

## CITY OF COCKBURN

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 15 OCTOBER 2002 AT 7:30 P.M.

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#### PRESENT:

##### ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr A Edwards	-	Councillor
Mr K Allen	-	Councillor
Mr L Humphreys	-	Councillor
Mrs N Waters	-	Councillor
Mr M Reeve-Fowkes	-	Councillor
Mrs V Oliver	-	Councillor

##### IN ATTENDANCE

Mr D. Green	-	Acting Chief Executive Officer
Mr K. Lapham	-	Acting Director, Finance & Corporate Services
Mr S. Hiller	-	Director, Planning & Development
Mr J. Radaich	-	Acting Director, Engineering & Works
Mrs S. Ellis	-	Executive Secretary
Mr C. Ellis	-	Communications Manager
Mrs V. Bacich	-	Assistant Secretary

#### 1779. (AG Item 1) DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7:30pm.

Mayor Lee then asked everyone present to stand for one minutes silence in respect to the recent tragedy in Bali.



**1780. (AG Item 2) APPOINTMENT OF PRESIDING MEMBER (If required)**

Nil.

**1781. (AG Item 3) DISCLAIMER (Read aloud by Presiding Member)**

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

**1782. (AG Item 4.1) (Ocm1\_10\_2002) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)**

Advice of a Financial Interest was received from Cllr Allen in relation to Item 14.3 which will be read aloud at the appropriate time.

Mayor Lee advised that permission had been granted from the Department of Local Government for Cllr Allen to participate in this matter.

**1783. (AG Item 5.1) (Ocm1\_10\_2002) - APOLOGIES AND LEAVE OF ABSENCE**

Nil.

**1784. (AG Item 6.1) (Ocm1\_10\_2002) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**1785. (AG Item 7.1) (Ocm1\_10\_2002) - PUBLIC QUESTION TIME**

**Andrew Sullivan**, Coogee Coastal Action Coalition raised the following questions and the Mayor responded as answered below:-



**Q1.** Can the Mayor advise which Council resolution(s) details the Council's official response to the Western Australian Planning Commission regarding the proposed Port Catherine Metropolitan Region Scheme Amendment No. 1010/33 ?

A. Council supported the amendment subject to changes to the industrial and the parks and recreation reserve, at its meeting in December 2001 which was carried 8/1.

**Q2.** Can the Mayor confirm that Council supports the proposed Port Catherine Metropolitan Region Scheme Amendment No. 1010/33 ?

A. Yes.

**Q3.** Can the Mayor confirm that Council supports the following planning outcomes at Port Catherine:

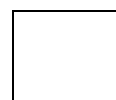
(a) support for the use of the coastal zone for non-dependent land uses, including residential and general commercial and support for the extensive land filling of the seabed, in contradiction of coastal policies;

A. The Port Catherine Marina is the subject of a development agreement between the State Government and Consolidated Marine Developments. The Council is not a party to the agreement.

(b) support for the foreshore reserve at the jet ski beach remaining at an unsustainable effective width of approximately 35 metres in lieu of being widened to approximately 100 metres in accordance with coastal planning policies;

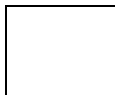
A. This is a matter that will be determined by the WAPC in the application of its coastal planning policy.

(c) support for the retention or reconstruction of the obsolete industrial seawalls at the former Anchorage meatworks so as to provide permanent protection to the proposed Urban zone which extends to the edge of these walls, in lieu of these walls being removed and/or a Parks and Recreation foreshore reserve being established in accordance with coastal planning policies;



- A. This is a matter that has not been considered by the Council because the proposed structure plan for the marina has not yet been formally referred for evaluation and recommendation.
- (d) support for deleting the long established planning requirement that a continuous Parks and Recreation foreshore reserve be established between Woodman Point and South Beach;
- A. This is a matter that will be determined by the WAPC.
- (e) support for foregoing the usual practice of establishing coastal access by way of the State reserving land for that purpose in the MRS, and support for the local authority utilising local open space allocations to provide for regional access needs;
- A. This matter is likely to be addressed when the Structure Plan is referred to the Council for evaluation and recommendation.
- (f) support for approximately half of the Coogee ridgeline (areas above the 25 metre AHD contour) being rezoned from Parks and Recreation to Urban and Primary Regional Road Reserve, and the subsequent quarrying of these areas by up to 8 metres to allow for housing and roads; and
- A. The Council supported the MRS Amendment 1010/33, subject to some minor qualifications. Based on the information made available to Council to date, it is understood that almost all the development will be confined to the western side of the ridge. This was a Council initiative, which saw the eastern side of the ridge retained as region open space, rather than form part of the project.
- (g) support for the developer's assessment that only the eastern flank of the Coogee Ridgeline is required to be set aside as a regional open space link in contradiction to previous well documented planning strategies that identified that both eastern and western flanks of the ridgeline were to be set aside as a regional open space green link?

Mayor Lee advised Mr Sullivan that due to the imposed time limit he could no longer ask any further questions.





**Diane Murfit**, Gibbs Road, Banjup, in relation to Item 14.9, gave a brief history of events leading up to this item being presented to Council. She stated that they have done everything asked of them and are willing to assist in any way to come to a satisfactory conclusion.

Regarding dust complaints, Ms Murfit advised that they do not conduct business from the property and has stopped receiving sand and storing top soil on the property.

She also mentioned that in regard to revegetation, she has been affected by dieback as a result of a neighbouring reserve.

The Director Planning and Development explained the definition of "home occupation" and stated that it does not apply in this instance due to the nature of the business.

Ms Murfit expressed her willingness to work with Council to achieve a mutually beneficial outcome. Mayor Lee requested the Director Planning and Development to arrange a Council Officer to speak with Ms Murfit to explain the result of the Council decision and advise if there will be any further avenues for her to take with this issue.

**Audrey Washbourne**, Spearwood continued the previous questions presented by Andrew Sullivan, to which Mayor Lee answered as stated below:

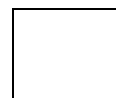
**Q4.** Will the Mayor undertake to have Council formally consider the issues raised above as a matter of urgency and prior to the Western Australian Planning Commission reaching a determination of the proposed rezoning?

**A.** No. The Council is looking forward to having the proposed Structure Plan referred to it for evaluation and recommendation to the WAPC, at which time, many of the questions you have raised tonight are likely to be considered.

**Julie Baker**, Spearwood spoke in regard to 21.2 and thanked Council for its support in protecting the bushland. She then asked the following questions:

**Q.** Could you please inform the community if the Council received any land swaps, money or extra bushland put in reserve for the loss to the community in the Hope Valley/Wattleup Redevelopment Act of 2000?

**A.** The Director of Planning and Development advised "No".



- Q. What was the total size of this area?
- A. The Director of Planning and Development advised that this was approximately 1,000 hectares.
- Q. What was the known site of the vegetation contained within this area (has any of it been added to the reserve)?
- A. The Director Planning and Development advised that there was a number of Land Use Assessments on the area and that very few sites are fully vegetated.
- Q. Now that our Greening Plan has been endorsed by Council, have any further steps been taken to put or request more of our Karakatta Complex vegetation (like the 502 South Lake site or the Roe Highway Reserve) both large areas of our Karakatta vegetation type still needed in Bushplan to bring the quota of this complex closer to the 10% needed.
- A. Mayor Lee advised "No".

Ms Baker requested that these answers be provided in writing.

