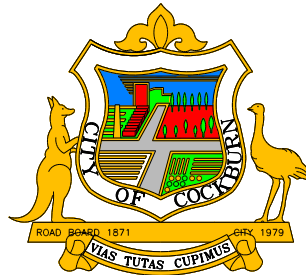


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 19 JUNE 2001**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 19 JUNE 2001 AT 7:30 P.M.

	Page
1. DECLARATION OF MEETING	1
2. APPOINTMENT OF PRESIDING MEMBER (If required)	1
3. DISCLAIMER (To be read aloud by Presiding Member).....	1
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member).....	1
5. APOLOGIES AND LEAVE OF ABSENCE.....	1
6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
7. PUBLIC QUESTION TIME.....	2
8. CONFIRMATION OF MINUTES	2
8.1 (OCM1_6_2001) - ORDINARY COUNCIL MEETING - 15/5/2001	2
8.2 (OCM1_6_2001) - SPECIAL COUNCIL MEETING - 29/5/2001	2
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE.....	3
10. DEPUTATIONS AND PETITIONS.....	3
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (If adjourned)	3
12. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING	3
13. COUNCIL MATTERS.....	3
13.1 (OCM1_6_2001) - PROPOSED NEW REGISTER OF DELEGATED AUTHORITY TO OFFICERS (1054) (DMG) (ATTACH)	3
13.2 (OCM1_6_2001) - COUNCIL POSITION STATEMENTS (1054) (DMG) (ATTACH)	5
13.3 (OCM1_6_2001) - PROPOSED NEW POLICY MANUAL (1054) (DMG) (ATTACH)	7
13.4 (OCM1_6_2001) - CODE OF CONDUCT - ELECTED MEMBERS AND STAFF (1054) (RWB) (ATTACH)	9

13.5	(OCM1_6_2001) - PROPOSED AMENDMENT TO POLICY SC16 "ELECTED MEMBERS AREA" (1054) (RWB) (ATTACH)	10
14.	PLANNING AND DEVELOPMENT DIVISION ISSUES	11
14.1	(OCM1_6_2001) - NEW ADMINISTRATIVE POLICY - ROAD RESERVE AND PAVEMENT STANDARDS (3309087) (MR) (ATTACH)	11
14.2	(OCM1_6_2001) - METROPOLITAN / CENTRAL COAST REGIONAL COASTAL FACILITATOR PROJECT (1332) (SMH)	13
14.3	(OCM1_6_2001) - PROPOSED SUBDIVISION - LOTS 74, 75-77, 78-80, 85-87, 88-91, 82 & 83 WATSON ROAD, YANGEBUP - OWNER: C RADONICH - APPLICANT: BSD CONSULTANTS (116436) (MR) (ATTACH)	15
14.4	(OCM1_6_2001) - PROPOSED MULTI-BAY CARWASH - LOT 29; 448 ROCKINGHAM ROAD, SPEARWOOD - OWNER: SCARSDALE HOLDINGS PTY LTD - APPLICANT: M BALMER (3309087) (MR) (ATTACH)	21
14.5	(OCM1_6_2001) - POSSIBLE COUNCIL PRESENCE IN THE PROPOSED THOMSONS LAKE TOWN CENTRE (9629) (SMH)	26
14.6	(OCM1_6_2001) - MURDOCH UNIVERSITY MASTERPLAN (9806) (SMH) (ATTACH)	28
14.7	(OCM1_6_2001) - PROPOSED RELOCATION OF COUNCIL COMMUNITY PURPOSE SITE - GATEWAYS SHOPPING CENTRE SITE - AMENDMENT TO DISTRICT ZONING SCHEME NO. 2 (18344) (MR) (MAP 15) (ATTACH)	34
14.8	(OCM1_6_2001) - PERTH BIODIVERSITY PROJECT - REQUEST FOR FUNDS - WAMA (1332) (SMH)	37
14.9	(OCM1_6_2001) - PROPOSED JAMES POINT PRIVATE PORT (STAGE 1) - RESPONSE TO PUBLIC ENVIRONMENTAL REVIEW (9248) (KS/SOS/AB/SMH)	39
14.10	(OCM1_6_2001) - PROPOSED JAMES POINT LIVESTOCK HOLDING FACILITY (9248) (KS/SOS/AB/SMH)	52
14.11	(OCM1_6_2001) - PROPOSED ADDITIONS TO EXISTING NURSING HOME - LOT 51; 382 CARRINGTON STREET AND LOT 63; 27 IVERMEY ROAD, HAMILTON HILL - OWNER: HAMILTON HILL OWNERSHIP PTY LTD - APPLICANT: MONTAGUE GRANT ARCHITECTS PTY LTD (2203743; 2205124) (MR) (ATTACH)	62
14.12	(OCM1_6_2001) - PROPOSED MODIFICATION TO CELL 9 STRUCTURE PLAN - YANGEBUP (9620) (SOS) (MAP 8/9) (ATTACH)	65
14.13	(OCM1_6_2001) - REQUEST FOR CLOSURE OF PEDESTRIAN ACCESSWAY - MOONDARRA CIRCLE / DULVERSON PLACE, SOUTH LAKE (45/0445) (SOS) (MAP 14) (ATTACH)	67
14.14	(OCM1_6_2001) - GREENING PLAN (6129) (AJB) (ATTACH)	73
14.15	(OCM1_6_2001) - BANJUP HORSETRAILS (8124) (AJB) (ATTACH)	78
14.16	(OCM1_6_2001) - REQUEST FOR CLOSURE OF PEDESTRIAN ACCESSWAY - LITTLE RUSH CLOSE / BLACKTHORNE CRESCENT, SOUTH LAKE (45/0716) (SOS) (MAP 14) (ATTACH)	81
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES	87
15.1	(OCM1_6_2001) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)	87
15.2	(OCM1_6_2001) - FREEHOLD LOTS - NORTH LAKE ROAD, BIBRA LAKE - MINISTRY FOR PLANNING - DEDICATION TO PUBLIC ROAD (450010) (KJS)	88
15.3	(OCM1_6_2001) - ADOPTION OF MUNICIPAL BUDGET (5402) (ATC)	89

