

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 17 MAY 2005 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 17 MAY 2005 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr K Allen	-	Councillor
Ms L Goncalves	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr S. Hiller	-	Director, Engineering & Works
Mr M. Ross	-	Acting, Director, Planning & Development
Mrs B. Pinto	-	Secretary/PA, Finance & Corporate Services
Mr A. Jones	-	Communications Manager

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 pm.

Mayor Lee welcomed back Deputy Mayor Graham, Cirs Kevin Allen and Val Oliver. He also welcomed Cirs Julie Baker and Tony Romano and congratulated them on their election and was looking forward to working with them for the next four years.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.



3. DISCLAIMER (Read aloud by Presiding Member)

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

4 (OCM 17/05/2005) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised the meeting that he had received two written declarations of interest from Deputy Mayor Graham and Clr Allen in relation to Item 14.3, which would be read at the appropriate time.

5. APOLOGIES AND LEAVE ABSENCE

Nil

6 (OCM 17/05/2005) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Robyn O'Brien – Ordinary Council Meeting – 19 April 2005 raised concern in relation to two letters she had written to Council requesting an Amendment to the Town Planning Scheme to change the Rural Zoning to Parks and Recreation or Rural Living. In response to the above, the Acting Director, Planning and Development had since had a meeting with Ms O'Brien to address those concerns.

Dan Scherr - Ordinary Council Meeting – 19 April 2005 asked a series of questions in relation to Port Coogee development on the Omeo shipwreck. Following was the response provided:

Q1. Will the Council, on behalf of the Cockburn community, now take steps to ensure that the Omeo dive wreck is not ruined by the Port Coogee Marina or the ongoing sand bypassing system required by that development?

A1. There will be minimal impact on divers wanting to dive on the Omeo site in late winter and early spring when the sand bypassing operations would be conducted every 3 to 5 years. There will be no by-passing operations on Sunday and therefore are timed to ensure minimal impact on beach users. The frequency of operations is likely to vary with the number and intensity of storms during a particular year. The developers are currently investigating the development of an 'Omeo Sanctuary'



as part of the Maritime Museum's "Wreck Access and Outreach Program." The proposal includes marking the wreck site to prevent fishing and boating activity, displaying anchors from the Omeo in an adjacent land based park (currently stored at the Museum) and placing interpretive signage underwater for divers to raise awareness of the wreck and WA's maritime history.

Q2. In particular, will the Mayor give a guarantee that the Omeo shipwreck will not be allowed to be affected by the Port Coogee development, and specifically guarantee that:-

(a) the water around the shipwreck will not be allowed to become more turbid than the natural background levels on any given day during either the construction or management phases of development;

A2. This question is directed to the Mayor and therefore cannot be answered by the administration. Nevertheless, according to Bowman Bishaw Gorham turbidity in the vicinity of sand bypassing operations will increase during the six weeks operation every 3 to 5 years. On completion each day, turbidity is expected to return to background levels within hours.

(b) the beaches and waters adjacent to the shipwreck will not be closed during the construction of the marina or as a result of the sand bypassing operation;

This question is directed to the Council and therefore cannot be answered by the administration. Nevertheless, Public access to the land and waters not within the project area can be maintained. It is not possible however to construct the marina without controlling public access to the section of coastline that it would occupy.

(c) sand will not be allowed to cover over the shipwreck during the summer months;

This question is directed to the Council and therefore cannot be answered by the administration. Nevertheless, sand bypassing seeks to maintain a 'natural' sediment transport regime in a manner compatible with maintaining the heritage values of the Omeo Wreck. The proposal moves sand that would accumulate at the northern breakwater of the marina to the southern side of the breakwater to maintain a natural balance of sediment movement along the coast.

(d) the same bypassing operations will not be allowed to pump sand straight into the ocean adjacent to the shipwreck.



The impact of sediment discharge on the wreck will be managed through the number of discharge points. It is planned by the proponents to have up to five discharge points along the approximately 300m of seawall south of the breakwater. The flow from each of these discharge points can be adjusted or turned off to assist in dispersing sediments.

Q3. *Can the Mayor explain why the Council has not bothered to take all necessary steps to safeguard the Omeo shipwreck from the port Coogee development.*

A3. *This question is directed to the Mayor and therefore cannot be answered by the administration. Nevertheless, the proponent is undertaking the necessary actions to minimise the impact on Omeo Wreck. Port Coogee in its modified form enables the conservation of the wreck for continued recreational use.*

Pat Howlett – Ordinary Council Meeting – 19 April 2005 – raised an issue in relation to a sore throat and burning eyes experienced due to the quality of air in the Beeliar area. Following was the response that was provided by Council's Principal Environmental Health Officer.

I understand that the matter has already been referred to the Kwinana Unit of the Department of Environment (DoE) and that following an investigation, by the responsible Officer, they are unable to establish a cause for the problem you experienced.

It can be difficult to establish the cause of such problems where the source is not obvious from observations on site. In these circumstances it is important to make a report as soon as possible to allow for prompt follow up.

You may be aware that there have been allegations made by residents in Beeliar that incidences such as these resulting in sore throats and burning eyes are as a result of emissions from Cockburn Cements Munster operations. While this has not been proven, odour and dust emissions from Cockburn Cement do occur.

It is important to note that Cockburn Cement is not the only potential source of emissions in the area.

Cockburn Cement and the DoE have put in place a procedure to respond to complaints. Complaints may be made 24 hours a day to the company on 9411 1000. A company representative will attend to investigate the matter in order to try and identify the problem and seek a solution. The DoE has a 24hour hotline



for pollution complaints on 0439 518 071: an officer may attend depending on the severity of the problem. During office hours the DoE Kwinana unit can be contacted on 9411 1777. Alternatively complaints can be made to the City's Health Service on 9411 4589 for referral to the DoE.

7 (OCM 17/05/2005) - PUBLIC QUESTION TIME

Colin Crook, Spearwood tabled a letter which he read out regarding locality signs on Cockburn Road. He stated that this matter has come before Council previously and has been ignored. He once again requested Council to present this matter during Budget deliberations and that this be given a fair hearing. Mayor Lee thanked Mr Crook for his input and apologised for the manner in which he had been dealt with. Mayor Lee mentioned that he had spoken on this matter to the Director, Administration and Community Services, who said that there will be a report presented to Council very soon, which will involve consultation with residents. He also stated that Council will not be erecting any signs in the short term until the issue has been dealt with by Council.

Kim Hinton, Atwell presented a petition in relation to traffic signals at Tapper/Armadale Road, in order to reduce traffic flow and speed on Lydon Boulevard. She mentioned that current statistics need to be established before an informed decision is made by Council. Mayor Lee asked Director, Engineering and Works whether there was any intention for traffic counts in Lydon Boulevard to be carried out in the short term? In reply to the above he said, that the figures provided were the latest count available. Mayor Lee requested the Director, Engineering and Works to correspond with Ms Hinton in relation to this matter.

Mayor Lee thanked Ms Hinton.

Norman Dale, member of Yangebup Progress Association spoke relative to the introduction of a hydrotherapy pool in the area. He expressed the need for a hydrotherapy pool in the area, in light of the pending closure of the pool at Kaleeya Hospital. He requested Council and the community to support such a facility.

Ken Hynes, Yangebup spoke regarding the intersection of Spearwood Avenue and Yangebup Road. He raised concern that Council has still not accepted that this intersection is a 'black-spot'. He said that he has presented details and reports of accidents, together with photographs as to why this intersection has created so much concern. He requested Council to carry out further studies and acknowledge that this intersection is a cause for concern and to do something about it.



Mayor Lee thanked Mr Hynes and requested the Director, Engineering and Works to clarify the issue. He stated that Council decided to closely look at black-spot applications and that some alternatives were being looked at, at the present time.

Patrick Thompson, Spearwood expressed dissatisfaction that although being a resident and ratepayer, he is ineligible to vote because he is not a citizen.

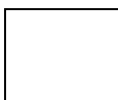
On another issue, Mr Thompson mentioned that he was promised statistics in relation to the success of the security patrols after a three month period. Mayor Lee consulted with the Chief Executive Officer whether he could provide any information on this, to which he replied that he was unable to recall any specific request. He stated that at this stage the support received from the operations showed that the majority of the community support the service. Unfortunately, there is no statistical reporting mechanism. Mayor Lee enquired when will there be a statistical reporting system? The Chief Executive Officer replied that Council will soon appoint a Law and Safety Officer, who will be responsible to oversee the conduct of the security patrols being delivered to Cockburn by the City of Melville. The Chief Executive Officer gave an undertaking that the data will be available early July.

Mr Thompson sought clarification on an article he read in the Cockburn Herald on the keeping of chickens. The article stated that chickens are not allowed in residential areas. Mayor Lee clarified the matter that it was roosters which were not allowed to be kept in residential areas. The Acting Director, Planning and Development confirmed what Mayor Lee had said.

Mayor Lee thanked Mr Thompson.

Glen Diggins, Coogee spoke in relation to the storm damage which recently occurred. He said that he spent much time cleaning up his place with broken branches of trees etc. There surely would be other residents faced with the similar situation. He asked whether Council gave any thought of having an additional green waste collection? Mayor Lee directed the question to Director, Engineering and Works, to which he replied that Council had not budgeted for this. Mayor Lee mentioned that it was rather expensive to have an additional collection done and requested Mr Diggins to use his tip passes to dispose of the green waste collected as a result of the storm.

Robyn Scherr, Coogee carrying on from the previous speaker, Ms Scherr asked what about the clean-up in the public park areas? Is Council going to clean up the trees in these parks and ensure the safety of the community? Mayor Lee directed the question to Director, Engineering and Works to which he replied that the works crew has been going around the district cleaning up, initially, things of a hazardous nature and then finally clean-up the parks.



Mayor Lee requested Ms Scherr to contact Council's Engineering Department should she come across any dangerous situations.

Robyn O'Brien, Munster spoke on the Proposed Structure Plan bordering West Churchill Avenue and Albion Avenue. It is out for public comment at the moment.

Q1. Will the Council make available to the public who are considering putting in a submission on the latest odour modelling survey provided by the Water Corporation which was provided to the Community Reference Group Meeting last week, showing that their land is going to be affected by odour?

A1. Mayor Lee asked the Acting Director, Planning and Development if Council did have the document in question, to which he replied, that he did not have a copy of the document. He said that it could be sourced from the Water Corporation. Mayor Lee asked since the document is the property of the Water Corporation, what ability does Council have to make that available. There would have to be an agreement with the Water Corporation to make that available. Mayor Lee requested Acting Director, Planning and Development to liaise with the Water Corporation to make that available.

It was Ms O'Brien's understanding that when Council has put out a Structure Plan Council should notify people affected by odour according to the latest survey. She was requesting for further information being made available so that the public can make an informed submission.

Mayor Lee requested Acting Director, Planning and Development to respond to which he replied that the Structure Plan as it stands is being advertised. The land is zoned urban. It is not currently within the odour buffer of the waste water treatment plant. The purpose of the Water Corporation reporting is to do with a strategic environmental review of the plant and it is understood that this work has been ongoing for a number of years. The Water Corporation intends to use that document as part of what is referred to as Section 16 Referral under the Environmental Protection Act, or for the Minister for Environment to EPA to look at the consequences of the issue of the buffer. Mayor Lee advised Ms O'Brien that the land in question is not within the odour buffer and Council can only consider things on current planning conditions.

Lynn Brkusich, Spearwood requested Council to postpone the Lake Coogee Structure Plan while odour problems exist with the Waste Water Treatment Plant, and while the Council is not demanding that the Water Corporation be made to fix the problem. Also that all correspondence of this development have a notation of the existing odour problem. I note that an existing buffer alignment has been extended. That this will not stop the odour from the prevailing winds, mainly westerly, south westerly. Fix the



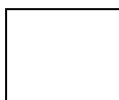
problem and leave the buffer back to the edge of Lake Coogee. I would also like to add that usually when rezoning is done, things like odour usually have to do the modelling within the rezoning application which is carried out by the EPA. Mayor Lee directed the query to the Acting Director, Planning and Development, who stated that the land is already zoned urban in the Metropolitan Region Scheme, and the land is outside the current buffer. There is modelling that had been completed by the Water Corporation showing that based on the 5OU 99.9 percent the land all the way up to Stock Road around Munster is actually going to experience the issue of odour. But that is not EPA standard figures used by the Department of Environmental Protection which is understood to be based on the 99.5 percentile. The Water Corporation are committing to actually contain odour impacts. But they don't believe it is possible to contain odour impacts back to the eastern edge of Lake Coogee. There are a couple of different odour management scenarios in relation to how much money Water Corporation is prepared to spend. One option is \$40M to do a certain amount of work. Another option which is a high cost option is \$90M. When the urban rezoning was done, wasn't an odour modelling passed by the EPA? Acting Director, Planning and Development replied that there were reports at the time which indicated that the generic buffer of 750 metres was appropriate that was dealt with in conjunction with the MRS amendment.

Mayor Lee thanked Ms Brkusich.

CLR TILBURY LEFT THE MEETING THE TIME BEING 7.28 PM

Robyn O'Brien, Munster asked a series of questions in relation to Item 14.10. These were as follows:

- Q1. Will Council please defer the adoption of Munster Phase 1 structure Plan Agenda Item 14.10 to next month's meeting so Councillors have a chance to see the latest Odour Modelling from the Water Corporation which shows that land within this Structure Plan is subjected to gross odours of between 10 and 5 OU at 99.9% and this is after the Corporation installs \$40M worth of odour control, an expenditure they have not committed to as yet?
- Q2. Will the Council advise those unfortunate people who have already purchased lots in this estate, or require the developers to put a memorial on the titles to indicate the lots are affected by odour currently and will be in the foreseeable future?
- Q3. Will the council ask Water Corporation to provide written assurances to the Council that specific odour measures will be built, when they will be built, and what are they exactly? Will they also ask for a modelling survey to be done showing that these measures will reduce the odour suffered by this new subdivision to 5OU?
- Q4. Will the Council please refuse to include the Section of Lot 51 West Churchill Rd that is currently zoned Urban Deferred and is in the



proposed Odour Buffer being considered before the EPA and the Minister for the Environment, and a decision has not been made as yet as to where the buffer may be?

- Q5. In a separate matter will the council disclose in the information out to public comment at the moment, closing date 24 May for land bordering West Churchill Avenue and Albion Street, that this land is currently grossly affected by odour from the Woodman Point plant and provide a copy to the public of the latest Water Corporation odour modelling?

Ms O'Brien urged Council to give serious consideration to the matter before voting on the item tonight. Mayor Lee replied in relation to the voting question tonight, Councillors have heard the request and are aware of this which is subject to Council deliberation tonight. In regard to the list of questions, the Acting Director, Planning and Development will respond to them in writing.

CLR TILBURY RETURNED TO THE MEETING AT THIS POINT THE TIME BEING 7.31 PM

Colin Crook, Spearwood spoke regarding item 14.3. He emphasised retaining the current location of the bottle shop rather than granting approval for its relocation. He said that the present tavern offers the locals a form of "community centre".

Mayor Lee advised Mr Crook that Council has to consider the matter on planning grounds and not on competition, as his letter stated.

Mayor Lee thanked Mr Crook.