**1786. (AG Item 8.1) (Ocm1\_10\_2002) - ORDINARY COUNCIL MEETING - 17/9/2002**

**RECOMMENDATION**

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

**COUNCIL DECISION**

MOVED Clr Humphreys SECONDED Clr Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**1787. (AG Item 9.1) (Ocm1\_10\_2002) - REQUESTS FOR LEAVE OF ABSENCE**

Nil.



**1788. (AG Item 10.1) (Ocm1\_10\_2002) - DEPUTATIONS AND PETITIONS**

Nil.

**1789. (AG Item 11.1) (Ocm1\_10\_2002) - BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (If adjourned)**

Nil.

**1790. (AG Item 12.1) (Ocm1\_10\_2002) - DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING**

Nil.

**1791. (AG Item 13.1) (Ocm1\_10\_2002) - NATIONAL GENERAL ASSEMBLY - A.L.G.A. CONFERENCE - ALICE SPRINGS (1027) (DMG)**

**RECOMMENDATION**

That Council:

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

**COUNCIL DECISION**

MOVED Cllr Allen SECONDED Cllr Whitfield that the recommendation be adopted.

**CARRIED 10/0**



## **Background**

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

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

## **Submission**

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

## **Report**

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

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

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

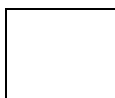
Estimated costs for this mode of travel is between \$1,200 and \$1,500 per delegate, as opposed to direct return airline travel at \$720. Accommodation costs while in Alice Springs are additional.

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

Director, Community Services will also be attending the conference.

## **Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.



Council Policy AES6 "Attendance at Conferences" refers.

**Budget/Financial Implications**

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

**Legal Implications**

Nil.

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

Nil.

**1792. (AG Item 14.1) (Ocm1\_10\_2002) - CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS: AMENDMENTS (1116) (WJH) (ATTACH)**

**RECOMMENDATION**

That Council formally adopts the City of Cockburn (Local Government Act) Local Laws 2000 Amendments as detailed in the attachment to the Agenda.

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

**COUNCIL DECISION**

MOVED Cllr Tilbury SECONDED Cllr Reeve-Fowkes that the recommendation be adopted subject to an amendment to point (d) of the Local Law attached to the Agenda to read:

- (d) The Principal Environmental Health Officer may set any conditions he/she deems necessary.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0**

**Background**

At the meeting of Council held on 16 July 2002, it was resolved to proceed with the making of amendments to the *City of Cockburn (Local Government Act) Local Laws 2000* in accordance with statutory procedures.



## **Submission**

N/A

## **Report**

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

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

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

## **Strategic Plan/Policy Implications**

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

### Managing Your City

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

### Planning Your City

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

### Conserving and Improving Your Environment

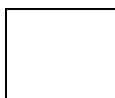
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

## **Budget/Financial Implications**

Funds are available in Council Budget.

## **Legal Implications**

Nil



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

Nil

**1793. (AG Item 14.2) (Ocm1\_10\_2002) - PERTH AIRPORTS MUNICIPALITIES GROUP - WITHDRAWAL OF MEMBERSHIP (1212) (WJH)****RECOMMENDATION**

That Council:

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

**COUNCIL DECISION**

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

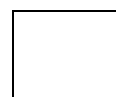
**CARRIED 10/0****Background**

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

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

**Submission**

In conversations with the PEHO, Councillor Martin Reeve-Fowkes has recently expressed the view that the City of Cockburn should withdraw from membership of the PAMG. He has expressed the view that business dealt with by the group is predominately Perth Airport related



and not relevant to the City of Cockburn. In recent years, the Jandakot Airport Community Consultative Committee (JACC) has provided a more relevant forum for addressing matters related to aircraft noise and airport related issues affecting the City of Cockburn.

### **Report**

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

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

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

Managing Your City

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil.

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

Nil

### **DECLARATION OF FINANCIAL INTEREST**

**Cllr Allen** declared a financial interest in agenda item 14.3. The nature being due to the proximity of his property to the proposal.

Mayor Lee advised that permission had been granted by the Department of Local Government under delegated authority from the Minister, for Cllr Allen to participate in this matter.



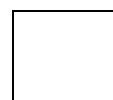


**1794. (AG Item 14.3)14.3 (Ocm1\_10\_2002) - PORT CATHERINE  
WATERWAYS ENVIRONMENTAL MANAGEMENT PROGRAM  
(3209006; 9101033) (SMH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) advise Australand and the Western Australian Planning Commission that because the Council has not had the opportunity to formally consider the Structure Plan for the Port Catherine Marina at Coogee, the Council is considering its position in respect to being the nominated management body in the absence of having established a position in respect to the plan;
- (3) advise Australand that in the event that the marina proceeds:-
  1. it is prepared to be the nominated management body to implement the Waterways Environmental Management Program, subject to the program being financially and technically acceptable to the Council subject to;
    - (i) the Waterways Environmental Management Program, prepared to the requirements of the Western Australian Planning Commission, being referred by the Council to an independent party for review and advice prior to making a final decision on becoming the nominated manager;
    - (ii) the management and implementation of the Waterways Environmental Management Program will need to be cost neutral to the Council through the utilisation of seed capital and the imposition of a Specified Area Rate, applying to the land within the project area;
    - (iii) the implementation of the program must be capable of being undertaken by a suitably experienced contractor on behalf of the Council;
    - (iv) the Council having the opportunity of establishing a formal position on the proposed Structure Plan for the marina.
- (4) advise the Western Australian Planning Commission that in the event that the marina proceeds:-

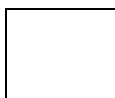


1. it has responded to Australand in the terms set out in (2) above;
2. unless the Waterways Environmental Management Program is acceptable to the Council it reserves the right to withdraw its acceptance of nominated management body;
3. despite the fact that the program must be prepared prior to the approval of the local Town Planning Scheme Amendment, the Council will require a structure plan to have been prepared and accepted by the Council and the WAPC in order that the area the subject of the management program can be satisfactorily identified and the implications understood;
4. it appears that there is nothing in either the Port Catherine Marina Project Agreement or the Environmental Report (Bulletin 1060) which obligates the local government to be the management body, for the implementation of the Waterways Environmental Management Program/Plan, and that the Commission is responsible for resolving this matter to the satisfaction of the EPA.

**COUNCIL DECISION**

MOVED Mayor Lee SECONDED Cllr Waters that Council:

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



Western Australian Planning Commission, being referred by the Council to an independent party for review and advice prior to making a final decision on becoming the nominated manager;

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

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

**CARRIED 8/2**

**Explanation:** The Port Catherine Marina will be a regional facility that should generate a net social dividend to the community and this can be achieved by applying the funds generated from the marina and the adjoining residential estate to both the marina and the improvement of recreational facilities on the coast to the north and south of Port Catherine, provided that Council is able to legally apply funds collected to expenditure incurred outside the specified rate area.

### **Background**

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

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

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

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

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

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



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

As a result of this, a letter was sent to Australand with a copy to the WAPC, advising that they should be discussing the matter with the WAPC and that the Council may be one of a number of entities that could be responsible for the implementation of the Waterways Environmental Management Program. Refer to **Attachment 2** (9 September 2002).

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

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

### **Submission**

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

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

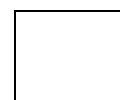
Refer to **Attachment 4** from Australand (23 September 2002)

### **Report**

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

#### Managing Your City

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

#### Planning Your City

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

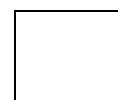
#### Conserving and Improving Your Environment

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

### **Budget/Financial Implications**

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

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



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

Specified Area Rates and Service Charges are generally imposed with the intention of spending funds raised on specific works, services or facilities in the area for which the rates and charges are levied. The Local Government Act does allow for funds raised to be placed in a Reserve Account. The proposal to levy Specified Area Rates or Service Charges for five years to provide a Sinking Fund before any funds are expended is unusual and the view of the Local Government Department should be sought at an early stage to ensure that the proposal is provided for under the Local Government Act.