15.4	(OCM1_6_2001) - FLEETWOOD CORPORATION PTY LTD - WOODMAN POINT CARAVAN PARK - REQUEST FOR DIFFERENTIAL RATES (3316780) (ATC) (ATTACH)	90
15.5	(OCM1_6_2001) - PRINCIPAL ACTIVITIES PLAN - 1 JULY 2001 TO 30 JUNE 2005 (5406) (ATC) (ATTACH)	95
15.6	(OCM1_6_2001) - LOCAL GOVERNMENT SUPERANNUATION - PETITION BY STAFF (2405) (ATC) (ATTACH)	96
16.	ENGINEERING AND WORKS DIVISION ISSUES	100
16.1	(OCM1_6_2001) - TENDER NO. 19/2001 - SUPPLY AND DELIVERY OF ONE (1) SEVEN (7) REEL HYDRAULIC TRAILING GANG MOWER, INCLUDING SALE OF ONE (1) NAYJON FIVE (5) GANG MOWER BY TRADE-IN OR AUCTION (4408) (GG) (ATTACH)	101
16.2	(OCM1_6_2001) - POSITION STATEMENT FOR LOCAL AREA TRAFFIC MANAGEMENT (1030) (BKG/JR) (ATTACH)	102
17.	COMMUNITY SERVICES DIVISION ISSUES	106
17.1	(OCM1_6_2001) - YOUTH ADVISORY COUNCIL MEETINGS (8639) (RA)	106
17.2	(OCM1_6_2001) - CINEMA PROPOSAL - MANNING PARK (2207525) (RA)	107
17.3	(OCM1_6_2001) - SOUTH LAKE LEISURE CENTRE FEE SCHEDULE (8143) (RA)	112
18.	EXECUTIVE DIVISION ISSUES	118
19.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	118
20.	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING	118
21.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY COUNCILLORS OR OFFICERS	119
22.	MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE ..	119
23.	CONFIDENTIAL BUSINESS	119
24.	RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)	119
25.	CLOSURE OF MEETING	119

CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 19 JUNE 2001 AT 7:30 P.M.

1. **DECLARATION OF MEETING**

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

3. **DISCLAIMER (To be read aloud by Presiding Member)**
Members of the public who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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

5. **APOLOGIES AND LEAVE OF ABSENCE**

6. **ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
 - 6.1 **(OCM1_6_2001) -**

Colin Crook – Public Question Time – Ordinary Council Meeting – 15 May 2001 – asked for a definition of what is a Kiosk/Shop and a Dining/Café?

A response dated 23 May 2001 from the City Surveyor/Land Officer advised that, a Shop is defined as a place for the sale of goods and services whereas, a Kiosk is a small structure having one or more open sides and used as a refreshment stand. It is envisaged that the counter for the Shop aspect of the building and the counter for the

Kiosk aspect of the building will be serviced by the same service area. The Shop will provide services being food and drinks to patrons at tables and chairs, whereas the Kiosk will serve patrons takeaway food and drink.

Reference to Dining/Café would suggest a combination of a dining room and a café. Thus a dining room being a room in which meals are eaten and café being an establishment that includes indoor and outdoor eating within a commercial establishment.

7. PUBLIC QUESTION TIME

Nil

8. CONFIRMATION OF MINUTES

8.1 (OCM1_6_2001) - ORDINARY COUNCIL MEETING - 15/5/2001

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Tuesday, 15 May 2001 be confirmed as a true and accurate record.

COUNCIL DECISION

8.2 (OCM1_6_2001) - SPECIAL COUNCIL MEETING - 29/5/2001

RECOMMENDATION

That the Minutes of the Special Council Meeting held on Tuesday, 29 May 2001 be confirmed as a true and accurate record.

COUNCIL DECISION

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

Nil

13. COUNCIL MATTERS

13.1 (OCM1_6_2001) - PROPOSED NEW REGISTER OF DELEGATED AUTHORITY TO OFFICERS (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council adopt the Register of Delegated Authority to Officers, as contained in the attachments to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

This matter was deferred by the previous Council in November 2000, to enable the newly elected Council to consider the document. Pursuant to Section 5.46(2) of the Local Government Act, 1995, Council is required to review all delegations made at least annually. As this

review was last undertaken in November 1999, it is now necessary for the review to be considered again. At the March 2001, Council Meeting, Council deferred the item for consideration by this Committee. The Committee first met on 18th April 2001, where a number of matters, as outlined in the Minutes of the Meeting, were withdrawn for further input prior to reconsideration at the subsequent meeting held on 3 May, 2001, where it was agreed that all matters upon which a consensus or decision of the Committee had been reached would be perused and a recommendation made to Council at its June, 2001, Council Meeting. Minutes of all Committee Meetings are attached to the Agenda.

Submission

N/A

Report

During the most recent review of delegation of Council functions to officers, Council reduced the number of Policies requiring delegated authority to be performed, thus resulting in a significant streamlining of the process involved in administering the performance of delegated functions.

This outcome resulted in considerable time being saved by officers in having to conform with the onerous recording provisions which are administratively required as part of the delegation process.

However, it has been recognised that the numbering system attached to the delegations, particularly where they relate to the delegation of a Council Policy, is unwieldy and in many cases, confusing.

Therefore, it is considered appropriate to separate the Register of Delegated Authority into a more user friendly and easily identified format, particularly in relation to the Policies of Council, which are considered appropriate to delegate.

In order to achieve this, it is proposed to divide the Delegation Register into four distinct components, as follows:-

1. Delegations made under the Local Government Act, 1995 (including Council Local Laws), for which an annual review will be required;
2. Delegations made under other Legislative Heads of Power, for which no annual review is necessary;
3. Delegations made pursuant to Council's Administrative Policies, for which an annual review will be required; and

4. Delegations made pursuant to Council's Strategic Policies, for which an annual review will be required.

This methodology then enables the instrument of delegation in reference to Division (1) and (2) above, to be domiciled "as per the provisions of the (relevant legislative Head of Power)" under the heading of Legislative Requirements in each document of delegation.

It was envisaged that all delegations would be simply included in an alphabetical order (according to the first letter of the Head of Power), thereby deleting the requirement for a numeric system which could prove to be inconsistent and/or confusing as changes are made throughout the year. However, the elimination of the identification system has proved to be confusing and, therefore, an alphanumeric identity has been incorporated.

In addition, Divisions (3) and (4) of the Register (relative to Council Policies) can be conveniently referenced to the appropriate Council Policy number and by domiciling the Instrument of Delegation, under the title of Council Policy, "Council Policy No (insert number and title of Council Policy) refers".

Subsequently, any amendments, deletions or inclusions to those Policies subject to delegation can be easily managed and eliminates any potential confusion caused by the previous numbering system.

The system allows for simple electronic control and management of the Register and hard copies can continue to be colour coded for simplification in identifying the Council areas responsible for administering the delegations.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

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

Nil

13.2 (OCM1_6_2001) - COUNCIL POSITION STATEMENTS (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council notes the Manual of Council Position Statements as

contained in the attachments to the Agenda, to be utilised by Council officers as guidelines or practice notes in responding to any relative issues.

COUNCIL DECISION

Background

This matter was deferred by the previous Council in November 2000 to enable the newly elected Council to consider the document. Council subsequently deferred the item for consideration by this Committee. The Committee first met on 18th April 2001, where a number of matters, as outlined in the Minutes of the Meeting, were withdrawn for further input prior to reconsideration at the subsequent meeting held on 3 May, 2001, where it was agreed that all matters upon which a consensus or decision of the Committee had been reached would be perused and a recommendation made to Council at its June, 2001, Council Meeting. Minutes of all Committee Meetings are attached to the Agenda. During the recent review of Council's Policy Manual, an opportunity was identified to further streamline this process by removing many previously considered Council "Policy" statements and renaming these Council "Position" statements. In other words, reference to these positions previously adopted by Council will remain, but rather than include these statements in a Manual of Council Policies, it is considered they are more suited to becoming guidelines or reference notes for Council staff to follow on occasions when it is appropriate to follow a consistent course of action, based on these decisions of Council, which have been adopted in the past.

