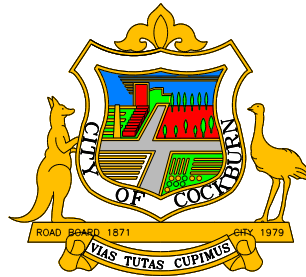


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 18 SEPTEMBER 2001**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 18 SEPTEMBER 2001 AT 7:30 P.M.

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 18 SEPTEMBER 2001 AT 7:30 P.M.

1. **DECLARATION OF MEETING**

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

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

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

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

5. **APOLOGIES AND LEAVE OF ABSENCE**

Clr M. Reeve-Fowkes Apology

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

Brendan Beets - Public Question Time - Ordinary Council Meeting - 21 August 2001 - informed Council of the problems he was encountering in applying for a Home Business License and in particular, the payment of a second fee.

The Chief Executive Officer had the matter investigated and in a letter dated 23 August 2001, advised Mr Beets that the reason for the second fee to be charged, was because Mr Beets was making application to conduct the business from a different location to previous and therefore a second fee was applicable.

Discussions between Mr Beets and the Planning Department have since resolved the issue.

Bert Renner - Public Question Time - Ordinary Council Meeting - 21 August 2001 - required further information regarding the additional financial costs associated with the overall recycling project undertaken by the City of Cockburn.

A letter dated 3rd September 2001 fully explained the reasons for the funding of the Waste Management/Recycling System being introduced by the local governments of Fremantle, East Fremantle, Canning, Melville and Cockburn.

7. PUBLIC QUESTION TIME

8. CONFIRMATION OF MINUTES

8.1 (Ocm1_9_2001) - ORDINARY COUNCIL MEETING - 21/8/01

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Tuesday, 21 August 2001 be confirmed as a true and accurate record subject to the following amendments:-

- Item 22.1 (3) to read "Clr Tilbury requested an investigation into the possible transportation of liquified anhydrous hydrogen from Fremantle Port, down the freeway to the BP Refinery in Kwinana".
- Item 13.2 to read " MOVED Clr Humphreys SECONDED Clr Waters that Council grant approval to the Mayor and Chief Executive Officer (CEO) to be included in a delegation of representatives from South West Group Councils to Canberra in September/October, 2001 and that Council not adopt Policy AES9 "Approval to Participate in Representative Delegations"

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_9_2001) - COUNCILLORS AND STAFF SOUTH LAKE LEISURE CENTRE MEMBERSHIP SUBSIDY (8143) (RA) (ATTACH)

RECOMMENDATION

That Council, pursuant to Section 5.69 of the Local Government Act 1995, apply to the Minister for Local Government to allow disclosing members to participate in the adoption of a Council Policy relating to subsidising a corporate wellness program which will involve Councillors and staff being offered discount membership options to the South Lake Leisure Centre.

COUNCIL DECISION

Background

Council has placed on its budget, funds to subsidise the cost of Councillors and staff utilising the South Lake Leisure Centre for fitness programs. To ensure the funds are expended in a way that achieves Council's objectives, a policy for the matter is required.

Submission

N/A

Report

It is a common and recognised practice for employers to provide incentives for their employees to improve their sense of well being. A key element of this sense is physical fitness, which also has a positive impact on the productivity of employees and the level of absenteeism due to illness.

The policy is proposed on the view that Councillors and employees should be encouraged to participate in regular exercise regimes rather than occasional intense periods of exercise. To this end, staff and Councillors are encouraged to become South Lake Leisure Centre members through the provision of a subsidy for membership. In respect to Councillors, there is \$1,000 on the budget which, with a subsidy to the maximum of \$150 per person per year, would give 6 Councillors the opportunity to take up subsidised membership. It is understood that there are 3 Councillors who regularly use the centre and would be immediately eligible for the subsidy if they are members or should they become members.

In respect to staff, there is \$2,500 on budget for this purpose which, with the same subsidy level, would allow for 16 staff to have subsidised membership. Council has many staff who are employed on a part time or casual basis whose hours vary from on average several hours per week to near full time hours. Many of these staff are relied upon to attend work on a regular basis and are long term committed staff members. It is proposed that any casual or part time staff member who has, over the previous 3 months, averaged greater than 19 hours per week will also be eligible for the subsidy.

It is proposed that the staff at the South Lake Leisure Centre continue to have free use of the facilities. This privilege being conditional on the staff member working more that 5 hours per week and their use of the facilities not infringing on the amenity of paying patrons use of the facilities.

The provision of this privilege to South Lake Leisure Centre staff assists with their increased knowledge of the facilities services. Assists with the development of positive customer service relations through

patrons and staff interacting in a joint activity. Furthermore, as all staff employed at the South Lake Leisure Centre are paid through the Council payroll and do not receive cash payments as occurs with many other centres, the free use of the facility can be seen as a non cash benefit.

The FBT implications of this has been investigated and it has been found that this 'in-house benefit' will not exceed the Threshold 1 benefit set by the Tax Department of \$500 inclusive of G.S.T.

As there is a limited subsidy budget it is proposed that eligibility will be based on a 'first in first served' basis until such time as the budget is expended.

As all Elected Members have a financial interest in this matter, they will be required to declare that interest, however in such circumstances, it is allowable for the Minister to grant exemption for Elected Members to be able to participate in any decision relating to this matter.

Strategic Plan/Policy Implications

Managing the City in a competitive, open and accountable manner.

Budget/Financial Implications

Current budget includes funds to implement the proposed policy.

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

Nil

13.2 (Ocm1_9_2001) - DELEGATE - COCKBURN SPLIT SISTER COMMITTEE (1021) (DMG)

RECOMMENDATION

That Council appoint Councillor Allen as its delegate to the Cockburn Split Sister City Committee.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

At its meeting conducted on 12 December 2000, Council considered nominating delegates to Committees and other external organisations with which Council has an association. At that meeting, no delegate was appointed by Council, as there was no apparent activity by the Committee at that stage.

Submission

N/A

Report

Councillor Allen has expressed an interest, through Mayor Lee, in being Council's delegate on this Committee. Accordingly, it is required that Council formally appoint any members to this committee in accordance with the Local Government Act, 1995.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Nil

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

Nil

13.3 (Ocm1_9_2001) - AUSTRALIAN SISTER CITIES ASSOCIATION (ASCA) NATIONAL CONFERENCE (1027) (DMG) (ATTACH)

RECOMMENDATION

That Council nominate Cllr Allen to attend the A.S.C.A. National Conference to be held at Bunbury from 30 September – 3 October 2001, and that associated costs be paid in accordance with Council Policy AES6.

COUNCIL DECISION

Background

Elected Members were notified of this National Conference which is being held in Western Australia in 2001, in the June 2001 edition of "Councillors Info" and again in the September 2001 edition.

Submission

N/A

Report

Clr Allen has, through Mayor Lee, registered an interest in attending the Conference as Council's delegate. As no officer of Council will be attending, it is necessary for Council to approve the attendance of any Elected Member in accordance with Council Policy.

A copy of the Conference program is attached to the Agenda.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Costs associated in attending the Conference estimated at around \$1,500, are available from the "Governance – Elected Members Conferences" Account.

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

Nil

13.4 (Ocm1_9_2001) - SPORT AND RECREATION INDUSTRY 2001 STATE CONFERENCE (1027) (DMG)**RECOMMENDATION**

That Council approve accommodation at the conference venue for Clr Edwards for 27 & 28 September 2001, with associated expenditure being debited to "Governance – Members Conference Expenses" account.

COUNCIL DECISION

Background

A Council officer and Cllr Edwards have been registered to attend the abovementioned Conference being conducted at the Joondalup Resort on 27 & 28 September 2001, pursuant to Council Policy AES6 "Attendance at Conferences".

Submission

N/A

Report

Cllr Edwards has requested overnight accommodation for the two days of the Conference, citing extended travelling requirements to the Conference venue and early commencement/late finishing of the Conference program sessions as the reasons for this request.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Accommodation costs of \$286.00 will be payable and are available from the 'Members Conference Expenses' account.

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

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (Ocm1_9_2001) - AMENDMENTS TO ROAD RESERVE AND PAVEMENT STANDARDS APD30 (9003) (MR) (ATTACH)

RECOMMENDATION

That Council adopt the revised Road Reserve and Pavement Standards Policy APD30 as attached to this Agenda.

COUNCIL DECISION

Background

At the Ordinary meeting of the Council on 19 June 2001 the Road Reserve and Pavement Standards Policy was adopted.

Submission

N/A

Report

The Western Australian Planning Commission's Liveable Neighbourhood Codes are being used by subdividers as a basis for designing narrow road reserves. It is the City's practical experience that narrower road reserve widths often lead to conflicts in the provision of infrastructure between the City and servicing authorities, such as Western Power and the Water Corporation.

This situation resulted in the Council adopting a new policy to apply minimum road reserve standards. This was a positive move towards addressing this issue but the Policy needs further modifications to address recent concerns.

The City has experienced problems applying reductions to the road reserve width of 15 metres where the road fronts onto public open space. The difficulty occurs in relation to providing for all infrastructure requirements being the trigger to accept or reject proposals to reduce the 15m reserve by 1.5 metres where adjacent to public open space. The Policy needs to be clearer in its requirements and to be expanded to ensure all servicing authorities agree with a variation to a road reserve standard.

It is proposed to delete the closing Policy requirements which are not correctly described as follows:-

“Minimum Road Pavement Width – 6 metres (may be reduced in acceptable circumstances)

“Minimum Verge Width – 4.5 metres (may be reduced to 3 metres adjacent to POS or in acceptable circumstances)

“Absolute Minimum Road Reserve Width – 15 metres (may be reduced to 3 metre adjacent to POS or in acceptable circumstances).”

The clauses that need to be modified and expanded are outlined below:-

Modify the title of the Policy to state:-

Access Street road reserve and pavement standards.

Add the following new policy measures:-

“The standard road reserve width is 15.5 metres for an Access Street. This provides for a reserve profile (right to left) consisting of a 4.5 metre verge, 6.0 metre pavement and 5.0 metre wide verge. This allows for the construction of a 2.0 metre wide footpath.

The City may reduce the road reserve width of an Access Street to a minimum of 14.0 metres where adjacent to public open space. The road reserve profile (right to left) consists of a 3.0 metre verge, 6.0 metre pavement and a 5.0 metre verge. This allows for the construction of a 2.0 metre wide footpath. The applicant must obtain the prior written approval from all servicing authorities that their services will or are being installed within either verge and that the reduced verge width is acceptable. If these approvals cannot be obtained then a standard 15.5 metre road reserve width applies.

Notwithstanding the above Policy requirements, the City’s Engineering and Works Services must be satisfied at all times that based on the particular circumstances that adequate provision is made for all infrastructure requirements of the City and all relevant authorities. The City always reserves the ability to vary the Policy measures to suit the particular circumstances where appropriate.

A 3.0 metre wide verge is only sufficient for the installation of underground power, gas, telecom and reticulated water. Importance is placed on the acceptance from Western Power, Water Corporation and from the City’s Engineering and Works Services – stormwater works and footpath construction.

The subdivider prior to applying for a subdivision/amalgamation of land must give due consideration to servicing requirements and stormwater disposal to define appropriate road reserve widths and drainage basin requirements and regional drainage connections where required.

An Access Street generally has the same meaning as defined in the Liveable Neighbourhoods.”

Strategic Plan/Policy Implications

Key Result Area “Managing Your City” refers.

Budget/Financial Implications

N/A

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

Nil

14.2 (Ocm1_9_2001) - PURCHASE OF PORTION OF LOT 58 TINDAL AVENUE, BEELIAR - BEELIAR ROAD CONSTRUCTION SPEARWOOD TO WATSON ROAD (4413818) (KJS)**RECOMMENDATION**

That Council:

- (1) purchase 660 square metres of Pt Lot 58 Tindal Avenue Beeliar for a purchase price of \$27,898;
- (2) funds for (1) above be drawn from 'Beeliar Drive, Spearwood to Watson Road' construction account; and
- (3) advise the Western Australian Planning Commission of the additional land requirement and request this area be reserved for Other Regional Road in the Metropolitan Region Scheme by inclusion in the next Omnibus Amendment.

COUNCIL DECISION**Background**

The portion of Lot 58 Tindal Avenue within the MRS road reservation was purchased in July 2000, along with other parcels of land. The combined land purchases facilitated the construction of Beeliar Drive Spearwood to Watson Road. The project is currently in the construction phase.

Submission

Letter incorporating offer to sell portion of Lot 58 Tindal Avenue, Beeliar from the owner.

Report

The design of the earthworks and more particularly, the geometry of the intersection Beeliar Drive with Spearwood Avenue, has meant that an additional narrow portion of Lot 58 is required. This portion is outside the M.R.S. reservation. The result will be a safe intersection with reasonably sloping banks that will, in the future, support a landscaping program. Although the land being purchased is outside the M.R.S. road reservation, it should be seen as a cost to the road construction project. Both Beeliar Drive and Spearwood Avenue are roads with regional importance.

The purchase price has been determined by applying the same square metre rate as previously paid with an adjustment for the movement in the CPI since the initial purchase. The owners have made the offer to sell the subject land using square metre rate determined by licensed valuer Jeff Spencer, in the initial purchase with an adjustment for CPI rise since that time.

The cost of purchasing the land will be added to the Development Contribution Plans for DCA's 4 and 5 and accordingly shared between Council and all landowners in accordance with the Scheme arrangements.

The land will need to be reserved as other Regional Road in the Metropolitan Region Scheme.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

There are sufficient funds in the current budget.

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

Nil

14.3 (Ocm1_9_2001) - LAKE COOGEE DUAL USE PATH (3300016) (CB)

<p>RECOMMENDATION That Council:-</p> <ol style="list-style-type: none">(1) endorse the proposal for construction of a dual use path along the western side of Lake Coogee with the completion of the Woodman Point Waste Water Treatment Enhancement Project;(2) construct the path on the alignment agreed to by Department of Conservation and Land Management, Water and Rivers Commission, Department of Environmental Protection and Ministry for Planning (Bush Forever Office); and(3) appropriately acknowledge the contributions by WA21 and Cockburn Cement to the project.
--

<p>COUNCIL DECISION</p>

Background

In 1992, the City of Cockburn appointed O'Brien Planning Consultants to undertake the preparation of a management plan for Lake Coogee Reserve. The Lake Coogee Reserve Management Plan had a number of recommendations, including the construction of a dual use path (DUP) around the lake. In March 2000, the City appointed Ecoscape to refine the proposed path system around Lake Coogee, incorporating the outcomes from community consultation. The construction of the path has been delayed until the completion of the Woodman Point Waste Water Treatment Enhancement Project and the associated wetland crossing structure.

Submission

N/A

Report

With the Woodman Point Waste Water Treatment Enhancement Project nearing completion, Council's Environmental Services Department would like to commence construction of the DUP along the western section of Lake Coogee. On completion, the path would link the existing path on the south and eastern sides of the lake with the soon to be completed wetland crossing structure. This would allow pedestrians and cyclists to safely circumnavigate the lake and enjoy the natural beauty of the area.