### **Legal Implications**

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

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

Nil.

### **1795. (AG Item 14.4) (Ocm1\_10\_2002) - ALTERNATIVE ESTATE NAME FOR PORT CATHERINE MARINA (3209006) (CHE)**

#### **RECOMMENDATION**

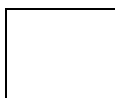
That Council:

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

#### **COUNCIL DECISION**

MOVED Deputy Mayor Graham SECONDED Cllr Whitfield that Council:

- (1) receive the report;





- (2) adopt "Port Coogee" as its preferred estate name for the proposed Port Catherine Marina;
- (3) advise Port Catherine Developments Pty Ltd of Council's decision and request the Company consider "Port Coogee" as an alternative estate name for the marina project; and
- (4) advise the Western Australian Planning Commission of Council's decision accordingly.

**CARRIED 10/0**

**Explanation:** Council believes the name Port Catherine is not sufficiently identified with Cockburn. Port Coogee is an alternative name considered more closely identified with Cockburn.

### **Background**

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

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

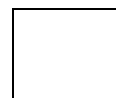
The Elected Members were surveyed with responses being returned to the Mayor. The Mayor advised that the outcome of the survey was a preference for "Port Coogee".

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

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

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

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



interested enough to take the time to complete the form and return it to Council.

### **Submission**

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

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

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

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

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

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

### **Report**

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

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

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

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

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



Planning Your City

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

**Budget/Financial Implications**

N/A

**Legal Implications**

Nil.

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

Nil.

**1796. (AG Item 14.5) (Ocm1\_10\_2002) - HOPE VALLEY WATTLEUP REDEVELOPMENT AREA - DRAFT STRUCTURE PLAN (9332) (SMH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report; and
- (2) use the report as the basis of an informal submission to the Hope Valley Wattleup Redevelopment Project on the draft Structure Plan prepared for the Redevelopment Area dated September 2002.

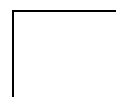
**COUNCIL DECISION**

MOVED Clr Waters SECONDED Clr Edwards that the recommendation be adopted.

**CARRIED 10/0**

**Background**

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



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

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

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

### **Submission**

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

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

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

*Analysis has shown that redevelopment as outlined in the structure plan would meet the project's objective of creating a sustainable industrial development that provides social and economic benefits in an environmentally sound way.*

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

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

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

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



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

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

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

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

### **Report**

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

1. It is noted that a 200m buffer has been established around the wetland (category 1) at the southern end of Lake Coogee. Although outside the master plan area, this constraint will cause the Marine Industry Technology Park (MITP) to be severely restricted and confined to the northern sector of the proposed park. This may mean that the future of the wetland or the future of the MITP may need to be reviewed.
2. Given the very limited access to the Redevelopment Area, it is recommended that Russell Road be retained as a major regional road. The road is strategically important as it is the only crossing of the Beeliam Park between Beeliam Drive and Rowley Road and links the Australian Marine Complex to the Kwinana Freeway via a constructed interchange. Russell Road also crosses the railway line at one of only three crossings between Cockburn Cement and Rowley Road.
3. It is not clear how the road and pedestrian/cycle link will connect between Holmes Road and Beeliam Drive, east of the railway reserve, given portion of the land falls within the Cockburn Cement Industries Act and the balance already has structure plans and subdivisions pending. This road connection may not be achievable. Moreover, it is undesirable to have a road junction alongside a railway bridge. Because of the lack of access to the area, there is little doubt that such a connection would be heavily trafficked so that district and regional access for industrial traffic can be achieved using Beeliam Drive.
4. Because of the potential problem in achieving the Holmes Road/Beeliam Drive connection next to the railway reserve,



consideration should be given to extending Spearwood Avenue, a district distributor road, south to follow Henderson Road to Russell Road. This would extend the district road network and also enable district to district road connections to be made.

5. The difference between General Industry, Eco Industry and Business Park is not appreciated and these terms will need to be elaborated on when the final draft Structure Plan is produced for public information.
6. The realigned Fremantle to Rockingham Transitway is supported.
7. The northern section of Cell 18 adjacent to Russell Road is a Crown Reserve 1712. It comprises relatively undisturbed native bushland. It represents about the only piece of intact bushland in the Redevelopment Area. Despite this the reserve has been identified as a basic raw materials site, leading to an eco-industry or business park. Given its connection to the proposed linear open space it would be prudent to design any future earthworks to achieve both developable levels and the retention of fringing vegetation.
8. The open space shown in Cell 17 which represents part of the Council's Henderson landfill site, is supported however, it should extend south through Cells 16 and 14 to include the previously filled areas. The Council support is conditional upon the open space being confined to only those areas that have been or will be filled in accordance with WAPC approvals. Areas of the landfill site that have not been filled should be identified for subdivision and development under the Master Plan.
9. The Council does not object to the proposals to include its freehold land at Henderson as future Resource Recovery (Cell 16) or Transport uses (Cell 14).
10. The proposed road extending east from Rockingham Road between Cells 16 and 14 is in the wrong location and needs to be moved north to follow the current approvals for the landfill in Cell 17 issued by the Western Australian Planning Commission.
11. It is not clear what the future holds for the land affected by the EPIC gas easement. This will need to be explained in more detail when the draft Master Plan is published for public comment.
12. Currently the City of Cockburn has one pedestrian bridge over Stock Road, serving the Hamilton Hill High School. Given this, it is difficult to envisage 6 grade separated pedestrian crossings being included in an industrial estate. By comparison, there are only 2 pedestrian bridges on Leach Highway between Kewdale and



Fremantle, which serve the Rossmoyne and Melville High Schools respectively.

13. The proposed Commercial Service Centre (Cell 12) appears very large for the area served. It is not clear what is meant by "local community provider" in the context of regional industrial estate.
14. The proposal to make the eastern sector of both Cells 9 and 10 as Rural/Special Use is not understood on the basis that the FRIARS Report was adamant that all of the 900 hectares was required to provide for the future needs for industrial land in the South West Corridor.

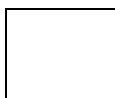
Given this, regardless of where the air-quality buffer line is located, the future of this area should be determined by need for industrial land in the first instance. As this area is buffered from the transport industries to the west in Cells 5 and 13 by Eco-Industry/Business Park, it could be open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

15. The plan relies on Rowley Road as the only east-west connection between the coast, Rockingham Road and the Kwinana Freeway. This road is essential, even more so if it connects directly to the proposed outer harbour at Challenger Beach.
16. The acceleration of the establishment of the outer harbour should be a primary objective in order to act as a catalyst to the development of the Redevelopment Area and this is supported by the Council. It is considered a fundamental pre-requisite that a state-of-the-art container port be located on the doorstep of the Redevelopment Area. Such a decision will bring the port to the industry rather than continuing to rely on taking the industry to the port at Fremantle. It is only the proximity of the future Port that makes sense of the large areas dedicated on the plan to transportation related activities.
17. Similarly the options for the private port need to be kept open and access should be via Anketell Road. It is noted that the private port proposed at James Point is not included in the staging plan and should be.
18. The road and rail junction at the southern end of Cell 4 where Rowley Road, Rockingham Road, the railway and the Western



Power easement all converge, will require grade separation. Special detailed design considerations will be required to enable this junction to work. In addition, it is unlikely that the railway line curves connecting from the north/south line to the port (ie. end of Cell 4) are adequate to accommodate double stacked container trains up to 1800m long. Also in the future, the Fremantle to Rockingham Transit service may become a light rail system. Due regard should be had for this, particularly the need to provide for the overhead electrical gantries.