Tonya Lamatoa, Atwell raised concerns in relation to Item 14.4 to close the PAW between Haring Green and Empress Court. She made reference to some sections of the PAW closures Policy, which states, Section 2(a) that, community facilities including schools, shops, public open space areas, public transport routes and stopping points, and other facilities (libraries community centre, child care, churches, and recreation premises). Section 3(a) states, that closure is inappropriate when a PAW is within 800 metres of a community facility or service. She asked:

- Q1. Why has the Planning Department failed to consider the park on Haring Green and the Deli on Lydon Boulevard as facilities, when they are both within 800 metres of the PAW?

She stated it was clear that the Council considered that the portion of the walkway off Haring Green although surveyed as road reserve, is being utilised as PAW.

- Q2. Why did the Council not refer to Section 6(b) which states that the



public should be consulted by distributing letters to the homes of those likely to be affected by the closure, requesting comments on the closure proposal, and also Section 6(c) which states a sign should be erected advising of the proposal to close the walkway?

The only notification the community had was one notice in the Fremantle Herald, which is not even regularly delivered to Atwell residents.

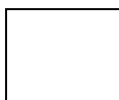
- Q3. Why was the notice not posted also in the Cockburn Gazette , the most widely delivered and read paper in the area?
- Q4. Why is there a discrepancy in the figures of households mentioned in Item 14.4 supporting the closure of the walkway?
- Q5. Where is the proof of burglaries and antisocial behaviour in our walkway? Why has the Council not considered some of the alternative strategies listed in the PAW Policy Section 2 (f).

As Ms Lamatoa was short of time to present the rest of her questions, Mayor Lee requested that she table those questions, which will be responded to in writing.

Ken Manolas, Shop 1, 226 Rockingham Road expressed concern at the recommendation in relation to Item 16.2. Mr Manolas presented statistics obtained from Main Roads WA between the years 2001 and 2004. These statistics were accidents that occurred at intersections of Phoenix/Rockingham Roads and Lancaster Street/Rockingham Road and between Phoenix Road and Lancaster Street. His questions were:

- Q1. How will a median strip in Rockingham Road between Lancaster Street and Phoenix Road reduce the number of accidents?
- Q2. Isn't the median strip going to transfer the accidents to an intersection where there is currently a greater number of accidents and in turn create a greater chance of accidents and major accidents at the Lancaster Street intersection?

Mayor Lee requested the Director, Engineering and Works to reply. He advised that this issue had been ongoing since 1993. The Council had received advice on how to deal with this particular section of road because of the entries to and from those businesses that front onto it. In fact one of the conditions of approval of the businesses on either side of that road at that time required them to contribute funds towards an unbroken median. Those funds had been collected, but because the Council decided to defer putting in the barrier until such time as the driveway to the rear of the shops linking between Phoenix Road and Lancaster Street had been completed, this did not occur until 2004. Up until that time the Council deferred the works. One of the things that also arose was the outcome of the 1994 BP Service Station appeal, where a decision was made that one of the conditions was for the



Council to complete the barrier between the two intersections. At the same time there were plans being prepared for the full length of Rockingham Road between Phoenix Road and Spearwood Avenue which was a different form of treatment, but had not proceeded. Hence, the item presented to Council tonight is to complete the barrier kerbing that runs between the two traffic intersections, in accordance with earlier decisions.

Mayor Lee advised Mr Manolas that the matter will be deliberated at Council tonight and thanked Mr Manolas.

Marcia Manolas also spoke regarding Item 16.2. Her questions were as follows:

- Q1. (a) In the report it states there was consultation between affected parties – being businesses and owners – how were the owners and operators notified in relation to the consultation process?
- (b) When did the consultation take place as to the best of my knowledge from information gathered from current owners and tenants, they have only been made aware of the issue since 12/13 May 2005? Most parties have only been made aware of the issues since 15 May.
- Q2. (a) Has Council sought permission or any plans to upgrade the privately owned carriage way at the rear of the property at the end of Lancaster Street to accommodate the influx of traffic which will be using that entrance after the changes to Rockingham Road?
- (b) How will traffic enter the area safely when the current carriageway has uneven surfaces and has had traffic calming effects, eg. Bollards to narrow the access and humps in an attempt to restrict access?
- Q3. (a) If Lancaster and Rockingham Road traffic lights is to be the point of diverting the right-hand turning traffic to enter the commercial precinct, has administration costed a right-hand arrow and right-hand slip way in the overall budget?
- (b) If Council proceeds with the median strip traffic it will be forced to turn at Lancaster Street to access the commercial precinct. At Lancaster Street traffic lights the line of sight is poor due to the crest in the hill. Will this not result in the transfer of the accidents from one section to another section and in turn, increase the right hand turn crashes which are more serious in nature?
- Q4. Is Council prepared to defer the Rockingham Road traffic island for consultation with the current owners and tenants affected and



undertake a feasibility and costing study of an overall traffic plan which may include the installation of a right-hand slip way in Rockingham Road to provide a long term safe solution for the area?

In the middle of October, Mrs Manolas visited the Administration Office and asked the Officer from Planning and Building if there were any pending items to the property in question and surrounding areas that she should be made aware of. The reply she received was 'no' and was not given a copy of any road plan even though this road plan had been before Council for many years. She asked if there was any reason why she was not informed of such information?

Mayor Lee thanked Ms Manolas. Mayor Lee requested the Acting Director, Planning and Development why Ms Manolas was not provided with such information. He replied, saying, that it would depend on the nature of the question asked. Mayor Lee advised Ms Manolas that the matter is before Council tonight.

Bert Renner, Spearwood spoke in support of the issues raised by the two previous speakers on Item 16.2. He requested Council to carefully give consideration before deliberating on the matter.

Mayor Lee thanked Mr Renner for his input.

Ian Everett, Principal of Lambert and Chappell Town Planning Consultants, representing Mr Reynolds in connection with Item 14.3. He spoke in opposition to the proposed liquor store within the old Ampol Service Station in the Coolbellup Town Centre. It was his view that approvals would be inconsistent with the broader community's expectations for a more comprehensive approach to the replanning of the centre and the outcome of the 2004 Coolbellup Enquiry By-Design exercise. He also felt that Condition No.22 would make the proponent relocate the liquor store once developed in order to comply with the outcome of the future Structure Plan process. He requested Council for deferral of the matter for reasons being that without a Structure Plan, without a stakeholder consultation and without an implementation program no one has the information necessary to make a sound judgement on the proposal at this time, nor understand the true long term impact on the Centre and its tenants.

Mayor Lee thanked Mr Everett for his comments.

Greg Rowe, Greg Rowe and Associates on behalf of the applicant/proponent in relation to Item 14.3. He stated that he did not disagree with the previous speakers views. He spoke in support of the application being made. He said that the matter was first brought to Council in February which was deferred and deferred after two advertising periods to seek legal advice on the ability to approve the application with the



appropriateness of the use and the potential for any approval to compromise Scenario 3. He emphasised that it is just a relocation within 100 metres of an existing land use, in better refurbished premises which will provide a better service to the community. He sees there are no Town Planning issues from a statutory point of view that the consultants don't comply with. Mr Rowe requested Council to grant its approval in supporting the officer's recommendation as the community needs the service.

Mayor Lee thanked Mr Rowe.

Daniel Wong, South Lake expressed concern regarding Item 14.5. He said that he noted some of the issues and solutions from the officer's report in relation to improving the accessway. It was his opinion that improved lighting is not going to be the solution as vandalism will still continue. He felt that the only solution was a closure to alleviate any further problems, and urged Council to implement the closure.

Mayor Lee thanked Mr Wong.

Clive Pellington, South Lake also raised concern about the closure of the walkway relative to Item 14.5. He noted that the amount of money allocated for the construction of a masonry wall was too expensive, which in effect will not solve the problem. He said raising the walls will not prevent anyone from throwing syringes and bottles as is happening now. So this will not resolve the issue.

Mayor Lee thanked Mr Pellington.

Brian Forster, President of Harvest Lakes Residents Association. He expressed concern in relation to Item 14.7. He spoke generally about the modification to the Structure Plan. He sought clarification on the Railway Station being mentioned. It was his knowledge that this was not going to happen before 2012 and therefore requested Council to seek further clarification in relation to the plans mentioned as part of the Structure Plan.

He mentioned that a number of Awards were presented to Harvest Lakes and the entire subdivision. He asked if any of these Awards will be taken away from Landcorp, because they will be changing the original plans?

Mr Forster also stated that blocks of units were not in the original concept. If they are passed, will there be sufficient parking when people have social events etc..

Another issue Mr Forster raised was the laneways behind the blocks of units were not wide enough for the refuse trucks to pass through when bins are picked up.



Mayor Lee requested the Acting Director, Planning and Development to take note of the issues raised by Mr Forster and correspond with him accordingly.

Leanne Smith, South Lake also spoke about the PAW in South Lake – Item 14.5. She said on a previous occasion when a PAW was closed, this provided an opportunity for shelter. She also raised concern about the problems with youth in the South Lake area. She requested Council to support some of the community initiatives. One of the more recent initiatives is the community partnership with ‘Drug Arm’. She requested Council to support this initiative during Budget deliberations. Mayor Lee advised Ms Smith that her email had received a positive response.

Ms Smith also mentioned that she read an article in the media which stated ‘New bid to boost Carefactor’. She requested Council to boost the Carefactor to South Lake.

Mayor Lee thanked Ms Smith.

Kevin Reynolds, owner of Coolbellup Hotel raised some objections in relation to the relocation of the bottle shop. One of the objections being the access to and from the Shopping Centre to the Hotel. Another concern he raised was in relation to redeveloping the Shopping Centre. The businesses that Council seeks to redevelop have to be viable businesses. It is certainly no good having a situation where this particular proposal would create their business to become unviable and to that extent if it does become unviable, the hotel closes, as a result there is no facility for the community in that area.

Mayor Lee thanked Mr Reynolds.

A **resident** of Elderberry Drive, South Lake expressed concern about the accessway relative to item 14.5. She urged Council to close the laneway to resolve the problem.

Mayor Lee thanked her for her input.

Dr Gallagher, General Practitioner of the medical centre on Rockingham Road. He raised concern about patients visiting the medical centre and their ability to access the medical centre should the median strip be installed. He considered the only option would be for them to turn into Phoenix Road, which he perceives to be the most dangerous intersection in the proposed change. He requested Council to reconsider this proposal as he envisages a major accident to occur if the proposal goes ahead.

Mayor Lee thanked Dr Gallagher.



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 2794) (OCM 17/05/2005) - ORDINARY COUNCIL MEETING - 19/04/2005

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Tuesday, 19 April 2005, be adopted as a true and accurate record.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr S Limbert that the recommendation be adopted.

CARRIED 10/0

8.2 (MINUTE NO 2795) (OCM 17/05/2005) - SPECIAL COUNCIL MEETING - 02/05/2005

RECOMMENDATION

That the Minutes of the Special Council Meeting held on Monday, 2 May 2005 be adopted as a true and accurate record.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that the recommendation be adopted subject to deleting '(a) and' in line 2 of Minute No.2784.

CARRIED 10/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil



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

Nil

13. COUNCIL MATTERS

13.1 (MINUTE NO 2796) (OCM 17/05/2005) - REVIEW OF MAYORAL AND DEPUTY MAYORAL ALLOWANCE (1335; 1701) (ATC)

RECOMMENDATION

That Council set:

- (1) the Mayoral Allowance of \$60,000 per year, payable monthly in arrears; and
- (2) the Deputy Mayoral Allowance of \$8,000 per year, payable monthly in arrears.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

Policy SC14 – “Mayoral and Deputy Mayoral Allowance” states that:

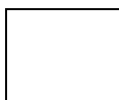
In accordance with the provisions of Section 5.98(5) and 5.98A(1) of the Local Government Act, an “allowance” determined by Council at a meeting following the Elections each ordinary election year, shall be paid to the Mayor and Deputy Mayor payable in arrears each month.

Submission

N/A

Report

In May 2003 Council decided that the Mayoral Allowance should remain at \$60,000, payable monthly in arrears. This is the maximum



amount allowed under the provisions of the Local Government Act 1995 and recent amendments to the Local Government (Administration) Regulations 1996 did not provide for any change to this amount.

Council Policy SC14, states that this allowance should be paid as a reimbursement of the time commitment to the position by the Mayor of the day.

As there are no known changes to the circumstance under which the allowance is provided, it is proposed that the Mayoral allowance remain at \$60,000.

In May 2003, Council decided that the Deputy Mayoral Allowance would remain at \$8,000 per year, paid monthly in arrears.

Council Policy SC14 states, that this allowance should be paid as a reimbursement of the time commitment to the position by the Mayor of the day.

As there are no known changes to the circumstance under which the allowance is provided, it is proposed that the Mayoral allowance remain at \$8,000.

Strategic Plan/Policy Implications

Council Policy SC14 - "Mayoral and Deputy Mayoral Allowance" and Local Government (Administration) Regulations 1996 refers.

Budget/Financial Implications

Allowances are provided in the Budget for these payments.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A



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

Nil.

13.2 (MINUTE NO 2797) (OCM 17/05/2005) - ELECTED MEMBERS - MEETING/ANNUAL FEE (1701) (ATC)

RECOMMENDATION

That Council pay an Annual Fee to the Elected Members in-lieu of a meeting fee of \$7,000 pa., payable monthly in arrears.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

The Local Government Act 1995 provides that the Council may pay to Elected Members, a meeting fee or an annual amount.

Submission

N/A

Report

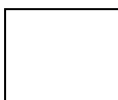
Council Policy SC1 – *Meeting Attendance Fees* provides for Elected Members to be paid the maximum annual fee prescribed by the Local Government (Administration) Regulations 1996 (WA) (as amended) in-lieu of fees for attending meetings.

The Regulations were amended on 31 March 2005 and increased the maximum annual meeting attendance fee for an Elected Member other than the Mayor from \$6,000 per year to \$7,000 per year.

For voting purposes, Elected Members do not have a financial interest in the decision.

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.



Budget/Financial Implications

Funds are available in the annual budget.

Legal Implications

Local Government Regulations (Administration) 1996 is relevant.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A

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

Nil.

Note: It was acknowledged that the report in the following item contained incorrect reference to an 'Elected Member' other than the Mayor, when it should have referred to the Mayor only.

13.3 (MINUTE NO 2798) (OCM 17/05/2005) - MAYORAL MEETING/ANNUAL FEE (1701) (ATC)

RECOMMENDATION
That Council pay an annual Fee to the Mayor, in-lieu of a meeting fee of \$14,000 pa., payable monthly in arrears.
TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION
MOVED Clr S Limbert SECONDED Clr A Tilbury that the recommendation be adopted.
CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0



Background

The Local Government Act 1995, provides that Council may pay to the Mayor, a meeting fee or an annual amount.

Submission

N/A

Report

Council Policy SC1 – *Meeting Attendance Fees* provides for Elected members to be paid the maximum annual fee prescribed by the Local Government (Administration) Regulations 1996 (WA) (as amended) in-lieu of fees for attending meetings.

The Regulations were amended on 31 March 2005 and increased the maximum annual meeting attendance fee for an Elected Member other than the Mayor from \$12,000 per year to \$14,000 per year.