Submission

N/A

Report

Many of the statements appearing in previous Council adopted Policy Manuals have been identified as reasonably clear, simple and concise statements of how Council wishes to deal with specific or individual issues.

While it is appropriate for some of these to remain within the definition of Council Policy, it is apparent that the majority of them are capable of being utilised by staff to administer as a uniform and consistent process as part of their ongoing role, without approving anything on behalf of Council, which would normally require a Council decision.

In these circumstances, Council's intentions are clear and it is not considered necessary for such statements to bear the title of Council "Policy". It would be much simpler to note these decisions as Council's Position Statement on that and similar matters and have them used by staff as guidance and reference notes to deal with relevant issues as part of their normal duties.

The benefit of adopting such a practice, is that such statements can be constantly reviewed for their effectiveness due to their continuous exposure to staff, therefore increasing the probability that changing circumstances will be noticed other than during a formal review of procedures, which could conceivably not happen for a number of years.

Consequently it is recommended that a Manual of Council Position Statements be noted and they be regularly monitored and reviewed by staff. It is not intended that these Statements will be referred to Council annually as will Policies which are delegated. However, should changes, which are considered to impact against the community's wishes be evident, then they will be submitted to Council for examination.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

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

Nil

13.3 (OCM1_6_2001) - PROPOSED NEW POLICY MANUAL (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council adopt the Manual of Policy Statements, as contained in the attachments to the Agenda.

COUNCIL DECISION

Background

This matter was deferred by the previous Council in November 2000, to enable the newly elected Council to consider the document. Council subsequently deferred the item for consideration by this Committee. The Committee first met on 18th April 2001, where a number of matters, as outlined in the Minutes of the Meeting, were withdrawn for further input prior to reconsideration at the subsequent meeting held on 3 May, 2001, where it was agreed that all matters upon which a consensus or decision of the Committee had been reached would be perused and a recommendation made to Council at its June, 2001, Council Meeting. Minutes of all Committee Meetings are attached to the Agenda. It is Council practice to review its Policies on an annual basis in November each year, in conjunction with the statutory requirement to review the delegation of its functions.

Submission

N/A

Report

The review of the Council Policy Manual has resulted in a departure in format from that of previous years. Although the Policy Statements themselves are largely reflective of the intent of Council's current policies, in many cases, there have been adjustments made to the wording of the Policies to either clarify their intent or bring them into line with current practices or requirements. A summary sheet detailing these changes is provided at the beginning of the Policy Statements.

The main reason for the proposed amendments to the Policy document format, is to separate those Council Statements which are clearly of more strategic or corporate significance from those which serve a more administrative function.

In addition, there has been a conscious effort made for the Council Policies to remain at the forefront of the organisation by clearly relating each one to a functional service delivery area (service unit) of Council and, in the case of the Strategic Policies, ensuring there is a connection with these Statements to Council's Corporate Strategic Plan.

Consequently, this review has resulted in the revamp of the Policy document format to firstly, clearly identify those Statements of a corporate nature and separate those from the more practically applied Administrative Policies. The final outcome is a format which is considered to be clear in its focus and easy to follow in its content. A new numbering system has been introduced to further enhance the clarity of the document and to more easily identify the responsibility areas of each Policy statement.

By separating the Policies into “Administrative” and “Strategic” and identifying the area of Divisional responsibility for each statement (i.e. Executive Services (ES), Community Services (CS), Council (C), Engineering and Works (EW), Finance and Corporate Services (FCS) and Planning and Development (PD)), it is then simply a matter of adding an individual number to each Policy to complete the system. Hence, the Manual can be further divided by the use of this alphanumeric system; e.g. A (Administrative) ES (Executive Services Division) 1 (number) equates to Policy number AES1. Similarly, a Strategic Council area Policy number SC6 is identified as S (Strategic), C (Council), 6 (number). This trend is obviously repetitive throughout the document in a clear and consistent manner.

The major difference between the format of “Administrative” and “Strategic” Policies is that Administrative Policies make reference only to Business and Service Unit responsibility, while Strategic Policies include an additional section relating to the Key Result Area, Vision and Objective of the Corporate Strategic Plan to these Statements.

Policies designated as being subject to Delegated Authority (DA) can easily be cross-referenced to the DA Register, as outlined in a separate report to Council on this matter.

Strategic Plan/Policy Implications

Strategic Plan Key Result Area “Managing Your City” refers.

Budget/Financial Implications

N/A

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

Nil

13.4 (OCM1_6_2001) - CODE OF CONDUCT - ELECTED MEMBERS AND STAFF (1054) (RWB) (ATTACH)

RECOMMENDATION

That Council adopt the Code of Conduct documents for Elected Members and Staff, as contained in the attachment to the Agenda.

COUNCIL DECISION

Background

At the Council Meeting conducted in February 2001, Council resolved that a Committee be established to review the Codes of Conduct for Elected Members and Staff. The Committee has met on two occasions since, during which time a number of proposed amendments to the codes have been agreed upon. The Minutes of the meetings are attached.

Submission

N/A

Report

It is considered the proposed amendments to the Codes are reflective of the current practices of Council, both in terms of the Governance (Elected Member) and Executive (Staff) areas of the organisation and will be able to be implemented in a practical manner.

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.

Budget/Financial Implications

N/A

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

Nil.

13.5 (OCM1_6_2001) - PROPOSED AMENDMENT TO POLICY SC16 "ELECTED MEMBERS AREA" (1054) (RWB) (ATTACH)

RECOMMENDATION

That Council adopt amended Policy SC16 "Elected Members Area" as contained in the attachment to the Agenda.

COUNCIL DECISION

Background

Council's "Elected Area Usage Committee" has met recently to review the usage of those areas of the Council Building which are generally considered to be controlled by the Mayor and Councillors. The Minutes of the Committee meeting are attached to the Agenda.

Submission

N/A

Report

The Committee has reviewed the current usage patterns of the Elected Members Area and the proposed Policy generally reflects the status quo which has been the informal practice of Council in the past. The Policy merely commits usage of these areas in a written form to enable observance of certain rules to be monitored, if necessary.

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.

Budget/Financial Implications

N/A

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES**14.1 (OCM1_6_2001) - NEW ADMINISTRATIVE POLICY - ROAD RESERVE AND PAVEMENT STANDARDS (3309087) (MR) (ATTACH)****RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt Policy APD30 – Road Reserve and Pavement Standards” attached to the Agenda and include it in the Council’s Administrative Policy Manual.
- (3) adopt the Delegated Authority APD30 “Road Reserve and Pavement Standards” attached to the Agenda and include it in

the Council's Delegated Authority Register.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

This policy has been prepared as a result of subdividers seeking to reduce the road reserve widths of subdivisions to unacceptable widths of less than 15 metres. This causes difficulties in the provision of infrastructure within narrow verges and pressure for services to be located within the road pavement area which is totally inappropriate.

The Liveable Neighbourhoods allow road reserve widths to reduce to 13.0 meters in certain circumstances, which is at odds with the City's engineering standards.