As Lake Coogee is part of the Beeliar Regional Park, copies of the proposal for construction of the path have been sent to the Department of Conservation and Land Management, Water and Rivers Commission, the Department of Environmental Protection and Ministry for Planning (Bush Forever office). A dual use path around the perimeter of the lake is also consistent with the draft Beeliar Regional Park Management Plan.

The Woodman Alliance (WA 21) have offered to undertake the earthworks necessary for construction of the path if the work can be carried out prior to their earthmoving machinery vacating the site in 3-4 weeks time. Cockburn Cement have also offered to provide limestone for the sub-base. The offers of assistance by the Woodman Alliance and Cockburn Cement would significantly reduce Council's construction costs.

Council's cost to bitumise the path is estimated at \$26,650.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
2. Planning Your City
 - *"To ensure that the 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."*
4. Facilitating the needs of Your Community
 - *"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."*
5. Maintaining Your Community Facilities
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

- | | |
|------|------------------------------|
| SPD1 | Bushland Conservation Policy |
| SPD5 | Wetland Conservation Policy |

Budget/Financial Implications

Funding for this project has been allocated from the Lake Coogee Enhancement budget.

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

Nil

14.4 (Ocm1_9_2001) - PROPOSED MULTI STOREY ACCOMMODATION UNITS (26) AND COMMERCIAL DEVELOPMENT - LOT 4; 3 ROCKINGHAM ROAD, HAMILTON HILL (2212275) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) refuse the proposed Multi Storey Accommodation Units (26) on Lot 4 (No 3) Rockingham Road, Hamilton Hill and revised plans received on 18 July 2001, for the following reasons:-
 1. The proposed development is totally out of context with the density, height and scale of existing development in the locality.
 2. The proposed development would adversely affect the amenity of the area due to the potential visual impact, building height and scale.
 3. The proposal would detract from the heritage significance of the Newmarket Hotel, which is a place of high conservation importance and registered on the Municipal Inventory of Heritage Places.
 4. The development fails to comply with the standards of District Zoning Scheme No 2.
- (2) issue a Notice of Refusal to the applicant and recommend that a smaller scale development be designed for the site; and
- (3) notify the submissioners accordingly.

COUNCIL DECISION

Background

The subject land is zoned 'Commercial' under District Zoning Scheme No. 2 where shops are permitted and multiple dwellings are a discretionary use. The Council can either approve the proposal (with or without conditions) or refuse the proposal.

Submission

The applicant seeks approval from the Council to construct a 6 storey multiple unit development incorporating the following components:-

- Ground floor Lunch Bar and alfresco dining area, commercial tenancy;
- Basement carpark, and first floor carpark – 29 bays for either permanent or short term accommodation as originally proposed;
- 26 apartments including level six and seven penthouse apartments;
- Vehicle access is via a rear laneway, while pedestrian access is via Rockingham Road.

Report

The major factor in determining this proposal, is whether the Council wants to approve of this 'high rise type' development within the coastal area. There is significant interest shown over the last year from developers, to introduce multiple dwelling developments around Boyd Crescent, Cockburn Road and Rockingham Road.

Height and Scale of the proposal

The actual height of the proposed development is 29.0 metres from ground level to the apex of the roof. The proposal includes 9 levels, of these several levels are designed for apartments. The remaining levels are dedicated to a mezzanine carpark and ground floor commercial tenancies and basement car parking.

The height and scale of the proposed development is significant and contrasts with the low scale of existing development in the locality. The rear residential units are by comparison, three storeys in height. The proposal is about three times the height of these units. The scale of the building is very substantial on what is clearly a small lot size of 930m².

To further aid in breaking up the building bulk, the ground level facade should be extended to the mezzanine level to screen the parking deck from Rockingham Road and increase the facade height.

Plot ratio and density

The plot ratio of the development is over 3:1. Plot ratio is the gross total of the areas of all floors to the area of land within the site boundaries excluding non-habitable areas (ie-parking area, lobbies, lifts etc.)

District Zoning Scheme No 2 does not contain any specific residential density coding over the land. The adjoining residential density coding is R60. The proposal by comparison, is based on a residential density coding of about R280. The scale on the R-Codes only goes up to R160. This is the main indicator that verifies the major difference with the surrounding lower density coding of R60 and R80.

Streetscape

The proposed building form is relatively simple in design, which uses tilt up wall construction.

The proposal was assessed using urban design principles. The original plans included the main vehicle entrance from Rockingham Road which detracted from the overall appearance of the design. The plans were revised to include access from the rear laneway. This allowed the ground floor to be modified to include a new commercial tenancy. The objective was to contribute towards the 'animation' of the street at pedestrian level. This substantially changed the pedestrian amenity of the design.

The proposal is also within immediate proximity of the Newmarket Hotel, which is a significant historical building that has been included on the Council's Municipal Inventory of Heritage Places. The Newmarket Hotel building is situated on a prominent corner location of Rockingham Road and Cockburn Road. The scale of the proposal would detract from the landmark proportions of the Newmarket Hotel. This proposal for a landmark building is not on a landmark site.

Surrounding land use

The surrounding land use is a mixture of commercial premises along Rockingham and Cockburn Road, 3 storey townhouse units accessed via a rear laneway and light industrial premises on Boyd Crescent. The amenity of the area is therefore, strongly influenced by the nature of the surrounding land use and the high amenity associated with the coastal aspect and ocean views.

Building Setbacks, Landscaping

The Scheme requires a minimum front setback of 11.5 metres from the front boundary to Rockingham Road as opposed to the 'nil' front setback provided. This reduced setback, if approved, would require the Council to exercise discretion to vary Scheme requirements. The initial plans showed a setback and a narrow landscaping strip fronting onto Rockingham Road. Following further discussions with Council Officers, it was recommended that the design be amended to bring the building to the street frontage in line with the Newmarket Hotel. The urban design at pedestrian level therefore creates an 'animated urban facade'. This allows the building bulk to be divided into the pedestrian level.

Vehicle Access

The initial plans included 6.0 metre wide crossover onto Rockingham Road flanked by a bin storage area and services. This design diminished the appearance of the proposal from Rockingham Road and was modified in accordance with the City Officer's advice. Vehicle access is now proposed via the rear laneway. This has allowed the building frontage to be redesigned to create an 'active space' along Rockingham Road.

Easement

The Water Corporation has an easement at ground level along the western side boundary. The part of the building just needs to be 2.4 metres from ground level to the underside of the carpark. The submitted plans show a 3.0 metre wide distance which is acceptable to the Water Corporation.

Car Parking

The applicant has provided 29 car-parking bays of which 2 bays are undersized and therefore 27 are provided. The proposal was assessed for its conformity with the Residential Planning Codes and District Zoning Scheme No 2 as follows:-

<i>District Zoning Scheme No 2</i>	<i>Provided</i>	<i>Required</i>
<i>115m² retail floorspace @ 1 bay per 12.5m²</i>	2	9
<i>26 apartments @1 bay per dwelling</i>	26	26
<i>Total</i>	28	35

The shortfall in parking is 20% less than that required. The initial proposal included provision for 30 parking bays for 26 short-stay apartments and a small lunch bar, which satisfied Scheme requirements. The ground floor plan was redesigned to include additional commercial floorspace fronting onto Rockingham Road. This will improve the presentation of the proposal from Rockingham Road.

Where there is a deficiency in the number of car parking spaces provided to serve a building or use, the Council can permit the car parking spaces for the building to be provided jointly. To apply this approach, the Council must satisfy itself that the peak hours of operation of the apartments and commercial tenancies will not substantially overlap.

In granting a joint use of parking facilities, the Council must be satisfied that the overall car parking needs of the development will be served. The Council's earlier relaxation of car parking of the Newmarket Hotel premises nearby, should be an added reason why the parking needs of the development must be satisfied in one form or another on-site. The applicant could easily adjust the ground floor plan to delete the 88m² commercial tenancy and replace this area with more car parking to satisfy the Scheme requirements. This would detract from the overall building design and therefore, joint use of car parking is a preferred alternative.

Overshadowing

The R-Codes require that no development shall cause more than 50% of an adjoining lot to be in shadow at noon on 21 June unless with the

approval of the Council. The applicant has drawn shadow diagrams indicating the extent of overshadowing at various morning, noon and afternoon hours on 21 June. The following observations of the shadow diagrams were made:-

- overshadowing will occur over some of the existing townhouses to the south;
- less than 50% of the existing townhouses (more likely 25%) would be in shadow at noon 21 June;
- most of the shadow effect at noon is over the carpark, northern townhouses;
- in the morning on 21 June, the existing townhouses overshadow their own courtyards.

Public Comments

At the close of the 21-day submission period, 8 submissions were received from surrounding neighbours. Of these submissions, 8 objected to the proposal and 2 submissions raised no objections. The submissions of objections raised the following concerns (numbers correspond to frequency of common response):-

<i>Submission Objections</i>	<i>Frequency of response</i>
(a) The proposed building is not in character with the surrounding area	4
(b) The additional traffic generated would add to an already congested area	4
(c) The building height is 4 or 5 storeys higher than the townhouses next door	4
(d) The potential for abused parking situation/parking not adequate (commercial parking? Visitors?)	3
(e) Blocking the sunlight from residential unit in Boyd Crescent	2
(f) Unlikely that the units will be completed without complications (already experienced with the bottleshop)	2
(g) High density on such a small parcel of land/too ambitious	2

The common concern from the above objections received, is that the proposal represents 'overdevelopment' of the site and that the development is 'out of context' with existing development within the area.

The above objections have been verbally addressed by the applicant in the following regard:-

- The proposal has been through an extensive design and application phase;
- The application has already been approved by the Western Australian Planning Commission;
- The proposal has been modified to address the concerns expressed by the City's Officers in relation to vehicle access, facade, commercial floorspace added to Rockingham Road frontage, pedestrian amenity and reconfiguration of parking;
- The proposal in its current form is required to maintain the financial feasibility of the project due to the substantial building costs associated with this type of development;
- An architect has prepared a design that provides a prominent building at the entrance into Cockburn of landmark proportions;
- The building orientation is towards Rockingham Road and western aspect towards the ocean;
- Overshadowing Effects have been comprehensively studied and drawn. There is no significant effect on the nearby townhouses;
- The configuration and orientation of the nearby townhouses is towards Cockburn Road and the Ocean beyond, not the development site itself;
- The owner of Lot 4 subject of this proposal granted vehicle access into the existing townhouses as a show of 'good faith'. This involved creating an easement for access and parking over the Newmarket Hotel land and adjoining lots. Consideration should be given to vehicle access into the existing townhouses to be made from Boyd Crescent not via Rockingham Road and the ROW once the remaining units have been completed. This is their true road frontage and access point and would address any concerns about traffic conflict.
- There is sufficient parking for all apartments and commercial development. The use of the apartments will not substantially overlap with the business hours associated with the commercial development. Joint use of parking is proposed and will satisfy the parking needs of the development.

WA Planning Commission

The WA Planning Commission on 11 December 2000, approved the proposed development for 26 short stay accommodation and shop. The modified proposal will need to be referred back to the Commission for their consideration as a minor variation to the approved plans. Since the Commission considered the proposal in its modified form, it now incorporates permanent accommodation and additional commercial floorspace and modified access and parking layout. The Commission's approval was required pursuant to the Metropolitan Region Scheme since the land is situated within a clause 32 area the subject of further detailed planning for North Coogee.

Town Planning Scheme No 3 (proposed)

The proposed development is within a proposed Mixed Business Zone under Town Planning Scheme No 3 ("TPS3"). The purpose of the zone is to provide for a range of commercial activities including showrooms where multiple dwelling development would become a use that requires the exercise of discretion by granting a planning approval.

Conclusion

On balance of all the considerations raised by this proposal, the scale of the development is too substantial and inappropriate. The proposal cannot be justified on planning grounds particularly when there are other less obtrusive options available to the applicant.

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.

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

Nil

- 14.5 (Ocm1_9_2001) - RE-APPROVAL OF EXTRACTIVE INDUSTRY - LOT JAA 136 ARMADALE ROAD, BANJUP - OWNER: HOMESWEST - APPLICANT: BOWMAN BISHAW GORHAM (5513464) (CC) (MAP 20) (ATTACH)**

RECOMMENDATION

That Council:

- (1) approve the Extractive Industry (sand) application on Lot 136 Armadale Road, Banjup subject to the following conditions:
 1. Excavation and Rehabilitation to be undertaken in accordance with the plans and commitments contained in the report titled 'Excavation and Rehabilitation Management Plan Report No. M01075 dated 15 August

- 2001, unless otherwise covered by a Condition of this approval.
2. Adequate safety fencing and warning signs being maintained around the edge of the excavation site to the satisfaction of the City of Cockburn.
 3. No storage or disposal of waste or soil derived off-site other than that required for site rehabilitation.
 4. Annual reports being lodged with the City prior to September 30 consecutively in accordance with the Council's 'Guidelines for the preparation of Annual Excavation and Rehabilitation'.
 5. In the event of access and egress to and from the site being required from Fraser Road, the road is to be upgraded to the satisfaction of the City of Cockburn.
 6. The bank guarantee held in respect to the development Approval of 6 October 1995 continuing to be held by the City of Cockburn in respect to the requirements of this approval.
 7. The owner/operator of the land entering into a deed of agreement with the City (at the owner's cost) covenanting to excavate and rehabilitate the land in accordance with the Conditions of this approval. Such Deed shall create a caveatable interest in the land in favour of the City and allow the City powers to effect rehabilitation of the land in the event of default by the landowner/operator, using the existing bank guarantee held in trust by the City, by seven days notice in writing. The Deed is to be prepared by the City's solicitors.
 8. The common boundary of the extraction area and the land identified in the Western Australian Planning Commission's Bush-Forever as 'Regionally Significant Negotiated Planning Solution' being identified by survey and fenced to the satisfaction of the City of Cockburn. No excavation or machinery is to encroach into this area of the site.
 9. Prior to excavation commencing on site the owner/operator is to address the matters contained in the document 'Comments of the Excavation and Rehabilitation Management Plan – Lot 136 Armadale Road', Banjup dated 5 September 2001.
 10. This approval remains valid for a period of five(5) years

only. If development is not complete within this time frame the approval shall lapse. Where an approval has lapsed no development shall be carried out without further approval of the Council having first been sought and obtained.

COUNCIL DECISION

Background

ZONING:	MRS:	RURAL – WATER PROTECTION
	DZS:	RESOURCE ZONE
LAND USE:	SAND EXTRACTION	
LOT SIZE:	40.44HA	
AREA:	N/A	
USE CLASS:	SA USE	

Sand extraction sites in Banjup are identified in the Western Australian Planning Commission's Basic Raw Materials Policy as 'Priority Resource Location'.

Lot JAA 136 is an active sand extraction site located in the Resource Zone on the north side of Armadale Road directly east of Fraser Road and is surrounded by other active sand extraction sites.