For voting purposes, Elected Members do not have a financial interest in the decision.

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.

Council Policy SC14 – *Mayoral and Deputy Mayoral Allowance* refers.

Budget/Financial Implications

Funds are available in the Annual Budget.

Legal Implications

Local Government Regulations (Administration) 1996 are relevant.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A



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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES**14.1 (MINUTE NO 2799) (OCM 17/05/2005) - DEDICATION OF LAND AS ROAD RESERVE PURSUANT TO SECTION 56(1) OF THE LAND ADMINISTRATION ACT 1997 - PORTION OF JAA LOT 726 BEING RESERVE 7756 (5500062) (KJS) (ATTACH)****RECOMMENDATION**

That Council:

- (1) request that the Minister for Planning and Infrastructure dedicate a portion of JAA Lot 726 being Reserve 7756 Road Reserve pursuant to Section 56(1) of the Land Administration Act; and
- (2) indemnify the Minister for Planning and Infrastructure against reasonable costs incurred in considering and granting this request.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 10/0**Background**

Reserve 7756 is managed by the City for the purpose of Drainage Recreation and Community Facility.

The dedication of land as a road reserve will facilitate the future upgrading of Hammond Road to a dual carriageway.

Submission

N/A

Report

The MRS classifies Hammond Road as "Other Regional Road". The extent of this classification is the existing road reserve plus a 12 metre



wide strip on the east side. In the case of Crown Reserve's the 12 metre wide strip will have to be excised from the Reserve and revested as road reserve.

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

Budget/Financial Implications

Road construction is programmed to commence in the 2005-2006 budget.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Location Plan

Advice to Proponent(s)/Applicant

N/A

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

Nil.



14.2 (MINUTE NO 2800) (OCM 17/05/2005) - RETROSPECTIVE CHANGE OF USE - INFORMATION AND SALES CENTRE - LOT 1; 3A JULIET ROAD, COOLBELLUP - OWNER: DEPARTMENT OF HOUSING AND WORKS - APPLICANT: MIRVAC FINI (1114559) (JB) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant retrospective approval for the change of use at Lot 1 (No. 3A) Juliet Road, Coolbellup, for the purpose of an information and sales centre subject to the following conditions:

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of Council
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

SPECIAL CONDITIONS

5. This approval is valid for twenty-four months (2 years) only, after which time the information and sales centre is to be converted back to a house lot.
6. No other advertising or information material is to be visible from outside the building.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. The approval is issued on a temporary basis as after the 2-year time frame the information and sales centre is to be removed and the site is to be developed as a



residential property.

(2) advise the applicant of Council's decision.

COUNCIL DECISION
 MOVED Clr S Limbert SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	URBAN
	TPS:	RESIDENTIAL R20
LAND USE:	Sales Office within existing house	
LOT SIZE:	392m ²	
USE CLASS:	Office	

The Department of Housing and Works contracted Mirvac Fini in 1999 as a part of the "New Living Programme" for the Coolbellup area. The New Living Programme has sought to rationalise (reduce) public housing levels, refurbish public housing marked for retention and improve the overall amenity of the area.

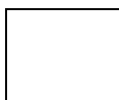
On the 14 September 1999 Council endorsed the Coolbellup Masterplan (see attachment), which indicates the staging and intended improvements for the area. One of the facets of the Coolbellup Master Plan was the intention to substantially refurbish an existing dwelling for the purpose of information and sales centre for the public.

In accordance with the adopted Coolbellup Master Plan, Mirvac Fini acquired a grouped dwelling at 3A & 3B Juliet Road Coolbellup for the purpose of a temporary information and sales centre. However, an oversight in this process is that a development approval has never been sought for the change of use from residential to temporary information and sales centre.

Submission

Mirvac Fini has lodged an application for a retrospective planning approval on behalf of the department of Housing and Works for an information and sales centre at Lot 1 (No. 3A) Juliet Road, Coolbellup.

Mirvac Fini believe the overall "New Living Project" will be completed towards the end of June 2006 at which time the information and sales centre would revert back to a purely residential use.



Report

The office use for 3A Juliet Street, Coolbellup is defined in Town Planning Scheme No. 3 (TPS No.3) as:

“premises used for administration, clerical, technical, professional or other like business activities”.

In the TPS No. 3 Zoning Table the proposal is listed as an “A” Use which means:

“the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4”.

The application was advertised in accordance with clause 9.4.3 (a) for public submissions.

No submissions were received during this advertising period, however two submissions relating to the Mirvac Fini “sales office” were received prior to the application being formally submitted for consideration.

The concerns raised in these submissions include:

- The Real Estate Office of Mirvac Fini in a residential area would give them an unfair advantage over existing real estate offices which need to locate in commercially zoned areas;
- The office contravenes the R.E.I.W.A code of conduct and the rules of the Real Estate Supervisory Board;

From a planning perspective, the moral and competitive advantage issues raised by Reimax and L.J.Hooker Real Estate Agents are not deemed to be matters of planning relevance.

A subsequent site investigation and meeting with Mirvac Fini has confirmed that the office is only utilised for those real estate listings directly released by the Department of Housing and Works for the Coolbellup Living Project, with additional real estate listings for the Coolbellup area being conducted from Mirvac Fini’s Head Office at 1002 Hay Street, Perth. Furthermore, it is understood that the “New Living Project” is nearing completion, which is expected to occur late June 2006 at which time the information and sales centre would revert back to a purely residential use.

From a streetscape and amenity perspective the information and sales centre is consistent with existing properties, supplies adequate onsite parking for visitors, presents as a residential dwelling and does not list any properties for sale in windows/on the dwelling.



In conclusion, the site and location of the Mirvac Fini information and sales centre are consistent with the adopted Coolbellup Masterplan and are expected to revert back to a purely residential use in June 2006. Accordingly, approval is recommended subject to the conditions listed above.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
 - *"To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way."*
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."*

The Council Policies, which apply to this item, are:

APD17 STANDARD DEVELOPMENT CONDITIONS AND FOOTNOTES

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Application was advertised with adjoining properties for submissions.



Attachment(s)

- (1) Location Plan
- (2) Coolbellup Master Plan
- (3) File Note
- (4) Submissions

Advice to Proponent(s)/Applicant

The applicant and submissioners have been advised that the matter is to be considered at the May Meeting of Council.

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

Nil.

DECLARATION OF FINANCIAL INTEREST

Deputy Mayor Graham declared a financial interest in Item 14.3. The nature of the interest being, that he was a Legal Advisor to Greg Rowe and Associates during the last twelve months, the Town Planning Consultants to the Applicant.

Clr Allen declared a financial interest in Item 14.3. The nature of the interest being, that the organisation he works for has a professional relationship with the Applicant's Agent, Greg Rowe and Associates.

DEPUTY MAYOR GRAHAM AND CLR ALLEN LEFT THE MEETING AT THIS STAGE THE TIME BEING 8.17 PM

- 14.3 (MINUTE NO 2801) (OCM 17/05/2005) - PROPOSED LIQUOR STORE - LOT 2; 64 COOLBELLUP AVENUE, COOLBELLUP - OWNER: A & R KUMAR - APPLICANT: NIGHTVIEW PTY LTD (1104406) (MD) (ATTACH)**

RECOMMENDATION

That Council:

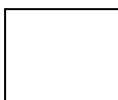
- (1) grant approval to a Liquor Store on Lot 2 (No. 64) Coolbellup Avenue, Coolbellup in accordance with the approved plan subject to the following conditions:-

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.



2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of development.
3. This approval relates to the attached revised plans marked in red.
4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
5. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the Council prior to the erection of any signage on the site/building.
6. No bunting is to be erected on the site. (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).
7. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
8. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 2.1 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 3 metre truncation, as depicted on the approved plan.
9. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
10. Refuse bins shall be provided adequate to service the development and the bins are to be screened from view to the satisfaction of the Council before the development is occupied or used.
11. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the specifications and approved revised plans marked in red certified by a suitably qualified practicing Engineer to the satisfaction of the Council.
12. Works depicted on the approved parking plan shall be



maintained to the satisfaction of the Council.

13. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade of 2.5%.

PRIOR TO THE OCCUPATION OF THE BUILDING

14. A minimum of 1 disabled carbay designed in accordance with Australian Standard 2890.1 – 1993 is to be provided in a location convenient to, and connected to a continuous accessible path to the main entrance of the building or facility. Design and signage of the bay and path is to be in accordance with Australian Standard 1428.1 – 1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in prior to the occupation of the site.
15. Notwithstanding the detailed specifications required to be submitted for a Building Licence approval, a separate schedule of the colour and texture of the building materials shall be submitted and approved to the satisfaction of the Council prior to the occupation of the site, and before the commencement or carrying out of any work or use authorised by this approval.
16. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
17. A landscape plan must be submitted to the Council and approved, prior to the occupation of the site and shall include the following:-
- (a) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area being in conformity with the City of Cockburn Greening Plan;
 - (b) Any lawns to be established;
 - (c) Any natural landscape areas to be retained;
 - (d) Those areas to be reticulated or irrigated; and
 - (e) Verge treatments.
18. Landscaping is to be undertaken in the street verge adjacent to the Lot in accordance with the approved plans and be established prior to the occupation of the site; and thereafter maintained to Council's satisfaction.

SPECIAL CONDITIONS

19. Prior to the commencement of development the developer shall prepare and have approved a 'Soil

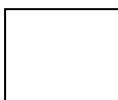


Contamination Assessment' of the site, where any contamination must be identified, removed and validated as part of civil works in consultation with the Department of Environment – Contaminated Sites Branch to the satisfaction of the Council.

20. This approval relates to a liquor store only and does not include a drive-thru facility.
21. The owner of Lot 2 Coolbellup Avenue ("Lot A") shall enter into an agreement with the owner the adjoining lot(s) to the north ("Lot B") and the adjoining lot(s) to the east ("Lot C") by modifying an existing reciprocal right of carriageway easements over Lots A, B and C in accordance with the specifications of and to the satisfaction of the City of Cockburn ("the easements"). The easements must be registered over the certificates of title to Lots A, B and C prior to the issue of a building licence for the proposed development. The owner shall be responsible to pay for all costs of and incidental to the preparation of the easements including all stamping and registration fees.
22. The proponent entering into an agreement with Council to relocate the liquor store when a Structure Plan and landowner agreement can be secured to relocate the local centre as set out in the Coolbellup Enquiry By Design Workshop – prepared Scenario 3 Option.

FOOTNOTES

1. The development is to comply with the Building Code of Australia.
2. The development site should be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
3. The applicant shall obtain the relevant Licences and Certificates under the Liquor Licensing Act 1988 prior to the operation of the use (ie Section 40).
4. The use of the premises must comply with the *Health (Food Hygiene) Regulations 1993* and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only).
5. Uncovered parking bays shall be a minimum of 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway.



6. The Council takes no responsibility or liability in respect to maintenance and reinstatement of any verge area landscaped as a condition of approval.
 7. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval); and
 - (3) advise those who made a submission of the Council's decision.

COUNCIL DECISION

MOVED Cllr V Oliver SECONDED Cllr I Whitfield that Council adopt the recommendation subject to Condition 21 being amended to exclude reference to an agreement being obtained with the owner of the adjoining lot to the north ('Lot B').

MOTION LOST ON CASTING VOTE OF PRESIDING MEMBER 4/4

MOVED Cllr S Limbert SECONDED Cllr L Goncalves that Council:

- (1) defer the application to enable the immediate preparation of a detailed Structure Plan in accordance with part 6 of the City of Cockburn Town Planning Scheme No.3 based upon the Council's preference of Scenario 3 arising from the Coolbellup Enquiry By-Design consultation process; and
- (2) advise the applicant and submissioners accordingly.

CARRIED ON CASTING VOTE OF PRESIDING MEMBER 4/4

Explanation

A Structure Plan has not yet been prepared for the Coolbellup town Centre Precinct. It would be premature for Council to approve any adhoc, interim or piece-meal development at this stage.

Council needs to be satisfied that the planning for this area is in accordance with the preferred 'Scenario 3' option as previously recommended by Council and supported by the majority of attendees who attended the past Coolbellup Enquiry By-Design Workshop.



In addition, all Elected Members had received a petition opposing the 'go ahead' for the liquor store.

Background

ZONING:	MRS:	Urban
	TPS3:	Development (DA 7)
LAND USE:	Petrol Station	
LOT SIZE:	1386 m2	
AREA OF BUILDING:	275.4 m2	
USE CLASS:	Use Not Listed – “Bottle Shop”	

On 7 April 2005 Mr Kevin Reynolds, owner of the Coolbellup Hotel in the company of Mr Brian Bourke and his Planning Consultant and others attended a meeting with Mayor Lee, some Elected Members and staff, to discuss their concerns in relation to the application for the liquor store. Several concerns were raised regarding the proposal and in particular it was contested that Council did not have the ability to approve the proposal pursuant to its Town Planning Scheme and that the proposal was premature to the preparation of a Structure Plan and could prejudice the redevelopment intentions of Council for the site.

On 14 April 2005 Mr Tony Bahadja and his Planning Consultant met with Mayor Lee and the Acting Director, Planning and Development to discuss the merits of the proposal. In that meeting the most important consideration was discussed that Council must determine whether or not the proposal would prejudice the preparation of the Structure Plan based on Scenario 3. The applicant's Planning Consultant subsequently wrote a letter to the City dated 22 April 2005 which advised in part as follows:

Nevertheless, and should the Town Centre be relocated, we confirm our Client would like to be part of the relocated Centre. To give the City same confidence that Scenario 3 can be achieved, we confirm our Client is prepared to enter into a conditional agreement with the City to relocate the liquor store to an equivalent prominent site, once the new Centre is created and operational.

Submission

The application proposes to relocate a liquor store from the southern end of the Coolbellup shopping centre to the northern end of the centre on the site of a disused service station.

Refer plans with the agenda attachments.



Report

The new site is in a prominent location at the front of the shopping centre and the applicant proposes to renovate the façade and external appearance of the building.

The application is a “use not listed” under the City’s Town Planning Scheme No. 3. In accordance with Clause 4.4.2 of the City’s Scheme, the Council may determine whether or not the use is consistent with the objectives of the Development Zone.

The objectives of the Development zone are as follows:-

“To provide for future residential, industrial or commercial development in accordance with a comprehensive Structure Plan prepared under the Scheme”.

DA7 – Development Area 7 also states:

- “1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.*
- 2. To provide for an integrated town centre with a mix of residential, commercial, recreation, community and education facilities, in accordance with an approved Structure Plan.”*

A structure plan has not been prepared for the Development Area (No. 7) precinct. In accordance with Clause 6.2.4.2 of the Scheme, the Council may grant approval to development within a Development Area without a structure plan being adopted if the Council is satisfied that the development will not prejudice the specific purposes and requirements of the Development Area.

The Coolbellup Enquiry-by-Design workshop Council preferred ‘Scenario 3’ option for the Coolbellup Centre identifies the subject site as being future medium density residential development with the existing shopping centre being moved south of Cordelia Avenue. Scenario 3 was identified as the preferred option by respondents for the following reasons:

- Traders within the centre will be able to continue trading while the new shopping centre is being constructed;
- Scenario 3 is supported by the majority of shop owners;
- Scenario will produce the best long-term outcome for Coolbellup.