A workable approach to the design of narrow road reserves and pavement widths is needed for urban subdivisions that achieves desired standards in terms of safety, convenience and provision of essential infrastructure.

Submission

N/A

Report

A policy has been prepared and is attached to the Agenda.

The purpose of the policy is primarily to provide for a consistent approach in determining the minimum road reserve widths for urban subdivisions.

The policy is self-explanatory and does not need any elaboration.

The recommendation is to adopt the policy and the delegated authority.

The policy does not require advertising under Clause 11.1.1 of the Scheme because the policy relates to subdivision, not development. Subdivision is the responsibility of the Western Australian Planning Commission to determine.

Strategic Plan/Policy Implications

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

Planning Your City

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

Budget/Financial Implications

N/A

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

The Council may make recommendations and include suggested conditions of approval or refusal relating to subdivisions within the district. The final decision on matters relating to conditions rests with the WAPC.

14.2 (OCM1_6_2001) - METROPOLITAN / CENTRAL COAST REGIONAL COASTAL FACILITATOR PROJECT (1332) (SMH)

RECOMMENDATION

That Council:

- (1) receive the letter from the Western Australian Municipal Association dated 1 May 2001, seeking funds for the Regional Coastal Facilitator Project;
- (2) does not contribute \$2,200-00 to the project and advise the Western Australian Municipal Association accordingly.

COUNCIL DECISION

Background

The Council, in March 1999 and 2000, paid \$2,500 each year as its contribution towards the Regional Coastal Facilitator Project. To date the Council has contributed a total of \$5,000.

Submission

The following letter dated 1 May 2001 was received from WAMA for the Council's consideration:-

"Metropolitan and Central Coast Local Governments have, for the past year and a half, supported the hosting of the Regional Coastal Facilitator position within WAMA by providing additional funding to add to the Commonwealth grant from Coasts and Clean Seas Branch of Environment Australia. The project was scheduled to finish in mid 2001.

The Commonwealth Government has advised that the position would be supported for one more year to bring the funding programs into line with the end of Natural Heritage Trust funding.

The purpose of this letter is twofold. Firstly to request a contribution from you to enable the project to continue and thereby ensure your access to the officer's expertise and capacity to attract further grant funds for your coastcare initiatives and secondly to offer thanks for your Local Government support given so far to this project.

It is acknowledged that some Local Governments will wish to pay out of remaining 2000/01 funds whilst others will be allocating funds in their 2001/02 budgets.

Please find attached a tax invoice for your contribution. I would be pleased to discuss this issue with you and can be contacted on 92132027."

Report

To date the Council administration has not used the services of the Coastal Facilitator Project.

The Environmental Management Services staff have only attended project committee meetings.

The Council recently adopted for public comment the "Integrated Coastal Management Strategy" for the City of Cockburn, prepared by Ecoscape (Australia) Pty Ltd and Coastwise, coastal planning consultants.

The coast within the City of Cockburn is controlled by the State, via regional reservations or public works (Jervoise Bay Shipbuilding Estate).

The Council has no planning powers over the coast, it only has a recommendation role. All approvals in the regional parks and recreation reserve and for public works are issued by the WAPC.

As far as the Port Catherine Marina is concerned, this is being developed under a State development agreement to which the Council is not a participant. The Council only has a recommendation role in the scheme amendment and subdivision process and following the adoption of the development plan under the agreement the Council may have the power to issue development approvals under its scheme. However, it is likely that the marina, being of State significance, will be subject to a clause 32, call-in, under the MRS, where two approvals are likely. One from the WAPC under the MRS and one by the Council under its local scheme.

Given this, the services of a Coastal Facilitator, as experienced to date, are of minimal benefit to the Council. Therefore, it is not recommended that a further contribution be made for the 2001/2002 financial year.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

If the Council supports the recommendation then no funds are required.

If the Council is of the opinion that it should continue to support this WAMA position, then the provision of the funds should be considered as part of the 2001/2002 budget deliberations.

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

Nil.

14.3 (OCM1_6_2001) - PROPOSED SUBDIVISION - LOTS 74, 75-77, 78-80, 85-87, 88-91, 82 & 83 WATSON ROAD, YANGEBUP - OWNER: C RADONICH - APPLICANT: BSD CONSULTANTS (116436) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise the Western Australian Planning Commission that it does not support the proposed subdivision application by BSD on behalf of the owner of Lots 74, 75-77, 78-80, 85-87, 88-91, 82 & 83 Watson Road, Yangebup for the following reasons:-
 1. The proposed subdivision would create a T-junction too close to the entry from Yangebup Road and future intersection with Beeliar Drive and reduce the ease of

access to residential lots.

2. The subdivision design is based on planning principles associated with separation of pedestrians and traffic through provision of cul-de-sacs that detracts from the permeability and legibility.
3. Increasing the size of Radonich Park is not warranted in this instance and there is an opportunity to incorporate Public Open Space within a central location within the subdivision design.
4. The realignment of Watson Road, which has recently been upgraded and adds to the ease of access and overall legibility of the estate, should be retained. The removal of the road and relocation of services is unnecessary.
5. The lot configuration is adversely affected by the road layout, which could create difficulties in the siting of single houses on lots and achieve desired standards in terms of solar orientation.

- (2) further advise the WA Planning Commission that it would only be prepared to support the subdivision application if it is redesigned generally in accordance with the sketch plan dated 24 May 2001, subject to the following conditions:

Special Conditions.

1. The subdivider preparing a Drainage Management Plan prepared by a suitably qualified practising Engineer, which should include the possibility that lots within the subdivision may be required for drainage purposes where other suitable alternatives cannot be achieved.
2. The subdivider contributing towards the cost of upgrading Beeliar Drive in accordance with a Developer Contribution Plan prepared by the Local Government.
3. The subdivider executing an agreement with the Commissioner of Main Roads WA for the acquisition of the land required for road widening which is shown on the plan (attached). The land required for road widening is to be shown as 'Road Widening' on the Diagram or Plan of Survey (Deposited Plan).
4. Pro rata contributions to be made to the Education Department for the primary school site.

5. The Trunk Sewer Pipe Reserve between Lots 4 and 5 (Zuvella Place) to be shown as an access place or PAW and being constructed by the subdivider to the specification of the Local Government and the satisfaction of the Commission.
 6. The proponent upgrading View Street and Howe Street including road construction and drainage to the satisfaction of the Local Government.
- (3) adopt modifications to the Yangebup – Local Structure Plan (Cell 8) in accordance with the sketch plan attached to the Agenda and forward the revised structure plan to the Western Australian Planning Commission in accordance with clause 8.2.15.2 of the City of Cockburn Town Planning Scheme – District Zoning Scheme No 2.

COUNCIL DECISION

Background

The Western Australian Planning Commission granted approval to subdivide the same land into 112 residential lots on 29 April 1998. The approval was valid for a period of 3 years, which has recently expired.

Submission

The applicant seeks a renewal of approval to subdivide the land into 112 residential lots. Lot sizes are proposed from 575m² to 700m². (refer to plan attached to the Agenda.)