See Agenda Attachments for Location Plan

Sand extraction has occurred sporadically since development approval was issued by the City in October 1996 to Soils Aint Soils, who excavated the site on behalf of the owner - Homeswest. More recently ROCLA has taken over sand extraction on Lot JAA 136 and adjacent Lot 4 and are using access via Reserve 1820, also under their control, for truck access onto Armadale Road. Rocla's rehabilitation performance in respect to other sites to date has been satisfactory.

Since approval was issued, the northern portion of the site has been identified in the WAPC (Western Australian Planning Commission's) Bush Forever as Regionally Significant Bushland - Negotiated Planning Solution. The determination of the WAPC however, is not required for the application.

The current approval expired in October 1999 but little excavation has occurred on site since this time.

Submission

The applicant has submitted a revised excavation/rehabilitation management plan for the site with the following undertakings:

- 40 metre vegetated buffers to Armadale and Fraser Roads with a proposal to excavate the common boundary with Lot 4 where excavation areas coincide.
- Truck access to be via Rocla mining site on Reserve 1820 Cnr Armadale and Warton Roads.
- No excavation to occur within land identified in Bush Forever as Negotiated Planning Solution.
- Excavation and staging to occur over five(5) years with rehabilitation aimed at restoring land with species resembling surrounding Banksia woodland.

Report

In accordance with District Zoning Scheme No. 2, the proposal was advertised by way of adjacent and nearby landowners being notified of the proposal by letter and relevant government agencies being invited to make comment. No substantial objections were received.

The WARC (Waters and Rivers Commission) has advised that sand extraction is a compatible use the Priority 2 Groundwater Protection Area and that the operator/landowner must comply with exiting permits. The WARC advice will be forwarded to the applicant.

See Agenda Attachments for Schedule of Submissions

The operator has revised the rehabilitation requirements specified in the 1996 approved plan of grazing and agistment, to a modified end land-use resembling Banksia woodlands, which is considered a significant improvement. There are some minor matters in the rehabilitation plan that need to be addressed, but they are not considered a major impediment to consideration of the overall sand extraction proposal.

See Agenda Attachments for Comments regarding Excavation Rehabilitation Management Plan

No excavation is proposed to occur within the area of land identified as Regionally Significant – ‘Negotiated Bushland Negotiated Planning Solution’. It is considered appropriate that the boundary of the excavation with this land be identified by survey and fenced for its protection.

Access and egress, via Rocla’s Mining Lease operation on Reserve 1820, is considered desirable as the cross over and slip lane onto Armadale Road are of a high standard and sight distances are good.

All access is contained within mining areas and no clearing of vegetation is required. In the event that access is closed, a requirement to upgrade Fraser is considered appropriate.

The existing guarantee of \$50,000 was negotiated with the previous operator in 1996 and is considerably greater than other bonds/guarantees held in respect to other excavation sites. By comparison the Minister for Planning determined a bond of \$20,000 in respect to a similar sized extraction site on Jandakot Road in 1999. The existing guarantee is considered a sufficient incentive for the operator to carry out rehabilitation and should continue to be held in respect to this approval. An updated revised rehabilitation deed of agreement with the City is required.

The proposed extractive industry is an extension of an established activity. The revised rehabilitation criteria improves on that of the 1996 approval and no adverse impacts from the operation have been reported by neighbours. The proposal is therefore supported.

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. 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

Budget/Financial Implications

N/A

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

Nil

14.6 (Ocm1_9_2001) - FINAL ADOPTION - SCHEME AMENDMENT 230 PROPOSED RELOCATION OF COUNCIL COMMUNITY PURPOSE SITE - GATEWAYS SHOPPING CENTRE - OWNERS: STATE OF WA PERRON INVESTMENTS - APPLICANT: TAYLOR BURRELL (551845; 5518348; 5518347; 92230) (MR)

RECOMMENDATION

That Council:

- (1) grant final adoption to the following amendment:-

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

AMENDMENT NO. 230

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

Amending the Scheme Maps by:-

- (i) deleting the 'Commercial' zone on Lot 185, and the western portion of Lot 183 Wentworth Parade and replacing with 'Local Reserve – Council Use';
 - (ii) partially remove the proposed 'Local Reserve – Council Use' reserve on the eastern part of Lot 186 Beeliar Drive, Success and replace with a 'Commercial' Zone' (refer to attached map).
- (3) adopt the comments on the submission received; and
- (4) forward a copy of the signed and endorsed Scheme Amendment documents to the Western Australian Planning Commission seeking endorsement from the Minister.

COUNCIL DECISION

Background

At the ordinary meeting of Council on 19 June 2001, it was resolved to initiate Amendment 230 to District Zoning Scheme No 2 to facilitate a land exchange with the owners of the Gateways Shopping Centre – Perron Group.

The planning for the Gateways Shopping Centre in Beeliar Drive, Success included the provision of a 2.0ha Council Community Purpose Site. The site was provided as part of the overall public open space allocation for the Thomsons Lake Estate developed by Gold Estates of Australia.

Council at its earlier ordinary meeting on 15 May 2001 decided to:-

- adopt amendments to the Concept Plan for Thomsons Lake;
- support the proposed subdivision/amalgamation to facilitate the land exchange; and
- amend proposed Town Planning Scheme No 3 maps.

The background to this matter is discussed in OCM1 1 2001 (AG Item 14.3) and OCM5 5 2001.

Submission

Taylor Burrell, on behalf of the new owners of the Gateways Shopping Centre, seek the Council's consent to initiating an amendment to the City of Cockburn Town Planning Scheme - District Zoning Scheme No 2 (DZS2). The purpose of the scheme amendment is to facilitate the Council land exchange and development based on the revised Concept Plan. This is a separate process that would occur in conjunction with proposed Town Planning Scheme No 3.

Report

The Scheme Amendment was advertised in accordance with the Regulations and at the close of the advertising period only one submission had been received from Main Roads WA who indicated the proposal is acceptable.

It is recommended that the Scheme Amendment be granted final adoption by the Council and forwarded to the WAPC seeking the endorsement from the Minister for Planning and Infrastructure.

Strategic Plan/Policy Implications

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

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

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."*

5. Maintaining Your Community Facilities
 - *"To construct and maintain community buildings which are owned or managed by the Council."*

The Planning Policies which apply to this item are:-

PD15 Ultimate Strategic District Plan
PD25* Liveable Neighbourhoods - Community Design Codes

Budget/Financial Implications

N/A

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

Nil

14.7 (Ocm1_9_2001) - REVISED PUBLIC OPEN SPACE SCHEDULE - BEELIAR CELL 11 (PANORAMA GARDENS) STRUCTURE PLAN AREA - PT LOT 4 BEELIAR DRIVE & RESERVE 46285 THE GRANGE - OWNER: HOMESWEST - APPLICANT: CHAPPELL & LAMBERT (9519) (CC) (MAPS 15 & 9) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the revised Public Open Space Schedule for Beeliar Cell 11 (Panorama Gardens) Structure Plan Area and Modified Structure Plan in respect to public open space, as contained in the Agenda Attachments;
- (2) support the revesting (closure) of portion of Reserve 46285 The Grange, Beeliar in accordance with the requirements of the Beeliar Cell 11 (Panorama Gardens) Structure Plan and advise the Department of Land Administration accordingly; and
- (3) advise the consultants of Council's decision.

COUNCIL DECISION

Background

ZONING:	MRS:	URBAN
	DZS:	RESIDENTIAL R20/R40 DA 3
LAND USE:	RESIDENTIAL LAND	
LOT SIZE:	56HA	
AREA:	N/A	
USE CLASS:	N/A	

Council at its ordinary meeting of August 2001 adopted the revised structure plan for Beeliar Heights (Panorama Gardens) subject to requirements and understandings.

See Agenda Attachments for August 2001 Report to Council and Revised Recommendation

Under Requirement (1) 2 of the Recommendation, a 50 percent credit was only to apply to the 2.0660 hectare area of POS adjacent to the gas pipeline. The proponent was also required to modify the revised structure plan and modify the POS schedule to demonstrate that the required 13.8953ha of total POS is allocated in the structure plan area.

Consultants on behalf of the landowner Homeswest, have submitted a modified POS schedule and modified Structure Plan in respect to POS for Council's consideration.

See Agenda Attachments for Revised POS Schedule and Modified Revised Structure Plan.

Submission/Report

Consultants have requested a full credit for the 2.0660ha of POS (P10) adjacent to the gas pipe-line buffer south of The Grange extension. Consultants put forward that under the previous subdivision approval (WAPC ref. 97895) for the land, a full credit had been allowed for the pipe-line buffer. Furthermore, no credit has been sought for the gas pipeline buffer north of The Grange, which amounts to approximately 1.3ha.

A total public open space provision of 15.6166ha is indicated within the Structure Plan Area, which is 1.6829ha beyond the required 10 percent. When 0.9ha of land required for drainage is deducted an additional 7829m² beyond the 10 percent requirement is provided.

The POS is spread evenly throughout the Structure Plan Area and should afford easy access for all residents.

See Agenda Attachments for Panorama Gardens Public Open Space Schedule

As discussed in the August 2001 Report to Council on the Revised Structure Plan, the existing central POS Reserve 46285 The Grange, Beeliar is required to be rationalised to allow for the development of the town centre. Consultants have requested the reversion (closure) of the relevant portion of Reserve 46285 to the Department of Land Administration. Given the Council's support for the revised structure plan it is considered appropriate that Council write to the Department of Land Administration supporting the proposed reversion.

Strategic Plan/Policy Implications

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

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

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

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 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:-

APD28 Public Open Space Credit Calculations

Budget/Financial Implications

N/A

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

Nil

14.8 (Ocm1_9_2001) - ADDITIONS TO THE DELEGATED AUTHORITY MANUAL (1054) (MR) (ATTACH)

RECOMMENDATION

That Council adopt the additions to the Register of Delegated Authority to officers, as contained in the Attachments to the Agenda.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

At the Ordinary meeting of the Council on 19 June 2001 the Register of Delegated Authority to Officers was adopted.

Submission

N/A

Report

The Administration has noticed that a number of pre-existing delegations relating to the Planning and Development Directorate were inadvertently not included in the updated Register of Delegated Authority. This is an administrative error and there is no apparent reason why the delegations were not included in the new Register of Delegated Authority to Officers. These delegations relate to the City's Planning and Development directorate (ie Planning, Building & Health Services).

The City has granted various types of approvals since Council, at its Ordinary meeting, decided to adopt the new Register of Delegated Authority on 19 June 2001. These approvals were granted under the previous delegations in place which were not superseded by the newly adopted delegations. It is therefore important for the Council to consider adopting the new entries into the Register of Delegated Authority, with the knowledge that the delegations for the approvals issued over the last 3 months since 19 June 2001, were administered under the pre-existing authorities which were in place at that time.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

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

Nil

- 14.9 (Ocm1_9_2001) - PROPOSED COMMERCIAL VEHICLE PARKING - LOT 129; 5 GREGORY WAY, COOLBELLUP - OWNER/APPLICANT: L W OLMAN (1102914) (SC) (MAP21.20) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the proposed commercial vehicle parking on Lot 129; 5 Gregory Way, Coolbellup subject to the following conditions:

Standard Conditions

1. Standard conditions and footnotes as contained in Council Policy APD 17 as determined appropriate to this application by the delegated officer under clause 7.6 of the City of Cockburn District Zoning Scheme No. 2; and

Special Conditions

1. The applicant must not undertake any major repairs in relation to the commercial vehicle on the above property. Minor servicing, including minimal mechanical repairs and adjustments and cleaning (except degreasing) that generates easily contained liquid waste may be carried out on the lot.
2. All liquid waste (that includes washings from vehicles) must be disposed of on site, so as not to create a nuisance. At no time shall washings enter the street or stormwater system.
3. The vehicle must not be started or manoeuvred on site between the hours of 10:00pm and 6:00am the following day.
4. The applicant must exit Gregory Way through the route indicated on the attached plan.
5. This approval is personal to the applicant only and is not transferable to another person.
6. The vehicle must be parked behind the front of the dwelling behind gates in accordance with the applicant's submission.
7. Where a noise complaint is substantiated in accordance with the relevant Regulations made pursuant to the Environmental Protection Act 1986, the hours of operation shall be restricted to 7:00am – 9:00pm Monday to Saturday and 9:30am – 9:00pm Sundays and Public Holidays.
8. Any restrictions imposed on the hours of operation shall not limit further application of the relevant Regulations made pursuant to the Environmental Protection Act 1986.

- (2) issue a Notice of Approval for the commercial vehicle parking for a period of twelve months, after which time a fresh application for renewal of this approval must be submitted to the City.
- (3) advise those who made submissions of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	URBAN
	DZS:	Residential R 15
LAND USE:	Single House	
LOT SIZE:	911m ²	
AREA:	N/A	
USE CLASS:	'AA'	

The City has received several complaints from adjoining landowners over the parking of a commercial vehicle on the subject lot. One of the frequent concerns expressed is over the washing of the vehicle and waste water entering the road.

Site inspections by City Officers revealed that a commercial vehicle is in fact, parked on-site and the owner of the property was advised to apply to Council for a commercial vehicle parking approval.

The applicant further advised that the truck has been parking on the above property for at least 6 years and he needs to park the truck at home because it offers better security. Additionally the vehicle does not reduce the visual amenity of the area as it is hidden behind a 2 metre high fence.

Submission

The applicant wants to continue parking a Prime Mover that is 7 metres long, 3.8 metres high and 2.3 metres wide at the rear of the property. The applicant stated that the truck *“will only be started between 9:30pm to 10:00pm on weekdays with an approximate warm – up time of 10 to 15 minutes. The earliest time to start the truck would be 6am.”*

Report

Commercial vehicle parking is listed as a discretionary use which the Council could approve or refuse in a Residential Zone under District Zoning Scheme No. 2.

The application was referred to affected owners/occupiers to comment within a period of 21 days. A total of 10 submissions were received, of which 4 were in the form of objections and 6 submissions raised no objections.

The major concerns expressed were that:

1. Gregory Way is a high density residential area with narrow road widths that are not suitable for heavy haulage trucks.
2. Noise from truck movements.
3. Fumes from the truck during warm up periods permeate into adjoining houses.
4. The truck is driven the longest route out of Gregory Way (loop road). This is a disturbance, particularly in the middle of the night.

For assessment purposes the location of submissions were mapped (See Attachment). The majority of neighbours stated they did not have any problems with the applicant parking his truck and some have said that the applicant has been considerate with his actions. This however seems to be contradicted by the complaints received, which seem to have validity in considering this proposal.