This concept plan presents a scenario that subject to agreement between landowners, may be implemented in the medium to long term given that the multiple ownership of the properties and the requirement for land swap agreements makes the rationalisation and upgrading of



the commercial/retail area a very involved and complex process. For this reason, it is difficult to put a timeframe on how long a Structure Plan could take to prepare and implement.

Council has already initiated steps towards facilitating the redevelopment of the Coolbellup Centre consistent with Scenario 3 by rezoning the subject land from Commercial to a Development Zone and Development Area 7 provisions were also included. This was undertaken by Amendment No.7 to Town Planning Scheme No.3 that was gazetted on 6 April 2004. In order for a Structure Plan to be prepared, the Minister for Lands must authorise the use of Len Packham Reserve for school purposes which has not yet occurred.

Given that the service station is currently vacant and derelict and that the preparation and implementation of a structure plan is a long-term vision for the area, it is preferable to have the building occupied by a commercial activity such as the proposed liquor store in the meantime.

The application proposes to upgrade the façade and appearance of the derelict building and by having a use occupy the building will provide surveillance to the front entrance to the shopping centre and will set a new standard that will lift the profile and appearance of the centre.

If the shopping centre were ever to move south of Cordelia Avenue as per 'Scenario 3' of the Enquiry-by-Design workshop, the proponent has offered to move the liquor store to the new location to operate in conjunction with the new shopping centre and is prepared to enter into an agreement to this effect.

Given that the proposal is for a change of use to an unoccupied service station site only and does not propose any major redevelopment of the site, it is considered that the proposal will not compromise the future structure planning of the shopping centre site.

Furthermore, an existing right of carriageway easement over adjoining land needs to be modified, subject to landowner agreement, to facilitate rights of access to side and rear car parking bays.

Legal Advice

In response to Chappell & Lambert's submission (acting on behalf of the Coolbellup Tavern), which raised the issue of the legality of approving development within a Development Area prior to a structure plan, Council officer's sought advice from Council's Solicitor's McLeod's. McLeod's advice is summarised as follows:

- Council retains the discretion to approve a development or to recommend approval of a subdivision, in the absence of a structure plan, pursuant to Clause 6.2.4.2;



- The development of a liquor store could not reasonably said to be inconsistent with the objectives of Development Area 7 which are to provide for an integrated town centre with a mix of residential, commercial, recreation, community and education facilities;
- In McLeod's view, there is no substance to the argument raised by the objector on this point.

On the advice of McLeod's solicitors it is apparent that the Council does have the discretion to approve the subject application in this instance.

Site Remediation

The site was previously operated as a petrol station. The petrol tanks have not been decommissioned or removed and may have the potential to leach contaminants into the soil. The owners are required to remove the tanks and carry out necessary site remediation works as a condition of sale of the property.

Planning consultants acting on behalf of the Coolbellup Tavern raised concern that the site may be contaminated as a result of the prior use of the site as a service station and referred the application to the Department of Environment (DoE). The DoE advised Council in writing that the proposal is a planning matter over which the DoE has no jurisdiction. Further, the DoE has produced a draft guideline - "Contaminated Sites and the Landuse Planning Process". The draft guidelines are not a statutory document. The guidelines state that contamination issues can often be addressed by way of placing an appropriate condition on the planning approval. The draft guidelines stresses that any potential contamination issue(s) must be investigated and addressed prior to any construction occurring on site. The draft guidelines supports the recommendation to Council with respect to site contamination.

It is recommended that a condition be placed on the approval that requires the proponent to prepare a report on possible contamination of the site and implement any site works required to remediate the site prior to any construction being undertaken.

Community Consultation

An advertising sign was erected on site advising of an application proposing "*additions and alterations to the service station*".

A public submission indicated that the initial sign did not specify clearly that the application proposes to change the use of the subject land to a liquor store, so the application was advertised as a liquor store for a further 14 day period.



During the term of the second advertising period and upon request from the owner of the Coolbellup Tavern an additional sign was placed at the front of the premises facing Coolbellup Avenue.

Three (3) letters of objection were received at the initial stage of community consultation, which included one letter from Chappell & Lambert planning consultants acting on behalf of the Coolbellup Tavern.

An additional letter from Chappell & Lambert planning consultants was received in the second round of advertising providing additional comments.

Ten (10) letters of support for the application from shop tenants within the Coolbellup shopping centre were received after the close of advertising.

In addition, 77 letters of objection and a petition with 174 signatories were received after the close of the advertising period and are considered 'late submissions'.

Most of the late submissions raised concerns in relation to the close proximity of the site to the Coolbellup Hotel and the number of bottle shops in the area, along with a variety of other issues. On the question of competition, the former Town Planning Appeal Tribunal has subsequently dealt with the matter in numerous appeals, consistently finding that economic competition arguments did not justify refusal of appeals. Claims of adverse impact on the commercial viability of existing businesses have been dismissed in many past appeals. Perceived impact on commercial viability is not a relevant planning consideration for the purpose of assessing the proposed liquor store. The new State Administrative Tribunal now has authority to award costs where a decision making authority determined a proposal based on irrelevant planning considerations.

The concerns raised in the submissions are summarised and addressed in the Schedule of Submissions. Refer to Schedule of Submissions with the attachments.

Conclusion

The proposed liquor store is supported for the following reasons:-

- (i) The liquor store already occupies nearby commercial premises at the southern end of the adjoining property. This proposal involves the relocation of an existing nearby land use to a more prominent location.
- (ii) The liquor store will occupy the site of a disused service station and will facilitate the physical improvement of the building and



remediation of the site which includes the decommissioning of the fuel tanks.

- (iii) The proposal will not compromise the preparation of a future structure plan for the shopping centre and adjoining commercial land, due to the limited scope of building extensions proposed, location of the existing building and the minor car parking changes. The proposal is a suitable, interim use of an existing commercial building and does not prejudice future options.
- (iv) The proponent is prepared to enter into a legally binding agreement to relocate the liquor store when a Structure Plan and landowner agreement can be secured from Shopping Centre Strata Owners to relocate the local centre to the Koorilla Primary School which is to be decommissioned by the Department of Education.
- (v) Operational aspects of the proposal such as car parking and access are satisfactory.
- (vi) The perceived objections received in late submissions about the potential impact on the viability of the Coolbellup Hotel is not a relevant planning consideration.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Possibility of an appeal to the State Administrative Tribunal and the need to defend the Council decision.

Legal Implications

Town Planning Scheme No. 3

Community Consultation

The application was advertised to the community by way of placing a sign on site in accordance with Clause 9.4 of the City's Town Planning Scheme No. 3.



Attachment(s)

- (1) Location Plan
- (2) Schedule of Submissions
- (3) Revised site plan
- (4) Internal floor plan
- (5) South elevation
- (6) West elevation
- (7) North elevation
- (8) East elevation

Advice to Proponent(s)/Applicant

The applicant and the submissioners have been advised that the matter is to be considered at the May Meeting of Council.

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

Nil.

DEPUTY MAYOR GRAHAM AND CLR ALLEN RETURNED TO THE MEETING AT THIS POINT THE TIME BEING 8.46 pm

THE PRESIDING MEMBER ADVISED DEPUTY MAYOR GRAHAM AND CLR ALLEN OF THE DECISION OF COUNCIL WHILST THEY WERE ABSENT FROM THE MEETING.

14.4 (MINUTE NO 2802) (OCM 17/05/2005) - PETITION TO HALT THE CLOSURE OF PORTION OF ROAD RESERVE BETWEEN 31 AND 32 HARING GREEN, ATWELL - USED AS PEDESTRIAN ACCESSWAY (451031) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the petition;
- (2) re-affirm Council's decision at its Ordinary Meeting of 15 June 2004 to close portion of Haring Green because the accessway is not part of a continuous access route, the walkability of the catchment will not be significantly affected given that there are alternative routes available and for the problems experienced by residents living near the Public Accessway;
- (3) approach the owners adjoining the PAW between Empress Court and Haring Green to reconsider the purchase of the public accessway; and



- (4) advise the petitioner of Council's decision.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr A Tilbury that Council:

- (1) negotiate a delay of proceedings and re-examine Council's decision to close a portion of the accessway;
- (2) authorise the Chief Executive Officer to negotiate with the owners of 31 and 32 Haring Green, Atwell for a delay in the transfer of portion of Haring Green Road Reserve;
- (3) if a delay of transfer of proceedings referred above is achieved, request that Council Officers prepare a report that re-examines the decision of the Council Meeting of 15 June 2004 to close portion of Haring Green; and
- (4) advise the instigator of the petition of Council's decision.

CARRIED 10/0

Explanation

Clause 6 of Council Policy APD 21, which requires that Council seek comments from 'homes likely to be affected' when a PAW is to be closed, was not followed when Council previously considered this matter. This was because the walkway was technically a road reserve rather than a PAW. However, it serves the same purpose as a PAW. Therefore, Council should reconsider the matter, and ensure that affected members of the public are consulted.

Background

Council at its meeting held on 15 June 2004 resolved to request the Minister for Planning and Infrastructure to close portion of Haring Green, Atwell, between No. 31 and No. 32, pursuant to Section 58 of the Land Administration Act 1997.

Submission

A petition containing 98 signatures has been received.

The petition *objects to the Cockburn City Council's lack of consultation with our community in regards the closure of the Haring Green-Empress Court walkway. We demand that all*



proceedings are immediately halted so a proper consultation process can occur.

A comparison of petitions based on household responses rather than actual number of people who signed the petition, revealed as follows:

Support for closure	51 households	43%
Against closure	66 households	57%
Duplicated responses	18 households	

There has been a shift by 18 previous households who supported the closure who now are against the closure of the accessway. More households (57%) are against closure than are in support of closure (43%).

Report

Following the Council decision of 15 June 2004, the closure request was sent to the Department for Planning and Infrastructure Land Asset Management (DPI LAMS).

DPI LAMS manage crown land throughout the State. Road reserves with the City are managed by the City, but the asset value of the road reserve land belongs to the State of Western Australia. Once closed as in this case, the land reverts to freehold land in the ownership of the State of Western Australia and can be sold to the owners of the adjoining lots.

DPI LAMS have informed the City of Cockburn that they have made offers of purchase have been made to the owners of 31 and 32 Haring Green and are legally binding contracts.

The only way for the process to be delayed long enough for a re-examination of Council's decision to close the portion of Haring Green is to prevail upon the owners to delay the finalisation of the land purchase.

If this delay could be achieved then the proposed closure could be reconsidered. If after the re-examination Council decided that closure was not appropriate, then it would be necessary for Council to convince the owners of 31 and 32 to break their purchase contract with the State of Western Australia. This could take the form of an ex gratia payment.

If the owners of 31 and 32 Haring Green were not convinced to not purchase the land, then Council's only recourse would be to compulsorily acquire the land pursuant to the Land Administration Act.

The petition questions whether proper processes were undertaken following the initial request to close the walkway. In March 2003 a



petition containing 76 signatures was received requesting that the walkway between Haring Green and Empress Court be closed. The petition cited robberies and unlawful use of the accessways as the reason for closure.

Another recourse for the City is to compulsorily acquire the land, if the offer to purchase does not proceed, pursuant to the Land Administration Act.

Council officers then prepared a report pursuant to Council Policy APD21 which examined the accessway in relation to community facilities such as schools, shops, public open space, public transport and the implications of closure of the accessway on the walkable catchment. The accessway is a single access link and does not form part of an essential continuous access route.

The owners of the adjoining properties were contacted to ensure that they would be willing to purchase the land if the accessway was closed.

The owners of number 7 and 9 Empress Crescent decided that in the event of a closure they would not be prepared to purchase the land. The owners of 31 and 32 Haring Green indicated that they would be willing to purchase the land adjoining their property.

Examination of the survey plans then revealed that the area separating 7 and 9 Empress Crescent was technically a Pedestrian Accessway, whilst the area separating 31 and 32 Haring Green was classified as Road Reserve.

Council Policy APD21 relates to the closure of Pedestrian Accessways and due to the fact that the adjoining houses had not undertaken to purchase the land this was not proceeded with.

Closure of Road Reserves is undertaken pursuant to Section 58 of the Land Administration Act 1997. Procedures pursuant to this Act were then followed including an advertisement placed in the Cockburn City Herald on 2 April 2004. There were no objections as a result of the advertising.

The proposal was also sent to the Department for Planning and Infrastructure Metropolitan South. DPI in a letter dated 3 September 2004 raised no objection to the closure.

The following are two options detailed below to assist in the consideration of this matter:

Option One – Re-affirm Council's decision to proceed with the closure of a portion of the accessway for the reasons summarised in the report:-



- The primary school and community centre are located outside 800 metres walkable catchment area. The closure of the PAW will not affect people's accessibility to these facilities.
- If the PAW is open or closed, bus stops will still be within walkable distance for local residents.
- For approximately 40 residences, the closure of the PAW will result in an increased walking distance to Hault Mews Garden. However this is not considered as a substantial impact given that Freshwater Parade POS Reserve is still within a walkable distance from those properties, and many of those potentially affected residents signed the petition.
- Whilst Council should do everything that can promote efficient walkable access to the future Jandakot transit station, the residences that would be most affected by closure of the PAW are already in excess of a 10 minutes walk to the station.
- The PAW is not part of a continuous access route.

Option Two – Negotiate delay of proceedings and re-examine Council's decision to close a portion of the accessway.

- Authorise the Chief Executive Officer to negotiate with the owners of 31 and 32 Haring Green, Atwell for a delay in the transfer of portion of Haring Green Road Reserve;
- If a delay of transfer of proceedings referred above is achieved, request that Council Officers prepare a report that re-examines the decision of the Council Meeting of 15 June 2004 to close portion of Haring Green;
- Advise the petitioner of the petition of Council's decision.

It is the City's recommendation for Council to pursue Option 1 to proceed with the closure of a portion of the accessway.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

If Council pursues Option 1 a gate may be needed in future at the entrance to the PAW which would cost approximately \$3,000.



Option 2 may require Council to consider making an ex-gratia payment to the owners of 31 and 32 Haring Green, Atwell, subject to their agreement to maintain the accessways.

Legal Implications

N/A

Community Consultation

As outlined in report to Council

Attachment(s)

Location Plan

Advice to Proponent(s)/Applicant

The petitioner has been advised that the matter will be considered at the May 2005 Meeting of Council.

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

Nil.

14.5 (MINUTE NO 2803) (OCM 17/05/2005) - REQUEST TO CLOSE PEDESTRIAN ACCESSWAY ELDERBERRY DRIVE TO TREVALLYN GARDENS, SOUTH LAKE (450421) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) place \$45,000 on the 2005/06 Budget Estimates for additional lighting and the construction of a 2.4 metre high masonry and metal fence along the common boundary of the pedestrian accessway from Elderberry Drive to Trevallyn Gardens, South Lake, and 14 and 16 Elderberry Drive and 31 Trevallyn Gardens and 32 Corringale Grove, South Lake, with the height of the fencing being set in conjunction with the owners; and
- (2) directs security patrols to closely monitor the PAW and report to Council accordingly.