19. According to informal discussions with LandCorp, one of the prime assets of the Redevelopment Area is the fact that it has rail access. The use of rail spur lines will enable land adjacent to the line to have sidings to move freight by rail. This is in keeping with the State's desire to move 30% of container traffic by rail rather than by road. However, this presents a potential difficulty for the planning and development of the project area because:-
- (a) spur lines usually require an easement, but as a minimum excludes the land utilised by the right of way from the developable area.
  - (b) spur lines could serve land set aside for both industrial and transportation use, and therefore could serve all cells except 1, 7, 8, 9, 10, 12, 17 and 21.
  - (c) spur lines could penetrate the cells to maximise access to the rail service, or alternatively have sidings parallel to the main line, where the latter configuration would limit accessibility and use.
  - (d) if Fremantle Port continues to be a primary container handler, then the spur lines would need to be orientated north to south to minimise land requirements.
  - (e) if the Outer Harbour is to become the primary container port, then the spur lines would need to be orientated south to north to minimise land requirements.
  - (f) if both Fremantle Port and the Outer Harbour are to handle containers then it may be necessary to connect the spur lines to the north and the south, which would consume a substantial area of developable land.
  - (g) the length of the spur lines is also an important consideration if the ports are to be served by racks of trains of between 800 and 1800 metres in length.





20. The need to relocate the EPIC gas easement to maximise the developable area, is not understood given the pipe appears to be located at the rear of lots on the western side of Power Avenue which is a desirable demarcation between industrial and other non-industrial activities. It is not understood because:-
- (a) the relocation of the pipe is likely to be at a high cost for minimal gain.
  - (b) based on the "*Review of the Kwinana Air-Quality Buffer*" Report, it appears that the lots on the western side of Power Avenue are unconstrained by generic buffers, except for the possible extraction of basic raw materials from Crown Reserve 1712 on Russell Road (Cell 18). Therefore the strip of lots affected by the EPIC gas pipe are essentially in the same position as the "yellow" lots in Cells 9 and 10 of the Master Plan, and could be outside the buffer if the buffer line was shifted to the rear of the lots instead of arbitrarily following Power Avenue.
  - (c) to say on one hand that the EPIC gas pipe needs to be moved to maximise the developable area, presumably for industrial uses, and on the other recommend the removal of the "yellow" area from the developable areas of Cells 9 and 10, is very difficult to reconcile.
21. In the event that rail spur lines are not used to serve the transportation industries along the main railway line, and given that it is proposed that Rowley Road and Anketell Road will provide direct links between the port facilities and the Kwinana Freeway interchanges for transport based industries, it may be more appropriate for Cells 1, 6, 7, 8 and 9 to be for transport based activities and for Cells 13, 14 and 15 being for general industry. Simply, the transport industries should be closest to the port and other industries further away, if spur lines are not used as part of the redevelopment proposal.
22. The finalisation of the draft Structure Plan should be delayed until the outcome of the review of the Kwinana Air-Quality Buffer is completed. Public submissions closed on 27 September 2002. It is presumptuous of the plan to note in relation to Cells 9 and 10 that "*the review of the air buffer has lifted the constraint on this land, providing for its continued use in a manner similar to its current use.*" This has yet to be decided.

The Council position would welcome any reduction in the Kwinana EPP buffer, thereby releasing land for other optional uses, such as residential development. However, the Council believes that any change to the buffer should be based on scientific data not generic buffers or arbitrary



lines. The Council lodged a submission on the Review of the Kwinana Air-Quality Buffer on 19 September 2002.

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

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

2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

### **Budget/Financial Implications**

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

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

### **Legal Implications**

Nil.

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

Nil.



**1797. (AG Item 14.6) (Ocm1\_10\_2002) - PROPOSED POLICY - ANCILLARY ACCOMMODATION ON RESIDENTIAL ZONED LAND - DEVELOPMENT GUIDELINES (9003) (VM) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

MOVED Clr Waters SECONDED Clr Edwards that the recommendation be adopted.

**CARRIED 10/0**

**Background**

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

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

**Submission**

Draft Policy attached to the Agenda.

**Report**

The purpose of this report is to not proceed with the final adoption of the Ancillary Accommodation Policy as the new Residential Design Codes will be gazetted in October 2002. The new Codes will address the same issues considered included in the policy, therefore the policy is not required.

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

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



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

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

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

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

Managing Your City

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

Planning Your City

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

Facilitating the needs of Your Community

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

The Planning Policy which applies to this item is:-

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil.

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

Nil.



**1798. (AG Item 14.7) (Ocm1\_10\_2002) - POLICY - RESIDENTIAL DESIGN CODES (9003) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

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

**COUNCIL DECISION**

MOVED Cllr Waters SECONDED Cllr Edwards that the recommendation be adopted.

**CARRIED 10/0**

**Background**

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

The Residential Design Codes, once gazetted, will automatically supersede the Residential Planning Codes. Council does not have to readopt the Codes since they form part of the City's District Zoning Scheme No 2, which include provision for amendments.

**Submission**

The new Codes are divided into four parts – general application issues, site requirements, design elements and special provisions. These provisions allow Council the ability to create policies to vary specific parts of the Codes to clarify performance criteria. The Codes allow the



applicant to decide on whether or not to adopt the *Acceptable Development Requirements* or to apply the *Performance Criteria* for residential development. Where the acceptable standards are not met, a Codes Approval is required using a Codes form from the Appendix. Consultation is restricted to adjoining property owners, while consultation itself is required only where discretionary decisions may adversely affect adjoining property owners.

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

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

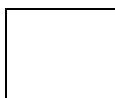
The assessment criterion has expanded dramatically in the Codes to address issues of privacy, overshadowing and streetscape issues. These aspects were not adequately addressed by the 1991 Codes. This will increase the complexity of granting approvals and place a greater administrative requirement on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

## **Report**

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

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

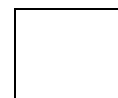
Approval of residential development is a statutory action and administrative function, which could be conducted within the scope of a simple Administrative Policy and delegated authority from the Council. This would still ensure the effective and efficient processing of plans at a detailed level.



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

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

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



### Strategic Plan/Policy Implications

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

#### Planning Your City

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

#### Conserving and Improving Your Environment

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

#### Facilitating the needs of Your Community

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

### Budget/Financial Implications

N/A

### Legal Implications

Nil.

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

Nil.

**1799. (AG Item 14.8) (Ocm1\_10\_2002) – NEW ADMINISTRATIVE POLICY - APD41 AUTHORISATION OF DEVELOPMENT COMPLIANCE AND PLANNING OFFICERS TO ENTER LAND WITHIN THE DISTRICT (9003) (MR) (ATTACH)**

#### **RECOMMENDATION**

That Council:

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





Development Compliance and Planning Officers to enter land within the district" attached, for inclusion in the Councils' Delegated Authority Register.

**COUNCIL DECISION**

MOVED Clr Waters SECONDED Clr Edwards that the recommendation be adopted.