The proposal is supported subject to stringent conditions that are designed to maintain the amenity of the area and address objections received. The applicant has verbally agreed with these conditions at the time of this report being proposed. The 12 months approval also allows the Council to reassess the applicant's performance over a 12 month period before granting further time extension.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Area which applies to this item is *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

The Planning Policies which apply to this item are:-

PD17* Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

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

Nil

14.10 (Ocm1_9_2001) - 12 AGED OR DEPENDENT PERSONS DWELLINGS - LOT 1482 WAITCH LOOP CNR THE GRANGE, BEELIAR - OWNER: HOMESWEST - APPLICANT: OLDFIELD KNOT ARCHITECTS (4413438) (CC) (MAP 15) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the proposed 12 Aged or Dependent Persons Dwellings at Lot 1482 (No.2) Waitch Loop, Beeliar subject to the following conditions:

Standard Conditions

1. Standard conditions and footnotes as contained in Council Policy APD 17 as determined appropriate to the application by delegated officer under clause 7.6 of the City of Cockburn District Zoning Scheme No. 2.

Special Conditions

1. At least one occupant of each unit on the ground level must be a person who is aged 55 years or over or is a person with a recognised form of handicap requiring special accommodation provisions for independent living or special care in accordance with the Residential Planning Codes.
2. The site to be fenced along all fronting roads to the satisfaction of the City of Cockburn with a visually permeable fence such as brick pier and palings or other such fencing type.
3. The second storey single bedroom units No. 2 and 4 are not to be restricted to aged or dependent persons accommodation and may be occupied by any single person.
4. The aged or dependent persons units on the ground floor being designed and constructed in accordance with the

relevant Australian Standard such as AS1428 and any other special requirements detailed in the Aged Persons Accommodation – Development Guidelines.

5. The applicant preparing and submitting to Council revised plans demonstrating adequate manoeuvring space for vehicles using carports 3, 4 and 5 such that the vehicles using these carports may egress the site in forward gear in no greater than two turning movements.
 6. The applicant preparing and submitting to Council a revised plan showing the provision of enclosed garbage bin storage areas and the relocation of 1st floor unit store rooms to ground level to the satisfaction of the City.
- (2) issue a Form 2 Notice of Approval for the development to the applicant valid for a period of 2 years; and
- (3) advise those that made a submission of Council's decision.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS:	Residential R40
LAND USE:	Vacant Residential Land	
LOT SIZE:	2148 m ²	
AREA:	N/A	
USE CLASS:	Aged or Dependant Persons Dwellings (AA use)	

The site is vacant land fronting The Grange in Beeliar Heights with a view to public open space. There is dual street access to Hybanthus and Waitch Loops. The surrounding lots have recently been developed with single houses.

A similar Homeswest (12 unit) aged persons development, also fronting The Grange, was approved at the ordinary meeting of Council in July 2001.

See Agenda Attachments for Location Plan.

Submission

The proposal is to develop a 12 unit aged persons development comprising:

- 10 ground level units - 3 being single bedroom and 7 being two bedroom units;
- 2 first floor single bedroom units fronting onto The Grange.

Three units have access onto Waitch Loop and the other 9 via Hybanthus Loop.

See Agenda Attachments for site plan and elevations.

Report

Under the DZS No. 2, Aged or Dependant Persons Dwellings are a discretionary use for which Council may approval or refuse.

The land is designated as a group housing site (R40) in the Beeliam Heights Structure Plan adopted by Council.

The proposal seeks a 50 percent density bonus as allowed for under the provisions of the R Codes for Aged or Dependant Persons Dwellings. These provisions also allow Council to vary the standards of the Codes to achieve the bonus. The following variations to standards have been allowed for:

- 50% density bonus from 8 to 12 units;
- minimum 24m² court yards reduced to 9m² (average approx. 20m²);
- minimum 4m² storerooms reduced to 2m² for upper floor units 2 and 4;
- minimum 3m setback of pedestrian access way from window reduced to 1.5m for units 7, 11 and 12.

Requirements for parking, setbacks, plot ratio and open space accord with the usual requirements of the Codes.

There are some turning difficulties for vehicles using carports 3, 4 and 5 such that the vehicles would have difficulty leaving the site in forward gear in less than two turning movements. The issue can be resolved by the relocation of Carports 10 and 11 further back for increased turning space. This matter can be overcome by the submission of a revised plan.

It is considered appropriate that upper floor storerooms be re-located at ground level so that bulky items do not have to be taken up stairs. Garbage storage areas need to be designated. These two minor design issues may also be overcome by the submission of a revised plan.

The proposal generally accords with Council Policy 'Aged Persons Accommodation – Development Guidelines' in respect to locational

requirements being within 240m from a bus stop and within 300m of the future Beeliar Town Centre, which is to include provision for a medical centre.

The proposal was advertised by way of sign on site and notification of adjoining landowners. The two landowners on the southern boundary of the site objected to the second storey component of the development on the grounds of lost views and their use by aged persons. Both houses on the southern boundary are single storey and there is a super six fence at the common boundary. No appreciable views appear to be present and the second storey component is located on the opposite side boundary to these.

The site is suitable for aged or dependent persons dwellings and the development complies with the Council's 'Aged Persons Accommodation – Development Guidelines' and the objections received cannot be substantiated on amenity grounds. Approval is recommended.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
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."*

The Planning Policies which apply to this item are:-

APD12 Aged Persons Accommodation - Development Guidelines
APD17 Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

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

Nil

14.11 (Ocm1_9_2001) - POSSIBLE RE-ALIGNMENT OF STAGE 7 OF THE ROE HIGHWAY (9701) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report; and
- (2) not support the proposal to re-align Stage 7 of the Roe Highway southward to follow the Berrigan Drive - East road reserve.

COUNCIL DECISION

Background

The Council at its meeting in March 2001, resolved:-

"..that Council write to the State Hon. Minister for Transport, local members of the Legislative Assembly, the Legislative Council and the local member of the House of Representatives, expressing opposition to the construction of Stage 8 of the proposed Roe Highway, given that it would impact adversely upon environmentally sensitive wetland areas between North Lake and Bibra Lake."

This decision was acted on accordingly.

The decision does not relate to Stage 7 of the Roe Highway, because this is largely within the City of Melville and does not impact on the Beiliar Wetlands.

The Council's resolution was made after giving due consideration to a major report on the Roe Highway prepared by the Council's Planning and Development Division.

The Council's understood position in respect to Stage 7 of the Roe Highway, was confirmed at the Council Meeting held on 17 July 2001, where under Item 22.1 of the Agenda, Mayor Lee requested that:-

"a report be prepared addressing road transport issues in the vicinity of Farrington Road and Hope Road. Particularly with regards to the fact that Council's stated position is for the Roe Highway to finish at the Kwinana Freeway."

It is expected that this report may not be presented to the Council until October 2001.

Submission

The Hon Minister for Planning and Infrastructure has advised that the Roe Highway will be constructed in stages between Kenwick and the Kwinana Freeway and that Stage 7 proposals will be reviewed.

In response to this, Councillor Oliver has requested that the Planning and Development Division examine Berrigan Drive as a possible alternative to Stage 7 on the basis that it would service the airport and the industrial area in Jandakot, save another bridge over the Freeway thus reducing cost and could be extended through Semple to Hammond reaching Beeliar Drive servicing industrial and shopping centres in this area. Further, there will not be much more development in this area between South Street and Berrigan Drive in the future to need a large Freeway to be built through the wetlands.

Councillor Oliver has gone to some effort in suggesting this alternative and provided some comparative distances for alternative routes including Leach Highway and South Street.

Report

The proposal for the Roe Highway to be re-aligned to follow Berrigan Drive is a replacement for Stage 7 as currently planned (Figure 1).

It is important to point out at the outset, that both Stage 7 and Stage 8 are provided for by an existing road reserve which is almost totally owned by the State Government for the purpose of constructing the Roe Highway in accordance with the Metropolitan Region Scheme. Because of this, there is a minimum of property acquisition required and the road does not directly affect private property owners, as past planning in Leeming, Coolbellup and Hamilton Hill has provided the land for this future regional highway.

It is also important to point out that the Roe Highway is not a 'local' road, but a regional road of metropolitan importance. Reference to the fact that the Roe Highway is not necessary because "*The existing roads can sustain traffic for this area, as it is mostly wetlands and only a few small Shopping Centres.*" is an irrelevant matter in the context of the highway.

One of the primary functions of the Roe Highway is to have a regional freeway connection serving the port of Fremantle to a number of other metropolitan employment centres.

There appears to be no obvious advantage to road users by re-aligning the Roe Highway south from Ken Hurst Park to the Berrigan Drive/Kwinana Freeway intersection.

The basis to this observation is that Beeliar Drive already directly connects onto the Kwinana Freeway and therefore, there is no apparent rationale for road users from the Bibra Lake Industrial Area to use Hammond and Semple Roads and Berrigan Drive to gain access to the Freeway system.

Berrigan Drive also connects directly onto the Kwinana Freeway and therefore there is no identifiable need to up-grade Semple Road into a major district collector.

Moreover, once traffic from the west has entered the Kwinana Freeway at either Beeliar Drive or Berrigan Drive, to travel east along the Roe Highway can be easily and conveniently achieved by using the Kwinana Freeway/Roe Highway interchange planned at the western end of Stage 7 as currently proposed. Given this, there is no measurable advantage to road users in re-aligning Stage 7 of the Roe Highway to travel east to Canning Vale, Kewdale and destinations beyond following Berrigan Drive - East.

To provide comparative travel distances, the following calculations have been prepared. For consistency, the measurements commence from the intersection of Howson Way and Spearwood Avenue (Point 'A') which is central to the Bibra Lake Industrial Estate and the junction of South Street and the Roe Highway (Point 'B') as illustrated on the Travel Distance Map (Figure 2):-

The distance between Howson Way (Point 'A') and South Street (Point 'B') using:-

- Spearwood Avenue, Yangebup Road, Moorhen Drive, Osprey Drive, North Lake Road and Berrigan Drive is approximately 12.7 kilometres;
- Spearwood Avenue, Sudlow Road, Phoenix Road, North Lake Road and South Street is approximately 12.8 kilometres;

- Spearwood Avenue, Beeliar Drive, Hammond Road, North Lake Road, Semple Road and the re-aligned Roe Highway (Berrigan Drive - East) is 13.8 kilometres;
- Spearwood Avenue, Sudlow Road, Phoenix Road, North Lake Road, Berrigan Drive and the re-aligned Roe Highway (Berrigan Drive - East) is 13.9 kilometres;
- Spearwood Avenue, Sudlow Road, Phoenix Road, North lake Road, Farrington Road, Karel Avenue and the re-aligned Roe Highway (Berrigan Drive - East) is 14.3 kilometres;
- Spearwood Avenue, Beeliar Drive, Kwinana Freeway and the re-aligned Roe Highway (Berrigan Drive - east) is 14.8 kilometres;
- Spearwood Avenue, Beeliar Drive, Kwinana Freeway and Roe Highway (Stage 7) as currently proposed is 15.7 kilometres.

It can be seen that the shortest distance for vehicles travelling between the Bibra Lake Industrial Area and destinations east of South Street/ Ranford Road is by using Yangebup Road, Moorhen Drive and Osprey Drive.

It is therefore doubtful that industrial traffic in Bibra Lake would travel south to Beeliar Drive to travel east, but instead be encouraged to use South Street or the short cut route to Berrigan Drive through the residential area of Yangebup.

The advantage to road users is not always the shortness of the distance traveled however, but the efficiencies in time gained by high travel speeds (ie Freeways 100kph) and the lack of journey interruptions caused by signallised and controlled intersections.

Even if east-bound traffic from the Bibra Lake Industrial Area was to use Beeliar Drive, it is doubtful that it would leave this road to follow Hammond and Semple Roads to access the Kwinana Freeway to connect into the re-aligned Roe Highway (Berrigan Drive - East) route unless it was attractive to do so. In other words, direct and with minimal interruptions.

The use of these alternative routes is likely to have an adverse impact on the communities served by and abutting these residential and urban roads.

Alignment Impacts

— Design Measurement

According to the advice of Main Roads WA, the design requirements for a freeway such as the Roe Highway are in general terms:-

- a reserve width of between 80m to 100m to accommodate the traffic lanes, dual use paths, median for future rail service, public utilities and landscaping;
- a minimum radius curve of 1,000m to provide for traffic travelling at a maximum speed of 110kph;
- transition straights of no less than 100m;
- intersection spacings in urban areas should be no closer than 1.5 to 2 kilometres apart.

— Reserve

A reserve width of around 100m has been used for the purpose of this proposal, based on the width of the existing reserve for the Roe Highway. An indicative interchange reserve has been used to accommodate a likely freeway to highway road junction. No detailed consideration has been given to design requirements (Figure 3). The alignment used simply follows Berrigan Drive. This road does not meet freeway standards and therefore, it is likely that an 'actual' freeway alignment would have less curves and therefore a greater impact on adjoining properties as shown in Figure 4.

In respect to the Semple Court/Hammond Road link to Beelihar Drive, a 40m road reserve has been adopted for the purpose of the exercise. However, to meet acceptable design standards and to give the route some 'priority' and to minimise intersections to make it attractive, a modified alignment is illustrated in Figure 4.

— Bridges

There will be a need to construct a major traffic bridge over the existing freight line to connect the Roe Highway into Berrigan Drive at Hope Road.

The bridge will need to be designed to also enable Karel Avenue, a district distributor road, to connect into the Roe Highway and to achieve this, a second bridge will most likely be required to go over the railway line to enable this connection to be made.

The bridge works are likely to form part of an interchange to enable traffic to circulate on to and off the highway to access Leeming, Jandakot Airport, the Western Power Training Depot, the Rural Living areas in Jandakot and the Glen Iris Estate.

This by any standard will be a very difficult and expensive structure to design and construct, because of the need to provide for the railway line.

As the Glen Iris Golf Course Estate only has one access point at its southern end, together with the fact that adjoining rural residential properties will not be able to gain access onto the highway, a road underpass will need to be installed to provide access to these land locked properties. This will provide access to the north and onto the Karel/Hope Road interchange.

At the southern end of the Glen Iris Estate, another road underpass will be required to provide a connection onto Jandakot Road so that residents can travel south to the Beeliar Drive intersection with the Kwinana Freeway. The existing access into the Glen Iris Estate is too close to the Kwinana Freeway/Roe Highway interchange to enable a direct connection to the highway to be made.

Obviously a major freeway/highway interchange will need to be constructed where the Kwinana and Roe intersect, as is provided for as part of Stage 7.

The indicative design of the interchange is to provide primarily for easterly movements. In an endeavour to reduce the land required for the interchange, no provision has been made to allow traffic from the west to be able to turn south. This movement is provided for at the Beeliar/Kwinana Freeway interchange immediately south of Berrigan Drive.

Karel Avenue will have to be connected to the Roe Highway because road users from Leeming cannot travel south on the Kwinana Freeway from Farrington Road and therefore, to do this would need to travel north to enter the Freeway at South Street. This would be inconvenient and put additional traffic onto Karel Avenue and Findlay Road.

The Karel Avenue to Berrigan Drive - East connection via a bridge over the railway line will have to be made regardless of whether or not Stage 7 of the Roe Highway is built or not or re-aligned as proposed.

The comparison of bridge requirements shown in the following table shows there are more bridge works associated with the Berrigan Drive option than for Stage 7 alignment.

