estimates for this exercise, Council staff approached three(3) suppliers of Christmas decorations and requested their assistance in providing a proposal to install decorations on the curved façade of the Administration Building. Two comprehensive submissions were subsequently received from L.M. Electrical Service (Option 1) and The Factory (Option 2), details of which follow.

A third provider, Boo Creatives, did not respond however, referred to its original submission provided earlier in the year, details of which cannot be located. However, the cost estimate of that proposal was \$32,000 and has been eliminated on that basis. Therefore, this Report concentrates on the elements of the two proposals received.

Option 1 – L.M. Electrical Service

1.	Manufacture and supply Santa in Sleigh with 2 running reindeers - 4.5m x 1.5m - illuminated	\$2,680
	Installation and Dismantle	\$1,400
2.	2.1m Wreath Traditional Dark Green Complete with Bud Lights, Gold Balls and Bow	\$5,280
3.	2m Garlands Traditional Dark Green Complete with Bud Lights, Gold Balls and Bows	
	Installation and Dismantle	\$2,640
	Storage following Dismantling	\$1,000
	Preliminary Costs (mesh guard/power supply)	\$5,900
	<b>TOTAL</b>	<b>\$18,900</b>

Option 2 – The Factory

	Manufacture, supply, install and remove Christmas decorations to front of building.	
1.	Four Wreaths 1800mm diameter with dressings, chasing bud lights in two rows the length of the building	\$6,690

	at front and Christmas graphics to stand on roof-top being one of three options: Santa in Sleigh with two reindeer, Santa sitting on half moon shape or Santa hanging off a balloon with reindeers in the balloon basket.	
2.	Additional decorations suggested are shooting stars with lights.	\$1,200
3.	Additional Santa figurines two(2) @ \$2,960 each	\$5,920
4.	Additional chasing lights if required for wreaths or figures. 11m lengths apprx. four(4) @ \$95 each length	\$380
	Wrap, pack and storage of Christmas decorations following dismantling	\$900
	Preliminary Costs (mesh guard/power supply)	\$5,900
	Cherry Picker (to assist installation)	\$175
	<b>TOTAL</b>	<b>\$21,165</b>

Notes: Quotes DO NOT include:-

- GST
- Supervision of installation by Council Facilities Services Unit
- Operating costs for duration of display
- Maintenance Callout costs (if applicable) (estimated at \$56.00 per hour).

Both suppliers have indicated that they would be able to install the decorations in situ by early December 2002, in order to comply with the desire to have them on display for three weeks prior to Christmas.

In addition, both suppliers have quoted a re-installation cost for 2003, being as follows :-

Option 1	\$3,700
Option 2	\$1,900

Operating costs are not known and will only be able to be calculated following the dismantling of the decorations and then comparing the electricity consumption costs for the period with the same account last year.

In any case, a "guesstimate" of \$100 per week (all night display) has been suggested as a reasonable calculation.

Based on all information available and the objective to have a bright and traditional Christmas theme on display, it is recommended that

Option 1 be selected as the preferred proposal, notwithstanding that future reinstallation costs will need to be considered in future budgets, if this is to remain an ongoing programme.

Council will probably wish to consider the future of this type of regular display in conjunction with its decision o the Street Lights/Banner Poles Project (refer item 16.1 of this Agenda)

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

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

### **Budget/Financial Implications**

Costs associated with proposed Option 1 are likely to be contained within the \$20,000 available.

### **Legal Implications**

Nil.

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

Nil.

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

Nil

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

Nil

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

Nil

## **23. CONFIDENTIAL BUSINESS**

Nil



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

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

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

**COUNCIL DECISION****25. CLOSURE OF MEETING**