The realignment of Watson Road is proposed to facilitate the expansion of Radonich Park by 1.02 hectares.

New subdivisional roads are proposed within the central and northern section of the land.

The applicant has reviewed the City's revised sketch plan (24 May 2001). Their comments are summarised accordingly:-

- The design would appear to require an extra 450 metres of road costing an extra \$250,000 including services;
- The extra roads would use some 6,000m² of additional land and equate to a loss of 11 lots. Difficult to substantiate that there would

not be the same number of lots unless these were significantly smaller;

- The suggested location of the separate area of POS does not take into consideration the contours and not suited from a development perspective; and
- The design does not recognise the ownership boundaries and would have a very deleterious impact on the yield of the minor landowner.

Report

Yangebup – Local Structure Plan

The proposed subdivision conforms to the Yangebup – Local Structure Plan for Cell 8 south of Beeliar Drive (refer to plan attached to the Agenda). The Structure Plan was prepared several years ago prior to the Livable Neighbourhood – Community Codes prepared by the Western Australian Planning Commission (WAPC).

Assessment of the Proposed Subdivision Design

There are several concerns with the proposed subdivision from a planning perspective that are outlined below:

- The applicant's changes to Watson Road off Yangebup Road include a short section of street to arrive at a 'T' junction with Congdon Avenue. Access to the southern section of Watson Road is then indirect and requires a deviation around Radonich Park. There is also an extra cost associated with the relocation of services (ie power, drainage etc.) situated within the road reserve of Watson Road;
- The applicants road design is not permeable nor is it legible for motorists or pedestrians etc.
- Increasing the size of Radonich Park is not warranted in this instance and there is an opportunity to incorporate public open space within a central location;
- The resulting subdivision pattern also would create irregular lot shapes that could pose a difficulty siting houses to comply with the City's requirements. The lots also do not maximise solar orientation by a 'north –south' direction;

Modified Subdivision Design

It is recommended that the proposed subdivision design be amended into a grid road pattern (refer to sketch plan dated 24 May 2001). A sketch plan has been prepared by the City to demonstrate how this could be achieved. The major elements include:-

- The same lot yield as the applicant's proposal albeit with smaller lot sizes that are more reflective of the current R20 Code;
- A square shaped pocket park located in the centre of the subdivision for ease of access bordered on all sides by roads and linked to a future residential south;
- A grid road pattern with better permeability and legibility;
- Better lot configuration for positioning houses and solar orientation;
- Consistent with Liveable Neighbourhoods – Community Design Codes; and
- Retains the direct north-south alignment of Watson Road and reduces the costs otherwise incurred with the relocation and closure of a section of this road.

Variation to Structure Plan

District Zoning Scheme No 2 allows the Council to vary a structure plan by resolution if it believes that the variation does not materially alter the intent of the structure plan. The Council in modifying the structure plan must forward a copy of the variation to the Commission within 10 days of making the decision. The changes to the structure plan only affect a small section of the structure plan and do not change the location of planned centres or the intended residential use of the land. On this basis it could be accepted that the changes recommended do not alter the intent of the structure plan. Its modification could be supported to facilitate changes to the subdivision design.

Other Comments

As the applicant has objected to the recommended design changes, the following comments are provided:-

1. The City undertook a simple comparison between the applicant's plan and the sketch plan dated 24 May 2001. The applicant believed an extra 450 metres of road is required with the City's sketch plan. This is more likely to be about 150m of extra road. Keeping Watson Road intact can also reduce these costs. Access places (10.0m wide) could be used in locations where access is limited to one or two lots to reduce land taken up by roads.
2. Additional land for roads is required (approx. 1800m²) with the City's sketch plan, to that proposed by the applicant. The land required for roads could be reduced to 1200m² by incorporating access place into the design. The lot yield is also the same as proposed. This is achieved by reducing lot sizes to areas that are more reflective of the current R20 Code.

3. The City's sketch plan includes a central area of public open space (POS) on land that has less consideration to contours than the applicant's plan, but is still useable. The applicant's location for POS is still less favourable in terms of access, permeability and legibility.
4. The City's sketch plan could affect the distribution of proposed lots with the minor landowner. The applicant seems to be referring to Lot 74 Howe Street. This is not a valid planning consideration in the assessment but is a project management consideration. To minimise any adverse impact on the minor owner, the proposed road link could be converted to a minor access place.

The proposed subdivision layout on the above basis is not supported. The recommended design modifications proposed are appropriate and reasonable. There is an opportunity for the applicant to enhance the subdivision sketch plan dated 24 May 2001 prepared by the City.

Strategic Plan/Policy Implications

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

Planning Your City

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

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."*

Maintaining Your Community Facilities

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

- *Construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use.”*

Budget/Financial Implications

N/A

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

Nil.

14.4 (OCM1_6_2001) - PROPOSED MULTI-BAY CARWASH - LOT 29; 448 ROCKINGHAM ROAD, SPEARWOOD - OWNER: SCARSDALE HOLDINGS PTY LTD - APPLICANT: M BALMER (3309087) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the proposed Self Serve Multi-bay carwash on Lot 29 No 448 Rockingham Road, Spearwood, subject to the following conditions:

Standard Conditions

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

Special Conditions.

1. A detailed report being prepared by a qualified consultant certifying that the land has been decontaminated in accordance with the Department of Environmental Protection guidelines.
2. An acoustic report for the carwash facility being prepared by a suitably qualified acoustic consultant, demonstrating compliance with the Environmental protection (Noise) Regulations 1997.
3. A detailed report being prepared by a qualified lighting consultant certifying that the illumination will be confined within the site such as to comply with the Australian Standard AS4282 in “Control of Obtrusive Effects of Outdoor Lighting – 1997”

4. The hours of the carwash operations being restricted to 7am – 10pm for each day of the week.
5. Vehicle access is restricted to the northern most crossover to Rockingham Road and the new crossover proposed onto Barrington Street. The existing crossovers nearest to the intersection of Rockingham Road and Barrington Street must be closed and the verge reinstated.
6. The design and operation of the facility must ensure that overspray does not cause a nuisance to the owners and occupiers of the adjoining commercial and adjacent residential lots, to the satisfaction of the City.

COUNCIL DECISION

Background

The property has been occupied previously for over 10 years as a service station.

The surrounding land uses comprise a mix of residential lots on the opposite side of Rockingham Road and Barrington Street. The site itself is close to the local shopping centre and other commercial uses.

Submission

The applicant seeks development approval to use a service station as a multi-bay carwash facility.

The applicant believes that self-serve carwash facilities have become increasingly popular in recent years. They allow motorists the convenience of cleaning of their vehicles, without any harm to the environment with substantial savings in water consumption. The proposed facility includes the following elements:-

- Self serve wash bays for cars, boats/caravans, motor bikes;
- Self serve vacuum bays for cars; and
- Self serve detailing bays for motor bikes and cars.