Bridges and Interchanges	Stage 7 (MRS option)	Berrigan Drive option
Karel Avenue bridge across the freight line	Yes	Yes
Interchange with Karel Avenue	Yes	Yes
Interchange with Kwinana Freeway	Yes	Significant upgrade works to existing interchange
Local Road bridges	Nil	Two - Lakes Way and Jandakot Road
Local Road changes	Nil	Extension of Lakes Way to Hope Road, extension of Banksia Court, Prinsep Road to Jandakot Road

— **Controlled Intersections**

It is likely that controlled intersections will be required at the junction of Berrigan Drive and Verna Court because of the need to provide for a controlled entry point into the freeway interchange and to provide for a future park-and-ride car park for 500 cars to serve the future South Lake railway station.

Two sets of traffic lights will most certainly be required at the junction of Semple/Hammond Road and the existing North Lake Road respectively, because of the anticipated high level of traffic that will be using these two district distributor roads.

A set of traffic lights will also be required at the junction of Hammond Road and Beeliar Drive.

The modified road link for the Semple/Hammond Road connection illustrated in Figure 4, reduces the traffic controlled intersections from 4 to 3.

— **New Road Connections**

To enable the Roe Highway to operate at a primary road standard, no access onto the road is permitted except at the road junctions provided.

This means that the existing Jandakot rural-residential areas together with the Glen Iris Golf Course Estate, require alternative road access to enable residents to get in and out of their respective living areas.

New roads will be required, to provide convenient alternative access for the existing residents, namely:-

- A road link will be required from Karel Avenue into the Western Power Training Depot and provision will need to be made for the possible re-use of the residue Stage 7 reserve, perhaps for housing.
- Lakes Way will need to be extended or similar connection into Glen Iris Drive through existing residential properties so that the estate can be linked via a new road under the Roe Highway to connect to Hope Road. The Lakes Way extension will provide the only convenient outlet for the Lakes Way rural-residential lots onto the Hope/Karel intersection and allows for residents to travel north and east. This link will impact on a high quality conservation area within Jandakot Airport on the east side of the re-aligned Roe Highway.
- The Glendale rural-residential properties to the east of the re-aligned Roe Highway will require a new access and this would best be gained via Banksia Court to link into a new road to Hope Road. This will be the only convenient access available to these residents.
- Dean Road should be connected via a road underpass under the Roe Highway to Jandakot Road so that Glen Iris residents can conveniently travel south to the Beeliam/Kwinana Freeway intersection. To do this, vehicles will have to use Prinsep Road and the future re-alignment of North Lake Road. Because Jandakot Road will not lead to the Kwinana Freeway via Berrigan Drive as it currently does, vehicles travelling north or south will need to use Solomon Road to link into the re-alignment of North Lake Road which in turn leads to the Beeliam/Kwinana Freeway intersection.
- Hartwell Parade will no longer be able to connect onto Berrigan Drive and therefore to provide a convenient link for residents out of the Glen Iris Estate, Hartwell Parade will need to be connected across the Golf Course to Dean Road to use the road underpass onto Jandakot Road.

The Semple/ Hammond link road west of the Kwinana Freeway, can use most of the existing road alignments.

- Elderberry Drive will probably need to be re-aligned across the South Lake High School land to retain the two outlets onto Berrigan Drive. Otherwise all the connecting traffic from the South Lake subdivision will be forced to use South Lake Drive. The existing connection of Elderberry Drive on the Berrigan Drive - West, together with the adjoining properties will be

impacted on by the Roe Highway/Kwinana Freeway interchange.

All of these incidental road modifications and extensions will have a significant impact on the existing residents and public property.

— **Access to the Airport**

The current Stage 7 alignment provides for convenient access to Jandakot airport via the Karel Avenue/Berrigan Drive interchange. Stage 7 also allows for good access to the airport from the Kwinana Freeway.

The Berrigan Drive alternative alignment provides for a more direct connection from the Roe Highway Hope Road interchange to the airport. However, access from the Kwinana Freeway north is deleted in this option and accordingly traffic would most likely use Farrington Road - East and Karel Avenue.

Overall it is considered that the Berrigan Drive option reduces the accessibility to the airport and forces traffic to use residential streets such as Farrington Road east of the Freeway which are not suitable for increased truck movements.

— **Access to the East Jandakot Industrial Area**

The current Stage 7 alignment provides access to the Jandakot industrial area via the Kwinana Freeway and Armadale Road. Secondary access can be obtained using Berrigan Drive and Prinsep Road.

The Berrigan Drive alternative alignment likewise provides access to the East Jandakot industrial area via the Kwinana Freeway and Armadale. As shown on Figure 3, Prinsep Road and Jandakot Road pass under the Berrigan Drive highway alignment and accordingly there is no secondary access.

It is considered that the Berrigan Drive option does not provide improved access to the East Jandakot industrial area.

— **Access to the West Jandakot Industrial Area**

The current Stage 7 alignment provides access to the West Jandakot industrial area via the Kwinana Freeway and Beeliar Drive with secondary access using Berrigan Drive and Semple Court.

The Berrigan Drive alternative alignment provides a more direct connection to the West Jandakot area.

If improved accessibility to the West Jandakot industrial area is required, the modified road system of Hammond Road and Semple Court west of the Freeway can be considered for either of the alignment options. At this time there have been no complaints about access to this area.

— **Properties**

The re-alignment of the Roe Highway to follow Berrigan Drive - East could affect in the order of:-

- 29 rural-residential properties
- 2 commercial zoned properties
- 110 residential properties in Glen Iris
- 50 residential properties in South Lake
- 16 rural/urban zoned properties
- 4 industrial properties

In addition to this, the alignment impacts on some local open space, part of the Glen Iris Golf Course and some high quality conservation areas. These impacts are relatively minor and could be managed.

— **Estimated Property Acquisition Costs**

Based on the additional land area required to accommodate the re-alignment of the Roe Highway along Berrigan Drive - East and the district distributor link using Semple/Hammond Roads to Beelihar Drive as illustrated in Figure 3, is estimated to be in the order of:-

- | | | |
|-------------------------------|----------------|---------------------|
| • Interchange additional area | 14.3 ha | \$50 million |
| • Re-alignment of Roe Highway | 21.0 ha | \$12 million |
| • Semple/Hammond connection | 3.6 ha | \$ 6 million |
| Total (Est) | 38.9 ha | \$68 million |

The above acquisition costs are based on the following information:-

Estimated Land Values

	Jandakot Rural (vgo)	Jandakot Industry (vgo)	South Lake Residential (newspaper)	Glen Iris Residential (estimate)
Valuer General Sales Used	\$150,000 lot @2.0 ha (Unimproved) est. house \$145,000	\$2,000,000 lot @ 30 ha (Improved) & \$320,000 lot @ 32 ha (Unimproved)	\$130,000 lot @ 450m ² (Improved) est house \$70,000	\$300,000 lot @ 720m ² (Improved) est house \$150,000
Unimproved land value (per hectare)	\$75,000 (checked)	\$107,000 (checked)	\$1,334,000 (checked)	\$2,080,000 (estimate)

Improved land value (per hectare)	\$220,000 (checked)	\$667,000 (checked)	\$2,900,000 (checked)	\$4,160,000 (estimate)
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It has been assumed that the road construction costs, bridge costs and intersection costs are consistent between Stage 7 and the re-alignment options.

However, the re-alignment option has a road length approximately 28% longer than Stage 7 and therefore, this will be an added cost.

Other additional costs will be the new and extended roads to provide access to existing residential and rural-residential areas and the cost of the two road underpasses that do not form part of Stage 7.

— **The Use of the Residue Stage 7 Roe Highway Reserve**

Should the State Government support the proposal to re-align the Roe Highway to follow Berrigan Drive - East, then this would mean that the western portion of Stage 7 of the existing Roe Highway Reserve could be re-used for another purpose such as housing.

The funds raised from the sale of this land could be used to off-set the land acquisition and additional works that would be required to facilitate the re-alignment of the Roe Highway.

Other than housing, the land could be used for public purposes, recreation facilities or be retained as bushland. This decision would rest with the State, not the local government.

One possible difficulty in re-using the residue reserve for an alternative purpose is the fact that if the reserve is lifted, then it could fall within the Jandakot Groundwater Protection Policy Area which would be a major land use limitation.

— **Bores**

Along Berrigan Drive there are 3 Water Corporation metropolitan water supply production bores which form part of the line of bores abstracting water from the Jandakot mound. It is likely that these bores will need to be relocated if the Roe Highway is re-aligned to follow Berrigan Drive.

It should also be noted that the Berrigan drive option will result in hazardous goods and substances being transported through the Jandakot public water supply area and significantly increase the risk of polluting the ground water resource.

— Freeway Design

To provide a guide as to the likely impact that the re-aligned Roe Highway could have if designed in accordance with the basic road design standards were provided by Main Roads WA. Based on this an indicative alternative alignment has been prepared and illustrated in Figure 4.

This shows that to achieve the necessary radii for a high speed road, the Roe Highway reserve would not be able to follow Berrigan Drive - East as illustrated in Figure 3.

Should this proposal be referred to Main Roads WA to be assessed and they believe the re-alignment is worth examining, then it will produce a properly designed reserve including carriageways as the basis for future planning.

It is likely, based on Figure 4, that a road designed to freeway standard would have a greater impact on the nearby property owners than one that follows the existing Berrigan Drive - East road reserve.

At this stage, no assessment of the impact of road reserve illustrated on Figure 4 has been undertaken.

— District Road Design

To follow Berrigan Drive - West, Semple Court, North Lake and Hammond Roads to Beelias Drive with a 4 lane divided district collector road, to provide a link between Beelias Drive and the re-aligned Roe Highway at Berrigan Drive is very indirect and disjointed. This route would be unlikely to be more attractive than using Beelias Drive to connect directly to the Kwinana Freeway or other "short-cuts" through Yangebup and North Lake.

To make the Semple Court/Hammond Road link attractive and to meet acceptable design standards, it would be necessary to align the road generally as illustrated in Figure 4.

To achieve a direct connection between Semple Court and Hammond Road through a single 90° intersection at North Lake Road, it would be necessary to traverse Anning Park, but if this is unacceptable, then Semple Court could cross North Lake Road to link into Sullivan Street. This connection would have a significant impact on the Jandakot - West Industrial Area.

The intersections at Berrigan Drive and at Beelias Drive would probably need to be modified to meet priority intersection and spacing requirements respectively.

At this stage, no assessment of the two alternate modified alignments shown on Figure 4 has been undertaken.

Conclusion

The Berrigan Drive alignment option provides an alternative for the connection of Stage 7 of the Roe Highway to the Kwinana Freeway.

Based on this brief assessment of the proposal, it appears that it does not provide any real advantages to the users of the freeway/highway road system and has a significant impact on properties in the locality.

Should the Council support the alternative Berrigan Drive option, then it should:-

- refer it to Main Roads WA for assessment;
- write to the Minister for Planning and Infrastructure to draw her attention to this alternative for Stage 7 of the Roe Highway; and
- undertake a community consultation programme with the landowners directly and indirectly affected by the re-alignment proposal to ascertain their views.

In the absence of any direction from Council to the contrary, Council officers will continue to examine and support the alignment of Stage 7 for the Roe Highway generally in accordance with the Metropolitan Region Scheme and Council's Town Planning Scheme.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

3. Conserving and Improving Your Environment

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

Budget/Financial Implications

N/A

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (Ocm1_9_2001) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for August 2001, as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

15.2 (Ocm1_9_2001) - TP & KL HOARE - APPLICATION FOR REFUND OF RATES IN RESPECT OF 4 CHERNISS COURT, SUCCESS (5516079) (ATC)

RECOMMENDATION

That the Gross Rental Value for the property at 4 Cherniss Court Success, be amended in Council's rates record from \$8,216 to \$7,384 with effect from 1 May 1999.

COUNCIL DECISION

Background

Council levies rates on properties within the district based on valuations supplied by the Valuer General's Office. An officer from the Valuer General's Office has verbally advised Mrs Hoare and Council's Senior Rates Officer, that a mistake was made in the Valuer General's Office records when a new valuation was applied to the property at 4 Cherniss Court Success, at the time a new residence was completed. Due to a data entry error, a Gross Rental Value of \$8,216 was given to the property instead of the correct figure of \$7,384.

The Valuer General's Office has advised both Mrs Hoare and Council's Rates Officer, that the amended value of \$7,384 will not be backdated to 1 May 1999, but will apply only from 1 July 2001. This is due to an amendment to the Valuer General's Office policy regarding interim valuations which occurred in December 2000, that resulted in valuations being amended no further back than 1 July in the year in which action commenced to have the valuation reviewed. Mrs Hoare only became aware of a discrepancy in the value of her property in August 2001 and made representation to the Valuer General's Office in August 2001. The Valuer General's new policy meant that the new value would apply from 1 July 2001.

Submission

In her submission to Council, Mrs Hoare states that:

Quote "After speaking to Value General who actually admitted they made a error in valueing my property they will still not take the value back to 1/5/99. I think it's a injustice so I am appealing to the City of Cockburn Concl to look into this injustice. I had no way of knowing that value had been done wrong only that my mother built the same size house up the road and I notice there rates are cheaper other wise I would not be any wiser."

She goes on to say:

"So I hope the Concl will use your discretion to take my rates back to when the error happened. I never made the error but I am being made to pay for it. The City of Cockburn have already received my money for the rates and I would like a refund back." Unquote

Report

It is evident that due to a data entry error at the Valuer General's Office, the wrong valuation was given to the property at 4 Cherniss Court, Success from 1 May 1999. Had the correct value been applied at that date, Mr and Mrs Hoare would have paid a total of \$105.51 less rates in 1999/2000 and 2000/2001. The correct value has now been applied from 1 July 2001 and her rates will be adjusted by \$53.52 in 2001/02 following advice from the Valuer General's office of the revised valuation.

A change in the policy by the Valuer General in December 2000, resulted in no amended valuations being applied earlier than 1 July in the year in which the steps to amend the valuation are made. The Hoare's were unaware of the error until August 2001 and therefore under the Policy, the new (and correct) valuation applies from 1 July 2001.

Section 6.39 (2)(a) requires a local government to amend a rate record for the current financial year to ensure that the information contained in the record is current and correct. Section 6.39 (2)(b) states that a local government "may amend the rate record for the 5 years preceding the current financial year."

In the extenuating circumstances, where a mistake was made by the Valuer General in May 1999 and the Hoare' s were unaware of that mistake until August 2001, it is considered to be justified in applying the correct value back to 1 May 1999 with the rate record being amended accordingly. If this takes place, then a refund of \$105.51 will be due.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Rates levied would reduce by \$105.51. A further reduction of \$53.52 will automatically apply for 2001/02 rates on the property at 4 Cherniss Court.