**CARRIED 10/0**

**Background**

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

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

**Submission**

Nil

**Report**

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

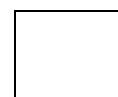
The proposed Policy would enable the City's Development Compliance Officer to perform the responsibilities of his position if challenged by a person(s) who may be in breach of the City's Town Planning Scheme. City Planning Officers also are required to inspect properties in the assessment of applications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

This is an internal administrative process.

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

**Strategic Plan/Policy Implications**

N/A



**Budget/Financial Implications**

N/A

**Legal Implications**

Nil.

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

Nil.

**1800. (AG Item 14.9) (Ocm1\_10\_2002) - HOME BUSINESS AND KEEPING OF HORSES - LOT 17 (192) GIBBS ROAD, BANJUP - APPLICANT/OWNER: R M TROUP, M J & D E MURFIT (5500134) (CP) (ATTACH)**

**RECOMMENDATION**

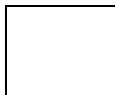
That Council:

- (1) refuse the application to operate a business from the property at Lot 17 (192) Gibbs Road, Banjup, as proposed in the application dated 14 March 2002 for the following reasons:
  1. The nature and scale of the business is such that it falls outside the definition of a "home business" as provided for in the Statement of Planning Policy No.6;
  2. The Council does not have discretion to approve the proposal as it is a use that is not permitted in the Resource Zone;

Footnote

The owners are advised that:

1. All unauthorised buildings/structures must be removed from the land within 3 months of the date of this decision.
- (2) refuse the application to keep three horses at Lot 17 (192) Gibbs Road Banjup, as proposed in the application dated 14 March 2002, for the following reasons:
    1. the land the subject of this proposal is located within the Jandakot Underground Water Pollution Control Area



(UWPCA), which has been declared for Priority 2 (P2) source protection. Stables are a conditional land use in P2 areas according to the Water Quality Protection Notes on Land Use Compatibility in Public Drinking Water Source Areas. On the basis of the soil type at this property, an acceptable stocking rate is 1ha per horse. Therefore, the keeping of three horses is inappropriate.

2. notwithstanding (i) above, the concentration of nitrogen recharging into the groundwater for P2 Jandakot UWPCA from this property exceeds the recommended concentration of the National Health and Medical Research Council's guidelines according to the Draft Environmental Guidelines for Horse Activities. Therefore, the keeping of horses is inappropriate.
3. the proposal is inconsistent with the objectives of the Statement of Planning Policy No.6.

#### Footnote

The owners are advised that:

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

#### **COUNCIL DECISION**

MOVED Clr Waters SECONDED Clr Edwards that the recommendation be adopted.

**CARRIED 10/0**



**Background**

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

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

**Submission**

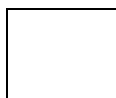
Approval has been sought for the continuation of the following land uses on the subject site:

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

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

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

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



## Report

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

The opposing submissions raised concerns including:

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

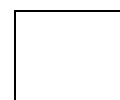
The Department of Environmental and Water Catchment Protection (“DEWCP”) does not support the keeping of horses on the property due to the soil characteristics of the site and that the concentration of nitrogen recharging into the groundwater exceeds the recommended concentration of the National Health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

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

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

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

Furthermore, the Council has no discretion to approve the business aspect of the application in the Resource Zone. Failure to comply with



the home business criteria of Statement of Planning Policy No.6 would mean that the operation does not constitute a “home business” and is therefore not permissible.

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

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

**Strategic Plan/Policy Implications**

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

**Budget/Financial Implications**

Potential costs in defending any appeal to this decision.

**Legal Implications**

Nil.

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

Nil.

**1801. (AG Item 15.1) (Ocm1\_10\_2002) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

MOVED Clr Waters SECONDED Clr Edwards that the recommendation be adopted.

**CARRIED 10/0**



**Background**

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

**Submission**

N/A

**Report**

N/A

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

**Legal Implications**

Nil.

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

Nil.

**1802. (AG Item 15.2) (Ocm1\_10\_2002) - DEBT WRITE OFF - WASA PERSONAL ASSISTANTS (5651) (KL)**

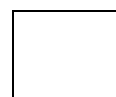
**RECOMMENDATION**

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

**COUNCIL DECISION**

MOVED Clr Waters SECONDED Clr Edwards that the recommendation be adopted.

**CARRIED 10/0**



## **Background**

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

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

## **Submission**

N/A

## **Report**

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

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

## **Strategic Plan/Policy Implications**

N/A

## **Budget/Financial Implications**

Loss of \$1,110.00 revenue.

## **Legal Implications**

Nil

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

Nil.





**1803. (AG Item 16.1) (Ocm1\_10\_2002) - ROCKINGHAM ROAD BANNER POLES (5402) (450498) (JR) (ATTACH)**

**RECOMMENDATION**

That Council:

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

**COUNCIL DECISION**

MOVED Clr Waters SECONDED Clr Edwards that the recommendation be adopted.

**CARRIED 10/0**

**Background**

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

**Submission**

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



**Report**

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

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

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

Having regard to:

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

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

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

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

Fourteen (14) weeks would need to be added to the construction time to allow for survey, design, Western Power approvals, community



consultation and the tender process. The estimate includes civil works to incorporate additional traffic island constructions and modifications to accommodate the masts. The costs of lighting decorations and banners would be additional to the above estimates, together with the costs of assembling them on the poles and taking them down. Also, the cost of undergrounding the higher voltage power lines that feed adjacent properties would be additional.

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

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

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

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

Relevant objectives from the Corporate Strategic Plan are:

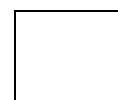
- To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians.

### **Budget/Financial Implications**

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

### **Legal Implications**

Nil.



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

Nil.

**1804. (AG Item 17.1) (Ocm1\_10\_2002) - COMMUNITY SERVICES DIVISION ISSUES**

Nil.

**1805. (AG Item 18.1) (Ocm1\_10\_2002) - EXECUTIVE DIVISION ISSUES**

Nil.

**1806. (AG Item 19.1) (Ocm1\_10\_2002) - CHRISTMAS DECORATIONS - COUNCIL ADMINISTRATION BUILDING (5402) (LCD) (ATTACH)**

**RECOMMENDATION**

That Council:

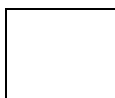
- (1) transfer \$20,000 from Account No. 625800 to a new account, to be titled "Christmas Decorations – Council Administration Building";
- (2) utilise the funds for the installation and maintenance of Christmas decorations at the Council Administration Building in Spearwood, in accordance with Option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

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

**COUNCIL DECISION**

MOVED Cllr Allen SECONDED Cllr Edwards that Council:

- (1) transfer \$25,000 from Account No. 625800 to a new account, to be titled "Christmas Decorations – Council Administration Building";



- (2) utilise the funds for the installation and maintenance of Christmas decorations at the Council Administration Building in Spearwood, in accordance with Option 1 attached to the Agenda, with the addition of a set of lights cascading down the Council pillars, located on the Western side of the Administration Building; and
- (3) consider the installation of central street lights facilitating banners and decorations along Rockingham Road during budget deliberations for the financial year 2003/2004.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/3**

**Explanation:** Council believes option 1 will be improved by the addition of cascading lights on the Administration Building pillars.

### **Background**

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

#### **MOTION**

That Council:

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

2003/2004, and for that purpose allocate an amount of \$160,000 in the first draft budget papers for consideration.