COUNCIL DECISION

MOVED Cllr A Tilbury SECONDED Cllr S Limbert that Council:

- (1) request approval from the Minister for Planning and



Infrastructure to close of the Pedestrian Accessway (PAW) between Elderberry Drive and Trevallyn Gardens, South Lake subject to owners adjoining or abutting the PAW agreeing in writing that they would be prepared to purchase the land at a cost established by the Department of Land Information together with all costs associated with its closure, including a Council administration fee of \$250; and

- (2) notify the submissioners and the Water Corporation accordingly.

CARRIED 10/0

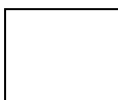
Explanation

The cost associated with constructing the masonry wall is expensive and will only partially address the social issues experienced in the PAW. The Security Patrol Service had been called out several times already, and the anti-social behaviour has continued to occur.

Background

Council at its meeting held on 19 April 2005 resolved to:

- (1) *note the officer's report;*
- (2) *defer a decision on the neighbours' request to close the pedestrian accessway between Elderberry Drive and Trevallyn Gardens, South Lake;*
- (3) *investigate measures outlined in Council's Pedestrian Accessway Closures Policy APD21 that can be introduced to help mitigate against anti-social behaviour occurring within the pedestrian accessway, such as improved lighting, fence heights, bollards, enclosure, security patrol inspections and for a report to be presented to the next meeting of Council with details on cost estimates;*
- (4) *maintain options to close the pedestrian accessway if following the introduction of management measures, to be determined by Council, that the problems associated with anti-social behaviour have not been reduced to the satisfaction of Council; and*
- (5) *advise the owners of 14 and 16 Elderberry Drive, South Lake accordingly.*



Submission

N/A

Report

Council Policy APD21 draws upon information contained in a publication on the Closure of Pedestrian Accessways prepared by the Western Australian Planning Commission. In this publication alternatives to PAW closure include:

- *“temporary closure, where practical;*
- *improvements to safety and security, eg lighting, active graffiti removal where funding is available;*
- *the use of gates to restrict access at night;*
- *the consideration of longer term redevelopment opportunities such as the redesign of adjacent lots to essential PAW’s and their up-coding, conditional on widening of PAW’s, to laneways and new frontage developments.*

In this case temporary closure is not practicable because the residents are using the accessway on a daily basis.

Alternatives to Closure

- The recommendation of 2.4 metre high masonry and metal fences will act as a deterrent to people damaging the fences and will deter people from scaling the fences to gain access to the adjoining properties.
- An additional street light on the existing pole in Elderberry Drive as recommended will direct light into the walkway.
- The use of gates to restrict access at night is not practicable. Gates need to be locked at night then unlocked in the morning. While the adjoining owners have an interest in locking the gates in the evening, there is no one available who has an interest in unlocking the gates in the morning. An alternative would be for the Security Service to open and close the gates. Costings will need to be obtained from the service provider.
- Up-coding the lots fronting Elderberry Drive to allow additional units at the rear incorporating the conversion of the walkway to a laneway is not practicable. One house has a fully developed rear section with swimming pool, whilst the units at the rear off Trevallyn Gardens are already developed. An up-coded scheme with associated redevelopment would be difficult to manage, given the separate ownerships of the houses affected.

Of the alternatives only the upgrading of the fences and the addition of better lighting have immediate appeal. The fence is envisaged to be



approximately 2 metres of brick construction topped with a metal deck material supported by brick pillars. The brick will minimise the noise generated from the walkway and will not be subject to the same damage as the current fencing material (fibrous cement fencing). The total height of 2.4 metres should deter the incidence of break-ins that can occur from the walkway.

The Security Patrol have been closely monitoring this location. They have reported many instances where the owners of numbers 14 and 16 Elderberry Drive have sought attendance due to property damage and anti social behaviour coming from the walkway. The contractual arrangements with the Security Patrol have not yet been finalised, but once done there would appear to be some scope for the patrol to open and lock gates on this accessway. It is anticipated that such work would be additional to the normal work undertaken by the Security Patrol.

The downside of this recommendation is that it sets a precedent for other PAW's in the City where anti social behaviour occurs and where closure is not an option.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*

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

Budget/Financial Implications

Place for consideration \$45,000 on the 2005/06 Budget estimates.

Legal Implications

N/A



Community Consultation

Letter and survey with replied paid envelope was undertaken in February/March 2005.

Attachment(s)

Location Plan

Advice to Proponent(s)/Applicant

The owners have been notified that this matter is being further considered at the May 2005 Council meeting.

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

Nil.

14.6 (MINUTE NO 2804) (OCM 17/05/2005) - SINGLE HOUSE CODES APPROVAL - RETROSPECTIVE APPLICATION - LOT 812; 4 KEPPEL PLACE, COOGEE - OWNER/APPLICANT: M & R RUOCCO (3300395) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval to a retrospective application for an existing single house on Lot 812 (No. 4) Keppel Place, Coogee in accordance with the approved plan subject to the following conditions:

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. This approval relates to the revised attached plan received by Council on 17 February 2005.
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.



5. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
6. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.

SPECIAL CONDITIONS

7. The application being amended to either include a permanent 1.8m high screen wall (marked A on the attached plan) or returning the balcony to that as shown on the original building licence plans issued on 8 March 1999 (marked B on the attached plan) in accordance with the attached approved plans marked in red prior to the 17 August 2005 and to the satisfaction of the Council.
8. The application being amended to include obscure glazing to lounge room 2 window in accordance with the attached approved plans marked in red prior to the 17 August 2005 and to the satisfaction of the Council.
9. Construction of permanent 13 course (1.11m) high walls on the roof top terrace to prevent access to areas as shown in red on the attached approved plans prior to the 17 August 2005 to the satisfaction of the Council.
10. The application being amended to include a permanent 1.8m high screen wall along the southern boundary in accordance with the attached approved plans marked in red prior to the occupation of the building and the satisfaction of the Council.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval); and
- (3) advise those people who made a submission of Council's decision.



COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr I Whitfield that Council adopt the recommendation, subject to:

- (1) Special Condition No.7 being amended as follows:

SPECIAL CONDITION

7. The first floor balcony facing Keppel Place being modified by removing the unauthorised extensions and to comply with the building licence issued by Council on 8 March 1999 to the satisfaction of Council.

- (2) Special Condition No.8 being deleted.

CARRIED 10/0

Explanation

The balcony extensions were not authorised prior to construction and intrude on the privacy of the adjoining owners outdoor living area. The owner should ensure that the front balcony is modified to comply with the original building licence.

It was recently revealed by the applicant and verified by staff that the Lounge Room 2 window was previously approved by Council on amended plans with an increased window area of 1.5m². The approved plans did not require the window to include obscure glazing under the 1991 Codes. Unfortunately Council cannot retrospectively seek this window to include obscure glazing.

If Condition 8 was not deleted the applicant could appeal the condition to the State Administrative Tribunal and it is unlikely that Council would be able to successfully defend an appeal.

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	725m ²	
FLOOR AREA OF HOUSE:	913M ²	
USE CLASS:	Single (R-Code) House – “P” Use	

Council issued a building licence for a 3 storey house on the subject lot on the 8 March 1999.



An extension of time in relation to the building licence was requested and an extension was granted on the 22 February 2000, all works were to have been completed by 3 March 2002.

The City received complaints in January 2004 in regard to specific aspects of the construction of the residence. The City's Senior Building Surveyor carried out a site inspection and the issues raised were appropriately addressed with the complainants, at that time. Another letter of complaint was received in June 2004, in regard to specific aspects of the construction (non compliance with approved plans), a number of site inspections were carried out by the Building Surveyors to establish areas of non-compliance with the approved plans, and the complainant was duly notified. As there were variations from the approved plans, the matter was referred to the Council in August 2004 and it was resolved that a notice be issued to the owner of the residence, requiring him to bring the residence into conformity with the approved plans. The complainants were notified that the City at its Ordinary Meeting in August 2004 would consider the matter.

The builder subsequently has lodged a development application seeking retrospective approval for the outstanding external changes to the building.

Mayor Lee, the Chief Executive Officer and Acting Director, Planning and Development met with several neighbouring landowners on two separate occasions to discuss their concerns in relation to the construction of the house at No.4 Keppel Place. Both meetings were beneficial for neighbours to openly express their views and concerns regarding the building and for City Officers to outline the scope of variations requested by the applicant and survey information that was collected which is outlined in this report.

Submission

Refer to plans contained with the Agenda Attachments.

Report

Council has the discretion to grant planning approval to development retrospectively, pursuant to Clause 8.4 of Town Planning Scheme No. 3 (the Scheme), provided the development conforms to the provisions of the Scheme.

The planning application is retrospective in that the following items were constructed not in accordance with the approved building licence plans:

- construction of an additional balcony on the first floor level on the southern side of the house;



- the building is located 900mm further back on the property to that which was originally shown on the plans approved under the Building Licence; and
- construction of an additional balcony on the first floor at the front of the house on the northern side.

The above issues are addressed below:

- The applicant has provided screening to the southern balcony in order to comply with the Residential Design Codes (the Codes), but the front balcony does not comply with the privacy provisions of the Codes.
- It is considered the additional 900mm setback does not have any additional impact on adjoining landowners.
- The applicant can either provide screening to the front balcony or bring the balcony back in to compliance with the original building licence by removing the perimeter railing and constructing a permanent wall to make the balcony area non-trafficable. It is recommended that a condition be placed on the approval requiring that the applicant undertake one of these options in order to address the privacy issue.

In addition, it is also recommended that a condition be placed on the approval requiring the applicant to implement the following in order to address concerns raised in the submissions:

- construct a permanent screen wall along the southern boundary;
- construct an engineer certified retaining wall along the northern boundary to retain excavation; and
- provide obscure glazing to upper storey lounge room 2 window to prevent overlooking.

Site Levels

Council officer's approved a 300mm increase to the original building pad levels shown on the building licence plans upon request from the builder after the builder had discovered hard limestone rock on the building site.

The City's administration engaged survey consultants to establish current site levels throughout the residence to address concerns raised by neighbours.

The following table compares the level differences of the original approved levels, the approved 300mm increase in floor level and the actual levels taken on site:



Position	Original Approved Levels	Level after 300mm approved fill	Actual Levels	Difference in Levels Vs Actual Levels	
				Original approved levels	300mm approved increase
Basement	22.171	22.471	22.37	199mm	-101mm
Ground Floor	25.343	25.643	25.38	37mm	-263mm
First Floor	28.515	28.815	28.57	55mm	-245mm
Roof Level	31.687	31.987	31.74	53mm	-247mm
Stair Peak	36.087	36.387	36.1	13mm	-287mm

The table above demonstrates that the actual level taken at the peak of the building has been reduced by 287mm compared to the original levels taking into consideration the approved 300mm increase. The applicant has also only used 13mm more in height than the original approved plans and this is less than the final agreed levels.

Rooftop Terrace

In order to investigate all the issues raised in the submissions, City Officers reviewed the previous approved building licence plans. The plans were assessed under the Residential Planning Codes, which were applicable at the time of issuing the original building licence.

Upon reviewing the original approved building licence plans under the 1991 Codes it was discovered that the right hand side and rear setback to the roof top terrace do not comply with the required setback under the Planning Codes.

Verbal legal advice was sought from Council's solicitors on this issue and it was determined through this advice that Council could not retrospectively impose a condition or require the building to be modified in order to comply with the previous or current Codes requirements.

No further action is recommended with respect to this issue.

Community Consultation

The application was advertised to adjoining landowners in accordance with Clause 9.4 of the City's Town Planning Scheme No. 3. Council received 8 letters of objection.

The submissions are summarised and addressed in the schedule of submissions contained with the agenda attachments.

Refer schedule of submissions with the Agenda Attachments.



Conclusion

It is considered that the concerns raised in the submission can be suitably addressed through providing appropriate conditions on the planning approval. It is recommended that the application be conditionally approved.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Possibility of an appeal to the State Administrative Tribunal and the need to defend the Council decision.

Legal Implications

Town Planning Scheme No. 3
Residential Design Codes of Western Australia

Community Consultation

The application was advertised to 8 adjoining affected landowners in accordance with clause 9.4 of Town Planning Scheme No. 3.

Eight (8) letters of objection were received.

At the second group meeting with neighbouring landowners who lodged submissions, all of the items discussed were agreed with the exception of the erection of a privacy screen to the front balcony. The



preference of the neighbours was to require the owner to reinstate the balcony in accordance with the original building licence.

Attachment(s)

- (1) Location Plan
- (2) Site Plan
- (3) Basement Floor Plan
- (4) Ground Floor Plan
- (5) First Floor Plan
- (6) Roof Floor Plan
- (7) Elevation 1
- (8) Elevation 2
- (9) Elevation 3
- (10) Elevation 4
- (11) Schedule of Submissions

Advice to Proponent(s)/Applicant

The Applicant and submissioners have been advised that item is to be considered at May 2005 Meeting of Council.

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

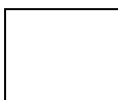
Nil.

14.7 (MINUTE NO 2805) (OCM 17/05/2005) - MODIFICATION TO HARVEST LAKES STRUCTURE PLAN - PORTION OF LOT 9014 LYON ROAD, ATWELL - OWNER: LANDCORP - APPLICANT: ROBERTS DAY GROUP (9644A) (ACB) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the proposed modifications to the Harvest Lakes Structure Plan over a portion of Lot 9014 Lyon Road, Atwell, subject to the Structure Plan and Structure Plan Report being amended to delete the proposed R50 Code north of Congenial Loop and substitute with an R40 Code;
- (2) adopt the Officer's comments contained in the Schedule of Submissions as contained in the Agenda Attachments;
- (3) advise those persons who made a submission of Council's decision; and
- (4) subject to (1) above, forward a copy of the revised Harvest Lakes Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of



the City of Cockburn Town Planning Scheme No. 3.

(MINUTE NO.2806) – EXTENSION OF TIME

COUNCIL DECISION

During discussion of this item it was MOVED Clr R Graham SECONDED Clr S Limbert that pursuant to Clause 4.14 of Council's Standing Orders, Council grant an extension of time for one hour to enable the unresolved business of the meeting to be considered.

CARRIED 10/0

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr A Tilbury that Council:

- (1) note the officer's report;
- (2) defer a decision on the proposed Harvest Lakes Structure Plan modifications referred to by LandCorp as a Smart Housing Village;
- (3) request LandCorp to give a briefing to Council on the scope of the project proposed;
- (4) request LandCorp and City Officers to undertake a Community Forum with interested residents of Harvest Lakes to explain the scope of the changes proposed to the Structure Plan and give the opportunity for greater resident participation in the planning proposals for the Smart Housing Village before a decision is made by Council on the suitability of the residential density changes proposed;
- (5) not support the development of the Smart Housing Village proceeding independently of the development of the Harvest Lakes Town Centre or alternatively the future Passenger Railway Station; and
- (6) advise the applicant and submissioners of the Council's decision accordingly

CARRIED 6/4



Explanation

The local community has not been given sufficient opportunity to be actively involved in the planning of Harvest Lakes as residents made decisions to purchase their land based on the current Harvest Lakes Structure Plan that is now subject to major changes. LandCorp and City Officers should hold a Community Forum that is structured in a way that clearly details the scope of the project and the pro's and con's associated with the higher densities and responds to submissioners on the areas of their concern.