The site was selected for its past use as a service station and its location in the centre of the catchment area of Spearwood and Coogee. It is proposed to close one existing 10.0 metre wide

crossover on Rockingham Road and relocate another on Barrington Street further away from the intersection. The applicant believes the two remaining crossovers will allow sufficient and secure access to and from the property without unnecessary traffic movements.

Building Design

The submitted plans are conceptual only with final plans being prepared upon receiving approval. The applicant wants to construct a modern and enjoyable place away from the common industrial look.

Hours of Operation

To avoid and manage loitering, vandalism and waste dumping the site will be under 24 hour video surveillance and security. The initial operating hours proposed by the applicant were from 5am and close at the same time as the adjoining hotel.

The applicant believes that if the facility was only open when customers were at work, the carwash would not survive. As the carwash will be lit, motorists who work longer hours would be able to use the facility anytime. Longer opening hours would result in less vandalism. The carwash can be closed using a timer, while money can be inserted, the equipment will not work.

To address the residents' concerns about a 24 hour operation the applicant recently offered to reduce the hours of operation from 0700 to 2200 seven days a week.

Lighting

The carwash is proposed to be illuminated all night (dimmed down) for the purpose of 24 hour video surveillance. Lighting must be bright enough in the right places for customers to see what they are doing. And secondly to enable video surveillance to reduce vandalism etc. Bright lighting is proposed within the wash bays, less bright lighting in the vacuum bays and some perimeter lighting (garden path type). Light spillage across the road can be avoided using shade sails as already planned for the cleaning and vacuum bays.

Noise Management

The applicant has identified several potential noise aspects with people driving on/off the premises – getting in and out of cars, high pressure water spray, vacuum cleaner. During the day it is believed that none of these activities would be noticed as the traffic noise from Rockingham Road would exceed on-site noise levels. All machinery will be fitted into noise insulated equipment room. Outdoor vacuums are also noise insulated or alternative ducted (motor in equipment room). At night it was accepted that activities could be audible but would ensure that the noise levels are kept within the limits of the Environmental Protection (Noise) Regulations 1997. The applicant indicated that dwellings are well away from the proposed facility and orientated away from houses

and explained that in Melbourne similar facilities have houses directly adjoining on one or two lot boundaries.

Traffic Volumes

The facility is intended to service the local community and the applicant believes the business would not increase the current traffic volume compared to any other business that the site is suitable for. Research suggests that trips to the carwash are combined with shopping, after dropping off children, going to work etc.

Cleaning Agents/odour

All cleaning agents are biodegradable. The cleaning agent amounts are minute and there is no odour problem expected in the cleaning process. Recycled water will be treated to avoid smell.

There are two potential odour aspects from wastewater that is managed with proper treatment. Perfumed cleaning agents are kept to a minimum.

Spraydrift

The applicant considers the location to be perfect in relation to spraydrift. Before the land was purchased wind conditions were observed at various times of the year. The site seemed sheltered from winds. On this basis it is not believed that residents would experience any impact of spraydrift. Spray would dissipate before arrival at dwellings across both roads.

Waste Water

All wastewater is collected in pits under vehicles and some water is recycled and filtered before discharging into the sewer in accordance with Water Corporation regulations.

Report

The proposed development is not defined in the City of Cockburn Town Planning Scheme – District Zoning Scheme No 2. The Council can consider that the proposal is a 'use not listed' and the use itself is consistent with the objectives and purpose of the Zone. The proposed carwash on this basis could be approved after notice of the application has been given for at least 21 days in accordance with the requirements of DZS2.

Public Comments

The proposal was advertised in accordance with the requirements of Clause 6.2 of the DZS2 by way of an advertising sign erected on-site for 21 days. The sign was placed against a wall of the existing building. Letters of notification were also sent to nearby owners seeking comment. The advertising process was sufficient for the Council to satisfy Scheme requirements. At the close of the advertising period seven submissions of objection were received.

Public Objections – main concerns

1. Opening Hours of operation
2. Noise received by residents after normal business hours
3. Traffic impact on Barrington Street
4. Fumes from spraydrift effect on health.
5. Waste disposal method not clear

The applicant has responded to residents' concern in detail and is prepared to manage operations to minimise any adverse impact on adjacent residents and businesses. The applicant's undertakings are discussed as follows:-

Hours of Operation

The main concern from submissions is over the initial hours of operation, being from 5am to 12pm. One submission believed the operations should be restricted to 6am to 10pm, if approved. The City has previously approved of carwash facilities within the District on commercial land within residential areas. The most recent carwash being on 346 Carrington Street, Hamilton Hill, where the operating hours were limited to 7am to 10pm.

The hours of operation of the carwash proposal should be balanced against the residents' concerns and the viability of establishing the business. It is proposed to restrict the hours of operation of the carwash to 7am to 10pm. This was recently agreed to by the applicant.

Noise & Light Management

Noise management should be verified against an acoustic consultant's report that demonstrates the development will comply with the Environmental Protection (Noise) Regulations 1997. Likewise the effects of outdoor lighting must comply with the relevant Australian Standards to minimise any adverse impacts on adjacent residents.

Traffic Impact

The traffic impact on Rockingham Road and Barrington Street is not expected to be any greater than the traffic impacts caused by the former service station and may in fact be less. The change in crossover locations is supported and provides for greater safety entering and leaving the development than the existing crossover arrangement.

Landscaping

The proposal incorporates landscaping along the street frontage, which would greatly improve the look of the property together with the redevelopment of the site and modern buildings and structures proposed.

Conclusion

On the above basis there are no objections to the proposal proceeding subject to compliance with the stated conditions of approval which address the concerns raised in the submissions.

Strategic Plan/Policy Implications

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

Planning Your City

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

Conserving and Improving Your Environment

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

Budget/Financial Implications

N/A

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

Nil

14.5 (OCM1_6_2001) - POSSIBLE COUNCIL PRESENCE IN THE PROPOSED THOMSONS LAKE TOWN CENTRE (9629) (SMH)

RECOMMENDATION

That Council request the Director Planning and Development to prepare a report on the options for Council to establish a presence in the proposed Thomsons Lake Town Centre.

COUNCIL DECISION

Background

The planning of the Thomsons Lake Town Centre has been on-going for the past 4 years. The plan has been prepared by an Implementation Committee, chaired by the Ministry for Planning, and with

representation from Department of Transport, City of Cockburn and Landcorp.

The formulation of the Town Centre plan is nearing completion and questions are being asked by stakeholders about the likely future role of the Council in the planning and development of this strategically important regional centre.

At this stage the overall plan being prepared relates to the land located on the four corners of the Kwinana Freeway and Beeliar Drive / Armadale Road intersection, and is proposing to provide for the development of major retailing and commercial facilities, commercial, community facilities and services and regional / district sporting grounds. The State Government has committed to provide a rail service between Perth and Thomsons Lake via Kenwick by the year 2004 associated with a bus interchange.

Currently the Gateways Shopping Centre has been developed to its first stage of 15,000m², to be ultimately 50,000m².

Submission

N/A

Report

There is an expectation that the Council will have a presence at the Thomsons Lake Centre.

At the present time a 2 ha Community Purposes site has been set aside as part of the Gateways Shopping Centre development for the future use of the Council. To date no proposals for this land have been identified.