### **Submission**

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

### **Report**

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

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

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

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

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

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

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



Option 1 – L.M. Electrical Service

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

Option 2 – The Factory

1.	Manufacture, supply, install and remove Christmas decorations to front of building. Four Wreaths 1800mm diameter with dressings, chasing bud lights in two rows the length of the building at front and Christmas graphics to stand on roof-top being one of three options: Santa in Sleigh with two reindeer, Santa sitting on half moon shape or Santa hanging off a balloon with reindeers in the balloon basket.	\$6,690
2.	Additional decorations suggested are shooting stars with lights.	\$1,200
3.	Additional Santa figurines two(2) @ \$2,960 each	\$5,920
4.	Additional chasing lights if required for wreaths or figures. 11m lengths apprx. four(4) @ \$95 each length	\$380
	Wrap, pack and storage of Christmas decorations following dismantling	\$900
	Preliminary Costs (mesh guard/power supply)	\$5,900
	Cherry Picker (to assist installation)	\$175
	<b>TOTAL</b>	<b>\$21,165</b>

Notes: Quotes DO NOT include:-

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



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

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

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

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

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

Based on all information available and the objective to have a bright and traditional Christmas theme on display, it is recommended that Option 1 be selected as the preferred proposal, notwithstanding that future reinstallation costs will need to be considered in future budgets, if this is to remain an ongoing programme.

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

**Strategic Plan/Policy Implications**

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

**Budget/Financial Implications**

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

**Legal Implications**

Nil.

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

Nil.





**1807. (AG Item 20.1) (Ocm1\_10\_2002) - NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**

Nil.

**1808. (AG Item 21.1) (Ocm1\_10\_2002) - ALIGNMENT OF ROE HIGHWAY STAGE 7 (SMH) (9701) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) support the existing alignment of Roe Highway Stage 7 – Option A1 of the Freight Planning Congress recommendations;
- (3) lodge a submission based on the officer's report to the Director of the Freight Network Strategy.

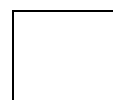
**COUNCIL DECISION**

MOVED Clr Humphreys SECONDED Clr Whitfield that Council:

- (1) receive the report;
- (2) prefers that Option B be considered by the Local Impacts Committee as the most suitable alignment, as it makes use of more derelict land closer to the railway reserve, creates a bushland buffer between the Leeming residents and the highway and offers the choice of an under or over interchange at the Kwinana Freeway connection;
- (3) would consider Option 1A if the impacts on residents of Bibra Lake and South Lake are deemed too detrimental when a full engineering study is carried out on Option B;
- (4) seeks the upgrade of Stock Road to be included in the final option selected.

**LOST 4/6**

MOVED Clr Edwards SECONDED Clr Waters that the Officer's recommendation be adopted.



DISPENSE WITH STANDING ORDERS

MOVED Clr Humphreys SECONDED Clr Reeve-Fowkes that the meeting dispense with Council Standing Orders Clause 10.6 to allow Clr Oliver to speak.

**CARRIED 7/3**

RESUME STANDING ORDERS

MOVED Clr Humphreys SECONDED Clr Reeve-Fowkes that the meeting resume Council Standing Orders.

**CARRIED 10/0**

**ORIGINAL MOTION PUT AND CARRIED 6/4**

**Background**

On 17 September 2002 the Cockburn Gazette included an advertisement inviting public submissions on the alignment of the Roe Highway Stage 7.

Submissions closed on 4 October 2002, a comment period of only 18 days. This is far too short.

Except for the newspaper advertisement, the Council did not receive any other advice about the public comment period.

In order to enable a submission to be lodged by 4 October, the Director of Planning and Development prepared a letter on 24 September and circulated this to all elected members to consider prior to lodging it on behalf of Council.

Clr Oliver objected to the letter and Clr Graham queried whether the closing date could be extended.

As a result of this the letter was not sent, and enquiries were made with Mr John Deeprise and Mr Paul Trichilo about extending the closing date. Following discussions with Mr Trichilo it was clear that the date could not be changed, however, if a late submission was received it may be considered. The problem was the meeting dates of the Local Impact Committees had been set and the Agenda papers would have been prepared prior to the Council Meeting on 15 October.

On 2 October the Director of Planning and Development submitted the following response on behalf of the Council, following discussion with the Chief Executive Officer:-



*" Attention: Mr Steve Beyer*

**ALIGNMENT OF ROE HIGHWAY STAGE 7**

*The request for comments on the above alignment published in the Cockburn Gazette on 17 September 2002 contained a closing date far too short to enable the Council to consider the matter and provide a response on this locally important issue.*

*The Council, therefore, has no formal position in respect to the preferred alignment of Stage 7 of the Roe Highway."*

On Thursday 5 October, Mr Deeprise spoke to the Director of Planning and Development, advising that the Chairman of the Local Impact Committees, Mr Tony McRae MLA, had agreed to allow the Council an extension of time, and the following e-mail was sent to the CEO on Friday 4 October:-

*"Mr. Rod Brown*

*Further to our telephone conversation of today, I confirm that after discussing this matter with Tony McRae, we are prepared to extend the response deadline from close of business today, 4 October 2002, regarding submissions on Roe Highway Stage (7) and the Freight Network Strategy etc. to 4.00 pm on Thursday 17 October 2002.*

*This will then allow the City of Cockburn to participate in providing a submission which will be included in the final report for the Local Impacts Committee.*

*Please advise if you wish to accept this offer by close of business on Monday 7 October 2002.*

*Please contact me on 92168495 with any queries.*

*regards,  
John Deeprise"*

The Acting CEO, Don Green, advised Mr Deeprise that the Mayor had agreed to this matter being considered as a late item on the Council Agenda, in accordance with Council's Standing Orders.

**Submission**

It appears that the State Government is committed to connecting Roe Stage 7 to the Kwinana Freeway to achieve a highway to highway road system. However, it also appears at this stage that the Government may not proceed with Roe Stage 8, west of the Kwinana Freeway.



The reasons for not proceeding with Stage 8 are not known, however, it seems that the decision essentially relates to the Government's decision to delete the Fremantle Eastern Bypass from the MRS, according to newspaper reports.

The Roe Highway Stage 7 will run between South Street and Kwinana Freeway between Leeming and Glen Iris Estate, Jandakot. The Minister for Planning and Infrastructure has established a Local Impacts Committee to recommend a preferred alignment within this corridor. The Committee is seeking comments from the wider community to assist with this work. This is the opportunity to raise any issues or concerns that the Committee should consider in identifying the preferred alignment within this corridor.

An open community information session was held on Saturday September 28<sup>th</sup>, between 9.30 and 11.30 am. Members of the Local Impacts Committee were in attendance to listen to the community views. The Committee is chaired by Riverton MLA, Tony McRae and includes other parliamentary members, representatives from Local Government and the community. The information sessions were held at Banksia Park Primary School, Hicks Street, Leeming and Glen Iris Country Club, Dean Road, Jandakot.

It is understood that the Options for the realignment of Roe Stage 7 being considered are confined to Options A, A1, B and C generated from the Freight Planning Congress. These are illustrated on the attachment to the Agenda and described as follows:-

- A** Roe Highway to Kwinana Freeway (R-7) in MRS Reservation.
- A1** Roe Highway to Kwinana Freeway (R-7) in MRS Reservation / Stock Road upgrade
  - upgrade Stock Road to freeway standard.

Option A1 received the highest score in the multi-criteria analysis and is therefore the **preferred option**.

- B** Roe Highway to Kwinana Freeway (R-7) south of MRS Reservation (north of the Western Power site)
- C** Roe Highway to Kwinana Freeway (R-7) on railway reserve.

## Report

The plans illustrating the various options that were made available to the public are almost too small to read.