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

Nil

15.3 (Ocm1_9_2001) - ESTABLISHMENT OF A COMMUNITY BANK (5101) (KL)

RECOMMENDATION

That Council advise the Hamilton Hill Community Bank Steering Committee that, due to the very low response received to the Hamilton Hill Community Bank Survey, Council is not prepared to underwrite a feasibility study.

COUNCIL DECISION

Background

At its meeting held on 20 February 2001, Council determined that the Hamilton Hill Community Bank Steering Committee be advised that:

- (1) through a Reply Paid Customer Survey in the March issue of Cockburn Soundings, assess support for the proposal to establish a Community Bank at the Hamilton Hill Shopping Centre;
- (2) provide the names and contact details of respondents to the customer survey to the Hamilton Hill Community Bank Steering Committee for its information, provided respondents may indicate they do not want this to occur by ticking a box;
- (3) advise the City of Fremantle residents in the vicinity of Hamilton Hill Shopping Centre of its proposal, via a City of Fremantle sponsored newsletters; and

- (4) taking into consideration the returns to the customer survey, determine whether or not to underwrite the feasibility study.

Submission

The Hamilton Hill Community Bank Steering Committee are endeavouring to establish a Community Bank in Simms Road, Hamilton Hill. The group met with Council on 19 December 2000, to present their issue to Council. The concept of establishing a Community Bank in Hamilton Hill has come about directly as a result of dissatisfaction with the closure of the Westpac Bank located on the corner of Simms Road and Dodd Street in Hamilton Hill. The closure of this bank left the community vulnerable.

As a result, a group of concerned people formed a Steering Committee to try to do something about the problem. This Committee has been working hard to establish enough support to be able to launch a Community Bank under the Bank of Bendigo blueprint in the Simms Road/Dodd Street Hamilton Hill retail precinct.

The proposed Hamilton Hill Community Bank would provide the same full banking services as are currently provided by any of the large national banks in Australia. It is intended that the bank would be formed as a company with the right to operate as a bona fide bank under the Bendigo Bank model, with local board members.

The Steering Committee aims to raise \$400,000 towards the establishment and initial operations of the Community Bank.

In simplest of terms, the Committee and the Community wish to re-establish banking services in the Hamilton Hill area.

Request of Council

The Committee is seeking Council's assistance towards the establishment of a Community Bank in Hamilton Hill and assess what assistance it can give towards the establishment of such a facility. Some of the areas which the Committee envisage Council could assist are:

- Having representation on the Steering Committee.
- Funding the feasibility study.
- Funding organising mail merges to businesses and residences alike.
- Assisting with organising promotional days.
- Providing accounting support (particularly during the pledge raising and fund raising periods).
- Providing legal support and assistance during the writing of the prospectus period.

Report

A lengthy article was published in the March issue of the Cockburn Soundings, outlining a proposal to establish a Community Bank at the Hamilton Hill Shopping Centre. An extensive outline was provided in exactly what was required of potential customers and investors to establish a bank.

The survey requested that customers provide support by either pledging funds to the project, or indicating if they would become a customer of the bank.

Approximately 26,000 Cockburn Soundings are printed and distributed for each monthly edition. From a potential result of 26,000 questionnaires, approximately 75 responses were received. Total pledges were \$73,400. 71 of those responses were willing to have the information provided in the survey passed on to the Steering Committee, 14 of the responses were prepared only to become customers of the bank, leaving an actual number of pledges at 61.

The above information was provided to the Hamilton Hill Community Bank Committee in June 2001, as directed by Council.

The City of Fremantle, as part of the process to determine community wide support for the establishment of a Community Bank (within the vicinity of the Hamilton Hill Shopping Centre), undertook their own survey of residents in the Hilton Park precinct. Advice has been received from the City of Fremantle that about 20 people responded to the survey.

The results of the surveys by both the City of Cockburn and the City of Fremantle, indicate that there is very low interest from residents of both cities in the establishment of a Community Bank at Hamilton Hill. It is therefore considered that Council should not underwrite a feasibility study for the bank.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Cost of up to \$10,000 for a Feasibility Study (no provision in 2001/02 Budget).

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

Nil

15.4 (Ocm1_9_2001) - COUNCIL POSITION STATEMENT - CORPORATE CREDIT CARDS (KL)**RECOMMENDATION**

That Council authorises an increase in the Chief Executive Officer's credit card limit to \$15,000.

COUNCIL DECISION**Background**

Council at its meeting held on 19 June 2001, adopted the Manual of Council Position Statements, which are to be utilised by Council Officers as guidelines or practice notes in responding to any relative issue.

The use of credit cards by Elected Members and designated staff is appropriate from time to time.

Submission

N/A

Report

The Chief Executive Officer, Directors and Staff designated by The Chief Executive Officer, are given the use of an appropriate credit card with credit card limits as determined by Council from time to time.

Currently the Chief Executive Officer has a credit card with a limit of \$5,000.

By increasing the credit limit on the Chief Executive Officer's credit card, the Executive Assistant, who is responsible for conference bookings would have a more streamlined system for booking air travel and conference bookings. The Chief Executive Officer will still retain control of all expenditures booked to his card.

The current arrangement with travel agents, who arrange conference flights and accommodation for the city, requires that Council pay the cost of flights and accommodation within 48 hours of a confirmed booking. This requires cheques to be drawn at short notice. It would be more efficient administratively, if credit card payments were used.

As the Chief Executive Officer's Executive Assistant makes all travel and accommodation arrangements, it would be appropriate for the Chief Executive Officer's credit card to be used.

Strategic Plan/Policy Implications

Key Result Area "Managing your City" and Position Statement PSES2 refer.

Budget/Financial Implications

Nil

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

Nil

15.5 (Ocm1_9_2001) - LOCAL GOVERNMENT MICROSOFT SOFTWARE LICENSING ENTERPRISE AGREEMENT (ATC)(ATTACH)

RECOMMENDATION

That;

- (1) Council enters into the Microsoft Software Enterprise Licensing Agreement with the West Australian Municipal Association and Algar Burns Computing for an initial total of 225 Desktop Computers and 13 Servers;
- (2) any new Desktop Computers or services that are purchased in the future be added to the Agreement; and
- (3) an amount of \$110,100 be drawn from the Computer Reserve Fund to cover the costs of the Agreement in 2001/02.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The City of Cockburn currently has a total of 225 personal computers and 13 servers, all of which use Microsoft operating systems and desktop applications.

Over the previous years, the City has adopted a policy of accommodating users with the software best suited to undertake their job. This has resulted in a mixture of both Operating Systems and Desktop Applications.

Current Desktop Operating Systems include:

- Windows 95
- Windows 98
- Windows 2000
- Windows NT

Current Desktop Applications include:

- Microsoft Office Standard 97
- Microsoft Office Professional 97
- Microsoft Office 2000 Premium

Servers will generally use the latest software as they are pivotal to the efficient operation of the databases and communications.

Microsoft is changing the structure of their licensing from 1 October 2001. The West Australian Municipal Association (WAMA) has developed an initiative to obtain discounted costs by pooling the bulk purchasing power of local government users across the state.

Submission

The Western Australian Municipal Association (WAMA), in conjunction with Algar Burns Computing, have released an initiative that has made available a total Microsoft software license management solution for local government in Western Australia. Similar arrangements have been started in the Eastern States.

The new arrangement comes in the form of an Enterprise Agreement and its strength comes through the pooled volume of thousands of local government users across W.A and takes advantage of bulk purchasing power. WAMA becomes the single Microsoft customer and in turn, facilitates the arrangement across participating local governments. Contract management of the agreements is through Algar Burns Computing. Algar Burns is a 100% Western Australian owned computer software and licensing reseller that has been operating since 1977, and has held a highly successful relationship with WAMA extending for the past seven years. The company is quality assured.

Report

As of 1 October 2001, Microsoft is changing the structure of their licensing. All licenses for Microsoft Software will be required to have a component called Software Assurance. Software Assurance will

enable a given license to remain at the most current version for a period of time. Without the component of Software Assurance, a license will be unable to be upgraded to a later version and the City of Cockburn will be required to purchase a brand new license upon upgrading to a later version.

The WAMA Enterprise Agreement will commence on 1 October 2001, in line with the above Microsoft changes. In order to benefit from the cost savings under the Enterprise plan, it is essential that the City commit to the arrangement prior to this date. The Enterprise Agreement will not be available for joining at a later date, therefore failure to enrol will mean the more expensive GOLP (Government Open License Program) option will be the only available means for software licensing for the time being.

The WAMA Enterprise Agreement operates for a three year fixed period, with extension options for a further three years.

The structure of the arrangement provides for a contract between WAMA and Microsoft whereby payment for licensing is invoiced yearly in advance, and charged per desktop to the City. The City must declare the total number of desktops it has as at the start of the agreement and on the anniversary of each subsequent year. This agreement enables the City to be fully licensed for the latest versions of all Microsoft desktop products throughout the year.

The products covered under this full platform Enterprise Agreement cover a license and software assurance for:

- Microsoft Office Professional,
- Microsoft Windows 32 bit operating system, and
- Microsoft Back Office CAL (Client Access License).

The WAMA Agreement will also offer additional server products as required by individual local government organisations. Applications not covered in the agreement will still be available under the GOLP structure.

A detailed report on the Microsoft Software Licensing Enterprise Agreement had been prepared by Council's Manager Information Systems and is attached to the Agenda. An analysis of the financial implications of the change in Microsoft's licensing costs is included in the report, as well as the benefits of joining the WAMA Enterprise Agreement. All servers and personal computers will be included as will new computers purchased in future years.

The cost for each of the first three years of the agreement is \$110,098 (excluding GST) per year and \$39,371 (excluding GST) for each of the following three years. As shown in the financial analysis attached to the Manager Information Systems Report, over the six year period of

the agreement, a saving of over \$300,000 will result compared to not joining the agreement. The financial analysis therefore supports joining the Agreement.

The changes by Microsoft to their licensing structure and costs were not known when the Budget was being prepared and therefore, funds are not currently allocated in the Budget to meet these costs. It is proposed that funds be drawn from the Computer Reserve Fund to cover the costs in 2001/02 and appropriate allocations made in future years' Budgets.

Strategic Plan/Policy Implications

Key Result Area 'Managing Your City' refers.

Budget/Financial Implications

An amount of \$110,100 will be drawn from the Computer Reserve Fund to fund the Agreement in 2001/02.

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

Nil

15.6 (Ocm1_9_2001) - SEPAROVICH NOMINEES PTY LTD - REQUEST FOR RUBBISH SERVICES CHARGE TO BE WAIVED IN RESPECT OF SHOPS AT 1050 ROCKINGHAM ROAD (3412012) (ATC)

RECOMMENDATION

That Council advise Separovich Nominees Pty Ltd that due to the extenuating circumstances outlined in its submission:

- (1) Rubbish Service Charges for Shops 1-6, 1050 Rockingham Road will be reduced from \$750 to \$150 for as long as only one shop is occupied and that the amount of \$600 be written off;
- (2) should any of the other shops be leased out, pro-rata Rubbish Service Charges will apply from the date they are leased
- (3) that Council will alert the Minister for Planning & Infrastructure of the potential shortfall in rate revenue for Council as values in the Wattleup area decline and if State Government Authorities were to cease payment of rates on vacant properties.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION**Background**

The property owned by Separovich Nominees Pty Ltd at 1050 Rockingham Road Wattleup is within the Hope Valley - Wattleup Redevelopment Area.

Submission

Separovich Nominees advise that they are the owners of the 6 shops on this property for which they have paid rates for many years, even though the Hope Valley and Wattleup townships have basically diminished due to the rezoning proposed by the Government. Many problems have arisen due to this proposal which have caused the great majority of the local residents to vacate the area and many small businesses have been decimated. They have been unable to continue trading and at present, there is only 1 shop still being occupied.

This small business has experienced a downturn of at least 60% in this last year alone and he himself is unsure whether he will be able to continue trading till end of term of lease.

Separovich Nominees have provided a copy of a letter from the Valuer General's Office which has reduced the Gross Rental Value of the property at 1050 Rockingham Road from \$54,340 to \$24,960. They have also provided evidence from Real Estate Agents that the sale value of the property has dropped by 60% since they purchased it in 1994.

The only shop left in operation, uses its own large bin from a commercial contractor. They request that the \$750 Rubbish Service Charges be waived.

Report

The evidence provided by Separovich Nominees Pty Ltd demonstrates the significant effect that the inclusion of the property in Hope Valley - Wattleup Redevelopment Area has had on its value and viability.

The effect has been that the value of the premises has more than halved in recent times and the shops have lost their tenants and cannot be re-let. In normal circumstances, no consideration would be given to waiving a rubbish service charge merely because a property did not have a tenant. However, in this case it is considered that exceptional circumstances have arisen because of the State Government's decision to establish the Redevelopment Area. The evidence provided

by the owners suggest that the property is not likely to attract new tenants. Rates relief has been given by the fact that the Gross Rental Value used as the basis for rates, has dropped by more than half. In view of the extenuating circumstances, it is considered appropriate for some relief to be granted by Council in respect of the vacant shops but only while they remain vacant. Should they be leased out, then the rubbish service charge should again be levied.

It is considered that the opportunity should be taken to point out to the Minister for Planning & Infrastructure, the potential loss of income to Council as values in the Wattleup area decrease. Also, properties owned by State Government authorities which are not rented out, are potentially able to be exempt from rates if the Government authorities choose to apply the provisions of their various Acts.

Strategic Plan/Policy Implications

Council's Budget set a Rubbish Service Charge of \$150.

Budget/Financial Implications

The amount received for Rubbish Services Charges would be reduced by \$600.

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

Nil

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (Ocm1_9_2001) - BLACKSPOT PROGRAM - INTERSECTION OF ROCKINGHAM ROAD AND COLEVILLE CRESCENT, SPEARWOOD (450498; 450378) (SL) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise Main Roads WA and the Phoenix Park Shopping Centre, that Council commits to complete the approved Federal Road Safety Black Spot Program by 30 June 2002, namely ban all right turn movements at the intersection of Rockingham Road and Coleville Crescent; and
- (2) advise the Phoenix Park Shopping Centre that Council supports, in principle, their proposed traffic scheme option to allow right turn movements at their southern Rockingham Road entrance, subject to the following conditions:

- the Centre being prepared to fund the additional cost of the entire project;
- the Centre consulting with the affected landowners in Rockingham Road and Kent Street regarding the proposed traffic scheme and part closure of Kent Street, and receive support from the majority of landowners;
- Approval of the construction drawings being subject to no adverse findings from an independent road safety audit, undertaken by engineering consultants appointed by the Centre; and
- The works being undertaken by suitable arrangements with Council's Engineering Department.

COUNCIL DECISION

Background

The City has successfully obtained Black Spot funding approval from the Federal Government to ban right turn movements at the intersection of Rockingham Road and Coleville Crescent. However, the owners of the Phoenix Park Shopping Centre were concerned that this treatment would reduce trade.