Plans prepared for the design and construction of the rail station, north of the Gateways Shopping Centre and located in the median to the Kwinana Freeway, show land to the west being developed for car parking, bus interchange, a town square and space for retail and office accommodation.

Given the advanced state of planning of both the Gateways Shopping Centre and the Town Centre, it is considered necessary for the Council to investigate the options for a possible future role and/or presence in the Town Centre so that any decisions that may be taken by the Council in this regard can be provided for in the plan.

For the Council to make a considered decision, in respect to this matter, it would be necessary for a report to be prepared which identifies the options that may be available.

Strategic Plan/Policy Implications

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*

Budget/Financial Implications

No funds are available to undertake this investigation. The work will be done in-house using Council staff and resources.

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

Nil.

14.6 (OCM1_6_2001) - MURDOCH UNIVERSITY MASTERPLAN (9806) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) advise the Office of Facilities Management at the Murdoch University that it:-
 1. supports the Masterplan - "The Millenium Plan 2000 and Beyond" subject to the suggestions contained in the report;
 2. believes that because of the size and scope of the project that it be undertaken by a Development Authority established for the purpose of planning, designing, constructing and managing the implementation of the Masterplan;
- (3) advise the City of Melville of the Council's decision accordingly.

COUNCIL DECISION**Background**

The Murdoch University has been established on a large 220 ha site for the past 30 years.

The land is currently used for university purposes, together with stock paddocks associated with the Veterinary School.

The land is reserved under the MRS for "University" and similarly reserved in the local schemes.

The majority of the site is located in the City of Melville with the balance to the south being within the City of Cockburn.

Because the land is reserved under the MRS together with the fact that the development would be deemed a public works, development will only require the approval of the WAPC. The affected local government can only make recommendations in respect to scheme amendments, subdivision and development.

The proposal to develop a Masterplan has been contemplated by the University since about 1998. The reason for the Masterplan is to provide a plan to better utilise the large land holding for the benefit of the University and the community.

Submission

In a letter dated 23 May 2001, the Director of The Office of Facilities Management wrote to Council confirming a meeting with the Director, Planning and Development:-

"Thank you for meeting with officers from Murdoch University on the 10th May to discuss progress on the master plan.

I would like to follow up with the process you recommended and submit the master plan to Council. The University is seeking endorsement in principle from the City of Cockburn.

The current status of the plan within the University is:

The Master planning report - The Millennium Plan - 2000 and Beyond was presented to the University Senate in July 2000 and the following guiding principles were endorsed:

- *Development of a University Town*
- *Retention of an on Campus Veterinary Farm*
- *Development of commercial uses on Campus*
- *Provision of income to support the educational functions of the University*
- *Endorsement of the conceptual plan contained within the August 2000 report*
- *That the report be released for wider public consultation.*

One of the key objectives in developing a University Town is to bring life into the Campus and surrounding community. For example the University Town will have its own residency, food halls, recreation facilities and shops.

I would like the opportunity to present the plan to Council prior to their consideration for endorsement.

Please find enclosed the master plan and brochure. I look forward to a favourable response."

A copy of the Masterplan Brochure is attached.

In general terms the Masterplan provides for:-

- The consolidation of the University Campus on its existing location and is central to the development proposals.
- Along the Murdoch Drive and South Street road frontages mixed use, research and commercial uses are proposed.
- Retail sites are dispersed throughout the development area.
- The western sector of the development is for small residential lots and medium density housing.
- The southern sector is retained in paddocks to serve the veterinary farm. Also in this sector significant areas have been designated for conservation.
- The existing St Ives Retirement Village is retained and expanded, together with the retention of the Winthrop Baptist College.

Within the City of Cockburn, the university land will continue to be used for stock paddocks and conservation. All of the other development is located within the City of Melville.

Access to and from the development is proposed to be primarily from South Street, with other access points from Murdoch Drive and Farrington Road.

On Farrington Road, the existing Baptist College entrance road is retained and extended as an access road, with an additional road planned further to the west to serve the proposed residential sector.

It is also understood that at this stage the University is proposing to lease not sell the land for development. This could be a major impediment to the rate and type of development that will occur.

Report

The proposal is ambitious and exciting and will undoubtedly add value to the locality and provide unique opportunities for the surrounding community.

If a plan such as this is not pursued, and the 220 ha is surplus to campus requirements, then the land is likely to remain vacant and a 'void' in the land use and traffic linkages within this locality. This is not desirable.

It is unlikely that the development will have an adverse impact on the existing retail centres and catchments in either Melville or Cockburn, given that the surrounding land use patterns have stabilised, together with the fact the proposal contains limited retailing, according to the Masterplan.

In overall terms the plan is acceptable and should be supported. However, the following suggestions are made:

- The Murdoch University site is strategically located and provides unique and diverse opportunities. The University's objective to develop a vibrant model university based urban development with a range of housing types and densities which demonstrates ESD principles promoted through academic courses is supported.

Due to the site's strategic location it is our opinion that it is possible to create a unique piece of urban design as achieved in Joondalup, East Perth and Subiaco, but with its own distinct qualities and character that builds on its association with the university.

- The application of ESD principles so that the project becomes a living model as stated in the report is supported. The development in this form shows a strong commitment from the University to its teachings. Moreover, it provides the opportunity to demonstrate to the development industry the viability of ESD principles and the opportunity to influence change in the industry.

- The proposed residential development located between St Ives Retirement Village and the Winthrop Baptist College is located within a known midge problem area associated with North Lake.

The City of Cockburn applies a policy which excludes residential development within 500m of lakes with known midge problems and depending on particular circumstances requires Memorials on titles on lots up to 800m from the lake.

Council would oppose any residential development within 500m of North Lake. Perhaps this area could be developed as an agricultural based village which includes market gardens, orchards, foliage and flower production which is part of the ESD suite of design solutions.

- The Masterplan shows the retention of the existing access road east of Winthrop Baptist College. In our view this represents a significant physical barrier between the college and the relocated ovals and is a safety issue that needs to be addressed. A pedestrian underpass could be provided to overcome this potential problem.
- It is understood that the existing ovals adjacent to the Winthrop College tend to be spongy and waterlogged. It has been suggested that this is due to an underlying layer of peat.

This should be investigated to determine the area's suitability for development. The presence of peat may also lend weight to an agricultural based village in this location.

- A suitable buffer should be maintained around Chelodina Reserve. It appears from superimposing the Masterplan over the aerial photo that the proposed ovals will encroach into the buffer area requiring the removal of fringing vegetation.
- It is highly desirable to maintain a green link between North Lake and Chelodina Reserve. The conservation area zone should continue north of the east-west link road located south of the reserve to complete the conservation link. Revegetation of existing cleared or degraded areas should be undertaken to enhance the green link.
- The extent of retail development needs to be justified. It is considered that student numbers contribute little to the justification of additional floor space over and above that supported by the resident population due to their intermittent presence in the area and low disposable income.

- A traffic study needs to be undertaken as part of the Masterplan review. This needs to examine on-site and external impacts as well as the level of service at proposed intersections with South Street and Murdoch Drive.