It is also understood that at this stage there have been no detailed drawings or land requirement plans prepared for the Roe / Kwinana



Interchange and it is not known whether the Roe will intersect over or under the Kwinana Freeway.

The Roe Highway has been an integral part of the Metropolitan Region Scheme since it was published in 1963. All planning and network decisions since that time have been based on the Roe Highway being constructed as part of the metropolitan ring road system, serving the port and enroute industrial areas.

This means that landowners, subdividers and residents who have sold, designed and purchased lots in the vicinity of the Roe Highway respectively over the past 40 years have been aware of the situation.

Given this, together with the fact that between Murdoch Chase and Bibra Parklands residential estates, there is significant land to create a high speed freeway to freeway interchange with the least impact on existing residents, it is therefore not clear on what basis the realignment of the Roe Highway can be justified.

Based on anecdotal evidence, it appears that the reasons for contemplating the realignment of the road are either to:-

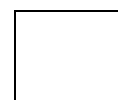
1. save the bushland within the reserve.
2. combine the highway reserve within the railway reserve so that the impact on the Ken Hurst Park is minimised.
3. prevent any possibility of Stage 8 being reconsidered in the future.

In respect to the above, reason:-

1. may or may not be a relevant consideration because it depends on what use the reserve may be put if it is not used for the Roe Highway.
2. is a matter to be resolved between the State and the City of Melville.
3. is not a valid planning consideration.

The determination of the final alignment must be based on the purpose, function and future of the regional road network to serve the southern suburbs and Fremantle Port.

In summary the reasons for retaining Roe Highway Stage 7 on its current alignment are:-



1. There does not appear to be any clear reasons as to why the highway should be realigned.
2. The Roe Highway reserve has been in existence for 40 years and residents to the north and south have purchased land accordingly.
3. The existing reserve is large enough to provide for an interchange with the Kwinana Freeway which would avoid or at least minimise any adverse impacts on the adjoining residential areas of Murdoch Chase and Bibra Parklands.
4. In the event that an elevated freeway to freeway interchange is constructed in the existing reserve, high level views from the structure could be gained towards Bibra and North Lakes, which would provide the City of Cockburn with an attractive entry statement to the district from the east on a regionally important road.
5. The multi-criteria analysis used by the Freight Planning Congress to evaluate the Roe Highway Options, produced the highest score for Option A1 which retains the Roe Highway / Kwinana Freeway interchange in the existing MRS Reservation. This option also included the upgrade of Stock Road, which would be in the best long term interests of the Council given the decision to proceed with the Hope Valley – Wattleup Redevelopment Area.

The Council does not have the data, information or technical capacity to challenge the outcome of the Freight Planning Congress evaluation.

6. The intersection of the Kwinana Freeway and Roe Highway are almost at grade, thereby minimising earthworks and enabling the Roe Highway interchange to pass over rather than under the Kwinana Freeway.
7. The existing Western Power Training Centre and depot does not require relocation.

Options B and C propose that the alignment of Roe Highway Stage 7 is moved south of the MRS reserve towards the railway reservation. These alignments have potential difficulties for both the design and for residents in the vicinity.

Option B has the advantage of being north of the existing Western Power Training Centre and depot but appears to:-

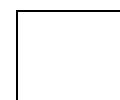
1. have limited space to achieve a freeway to freeway interchange because of the narrowness of the road reserve west of the Kwinana Freeway.



2. cause an indirect impact on Aubin Park.
3. intersect in either a depression or a hill, and therefore the Roe Highway could pass under or over the Kwinana Freeway, depending upon how far south it can go without impacting on the Western Power Training Centre and depot.
4. be over the Water Catchment Reserve protecting the Jandakot Groundwater Protection Area.
5. have a detrimental impact on residents in Dowell Place and Parkway Road. In fact the indicative plan prepared by DPI suggests that all or most of the properties in Dowell Place may need to be resumed.
6. be a lower-order preference than A1 because it received a lower score from the multi-criteria analysis used by the Freight Planning Congress.
7. produce oblique views into the Western Power Switch Yard from any elevated interchange, which would reflect poorly on the entrance into the district from the east.

Option C has few advantages, particularly given the fact that it would require the relocation of the Western Power Training Centre and depot. More particularly because:-

1. of the steep topography, there may be limited space to achieve a freeway to freeway interchange.
2. the construction of the interchange will require extensive earthworks based on the existing contours.
3. the Roe Highway Stage 7, would move south to adjoin the northern side of the existing railway reserve which currently passes under the Kwinana Freeway. This could have a potential detrimental effect on residents living in Glen Iris and South Lake. In Glen Iris, residents living in Clements Place, Lakes Way, Turtle Point Cove and Glen Iris Drive could be impacted on. In South Lake, the impact would be on Bloodwood Crescent, Tulipwood Place, Itea Place and Bangalow Place. Based on the indicative plan it appears that some if not most of the properties in the South Lake sector will need to be resumed.
4. the design of the interchange will be complex as the interchange will need to provide for:-
  - the existing rail freight line,
  - the Perth to Mandurah urban railway



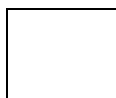
- the possible extension of the urban rail system to Kenwick in the longer term
  - the Western Power high tension overhead powerlines.
5. any views gained from an elevated interchange will principally be over the Western Power Switch Yard which is large and very unsightly. This view would again reinforce the poor image of Cockburn as being an "industrial" area, an image the Council is working hard to dispel.
  6. a proposal presented to the Cities of Fremantle and Cockburn by Mrs Brice Power of Thornlie is the idea that a Fremantle to Kenwick urban rail system utilising the existing railway line reserve could intersect with the Perth to Mandurah urban rail line to create a major railway interchange at this point. Although this proposal has not been formally considered, it has merit and provision for its eventuality may be appropriate.
  7. this option is a lower-order preference when compared to Option A1, because it received a lower rating based on the multi-criteria analysis applied by the Freight Planning Congress.
  8. this option appears to impact directly on Bloodwood Reserve in South Lake.
  9. the realignment would be over the water catchment Reserve protecting the Jandakot Groundwater Protection Area.

Other matters that need to be considered in conjunction with the Options A, A1, B and C are the associated impacts.

If the Roe Highway is terminated at the Kwinana Freeway there will be increased pressure to use the Karel Avenue off ramp to connect onto Farrington Road in order to get to North Lake Road and other western destinations. This will have a significant impact on residents living on or adjacent to Farrington Road east of the Kwinana Freeway.

Consideration therefore should be given to connecting on and off ramps onto Farrington Road from the south so that the increased traffic that will potentially use this section of Karel Avenue and Farrington Road is minimised by distributing the traffic load.

The Karel Avenue to Berrigan Drive Freeway connection will be required because it will be the only southerly connection to the Kwinana Freeway and the Roe Highway from Leeming and the only direct access into Jandakot Airport, which is a facility of State significance. The deletion of this connection is not possible, regardless of which option is finally adopted.





Another matter which is a major consideration in respect to Options B and C, is the end use of the reserve in the event that all or part of it becomes surplus to requirements.

In Options B and C where the Roe Highway road reserve south of Leeming will not be required for the road, could be used for either:-

1. bushland conservation;
2. housing; or
3. other uses compatible with the existing residential development such as an educational establishment, recreation facility, cemetery or other like use that would not attract high traffic numbers.

Because of the existing subdivision patterns extending off Casserley Drive, further residential development may be difficult, unless a grade separated crossing over or under the Kwinana Freeway linking Hope Road, for example, is made to enable traffic to circulate through the area to say Heatherlea Parkway. Based on the indicative plans this appears to be necessary in respect to both Option B and C. Option C will provide a larger surplus of reserve land which would give greater scope for a more comprehensive subdivision design, unless it becomes the land exchanged for the relocated Western Power Training Centre and depot.