Submission

The Phoenix Shopping Centre, through their consultants David Porter Consulting Engineer, have submitted for the opening of the right turn movements at their southern car park in Rockingham Road in conjunction with the Coleville Crescent works. This involves the provision of an opening in the Rockingham Road median island just north of Kent Street, including the widening of Rockingham Road to accommodate a right turn pocket into their shopping centre.

They arranged an independent road safety audit on this proposal, the Summary of Findings of which is attached to the Agenda. The findings identified, amongst other issues, the need to remove the potential short cutting conflicts from the Shopping Centre entrance to Kent Street should the median island be opened up.

To address the audit's findings, the Phoenix Shopping Centre has suggested the following treatments:-

- Move the Shopping Centre entrance to opposite Kent Street and install traffic signals;

- Relocate the Shopping Centre entrance further north to increase the separation to Kent Street; and
- Partially close Kent Street to discourage the attractiveness of the potential short cutting.

Report

The intersection of Rockingham Road and Coleville Crescent currently ranks at 1026 on the list of intersections throughout the State of Western Australia, which have a history of frequent vehicle crashes. Among the intersections within the Cockburn City, its ranking is 32.

The Federal Government has approved, under its Safety Black Spot Program, the application by the City to reduce the number of vehicle crashes at the intersection of Rockingham Road and Coleville Crescent. The specific treatment is to ban the right turn movements at the intersection by extending the central median island, as its crash history identifies that 60% of vehicle crashes were caused by these movements.

The extension of the central median island in Rockingham Road past Coleville Crescent will effectively restrict traffic movements to left in and left out at this intersection. Right turn accesses off Rockingham Road into the Phoenix Shopping Centre complex are available through their mid-block entrance and the Lancaster Street traffic signals. Access via Coleville Crescent to the Shopping Centre is also available via Spearwood Avenue.

The Phoenix Shopping Centre was consulted of the traffic treatment. The management of the Centre objected to the proposal strongly. They were concerned that it would reduce their business activities. However, they would accede to the Black Spot project if right turn access to the Centre entrance immediately north of Kent Street were permitted.

Through their consultants, David Porter Consulting Engineer, they proposed a number of options. One (see attached Shopping Centre Entrance Option) is supported in principle subject to the findings and/or recommendations of a road safety audit, undertaken by an independent engineering consultant. One of the findings is of concern, namely:-

“Review and consider the need to open the existing median. If the opening is considered necessary, then consideration should be given to improving safety within the vicinity of the opening and Kent Street by the provision of traffic signals or other means.”

They have addressed this concern by suggesting the partial closure of Kent Street to discourage unsafe traffic movement.

The additional works can be undertaken by Council's day labour staff at the Centre's cost, or the Centre can arrange private contractors with the work overseen by Council's supervisory staff.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

Funds are available in the current Budget for the Black Spot project. Account No. 691503, amount \$34,692.

Other traffic treatment is to be funded by the Phoenix Park Shopping Centre.

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

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (Ocm1_9_2001) - COASTAL MOTORCYCLE CLUB RENTAL FEE (8008) (RA) (ATTACH)

RECOMMENDATION

That Council advise the Coastal Motorcycle Club that it is required to pay the rental fee as prescribed in the sub-lease and non-payment will be considered as a breach of the terms and conditions of the sub-lease and the termination clause of the sub-lease will be invoked.

COUNCIL DECISION

Background

The Coastal Motorcycle Club, Tiger Kart Club and the Radio Modellers have all leased portions of land in the Mt Brown Reserve area. In the sub-lease agreement, the Council and the clubs agreed that the clubs would pay an annual rental fee of 60% of the rates calculated on the valuation of the property as determined by the Valuer General.

In November 1998, Council agreed to phase in an increase in the rental rate due to a one-off substantial increase in the rate due to the Valuer General not having reviewed the rates for some time. The result was that the club was to pay $\frac{1}{3}$ of the rate in 1998/99, which equated to \$1284.50, $\frac{2}{3}$ in 1999/00 and the total amount for 2000/01, which equates to \$4,200.

Council at its meeting of the 15 May 2001, resolved that the Coastal Motorcycle Club be required to adhere to the terms of the sub-lease agreement and pay the rental fee.

Submission

The Coastal Motorcycle Club wrote an undated letter received by Council on 23 August 2001, again requesting that Council reconsider the rental fee level. The Mayor requested the matter be again put to Council. The Member for Cockburn, Fran Logan, has also made representation on behalf of the Club. Copy of the letter is attached.

At the time of writing the outstanding rental fee of \$4,200 had not been paid by the Club.

Report

The Mt Brown portion of the Beeliar Reserve area is to be transferred to Conservation and Land Management (C.A.L.M.) with the sub-lease to the Coastal Motorcycle Club being also transferred. There is some indication that this transfer may occur by the end of 2001 although these matters are notorious for dragging out over a number of years. Council Administration has written to C.A.L.M. seeking its views on the request for the Coastal Motorcycle Club to have its rental fee reduced. Advice has been received that this will take some time.

As previously advised the Coastal Motorcycle Club, Tiger Kart Club and Radio Modellers are all within the same area to be transferred to C.A.L.M.

The arguments for no reduction in the rental fee charged is as follows:-

- There is a signed sub-lease in place, which applies to the 3 clubs that use the area. Council will set an unfortunate precedent in which clubs sign a lease (sub-lease) and then come back later to renegotiate significant clauses.
- The clubs have access to a significant area of public land. The nature of their activities means that the land available for such uses is very limited within the metropolitan area and hence at a premium.
- The area is in fact deemed a conservation reserve that is not compatible with the current activities, although for historical reasons it is planned to be set aside for these purposes.

- The current fee of \$4,200 for the sole use of an area of 8.23 hectares could hardly be described as excessive.

The arguments put forward by the club are, in general terms, as follows (see attached letter):

- The costs are based on costs similar to that for industrial sites.
- The costs of running a cycle club are very high due to the need to maintain the club facilities for safety reasons.
- The club fees are \$100 per member whereas other similar clubs have fees of about \$80. Other clubs in outer metropolitan areas pay no rental fee.
- The club attracts individuals who would otherwise be motorcycle riding illegally and hence serves a community benefit.
- Other non-profit sporting groups do not pay a rental fee and be also required to maintain their facilities.

There appears to be a number of options open to Council in respect to the Coastal Motorcycle Club sub-lease:

Option 1:

Provide the Coastal Motorcycle Club with free use of the area. For the sake of equity Council would also need to waive the fee for at least the other clubs in the area. Pressure could then come on Council from other organisations who lease land seeking the same consideration.

Option 2:

Retain the existing rental fee structure in accordance with the sub-lease.

Option 3:

Fix the existing rental fee at its current rate for the period until the area is transferred to C.A.L.M. who, as the owners, can negotiate if they wish a new rental fee.

Option 4:

Have the rental fee structure reviewed by another authority. The Valuer General's Office is able, at a fee of \$1,500, to arrive at a 'market rental fee'. This is ascertained on the basis of factors such as:-

- What similar organisations pay in rental for such a facility.
- Discussion with the club on the level of fees it charges its members, level of community access, ability to pay a rental fee and other similar factors.
- What an alternative site would cost in rental fees.

If this option were to be taken up, it would for the sake of equity, require a similar review of the rental fee paid by the other two sub-lessees. The total cost of these reviews would be approximately \$4,000 and should this option be taken up, it is proposed that in the case of the Coastal Motorcycle Club, they be required to pay their outstanding debt to Council and prefund the review. In the case of the other two clubs, Council pays this rental assessment fee review and recoup the cost from the clubs should Council reduce the rental fee in response to the review.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Should Council eliminate the fee to the Coastal Motorcycle Club, it could be under some obligation to also eliminate the fee for the other two groups. If Council were to no longer charge a rental fee to the clubs, there would be a loss of income to Council of \$10,237 for 2000/01 which would require an absolute majority.

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

Nil

17.2 (Ocm1_9_2001) - PETITION GLEN IRIS ESTATE - INCREASE IN WALL HEIGHT (8064) (RA)

RECOMMENDATION

That Council advise the petitioners that Council:

- (1) is not prepared to pay the cost of raising the height of the limestone wall along the freeway in Jandakot (Glen Iris Estate); and
- (2) will coordinate and oversee the works associated with the raising of the wall provided that the petition organiser gains the written agreement of all 24 property owners whose boundaries abutt the wall to pay on a pro-rata basis the cost of these works.

COUNCIL DECISION

Background

Council, at its meeting of 21 August 2001, received a petition from 48 residents of Glen Iris which reads:

“The undersigned residents of Glen Iris Estate, Jandakot request the local council consider placing one/two extra limestone bricks on top of the existing exterior limestone wall. The number of burglaries/home invasions are on the increase within the area. Leading experts in crime prevention have suggested a means of making it difficult for would be thieves, is to make it difficult to gain entry and leave. We do understand this will not eliminate crime entirely but we (the residents) believe it is a start in making this estate safe to walk and live accordingly.”

The resolution of Council was for an officer’s report to be prepared on the matter.

Submission

Result of a petition to Council.

Report

An estimate of the cost of placing additional bricks on the wall has been gained with the following result:

The cost/metre per course of limestone blocks is \$37.40, which includes the removal and reinstatement of the pier caps. As the limestone portion of the wall is 900 metres long, the total costs for one course of bricks along the total length of the limestone wall is \$33,660. The total cost for two courses along the total length of the limestone wall would be \$67,320. A single or double course of limestone blocks would increase the height of the wall by 350mm and 700mm respectively.

The petitioners have requested that the wall height be increased to reduce the number of burglaries/home invasions in the area. An analysis shows that there are 24 houses that back directly on to the wall and would appear to be the main beneficiaries of an increase in wall height. These 24 houses are along approximately 480 metres of wall. If the cost of this work was charged against these properties, the cost per house would be on average \$748 for one block increase in height and \$1,496 for a two block increase in height.

The Local Government Act Financial Management Regulations (Section 54) does not allow for a service charge to be levied for works of this nature. Council can however, coordinate and oversee this project through private works.

If all properties in the area were to be charged, the cost per property would be \$50.77 for a single block and \$101.54 for two blocks for the rateable properties in the area bounded by the freeway, Berrigan Drive and the railway line in Jandakot (Glen Iris Estate). There are 663 rateable properties in the area.

There are a number of estates that have estate walls. If Council was to, from Municipal Funds, increase the height of the limestone wall along the freeway, it would open itself up to the potentiality of other areas requesting the same or similar treatment. The proposal to increase the height of the wall for Glen Iris if it was to proceed, should be funded by those who would benefit. Council has no obligation or responsibility for boundary fences within the City.

As this is an initiative of local residents, it is proposed that the petitioner be advised that Council is only prepared to consider carrying out this work with the cost being covered by the 24 owners whose properties abutt the limestone wall.

To ensure that the statements of commitment from the 24 property owners who are prepared to pay is legally binding, it is proposed that the Council Administration approve the proforma agreement to be circulated by the petitioner. It is a current Council practice to communicate with the petitioner organiser/presenter. If unknown, the first name on the petition.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Should the work proceed the cost of the works and its administration will be covered by a charge on property owners.

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

Nil

17.3 (Ocm1_9_2001) - SOUTH LAKE LEISURE CENTRE CRECHE FEES (8143) (SH)

RECOMMENDATION

That Council maintain the current membership pricing structure as it relates to creche usage.

COUNCIL DECISION**Background**

A report was requested by Council on the Crèche Fees for the South Lake Leisure Centre at its meeting of 30 July 2001.

The South Lake Leisure Centre is the City of Cockburn's premier recreation venue. At the June Ordinary Council Meeting, the Council passed a recommendation that the South Lake Leisure Centre change its membership structure. As part of these changes, the membership package is made up of areas the patrons wish to purchase. This also applies to the use of the creche. Non member patrons using other facilities also have use of the creche at the established charge rate.

Submission

N/A

Report**Creche Facilities**

The Creche facilities at the South Lake Leisure Centre provide parents with a venue to leave their children while enjoying use of the Centre's facilities. The Creche features 2 large airconditioned rooms, a TV/Quiet room, large outdoor play area, outdoor play equipment and a wide variety of toys for all ages. The Creche provides a high level of care and operates on a minimum ratio of 1 attendant to 10 children. Compared with other creche facilities, the South Lake Leisure Centre creche generally offers a superior level of service and care than similar services.

The South Lake Leisure Centre offers a number of services that are complemented by the Centre's creche. These services include gym, aerobics, aquarobics, swimming lessons, Kindygyms classes, morning ladies sport programs, yoga, venue hire and casual swimming.

The South Lake Leisure Centre crèche is an integral element in the running of all of these services. Without the creche facilities, the South Lake Leisure Centre would lack the patronage to run many of these services, particularly the class/sessional based services such as aerobics, aquarobics, Kindygyms, swimming lessons, yoga and morning sports.

The Centre's crèche prices are as follows:

Item	Fee	GST	Total
Creche (1 st child) 1.5 hours	2.00	0.20	2.20
Creche (additional child) 1.5 hours	1.00	0.10	1.10
Creche (1 st child) 2 hours	2.45	0.25	2.70
Creche (additional child) 2 hours	1.27	0.13	1.40
Creche 10 Voucher(1 st child) 1.5 hours	17.27	1.73	19.00
Creche 10 Voucher(1 st child) 2 hours	21.19	2.11	23.30
Childcare facilities are for South Lake Leisure Centre patrons only. Creche Opening Hours: Monday to Friday – 8.45am –1.00pm Public Holidays – 8.45am – 12.00pm			

Prior to 1 July 2001, members were offered free use of the creche facilities. As part of the membership restructure, free creche was removed from the memberships. The South Lake Leisure Centre is providing free creche on all term memberships bought prior to 1 July 2001, until the end of their membership term. There are currently 6 patrons who this applies to.

All patrons on membership packages purchased after 1 July receive a 20% discount on creche vouchers, paying \$15.20 (1^{1/2} hours) or \$18.64 (2 hours) for 10 visits.

Creche Costs

The expenses, income, entry fee, visits, net loss and cost per visit associated with the creche over the last five financial years are as follows:

	96/97	97/98	98/99	99/00	00/01	**01/02
Income \$	8998	12212	15467	17519	20491	22600
Expenses \$	67050	77250	82750	91850	96500	75000
Loss \$	58052	65038	67283	74331	76009	52400
Entry Fee (1 st child)	2.00	2.00	2.00	2.00	2.20*	2.20*
Visits / year	11708	11485	13367	13376	12277"	13000
Cost per visit \$	5.73	6.73	6.19	6.87	7.86	5.77

*Price includes GST.

** Budget Estimate

" Centre was closed or restricted for a portion of the year due to upgrades.

As can be seen, the cost of running the Creche has increased each year disproportionately to the number of visits each year. This is due to increases in wage rates and fixed costs.

The visits/year figure shows a trend of increased usage over time. This trend was interrupted in 2000/2001 when the Centre was forced to close twice for repairs to the pool concourse.

Competitor Review

A review of creche facilities was conducted on a number of Local Government Recreation Centres and private health clubs. Costs are based on 1st child casual prices only.