Clearly it would also not be appropriate for the Smart Housing Village to proceed independently of the town centre development or alternatively the construction of the future railway station as such a proposal would need direct linkages to these facilities.

Background

Council adopted the South Atwell Structure Plan on 31 March 2004. This adopted Structure Plan guides the subdivision and development of land within the Development Area.

Submission

The proposal is to:-

- Modify a small pocket west of Lyon Road adjoining the Kwinana Freeway reservation and adjacent to the linear ridge top public open space within the Atwell South Structure Plan to increase the density codings from Residential R12.5 and R20 to R30, R50 and R60.
- Increase the densities on the approved Structure Plan to promote diversity in housing types including terrace style dwellings, 2 storey walk-up style apartments and single storey urban style housing.
- Construct a 'Smart Village' and develop a unique urban environment that will provide a transition between the surrounding residential form of development (to the north and east) and the urban environment of the village centre to the south.

A copy of the report prepared by the Applicant is included in the Agenda Attachments.

Landcorp provides the following statement in regards to the Harvest Lakes Smart Village:

Landcorp's proposed Smart Village in Atwell addresses the need for quality, well-designed homes with minimum impact on the environment, suited to the changing needs of West Australians.



The Smart Village at Landcorp's multi-award winning Harvest Lakes Estate will feature house and land packages using GreenSmart principles.

With young families, single parents, retirees, young professionals and empty nesters in mind, the Smart Village demonstrates that quality homes can be designed for one and two-person households without compromising property value.

The Smart Village's proximity to the Kwinana Freeway and the proposed railway station means it will incorporate elements such as transit-oriented design.

Landcorp is working closely with the building industry and the City of Cockburn to ensure the Smart Village achieves its objectives, which include:

- *The highest demonstration of HIA GreenSmart minimum and best practice options in sustainable development.*
- *Increase housing diversity, specifically to design dwellings and lot sizes that best reflect current households sizes and types.*
- *Greater number of households to support the village centre and maximise use of transport nodes.*
- *Setting new sustainability benchmarks for subdivision and housing.*

Report

As part of the Structure Plan process, the City advertised the proposed modification in accordance with clause 6.2.8 of Town Planning Scheme No. 3. Residents on the west side of Harvest Lakes Boulevard and the primary school and south of Affinity Way were notified by mail as these residents were considered to be the most affected by the proposal. In addition an advertisement was placed within the Cockburn Gazette.

A total of 115 submissions were received. There were 9 submissions of no objection, 1 undecided and 105 submissions of objection.

The main concerns from the submissions were:

- Land was purchased on the basis of the original endorsed Structure Plan.
- High density is not favoured within a family-oriented estate.
- Possible Homeswest housing.
- Increase in investors / rentals / transient population.
- Reduced property values.
- Lack of information provided by the applicant.
- No public consultation.



- All residents within Harvest Lakes should have been notified.
- Increase in traffic.
- Environmental sustainability.

Creating Communities Australia Pty Ltd held a community information day on Saturday 16 April 2005. The company was engaged by Landcorp to meet with the Harvest Lakes Community and provide additional information on the proposed Smart Village.

Approximately 70–100 people attended the Community Information Day. Areas of concern included the following:

- The lot sizes adjoining the Smart Village would become smaller.
- The Smart Village would decrease value of properties.
- Major concern that Homeswest was planning to construct residences.
- Notification should have been given to residents in the entire estate.
- Misinformation that the proposed Smart Village would incorporate high rise apartments, include a high concentration of allocated Homeswest homes and the proposed homes would be low quality.

The modifications proposed to the Harvest Lakes Structure Plan are supported subject to the R50 Code north of Congenial Loop being substituted with an R40 Code. This will provide a better transition of densities generally north of the linear public open space, while retaining the higher R50 and R60 proposed Codes at the freeway end of the POS and linking into the future town centre. Subject to this amendment the proposal is supported for the following reasons:-

1. To establish more diverse housing types more suited to young families, single parents, young professionals and retirees for a more varied and socially sustainable community, not currently provided for in Harvest Lakes.
2. Consistency with transport oriented development (“TOD”) initiatives of “Network City” that seek to align transport systems and land use to optimise accessibility and amenity through building higher density town centres around public transport modes – especially railway stations (future).
3. Develops upon the initiatives of “Liveable Neighbourhoods” to facilitate a range of housing types with residential densities that increase toward the future town centre.
4. Street Network provides for a high level of internal connectivity and good external connections for local vehicle, pedestrian and bike movements and traffic management to restrain speed, and create safe conditions for all street users.



5. Detailed Area Plans can be formulated to establish detailed controls regarding the built form and environmental initiatives provided by LandCorp in Harvest Lakes.
6. The allocation and distribution of public open space remains consistent with the approved Harvest Lakes Structure Plan.
7. The site of the Smart Housing Village is bounded by the freeway, vacant undeveloped land to the east of Lyon Road and north of Harmony Avenue. These undeveloped areas make this an ideal location because the adjacent land has not yet been subdivided. When the adjacent land north of the POS is eventually developed to an R20 Code density, it will provide a suitable interface with R30 Coded lots proposed.
8. Most of the submissions of objection received, while substantial in number, have raised a range of concerns that have been generally misconceived. For example Homeswest housing is not part of the plan, reduced property values is totally unfounded, public consultation was extended and was extensive via letters to over 100 households, advertisement in local newspaper, and LandCorp Community Information day.
9. The Traffic Report indicates that traffic volumes within the Village Centre will increase as a result of the intensified residential density. There will be a transitional arrangement in traffic management with the ultimate configuration mainly affecting traffic volumes in the future town centre.

Strategic Plan/Policy Implications

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

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



Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The proposal was advertised in accordance with clause 6.2.8 of Town Planning Scheme No. 3 for a period of 21 days. The advertising period concluded on 20 April 2005.

Summary of submissions:

Objections	105
No Objections	9
Undecided	1
Total	<u>115</u>

Refer to attachments.

Attachment(s)

- (1) Smart Village Precinct Structure Plan Modification report prepared by Roberts Day.
- (2) Schedule of Submissions.

Advice to Proponent(s)/Applicant

The applicant and submissioners have been advised that the matter is to be considered at the May 2005 Council Meeting.

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

Nil.

- 14.8 **(MINUTE NO 2807)** (OCM 17/05/2005) - SINGLE (R-CODE) DWELLING CODES APPROVAL - PATIO EXTENSION - LOT 37; 7 AUMERLE WAY, SPEARWOOD - OWNER/APPLICANT: BRAD MARTIN (2202639) (ACB) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval to the Patio extension on Lot 37 (7) Aumerle Way, Spearwood in accordance with the approved plan subject



to the following conditions:-

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 2.1 metre truncation, as depicted on the approved plan.
5. All stormwater being contained and disposed of on-site.
6. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

SPECIAL CONDITIONS

7. Alternative privacy screening along the southern boundary to be provided as marked red on the approved plan to the satisfaction of the Council.
8. Privacy screening to the northern boundary of the patio to be provided as marked red on the approved plan to the satisfaction of the Council.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).



COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr T Romano that Council adopt the recommendation subject to the inclusion of Clause (3), as follows:

(3) advise the applicant and the objector of Council's decision.

CARRIED 10/0

Explanation

Both the applicant and the objector should be notified of Council's decision on this matter.

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	754 sqm	
AREA:	126m ² patio addition	
USE CLASS:	Single (R-Code) Dwelling – Permitted	

The background relevant to this proposal is:-

- The applicant submitted an application for a Patio extension and a neighbour objected to the proposal.

Submission

The proposal is to:-

- Construct a patio at the rear of an existing dwelling.
- The patio has a size of 126sqm.

Report

An objection was received from the neighbour on the south side of the property because of aesthetics, glare and heat reflection.

It is considered that given this wall is located along the southern boundary, the sun will have no direct impact on the southern boundary wall and therefore glare and heat reflection is not considered to be an issue. In regards to aesthetics, the visual bulk of the wall must be reduced to soften the impact.

It is recommended to replace the proposed solid brick screening with an alternative privacy treatment. This can be dealt with as a condition of approval.



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

The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes

APD29 Development Compliance Process

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The proposal was referred to the owners of 9 Aumerle Way, Spearwood for comment. An objection was received.

Attachment(s)

- (1) Site plan, floor plan and elevations.
- (2) Objection from neighbour.

Advice to Proponent(s)/Applicant

The applicant and the Objector were advised that the matter is to be considered at the May 2005 Council Meeting.

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

Nil.



14.9 (MINUTE NO 2808) (OCM 17/05/2005) - OVERSIZE SHED WITHIN THE RESOURCE ZONE - LOT 514 HEBBLE LOOP, BANJUP - OWNER/APPLICANT: P & P SPITTLE (5513571) (ACB) (ATTACH)

RECOMMENDATION

That Council:

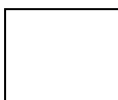
- (1) grant its approval to the shed extension and hay shed on Lot 514 Hebble Loop, Banjup in accordance with the approved plan subject to the following conditions:-

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 2.1 metre truncation, as depicted on the approved plan.
5. All stormwater being contained and disposed of on-site.
6. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

SPECIAL CONDITIONS

7. The shed shall be used for domestic and/or rural purposes only associated with the property, and not for human habitation.
8. The proposed development shall be clad or coloured to complement the surroundings, and/or adjoining developments, in which it is located, and shall use non reflective materials and colours.



FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	RURAL – WATER PROTECTION
	TPS3:	RESOURCE
LAND USE:	SINGLE RESIDENTIAL	
LOT SIZE:	2HA	
AREA:	TOTAL SHED APPROX 387m ² & HAY SHED 60m ²	
USE CLASS:	OUTBUILDING – PERMITTED	

The existing land use and developments have the necessary approvals from Council.

Submission

The proposal is to:-

- Extend the size of the shed from approximately 275sqm to 387sqm.
- Construct a 60sqm shelter for the storage of hay.

The existing shed facilitates a small workshop, storage of a boat, car and horse riding feed and tack room. The shed extension will provide secure storage of domestic household items such as a triple horse float, a tandem 4 wheel trailer and a car. These items are seen from the roadway and left unsecured.

Report

The proposal is acceptable from a planning point of view except for:-



- The extension of the shed, which encroaches into the 10 metre side setback. All buildings require a 10 metres clearance from side and rear boundaries in accordance with Town Planning Scheme No. 3.
- An oversized shed exceeding the 300m² maximum floor area of all combined outbuildings. Policy APD18 Outbuildings specifies a maximum floor area of all outbuildings of 300m² within the Resource Zone.

The applicant has applied for a Variation of Firebreak with Council's Ranger Services. The application was approved subject to a 3 metre wide access route which must be kept clear at all times.

In respect to these matters it is recommended that:-

- The location and size of the outbuildings be approved as the structures will have no adverse impact on the property itself or any of the surrounding properties.

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

The Planning Policies which apply to this item are:-

APD10	Discretion to Modify Development Standards
APD17	Standard Development Conditions and Footnotes
APD18	Outbuildings
APD29	Development Compliance Process

Budget/Financial Implications

N/A

Legal Implications

N/A



Community Consultation

Letters of no objection have been received from the neighbouring owners.

Attachment(s)

- (1) Site Plan
- (2) Floor Plan
- (3) Owners submission
- (4) Adjoining neighbour comments

Advice to Proponent(s)/Applicant

The applicant has been advised that the matter is to be considered at the May 2005 Council Meeting.

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

Nil.

14.10 **(MINUTE NO 2809) (OCM 17/05/2005) - MUNSTER STAGE 1 STRUCTURE PLAN - LOTS 3, 13, 9001, 15, 16, 17 ROCKINGHAM ROAD AND LOTS 12, 51 WEST CHURCHILL AVENUE, MUNSTER - OWNERS: VARIOUS (9642) (CP) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt the Munster Phase 1 Structure Plan for Lots 3, 13, 9001, 15, 16, 17 Rockingham Road and Lots 12, 51, West Churchill Avenue, Munster;
- (2) advise the owners of the land within the Structure Plan area of the matters indicated in the summary of submissions;
- (4) adopt the Schedule of Submissions as contained in the Agenda attachment;
- (5) erect and maintain an information sign on-site informing the public of the possibility that the Yerilla Gate intersection with Rockingham Road may be closed to traffic in the future upon alternative access becoming available to the estate from either West Churchill Avenue or from subdivided land to the north.
- (6) advise those persons who made a submission of Council's decision; and
- (7) forward a copy of the Structure Plan to the Western Australian



Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3.

COUNCIL DECISION
 MOVED Cllr I Whitfield SECONDED Cllr S Limbert that the recommendation be adopted.
CARRIED 10/0

Background

ZONING:	MRS:	Urban; Urban Deferred
	TPS3:	Development (Development Area 5); Development Contribution Area 6.
LAND USE:	Current and former market gardening properties;	
LOT SIZE:	Between 0.0874ha to 2.27ha	

In November 2003, Council advertised a variation to the Structure Plan affecting the above land. At its meeting on 16 December 2003, having regard to the submissions lodged during the advertising period, Council resolved not to proceed with the proposed variation to the Structure Plan for the land, but rather, recommend subdivision of the land prior to the Structure Plan coming into effect in accordance with Clause 6.2.4.2 of Town Planning Scheme No.3. The previous history of the structure planning process is outlined in the Council Minutes for the December 2003 meeting (Item 14.7, OCM 16/12/03).

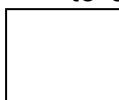
This is not the usual process as subdivision approvals normally follow Structure Plan approval, but was appropriate because of the possibility of legal action at that time.

The Western Australian Planning Commission (“WAPC”) has now issued subdivision approvals for the following land holdings situated within the proposed Structure Plan area:

- Lots 15 and 16 Rockingham Road (WAPC ref: 115946 – Swanette Pty Ltd)
- Lots 13 and 9001 Rockingham Road (WAPC ref: 122857 – Urban Focus)
- Lot 12 West Churchill Avenue (WAPC ref: 122891 – Jakovcevic)
- Lot 51 West Churchill Avenue (WAPC ref: 123387 – Erceg).

Submission

Due to the above subdivisions having been approved, it is appropriate to adopt a structure plan covering the above land for the purpose of



delineating land use allocation (zonings) and residential development densities.

The proposed Structure Plan formalises zonings and residential density codings for the various landholdings, while taking account of issues such as:

- Development constraints and associated buffers, including, the Woodman Point Waste Water Treatment Plant buffer, midge buffers, and market garden buffers;
- Market Garden Swamp No.3, which is an EPP wetland and Bush Forever Site (No.429). A buffer has been established around the wetland which is required to be revegetated as part of the relevant subdivision approval conditions;
- Drainage and nutrient management;
- Potential for site contamination and the occurrence of acid sulphate soils; and
- Public open space.

A copy of the proposed Structure Plan is contained in the Agenda attachments.

Report

The revised proposed Structure Plan (Munster Phase 1) was advertised for public comment in January 2005, in accordance with town planning scheme requirements. At the close of the submission period 10 submissions had been received. A Schedule of Submissions is contained in the Agenda attachments.