The future re-use of any surplus reserve must be considered as part of the proposals associated with each of the options under consideration, otherwise the ultimate impact of the options cannot be adequately assessed.

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

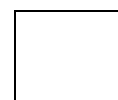
The Corporate Strategic Plan Key Result Areas which apply to this item are:-

#### Planning Your City

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

#### Conserving and Improving Your Environment

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



**Budget/Financial Implications**

N/A

**Legal Implications**

Nil.

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

Nil.

**1809. (AG Item 21.2) (Ocm1\_10\_2002) - SUBMISSION ON THE PROPOSED BIBRA LAKE GENERAL INDUSTRIAL ESTATE - LOT 502 NORTH LAKE, SUDLOW AND PHOENIX ROADS, BIBRA LAKE - LANDCORP - PUBLIC ENVIRONMENTAL REVIEW - SEPTEMBER 2002 (6119) (1117846) (SMH)**

**RECOMMENDATION**

That Council write to the Minister for the Environment:-

- (1) objecting to the minimum public comment period of four (4) weeks for the Public Environmental Review (PER) for Lot 502 Phoenix Road, Bibra Lake, as it did not allow the Council to consider the matter, because the Council meetings are held monthly;
- (2) advising that in the opinion of the Council, the bushland on Lot 502 Phoenix Road, Bibra Lake, should not be developed for industrial use and the existing vegetation retained because the land is steeply sloping requiring major earthworks, the vegetation is in good condition, contains stands of quality tuart trees and adjoins South Lake which is a declared Bush Forever site;
- (3) suggesting that steps be taken by the Minister to have Lot 502 reserved or rezoned to provide for a more appropriate and responsive use for this unique and locally significant bushland area, and to achieve this a land exchange with LandCorp should be investigated;
- (4) requesting that the Council position be accepted as a submission on the PER, in conjunction with the submission lodged by the Director of Planning and Development on behalf of the Council.



**COUNCIL DECISION**

MOVED Cr Reeve-Fowkes SECONDED Cr Tilbury that the recommendation be adopted.

**CARRIED 10/0**

**Background**

The above recommendation was prepared at the request of Cr Martin Reeve-Fowkes.

**Submission**

This is deemed to be an urgent matter because the closing date on the Public Environmental Review for Lot 502 Phoenix Road, Bibra Lake, closed on 14<sup>th</sup> October 2002.

Enquiries with an officer in the Department of Environment, Water and Catchment Protection Commission responsible for receiving the submissions has agreed to accept a formal Council submission by no later than 17 October 2002.

**Report**

The reasons for the late item given by Cr Reeve-Fowkes are that Council first considered the Proposed Industrial Subdivision of Pt Lot 1, Lot 2472, Lot 11 and Lot 13 Phoenix Road and Lot 502 North Lake Road on 15 May 2001. At that meeting Council resolved to defer consideration of the application by LandCorp to subdivide because of appeals lodged with the Minister for the Environment. Council also resolved to continue to pursue the possibility of relocating Perth Zoological Gardens to Bibra Lake.

The Minister for Planning and Infrastructure rejected Council's preference for the Zoological Gardens by letter on 26<sup>th</sup> April 2001, and stated that there is a recognised shortage of industrial land within the Metropolitan Area. She accepted LandCorp's affirmation that 'the project outcome would be a high quality industrial estate incorporating best practice in land planning and development.'

Council disputes the Minister's assertion that there is a shortage of Industrial Land in the area, and would like to state that there is also a shortage of pristine bushland bordering onto irreplaceable wetlands in the Perth Metropolitan Area.



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

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

2. Planning Your City

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

3. Conserving and Improving Your Environment

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

### **Budget/Financial Implications**

- Currently, Landcorp doesn't pay rates on the land.
- If the land is reserved, then rates will continue not to be paid.
- If the land is sold and subdivided in the future for industrial development, rates would be payable to Council.

### **Legal Implications**

Nil.

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

Nil.

### **1810. (AG Item 21.3) (Ocm1\_10\_2002) - LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMAC) (8958) (DMG)**

#### **RECOMMENDATION**

That Council appoint Mayor Lee and Deputy Mayor Graham as its representatives to the LEMAC, with Councillor \_\_\_\_\_ as deputy.



**COUNCIL DECISION**

MOVED Cllr Reeve-Fowkes SECONDED Cllr Whitfield that Council appoint Mayor Lee and Deputy Mayor Graham as its representatives to the LEMAC, with Councillor Reeve-Fowkes as deputy.

**CARRIED 10/0**

**Background**

The LEMAC has been in place as an informal arrangement since the late 1990's when the Fire and Emergency Services Authority (FESA) was established as the lead State Government agency dealing with disaster recovery issues. Since then, Council staff have reviewed its previous Disaster Recovery Plan to provide for a LEMAC Management Plan.

**Submission**

To appoint Council Elected Membership to LEMAC.

**Report**

In accordance with Council's Standing Orders, the Presiding Member (Mayor) has requested this item be added to the Agenda as an item of Urgent Business.

During the period the LEMAC has been in existence, it has not formally convened and there has been some concern registered by involved local personnel about this situation.

In accordance with LEMAC protocol, the Local Government representative (suggested to be the Mayor) is recommended to Chair the Committee. While this view is supported, there may be occasions where the Mayor is unavailable, in which case the Deputy Mayor should also be appointed as a Council representative. In view of the fact that the LEMAC plan has now been completed, it is considered vital that the Committee meet formally to discuss its local implications. In order to achieve this, it is necessary to formally appoint a Council delegate and a deputy, to enable a LEMAC meeting to be convened.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

Nil.



**Legal Implications**

Nil.

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

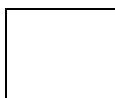
Nil.

**1811. (AG Item 22.1) (Ocm1\_10\_2002) - MATTERS TO BE NOTED FOR INVESTIGATION WITHOUT DEBATE**

Clr Waters requested that a comprehensive report be prepared addressing all facets of a full renovation for the Cockburn Civic Hall. The report is to address issues such as cost, timing, rendering/plastering of internal/external walls, painting of wooden surfaces, colour schemes, floor coverings, bathroom treatments etc. The report should also show comparisons on the current uses of the hall against future uses, remaining split in two or should it be partitioned to create smaller meeting rooms, function halls, the possibility of including a stage to hopefully attract a theatre company to use the facility, and other relevant issues.

**1812. (AG Item 22.2) (Ocm1\_10\_2002) - MATTERS TO BE NOTED FOR INVESTIGATION WITHOUT DEBATE**

Deputy Mayor Graham requested that a report be prepared on options available to Council to increase its water usage efficiency. The report should include:



- (a) include background information on Council's water usage;
- (b) canvass options available to Council to increase the efficiency of its water usage; and
- (c) address any other related issues regarding Council's water usage systems.

**1813. (AG Item 23.1) (Ocm1\_10\_2002) - CONFIDENTIAL BUSINESS**

Nil.

**1814. (AG Item 24.1) (Ocm1\_10\_2002) - RESOLUTION OF COMPLIANCE  
(Section 3.18(3), Local Government Act 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

MOVED Clr Waters SECONDED Clr Whitfield that the recommendation be adopted.

**CARRIED 10/0**

MEETING CLOSED AT 8:56PM

**CONFIRMATION OF MINUTES**



OCM 15/10/02

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

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