Venue	1hour Cost \$	1.5 hour Cost \$	2hour Cost \$	Creche inclusive in membership*
Leeming Rec. Centre	-	-	2.50	No
Gosnells Leisure World	-	2.40	-	No
Loftus Rec. Centre	1.65	-	-	No
Park Rec. Centre	-	-	2.80**	No
Joondalup Arena	-	3.30 2.20/mem	-	No
Altone Park Leisure Centre	1.70	-	3.40	No
Kwinana Rec. Centre	1.40	-	-	No
Belmont Oasis Leisure Centre	2.75	-	-	12 month m/ship only
Bayswater Waves	2.65	-	-	No
Bold Park Aquatic Centre	-	2.00	-	No
Beatty Park	-	2.50 1.60/mem	-	No
Morley Rec. Centre	2.20	-	-	Top package only
Armadale Rec. Centre	1.65	-	-	No
Warehouse Fitness	-	-	-	1 st Child only
Legends Gym	-	-	1.00**	No
Lords	-	-	4.00	No
Melville Rec. Centre	-	-	2.50	No
Fremantle Leisure Centre	-	2.50	-	Yes
BC (All Clubs)	-	-	-	Yes

* Standard membership only (does not include special offers or promotions).

** Time limit does not apply.

As can be seen from the above table, very few facilities offer free crèche with standard membership packages.

South Lake Leisure Centre's price structure is competitive with other facilities. When taking into account the discounts offered on vouchers for members, the creche fees become some of the lowest for leisure centres in the metropolitan area.

Membership Restructure

As mentioned, the changes to creche fees for members were a part of a general restructure of the South Lake Leisure Centre's membership packages. Prior to 1 July 2001, patrons had to purchase either a Swim and Gym or Aerobic and Aquarobic membership. Under this schedule, patrons were unable to combine options or pay for 1 option only.

Additionally, the 80% of members who did not use the creche were forced to subsidise the 20% of members who made use of these facilities. As part of the restructure, free creche was removed from memberships to reduce the burden on the majority of members who did not use the creche facilities. Due to the high cost of running the creche, it was not viable to include creche usage as a membership option.

The new structure was designed to be more marketable and cost effective for most patrons, as they are able to choose what options they wish to use and only pay for those options. The options provided are Swim (Spa/Sauna), Gymnasium, Aerobics and Aquarobics.

At 30 June 2001, the Centre had 368 members. Since the restructure of the membership packages, the South Lake Leisure Centre has experienced significant growth in its membership base. At the beginning of September, the South Lake Leisure Centre had increased its membership base to 473 members. This equates to growth of 28% in two months.

Since 1 July 2001, the Centre has attracted 249 new members. Consequently, 144 members left the Centre following the change in the membership structure. A number of these members were on arrangements where they had not had an increase in membership for a number of years.

In June 2001, there were 74 members who used the creche facilities during their visits to the Centre. Currently there are 48 members who use the creche facilities during their visits to the Centre.

Implications of Membership Restructure

The changes made to the membership structure bring the South Lake Leisure Centre in line with most other local government recreation centres.

An examination of the creche figures and membership numbers clearly show the effect of the membership restructure on the creche usage and overall Centre usage.

The number of members using the creche has decreased as a consequence of the restructure. This was an anticipated consequence

of the change. However, the Centre expects that the influx of new members will reverse this trend and as the membership base increases, so too will the number of members using the creche facilities.

The number of members at the Centre has increased significantly. This is directly related to the membership restructure and reduced prices offered to members. The increase in membership has had a positive effect on the Centre's usage statistics, with more members using the facility more often.

Considering the number of customers lost versus the increase in memberships, the changes to the membership structure has had an overall positive effect on the South Lake Leisure Centre, both in relation to usage and financial viability.

If the Centre were to introduce a creche option in the membership, the Centre would either be forced to increase membership prices to compensate for the increased costs or increase its budgeted operating deficit for the financial year.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

17.4 (Ocm1_9_2001) - MANNING PARK LEASE BETWEEN WESTERN AUSTRALIAN PLANNING COMMISSION AND THE CITY OF COCKBURN (2207525) (KS)

RECOMMENDATION
That Council enter a new 10 year lease for the area known as Manning Park with the Western Australian Planning Commission subject to the terms and conditions of the lease being to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION

Background

Council's lease with the Western Australian Planning Commission for the area of land known as Manning Park has expired. The Commission has offered to enter a new lease agreement for a further 10 years with the City.

Submission

The Western Australian Planning Commission has offered to extend Council's lease of Manning Park for a further 10 years. A draft lease has been provided for consideration by the City.

Report

Manning Park is one of the City's premier passive parks, which also includes the Azalea Ley Museum. It has a growing appeal to residents within the City and beyond.

Council spends in the vicinity of \$80,000 per annum for the maintenance of the Park each year and varying further amounts for upgrades of facilities. Currently the land is owned by the Western Australian Planning Commission in fee simple although there is a commitment and intent to have the area designated as a reserve to be vested in Council in the future. The delay in this is the finalisation of the route for the new realigned Cockburn Road.

Given Council's significant expenditure on Manning Park it is in Council's interest to protect its investment and if possible recoup the cost of maintaining and upgrading the Park's facilities. There is some income generating potential through the likes of the Outdoor Cinema, which should come to Council to help defray the cost of maintaining the park. To protect council's interest in this regard would require the deletion of the clause, which allows for the Western Australian Planning Commission to claim a proportion of any rent received from a sub-lessee.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

19.1 (Ocm1_9_2001) - STUDENT GRADUATION PRIZES (8305) (RA)

RECOMMENDATION

That Council:

- (1) on a yearly basis, offer to each of the secondary and primary schools within the district, an award for an appropriate category to recognise graduating students, with such awards value being up to \$100 for secondary schools and up to \$50 for primary schools; and
- (2) authorise the Mayor or his delegate to present these awards to the successful students.

COUNCIL DECISION

Background

Deputy Mayor Graham has proposed that Council participate in a program which gives recognition to worthy graduating students from local schools with the provision of an award.

Submission

N/A

Report

One of the most effective means of promoting the City is through the education system. There are 27 primary schools and 3 high schools within the district. Associated with each school is a large body of parents. The proposal to give recognition to a worthy student at a graduation ceremony for students both acknowledges the efforts of students and promotes the City.

The most effective means to instigate the program of student recognition would appear to be in the first instance to gain the agreement of individual schools to participate. It is the schools who know the nature and type of award that would be appropriate and available for sponsorship by the City. The schools know the students who are to receive the awards and what their interests are. Finally, the purchase of awards suitable for individual students can be readily performed by the student's school. It becomes a significant logistical task for Council to purchase awards appropriate to the nature of the award and the individual student for all schools in the district.

It is proposed that Council write to all schools in the district to participate in the provision of a City of Cockburn graduate award. The schools would be advised that Council will reimburse the cost of an award of up to \$50 for a primary school student and \$100 for a secondary school student and the process to be followed.

Due recognition of the awards would be achieved by the presentation of the award at a school graduation ceremony with Council represented by the Mayor or his delegate.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Should all schools participate in the program the total cost would be \$1,650. Council has a school donation account from which the funds could be drawn. If additional funds are required in the account this could be considered at the time of the budget review.

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

Nil

19.2 (Ocm1_9_2001) - USE FOR LOT 502 PHOENIX ROAD, BIBRA LAKE OWNED BY LANDCORP (1101294) (AJB)

RECOMMENDATION

That Council:

- (1) request Planning Services to investigate possible alternative land use options for Lot 502 Phoenix Road, Bibra Lake owned by LandCorp; and
- (2) write to the Metropolitan Cemetery Board and Fremantle

Cemetery Board to ascertain their interest in approaching LandCorp to discuss the possibility of establishing a garden cemetery similar to that at Pinnaroo Valley Memorial Park on Lot 502 Phoenix Road Bibra .

COUNCIL DECISION

Background

The subject land is zoned industry in the Metropolitan Region Scheme and District Zoning Scheme No 2.

LandCorp has sought approval to subdivide the land for industrial purposes and previously lodged an application to mine sand from the site. The mining application was refused by Council and is the subject of an appeal to the Minister of Planning and Infrastructure.

The land contains high quality bushland and there is strong community support for it to be retained.

Submission

At the Ordinary Meeting of Council held on 21 August 2001, Councillor Whitfield listed this matter under "Notice of Motion Given at the Meeting for Consideration at Next Meeting" as follows:-

- "(1) request Planning Services to investigate possible alternative land use options for Lot 502 Phoenix Road, Bibra Lake owned by LandCorp; and*
- (2) write to the Metropolitan Cemetery Board and Fremantle Cemetery Board to ascertain their interest in approaching LandCorp to discuss the possibility of establishing a garden cemetery similar to that at Pinnaroo Valley Memorial Park on Lot 502 Phoenix Road Bibra ."*

Report

The proposed recommendations are for Planning Services to investigate possible alternative uses other than industrial which would achieve Council's objectives for the site and, as part of these investigations, to write to the Metropolitan Cemetery Board and Fremantle Cemetery Board to ascertain their interest in establishing a garden cemetery on the site.

Council has previously sought support for the relocation of the Perth Zoo to the site. The proposed recommendations to identify uses which will retain the environmental qualities of the site and enhance those of adjoining South Lake are consistent with previous Council decisions.

The proposed recommendations will confirm Council's support to the possible development of the site as a garden style Cemetery and allow officers to positively promote the proposal to the relevant cemetery boards.

A report on the responses from the cemetery boards and possible alternative land use strategies will be prepared by Planning Services and 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 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."*
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."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*

The Planning Policies which apply to this item are:-

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

Budget/Financial Implications

N/A

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

Nil

19.3 (Ocm1_9_2001) - DEFERMENT OF THE SUBDIVISION PROPOSALS FOR LOT 502 PHOENIX ROAD, BIBRA LAKE - LANDCORP (113648) (AJB)

RECOMMENDATION

That Council:

- (1) reconfirm its submission in March 1999 to the Western Australian Planning Commission on Bushplan in respect to Lot 502 Phoenix Road, Bibra Lake, which sought to protect the integrity of South Lake and its vegetated setting;
- (2) lodge a submission on the Environmental Report for the proposed development of Lot 502 Phoenix Road when it is advertised for comment and for this to refer to Council's submission on Bushplan; and
- (3) advise the Western Australian Planning Commission that having regard to the determination of the Minister for the Environment to formally assess the proposed subdivision of Lot 502, that Council will not be in a position to consider the application until such time as a final determination is made on the environmental issues and to request that;
 1. The Planning Commission formally agree to extend the time for Council to respond to the current or any future application until all environmental approvals are granted; and
 2. The Planning Commission not determine any application without first seeking comments for Council.

COUNCIL DECISION

Background

The subject land is zoned industry in the Metropolitan Region Scheme and District Zoning Scheme No 2.

LandCorp has made application to the Western Australian Planning Commission to subdivide the land for industrial purposes. The application has not been determined by the Planning Commission.

In November 2000 the Department of Environmental Protection advertised that the level of assessment determined for the project was Environmental Protection Statement. Some 23 appeals were lodged against the level of assessment and that the project should be subject to a more formal environmental assessment given the potential impacts.

On 15th May 2001 officers from the Office of the Appeals Convenor advised Council officers that Council could not consider the subdivision application until the appeals were determined. Council at its meeting held on 15th May 2001 resolved to defer consideration of the subdivision application, to recommend that the Planning Commission not determine the application until all the outstanding matters relating to the subdivision of this land have been resolved and to pursue the possible relocation of the zoo to the site.

On 23 August 2001 Council received advice from the Office of the Appeals Convenor that the appeals have been upheld by the Minister for the Environment and the project is now to be formally assessed. This will include the impact of clearing native vegetation and the loss of biodiversity which were not previously assessed and will include extensive public consultation.

Submission

At the Ordinary Meeting of Council held on 21 August 2001, Councillor Whitfield listed this matter under "Notice of Motion Given at the Meeting for Consideration at Next Meeting" as follows:-

- "(1) reconfirm its submission in March 1999 to the Western Australian Planning Commission on Bushplan in respect to Lot 502 Phoenix Road, Bibra Lake, which sought to protect the integrity of South Lake and its vegetated setting;*
- (2) advise the Department of Environmental Protection of the Council's position and request that this be taken into account when assessing the subdivision proposal for Lot 502 (WAPC Ref: 113648) which is the subject of an environmental assessment; and*
- (3) request the Western Australian Planning Commission to defer consideration of the proposed subdivision (WAPC Ref 113648) for Lot 502 until such time as the Environmental Protection Authority has assessed the appeals and made recommendations in respect to the subdivision and development*

of the land, together with a formal recommendation being made by the Council on the final proposal."

Report

The purpose of the proposed recommendations is to advise the Western Australian Planning Commission (WAPC) and Department of Environmental Protection (DEP) that Council remains committed to the protection of the environmental and aesthetic values of the subject land and the adjoining South Lake reserve and that this be taken into consideration when they assess any proposal for the land.

On 23 August 2001 correspondence was received from the Office of the Appeals Convenor which advised that appeals on the level of assessment for the proposed industrial subdivision of the land had been upheld by the Minister for the Environment and that the proposal would now be formally assessed.

This means that LandCorp is required to prepare a detailed environmental report which deals with all issues including floristic values and biodiversity to the satisfaction of the DEP and for this to be advertised for public comment. Until this process is complete and the Minister for Environment makes a final determination, the WAPC is not permitted by law to determine the subdivision application.

Having regard to the most recent determination by the Minister for the Environment, it is suggested that the recommendations proposed by Councillor Whitfield be modified as follows;

- (2) lodge a submission on the Environmental Report for the proposed development of Lot 502 Phoenix Road when it is advertised for comment and for this to refer to Council's submission on Bushplan; and
- (3) advise the Western Australian Planning Commission that having regard to the determination of the Minister for the Environment to formally assess the proposed subdivision of Lot 502, that Council will not be in a position to consider the application until such time as a final determination is made on the environmental issues and to request that;
 1. *The Planning Commission formally agree to extend the time for Council to respond to the current or any future application until all environmental approvals are granted; and*
 2. The Planning Commission not determine any application without first seeking comments for Council.

The effect of the modified recommendations is to ensure that Council will be consulted on any proposal for the subject land including the current application and that the normal statutory response time (42 days) will not be applied given that it is first necessary for environmental approvals to be issued.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
2. Planning Your City
 - *"To ensure that the 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."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*

The Planning Policies which apply to this item are:-

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

Budget/Financial Implications

N/A

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

Nil

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

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

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

23. CONFIDENTIAL BUSINESS

23.1 (Ocm1_9_2001) - AUTHORITY TO CHIEF EXECUTIVE OFFICER - REPORT FROM MANAGER, CORPORATE DEVELOPMENT (RWB) (6679)

RECOMMENDATION

That the Confidential Report from the Manager, Corporate Development be received and the recommendation contained therein, be adopted.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

N/A

Submission

Nil

Report

A confidential report has been provided to Elected Members under separate cover.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

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

Nil

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 coordinated, 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**