The key points raised in submissions include:

- concerns about the location of the intersection of Yerilla Gate and Rockingham Road;
- a request for the inclusion of Lot 18 Rockingham Road within this Structure Plan;
- a request to allocate Residential R-30 density coding to Lots 688 and 691, formerly being part of Lot 15 Rockingham Road.

These and other relevant issues are covered as follows:

Intersection of Yerilla Gate/Rockingham Road:

Concerns have been expressed about the intersection of Yerilla Gate with Rockingham Road, in terms of traffic safety, traffic noise and glare from headlights affecting land on Rockingham Road opposite. At the time of subdivision, the City recommended to the WAPC that signage be erected advising that vehicle access via Yerilla Gate from Rockingham Road would be temporary and may be closed with bollards in future when alternative access is available to West Churchill Avenue and Howe Street.



However, the WAPC did not incorporate the recommended condition and required the road reserve width for what is now Yerilla Gate to be increased to 15m. Nevertheless, the City's engineers have expressed concern that an intersection at this location could become a future blackspot if retained permanently given the relatively large traffic volumes along Rockingham Road.

While the subdivision in question has been developed to clearance stage, the City has since arranged for the erection of the above signage, although, at the time of writing, the sign had been removed. As such, it is recommended that the City erect and maintain a sign informing the public of the possibility that the Yerilla Gate intersection may be closed to traffic if necessary upon alternative access becoming available to West Churchill Avenue or Howe Street in accordance with Council Policy – Site Rectification – Future of Incomplete Roads (APD45).

Lot 18 Rockingham Road:

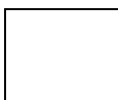
The owner of Lot 18 Rockingham Road has sought to have their property included in the structure plan. As indicated in the Structure Plan Report, the purpose of the structure plan is to formalise a planning framework for this particular planning cell, which incorporates land which has been the subject of subdivision approvals issued by the WAPC in the past. The planning cell is defined by Rockingham Road to the east, West Churchill Avenue to the south, Market Garden Swamp to the west and Lot 17 Rockingham Road to the north.

Indicative roading layout has been shown over Lot 18 Rockingham Road on the basis of demonstrating the relationship between the Structure Plan area and the adjoining land. To incorporate Lot 18 into the structure plan at this stage would deny the opportunity of examining the implications for the development of Lot 18 on Lot 19 Rockingham Road and other land further to the north. The inclusion of Lot 18 into the Structure Plan at this stage would be ad hoc and contrary to sound planning principles. The City's expectation is for land outside the current planning cell to be the subject of separate structure planning in the future involving all the landowners in the relevant development area.

Land Use Zonings:

The structure plan zones the existing shops in the corner of Rockingham Road and West Churchill Avenue "Local Centre". The remaining land is zoned "Residential", with a base density coding of either R-20 or R-40 where such sites are strategically located relative to the Local Centre zoned land or public open space.

A submission was received requesting proposed Lots 688 & 691, formerly of Lot 15 Rockingham Road to be re-coded from Residential R-20 to R-30. The request has been made on the basis that these Lots



are of sufficient size and are located adjoining R-40 coded land to the south. The location and extent of the Residential R-40 Lots within the Structure Plan was established in principle at the subdivision stage in this instance. No consideration had been given to including R-30 Lots as the submitter has requested. Such a request is essentially opportunistic, with no persuasive justification involved and would amount to ad-hoc decision making if upheld.

Other Matters:

As mentioned above, the proposed Structure Plan consolidates the existing subdivision approvals for the planning cell and formalises land use and density codings for the subject land. Issues such as uniform fencing, road and path construction, drainage and nutrient management, developer contributions, site suitability reporting, vegetation protection and wetland buffer revegetation have all been addressed as conditions of subdivision approval. Similar conditions will be recommended upon receipt of a subdivision application for Lot 17 Rockingham Road.

Conclusion:

It is recommended that Council adopt the Munster Phase 1 Structure Plan for the following reasons:

- The Structure Plan represents a consolidation and formalisation of the subdivisions approved by the WAPC to date;
- It is timely that a Structure Plan be adopted for the area as clearances have recently been issued for the first of the approved subdivisions within the cell, and there is a need to formally ascertain the land use zonings and residential density codings for the land;
- The structure plan accords with sound planning principles.

Strategic Plan/Policy Implications

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

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



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

The Council Policies which apply to this item are:-

SPD4	'LIVEABLE NEIGHBOURHOODS'
SPD5	WETLAND CONSERVATION POLICY
APD4	PUBLIC OPEN SPACE
APD6	RESIDENTIAL REZONING AND SUBDIVISION ADJOINING MIDGE INFESTED LAKES
APD16A	STANDARD SUBDIVISION CONDITIONS AND REASONS FOR REFUSAL
APD20	DESIGN PRINCIPLES FOR INCORPORATING NATURAL MANAGEMENT AREAS INCLUDING WETLANDS AND BUSHLANDS IN OPEN SPACE AND / OR DRAINAGE AREAS
APD28	PUBLIC OPEN SPACE CREDIT CALCULATIONS
APD30	ROAD RESERVE AND PAVEMENT STANDARDS
APD31	DETAILED AREA PLANS
APD34	UNIFORM FENCING SUBDIVISION AND DEVELOPMENT

Budget/Financial Implications

N/A

Legal Implications

Possibility of having to defend the Council decision in the event of a request for a review being lodged with the State Administrative Tribunal.

Community Consultation

The proposed Structure plan was advertised for public submissions in accordance with statutory requirements.

Attachment(s)

- (1) Munster Phase 1 Structure Plan and Report
- (2) Summary of Submissions

Advice to Proponent(s)/Applicant

The owners have been advised that the matter is to be considered at the May 2005 Council Meeting.



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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 2810) (OCM 17/05/2005) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for the months of March and April 2005 respectively.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr S Limbert 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

N/A

Community Consultation

N/A

Attachment(s)

Lists of Creditors Paid for March and April 2005.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 2811) (OCM 17/05/2005) - DEDICATION OF LAND AS ROAD RESERVE PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 - COCKBURN ROAD (PERIMETER ROAD) (450002) (JR) (ATTACH)

RECOMMENDATION

That Council:

- (1) accept the care and control of the portion of Cockburn Road (known as Perimeter Road) between Russell Road and the southern de-proclaimed section of Cockburn Road, subject to resolution of safety concerns at the Stuart Drive intersection and street lighting requirements at the Stuart Drive and Quill Way intersections by Main Roads WA and LandCorp to the satisfaction of the Director, Engineering and Works; and
- (2) indemnify the Minister for Planning and Infrastructure against any reasonable costs incurred in dedicating this portion of Cockburn Road as road reserve pursuant to Section 56(1) of the Land Administration Act.



COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

The coastal section of Cockburn Road south of Russell Road, including that section which passed through the Jervoise Bay Development, has been de-proclaimed as a "highway" to facilitate the redevelopment and the diversion of Cockburn Road North traffic to Russell Road and Rockingham Road. The responsibility of the de-proclaimed Cockburn Road has reverted from Main Roads WA to Council. To facilitate the Cockburn Road link around the Jervoise Bay Development, Main Roads WA and LandCorp (the developer) constructed a road on the east side of the development to link Russell Road to Cockburn Road South, this new section of Cockburn Road being also known as Perimeter Road. The City had not considered accepting the care and control of this Perimeter Road until ownership and vesting issues had been resolved and safety concerns adequately addressed.

Submission

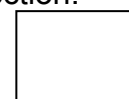
Ownership issues between State Government departments are now resolved and safety issues are close to resolution between the departments. Consequently, Main Roads WA and LandCorp have requested Council to indemnify the Department for Planning and Infrastructure to enable the vesting of the road to Council's care and control.

Report

The Perimeter Road (about 3.2 km in length) for the deviation of Cockburn Road around the Jervoise Bay Development was built predominantly on the Fremantle-Rockingham CAH Reserve, which is to be removed from the MRS. The road will remain as a major local road and, as it is a relatively new road, there are no maintenance concerns for the next few years.

The only concerns with the road are design related and the following are being addressed by Main Roads WA and LandCorp in this regard:

- Street lighting as required to a suitable standard at the Stuart Drive and Quill Way intersections.
- Geometric layout of the Stuart Drive intersection, particularly the northbound carriageway of Cockburn Road and also the need to accommodate high wide loads turning at the intersection.



Subject to these issues being acceptably addressed and finalised, Council should accept the care and responsibility of the 3.2 km of road assets, which will increase the annual untied road grant from the Grants Commission, and with little impact on the road maintenance budget.

Strategic Plan/Policy Implications

One of the objectives of the Corporate Strategic Plan is to maintain roads, which are the responsibility of the Council, in accordance with the required standards and are convenient and safe for use by vehicles, cyclists and pedestrians.

As the subject section of Cockburn Road is a public road, it will need to be made the responsibility of Council to achieve the above objective.

Budget/Financial Implications

It is anticipated that there will be no immediate costs in the road maintenance budget in taking over the maintenance responsibility of the subject section of Cockburn Road, and future costs will be absorbed by natural Budget increases.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Sketch plan showing the section of Cockburn Road to become Council responsibility.

Advice to Proponent(s)/Applicant

The representative for Main Roads WA has been advised that the matter will be considered at the Ordinary Meeting of Council in May.

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

Nil.



16.2 (MINUTE NO 2812) (OCM 17/05/2005) - ROCKINGHAM ROAD BETWEEN PHOENIX ROAD AND SPEARWOOD AVENUE - PROPOSED UPGRADE (450498) (JR)

RECOMMENDATION

That Council:

- (1) does not proceed with the upgrade of Rockingham Road between Phoenix Road and Spearwood, as allocated under Budget Account No. CW 2103;
- (2) reduce Expenditure Account No. CW 2103 – Rockingham Road [Phoenix / Spearwood] from \$883,759 to \$51,400 and reduce Income Account No. 2103 – Transfer from Regional Road Reserve Fund from \$883,759 to \$51,400; and
- (3) proceed with the installation of a raised continuous central median island in Rockingham Road between Phoenix Road and Lancaster Street.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr L Goncalves SECONDED Cllr K Allen that Council:

- (1) defer the upgrade of Rockingham Road between Phoenix Road and Spearwood, as allocated under Budget Account No. CW 2103;
- (2) submit another application to the office of Energy for future funding assistance under the Localised Enhancement Projects under the WA Government's State Underground Power Programme to help decrease the costs for the undergrounding of the power; and
- (3) not proceed with the installation of a raised continuous central median island in Rockingham Road between Phoenix Road and Lancaster Street.

CARRIED 8/2

Explanation

The Council should not abandon the project without trying for another round of funding for underground power. In regard to the median strip,



this should not go ahead, because a number of local businesses have raised numerous concerns about the proposal.

Background

At the Ordinary Meeting of Council held on 19 April 2005, this item was deferred

At the Ordinary Meeting of the Council held on 19 August 2003, it was resolved that Council:

- (1) confirm its favoured position for the re-development of Rockingham Road between Phoenix Road and Spearwood Avenue is to traffic calm the road to one lane in each direction;
- (2) support the undergrounding of powerlines for that section of Rockingham Road;
- (3) survey all affected property owners and tenants fronting that section of Rockingham Road with the concept plan to seek support –
 - (a) For the proposed revised road pattern, and
 - (b) To contribute to the cost of undergrounding power;
- (4) forward the proposed concept plans of the road modifications to the Department for Planning and Infrastructure and request comments on its impact for proposed public transport links; and
- (5) extend the brief of Sinclair Knight Merz to investigate the possible traffic impacts on the adjoining road system in the event that Rockingham Road is reduced to one lane in each direction, between Phoenix Road and Spearwood Avenue and also to report on the effect to the road system if traffic flows increase along Rockingham Road in the future.

Accordingly, there are remaining funds of about \$832,000 on the current Budget to undertake the refurbishment of Rockingham Road to reduce traffic flows from 2 lanes in each direction to 1 lane each way so as to create a more people friendly environment. The concept plan was prepared by traffic engineering consultant Sinclair Knight Merz.

Submission

David Porter Consulting Engineer was engaged as the Project Manager to facilitate development of the proposal and project.

The undergrounding of power is an integral and expensive component of the project. A detailed application was made to the Office of Energy for funding assistance under the Round Three Localised Enhancement



Projects under the WA Government's State Underground Power Program. Unfortunately, the submission was unsuccessful. Costs were also sought from Western Power for the undergrounding of the power.

A correspondence survey of the affected residential and business property owners was undertaken. The Department for Planning and Infrastructure was also approached to comment on the impact of the proposal on the proposed public transport links.

Sinclair Knight Merz was engaged to investigate the possible traffic impacts on the adjoining road system in the event that Rockingham Road is reduced to one lane in each direction between Phoenix Road and Spearwood Avenue.

Report

There are various issues associated with the project that have been identified and/or addressed during the consultation and design development phase:

1. Undergrounding Power

There was general negativity from the affected residential property owners to contribute to underground power connections for their properties. Western Power originally provided a budget quote (June 2003) of \$420,000 to underground the power in Rockingham Road between Phoenix Road and Spearwood Avenue. This included design, all materials, trenching (cap rock) and cable laying, removal of existing overheads and street lighting design and installation. It did not include customers' connections and reinstatements. Decorative light poles were also at extra cost to the standard light poles quoted.

Western Power has now (October 2004) provided a detailed quotation of \$781,120.91 (plus GST) for the same work. The reason given for the big difference in quotes is because all cables need to be installed in protective conduits and directionally drilled by contractor as this section of Rockingham Road is in a 'cap rock' zone. In addition, Council will be responsible for arranging underground power connections to properties at extra cost, negotiation with landowners for the provision of land for switchgear sites and incorporation into the road reserve, all reinstatements and relocation of any other affected underground utilities. There are two switchgear sites to be located on current private property, two on the existing road reserve and one on Council property. There is a 12 sq.m. land requirement for each switchgear site, and this would probably cost nominally \$20,000 to acquire from the private property



owners. There may also be planning ramifications with resulting reduced parking areas.

An indicative quotation (December 2003) of \$91,202 (plus GST) has been received to undertake all the underground property connections following the undergrounding of power.

2. Roadworks/Streetscape Concept

As a result of the initial survey the primary issues of concern raised included:

- Restricted access to business and residential properties due to the new median islands (no right turns)
- Increased congestion and queuing (as one through lane each direction not enough)
- Public transport and emergency vehicle provisions
- Contribution to undergrounding power
- Visibility due to tree planting
- No pedestrian / cyclist facilities indicated

Accordingly, to address these and any other issues, an informal workshop was undertaken in March 2004 at the Civic Centre Halls and affected business owners / operators and residential owners / tenants attended.

As a result of the consultations and workshop the plans were further developed to reflect many of the suggestions made and to address the various concerns. The final concept plans were developed by Council's engineering consultant, Sinclair Knight Merz (road improvement plan) and landscaping consultant, Gerard Healy and Associates (streetscaping plan). The plans maintain accessibility to the existing business and residential properties and at the same time calming traffic movements along the road.

The proposed streetscaping was extended from the initial basic minimal treatment to a comprehensive integrated treatment more appropriate to Council's intentions for the function and character of the section of road. This incorporates entry statements, mature lines of trees, low wall screenings, pedestrian seating areas, etc. The entry statements need some incorporation into adjacent private property.

The final concept plans were displayed in November 2004 at the Civic Centre Halls and interested and affected parties invited to view the proposals and make any comments. No objections were received from the small response, though there was an objection after the display to the use of palm trees in the



streetscape. This was from a resident not directly affected by the proposed treatment.

The original allowance for a minimal streetscape treatment was in the order of \$75,000. A comprehensive treatment reflecting the intended character and amenity of the 'town centre' type refurbishment would cost in the range of \$710,000 (plane trees and eucalyptus) to \$785,000 (palm trees and eucalyptus), depending on the extent and variety of entry statements, mature tree plantings and pedestrian area facilities.

3. Fremantle-Rockingham Bus Transitway

The Department for Planning and Infrastructure objected to the downgrade of the intended function of Rockingham Road as a District Distributor of traffic, particularly as an important public transport route and the detrimental effect on the possible future dedicated Transitway. It should be noted that Council resolved in December 1999 not to support a dedicated Transitway in Rockingham Road until the effects of the Hampton Road Transitway were reviewed.

The Department has conducted a limited study into the before and after effects on traffic of the Hampton Road Transitway. A review of the traffic volumes before and after the implementation of the bus lanes on Hampton Road was undertaken to determine any subsequent traffic impacts that have occurred on Hampton Road and the adjacent road network.

The daily traffic flow on Hampton Road has decreased by 8% from 22,870 vehicles per day (May 2000) to 20,960 vpd (September 2001). The bus lanes were installed in July 2001. However, the traffic volumes in the adjacent network, on Stock Road, Carrington Street, South Terrace and Marine Parade, all increased by up to 10%. As an indication the current traffic volume in Rockingham Road is about 16,000 vpd.

A limited investigation has been conducted to determine the impact of the Hampton Road Transitway on properties, such as noise vibration, property access and values. The effects must have been minimal as there have been no public complaints in these areas.

The above Hampton Road findings would be indicative of the effects of reducing Rockingham Road to one through lane in each direction.



4. Raised Central Island – Phoenix Road/Lancaster Street

At the Ordinary Meeting of Council held in April 1997, it was resolved to proceed with the design and construction of an unbroken raised continuous median island in Rockingham Road between Phoenix Road and Lancaster Street, to be funded by trust funds being held for that purpose (about \$10,000) and provided by the property developers on both sides of the section of Rockingham Road, any shortfall being provided from Budget funds allocated for the development of the public areas in the Phoenix Civic Precinct. This was a planning condition of the redevelopments on both sides of Rockingham Road to improve traffic safety by eliminating right turns. Following strong objections from the new adjacent business operations, Council at its Ordinary Meeting held in August 1997 decided to defer the installation of a raised central island in Rockingham Road between Phoenix Road and Lancaster Street for 12 months or when a planned rear link access road in Phoenix Plaza was completed.

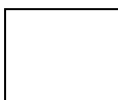
This rear link access road between Phoenix Road and Lancaster Street has just been completed. Consequently, there is now a requirement to construct the median island. It should be noted that at least 16 traffic accidents in the four year period to 31st December 2004 could have been avoided if the median island was in place.

The redevelopment of Rockingham Road with one through traffic lane in each direction can accommodate a right turn pocket in the widened central median that will afford improved protection for turning traffic. The adjacent businesses are requesting more than one turning pocket. Consequently, it is considered that, should the redevelopment of Rockingham Road proceed in accordance with the concept plan, one right turn protected pocket for each side of the road could be provided to provide access relief for the businesses.

5. Traffic Impacts on Adjoining Road System

Sinclair Knight Merz investigated the possible traffic impacts on the adjoining road system in the event that Rockingham Road is reduced to one lane in each direction between Phoenix Road and Spearwood Avenue. They concluded that:

- there could be a diversion of about 1,000 vehicles per day from Rockingham Road to Hamilton Road, with traffic volumes slowly increasing in the future. Hamilton Road traffic would increase at a slightly higher rate than Rockingham Road traffic.



- traffic is not expected to divert to major parallel routes such as Cockburn Road or Stock Road, or to local roads in the vicinity of Rockingham Road.

There was strong concern from a Hamilton Road resident that the Rockingham Road treatment would push an extra 1,000 vehicles per day into her street. Current traffic flow in Hamilton Road between Phoenix Road and Spearwood Avenue is about 8,200 vehicles per day.

Hamilton Road is classified as a District Distributor B road, which would be expected to accommodate 7,000 to 15,000 vehicles per day (according to Liveable Neighbourhoods WA). That is Hamilton Road should comfortably accommodate the extra 1,000 vehicles per day without compromising its intended hierarchical function.

6. Cost Estimate

In view of the substantial increase in funds needed to satisfy Western Power's requirements for undergrounding power, and the extensive landscaping/streetscaping requirements now identified, the cost of the project has been estimated as follows:

• Roadworks	\$430,000
• Underground Power	
* Western Power	\$785,000
* Property Connections	\$95,000
* Land Requirements	\$20,000
* Ancillary Costs	<u>\$20,000</u>
	<u>\$920,000</u>
• Landscaping	
* Footpath Paving	\$230,000
* Soft Landscaping / Irrigation	\$320,000
* Street Furniture	<u>\$235,000</u>
	<u>\$785,000</u>
• Consultants	\$150,000
• On Costs	\$15,000
TOTAL	<u>\$2,300,000</u>

There will also be substantial ongoing costs to maintain the landscaping to a high standard, maintain the street furniture, attend to the increased attractiveness to vandalism, street clean to a high standard, clear deciduous leaves, etc. The annual on-going costs of these has been estimated as follows:



- **Roads maintenance** **\$25,000 per year**
- **Parks maintenance** **\$38,000 per year**

7. Conclusion

Due to the high costs of undergrounding the power and installing an appropriate streetscaping treatment commensurate with Council's intended function and character for the proposed upgraded section of Rockingham Road, it is considered that this project should not proceed at this stage. However, the construction of the central island between Lancaster Road and Phoenix Road should proceed.

There are also issues with extending the treatment into private property and negotiating with property owners for land requirements and integrated internal treatments.

It should be noted that the traffic signals at Lancaster Street and Phoenix Road incorporate pedestrian crossing facilities, including pram/wheelchair access. These are the safest crossing locations and pedestrians should be encouraged to cross here. It is illegal under the Road Traffic Code to cross a road within 20 metres of a pedestrian crossing.

Given this, it is not recommended that pedestrians be encouraged to cross Rockingham Road between Phoenix Road and Lancaster Street.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Area that applies to this item is :-

2. Planning Your City
 - *"Planning the development of the City to achieve high levels of convenience, amenity and a sense of community."*

Budget/Financial Implications

The current Budget allocation, with \$832,000 remaining, is inadequate to undertake the project to the developed concept. As the required allocation is in the order of \$2.3M, this should only be budgeted having regard to Council's major projects program and future available funding. The median island treatment may require some Council funding to supplement the developer funding which is \$9,000. This can be provided from the Budget allocation for Traffic/ Safety Management-Minor Works.



Legal Implications

N/A

Community Consultation

Extensive consultation has been undertaken with affected fronting property owners and tenants as directed by Council. More widespread public consultation to the general community should not be undertaken until Council commits the additional funding to undertake the project .

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A.

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

Nil

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

19.1 (MINUTE NO 2813) (OCM 17/05/2005) – ROTATION OF POSITION OF DEPUTY MAYOR (1701) (DMG/CLR TILBURY)

RECOMMENDATION

That Council requires the Delegated Authorities, Policies and Position Statements Committee to formulate a Policy for Council consideration that has the effect of rotating the position of Deputy Mayor among Councillors wishing to be considered for the position for terms of 12 months each.



COUNCIL DECISION

MOVED Cllr A Tilbury SECONDED Cllr S Limbert that the recommendation be adopted.

MOTION LOST ON CASTING VOTE OF PRESIDING MEMBER 5/5

Explanation

It was established that some Elected Members expressed an interest in performing the role of Deputy Mayor. This would give other Elected Members the opportunity and experience in carrying out the role of Deputy Mayor.

Background

By email received 10 May, 2005, the following Notice of Motion for consideration at the Ordinary Council Meeting of 17 May, 2005, was submitted by Councillor Tilbury.

That Council requires the Delegated Authorities, Policies and Position Statements Committee to formulate a Policy for Council consideration that has the effect of rotating the position of Deputy Mayor among Councillors wishing to be considered for the position for terms of 12 months each

Submission

To consider the development of a Policy to rotate the position of Deputy Mayor for terms of one year.

Report

Prior to the election of the Deputy Mayor at the Special Council Meeting held on 10 May, 2005, discussion was held between some councillors on the potential to rotate this position on an annual basis. It was mentioned that this is the practice adopted by the City of Melville and instituted by way of a policy, a copy of which is attached.

Subsequent to this, the position of Deputy Mayor was filled by Councillor Graham, following an election conducted for that purpose. The term of the appointment is for 2 years, expiring May 2007. The practice adopted by the City of Melville is reliant upon the elected incumbent to the position stepping down after the first year in each term, thus requiring the re-election of a Deputy Mayor for the final year of the term. All Policy matters must be referred to the Delegated Authorities, Policies and Position Statements Committee for consideration prior to being deliberated by Council.



Strategic Plan/Policy Implications

Key Result Area “Managing Your City” refers.

Budget/Financial Implications

N/A

Legal Implications

Sec. 2.28 of the Local Government Act, 1995, refers.

Community Consultation

N/A

Attachment(s)

City of Melville Policy C25 “Terms of Office”

Advice to Proponent(s)/Applicant

N/A

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

Nil.

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

Nil

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

21.1 (MINUTE NO 2814) (OCM 17/05/2005) - DELEGATE - ALCOA KWINANA ENVIRONMENTAL IMPROVEMENT PLAN REFINERY WORKING GROUP (1701) (DMG)

RECOMMENDATION

That Council appoint Clr Oliver as a delegate to the Alcoa Environmental Improvement Plan Refinery Working Group.



COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

At the Special Council Meeting held on 10 May 2005, delegates to external organisations, including this Working Group, were appointed. Alcoa has invited two Elected Members to be delegates and has appointed Clr Baker as one of these, leave the other vacant.

Submission

To appoint Clr Oliver as an additional Council delegate to the Group.

Report

Clr Oliver has previously been a Council appointed delegate to this Group and wishes to continue in this role. As meetings are conducted on a regular basis (every three weeks) an appointment is necessary in the first instance to allow this to continue.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City refers.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A



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

Nil.

21.2 (MINUTE NO 2815) (OCM 17/05/2005) - APPROVAL TO ATTEND JUNE 2005 COUNCIL MEETING BY INSTANTANEOUS COMMUNINCATION (1070) (DMG) ([ATTACH](#))

RECOMMENDATION

That Council approves of the arrangement for Deputy Mayor Graham to participate in the Council Meeting of 9 June 2005, via telephone link from the Stamford Plaza Double Bay Hotel in Sydney between the hours of 7.00 pm (Western Australian Standard Time) until the completion of the meeting.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Clr K Allen that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

A recent amendment to the Local Government (Administration) Regulations now enables Elected Members to participate in Council meetings under certain conditions via "instantaneous communication" channels, if they are unable to attend the meeting in person. Deputy Mayor Graham has advised that he will be attending a conference in Sydney as a Council delegate on the date of the June 2005 Council Meeting and would like to participate in the Council Meeting via telephone link.

Submission

For Council to approve of the arrangements for Deputy Mayor Graham to participate in the Council Meeting to be held on 9 June 2005 by telephone link-up from Sydney.

Report

A briefing paper has been prepared outlining the likely issues which will require consideration by Council in advance of approving the arrangements and place being proposed to include Deputy Mayor Graham as a participant at the June 2005 Ordinary Council Meeting (see attachment). Deputy Mayor Graham has advised that he will be



staying in a private room at the Stamford Plaza Double Bay Hotel in Sydney on the evening of the 9 June 2005 Council Meeting and will be unaccompanied. It is intended to use the room as the place from which to participant in the meeting proceedings, either by way of a hotel provided telephone or personal mobile telephone, should the room telephone not have a hands free and speaker function.

As there will be no other persons present for the duration of the connecting call and all information will be provided to Deputy Mayor Graham via email to his Council computer address or, if necessary, to the hotel by facsimile, it is considered the hotel room is a suitable place for the purposes of the legislation. An appropriate telephone communication system is being sourced for purchase or hiring to accommodate Council's requirements.

In all other respects, the meeting processes are expected to comply with legislative requirements and it is therefore recommended that Council approves of the arrangements and place proposed to conduct the meeting.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Funds are available in the Governance – Elected Members Expenditure Account 110-6246 – Councillor Communication Expenses for the cost of the telephone call. The cost of equipment to purchase and install is estimated at \$2,000 and will need to be sourced from within the current budget.

Legal Implications

Regulation 14A of the Local Government (Administration) Amendment Regulations 2005 refers.

Community Consultation

N/A

Attachment(s)

Briefing Notes for Conducting a Council Meeting with an Elected Member(s) by Means of Instantaneous Communication.

Advice to Proponent(s)/Applicant

N/A



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

Nil.

21.3 (MINUTE NO 2816) (OCM 17/05/2005) - APPROVAL FOR ELECTED MEMBERS TO ATTEND THE FUTURE OF LOCAL GOVERNMENT SUMMIT 2005 (1701) (SGC)

RECOMMENDATION

That Council approves the attendance of Mayor Lee and Cirs Limbert, Baker and Oliver to attend the Future of Local Government Summit 2005 in Melbourne 7-8 June 2005.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 10/0

Background

Council's policy on attendance at Conferences (AES6) allows the CEO to accept nominations for a maximum of two delegates to attend an interstate conference. Where more than two Councillors nominate to attend, this matter is to be brought to the next Ordinary Council meeting.

The future of Local Government Summit 2005 is being held in Melbourne from 6 - 7 June 2005. More than two Councillors have sought to attend this conference, which requires that Council make a determination on such attendance.

Submission

N/A

Report

The conference has a number of high profile international authorities presenting on the future of the local government sector. As Council is about to embark on a new Strategic Plan, the material being presented appears highly relevant to this process. While in Melbourne the Councillors attending the conference intend combining this with a look at a number of facilities, including a Materials Recovery Facility and



Youth Centre. Council currently has both of these types of facilities as major projects for its own capital works program.

Strategic Plan/Policy Implications

Items being presented at the Conference are relevant to Council's Strategic Planning process.

Budget/Financial Implications

Funding for conference attendance is available and is within the allocations for the elected members seeking to attend.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A

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

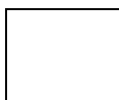
Council policy AES6 requires that this item be presented to an Ordinary Council meeting for determination.

22 (OCM 17/05/2005) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Clr Whitfield requested for an investigation to be made in relation to ways of controlling pest animals impacting on the City's conservation areas.

23. CONFIDENTIAL BUSINESS

Nil



24. **(MINUTE NO 2817) (OCM 17/05/2005) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

RECOMMENDATION

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

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

COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr L Goncalves that the recommendation be adopted.

CARRIED 9/1

25 **(OCM 17/05/2005) - CLOSURE OF MEETING**

MEETING CLOSED 9.20 PM

CONFIRMATION OF MINUTES

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

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