The potential impacts on Prescott Drive and Windelya Road need also to be examined as part of any Traffic Study.

- Consideration needs to be given to local bus routes through the area. The proposed circle route location will not provide adequate public transport accessibility. Bus route planning should take in the wider Kardinya area and linking to Murdoch Park, the Kardinya Shopping Centre, North Lake High School and other uses within the Murdoch precinct that are currently not adequately served (TAFE, Police and Remand Centre).
- Whilst the central oval area satisfies the active recreation needs of the community, the residential area should incorporate neighbourhood parks provided in accordance with the normal Ministry for Planning standards.

Given that the land is reserved, is in University ownership and likely to be deemed a public work, together with the fact that the land extends between two local governments, there may be merit in the Masterplan being implemented and managed by a Development Authority, with statutory powers.

A Development Authority would also be appropriate because of the large area of land involved, namely 220 ha and the fact that the development is likely to be undertaken over 30 years or more. A Development Authority can formally provide for representation and input from the local governments and other planning and development agencies. Re-developments through Development Authorities have been successful, in planning and development terms, in Joondalup, East Perth and Subiaco. An Authority has recently been established to re-develop the Midland Workshops. These could be good and appropriate models to follow.

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."*
3. Conserving and Improving Your Environment
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
- *"To facilitate and provide an optimum range of community services."*

Budget/Financial Implications

N/A

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

Nil.

14.7 (OCM1_6_2001) - PROPOSED RELOCATION OF COUNCIL COMMUNITY PURPOSE SITE - GATEWAYS SHOPPING CENTRE SITE - AMENDMENT TO DISTRICT ZONING SCHEME NO. 2 (18344) (MR) (MAP 15) (ATTACH)

RECOMMENDATION
That Council adopt the following amendment:-

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

AMENDMENT NO 230

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

- (i) Deleting the 'Commercial' zone on Lot 185, and the western portion of Lot 183 Wentworth Parade and replacing with 'Local Reserve – Council Use';
- (ii) Partially removing the proposed 'Local Reserve – Council Use'

reserve on the eastern part of Lot 186 Beeliar Drive, Success and replacing with a 'Commercial' Zone' (refer to map attached to the Agenda).

COUNCIL DECISION

Background

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

The land is an irregular shaped area located in the south-west area of the intersection of Beeliar Drive and North Lake Road entry as shown on plan 1 in the Agenda attachment.

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

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

The background to this matter is discussed in OCM1 1 2001 (AG Item 14.3) and OCM1 5 2001 (AG1116.0)

Submission

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

Report

A recent meeting was held with representatives from Taylor Burrell and the owners, to discuss securing the land exchange. It was acknowledged that a separate amendment to DZS2 is appropriate, in addition to the modifications Council already agreed to within proposed Town Planning Scheme No 3.

To relocate the Community Purpose site, modifications to DZS2 are required to facilitate the Council land exchange within the Gateways site.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
5. Maintaining Your Community Facilities
 - *"To construct and maintain community buildings which are owned or managed by the Council."*

The Planning Policies which apply to this item are:-

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

Budget/Financial Implications

N/A

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

Nil

14.8 (OCM1_6_2001) - PERTH BIODIVERSITY PROJECT - REQUEST FOR FUNDS - WAMA (1332) (SMH)

RECOMMENDATION

That Council:

- (1) receive the letter from the Western Australian Municipal Association dated 2 May 2001, seeking funds in support of the Perth Biodiversity Project;
- (2) contribute \$880.00 as a large local government to the project for the year 2000; and
- (3) consider the provision of \$880 for the year 2001 as part of the 2001/02 budget deliberations.

COUNCIL DECISION

Background

N/A

Submission

The following letter dated 2 May 2001 was received from WAMA for the Council's consideration:-

"The CEO Ricky Burges advised all Local Governments of the funding received from the Natural Heritage Trust (NHT) for the Perth Biodiversity Project (PBP) and the need to source a small amount of funding from all Metropolitan Councils in order to meet the shortfall in the grant from the NHT. Replies received from Local Governments have been overwhelmingly in support of this approach to progress the Biodiversity Project. The initial NHT funding has been granted for one year and it is likely that a second year's funding will be forthcoming. This will then see the end of NHT funding from the part sale of Telstra. It is important therefore to maximise what can be attracted whilst the fund is still in operation.

To determine the minimum contribution level that would be necessary but at the same time not jeopardise the outcomes of the project a formula was quickly devised by WAMA secretariat based on population and area of Local Government district. Generally these fell into two categories which we have called "small" and "large" with about half the Local Governments in each category.

The purpose of this letter is to request payment (invoice attached) for the year Jan 2001 - Dec 2001. An amount of \$400 is requested per annum for 2 years from "small" Local Governments (total \$800) and \$800 (total \$1600) from larger ones.

It is acknowledged that some Local Governments will wish to pay out of remaining 2000/01 funds whilst others will be allocating funds in their 2001/02 budgets. Given the small amount you may wish to forward payment for both years of the project to minimise on administration costs and this would be appreciated.

Please find attached a tax invoice for your contribution. I would be pleased to discuss this issue with you and can be contacted on 9213 2027."

Report

The purpose is to undertake regional assessment of biodiversity value as a significant requirement for guiding future sustainable development (ie Conservation Strategies) in the region.

The letter from WAMA explains the formulae for contributions.

Given the small amount of the contribution and the importance of the Association to attract NHT funds, the Council should contribute.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

There are funds available in the General Donations current budget for a contribution to this project for the year 2000.

The contribution for the year 2001 should be considered as part of the 2001/2002 budget deliberations.

The recommendation includes the GST component.

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

Nil.

14.9 (OCM1_6_2001) - PROPOSED JAMES POINT PRIVATE PORT (STAGE 1) - RESPONSE TO PUBLIC ENVIRONMENTAL REVIEW (9248) (KS/SOS/AB/SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) raise no objection to the establishment of the proposed James Point Private Port within the Town of Kwinana, but objects to the establishment of the proposed livestock holding facility as part of the project;
- (3) submit a response to the Public Environmental Review based on the assessment made by the Council's Planning Services staff.

COUNCIL DECISION

Background

The proposal to establish a private port at James Point, located within the heavy industrial area within the Town of Kwinana has been the subject of on-going investigations following the awarding of the contract by the State Government to a private consortium, James Point Pty Ltd, to build a port in this location.

The proponent has now completed the Public Environmental Review and submissions are now being sought.

Submission

The port facility is to be located to the north of James Point, Cockburn Sound. The proponent proposes to construct cargo wharves and associated cargo handling facilities. The James Point Port will be constructed in stages over the next 10-20 years with the schedule of the construction for the ultimate port depending on commercial and contractual considerations. The proponent has submitted a Public Environmental Review on Stage 1 of the Port facility.

The Stage 1 development is the northern most portion of the ultimate development. Stage 1 will include:

- An offshore breakwater extending from approximately 200m offshore to approximately 800m offshore.
- Dredging of 1.24 million m³, which involves dredging to a depth of 13.7m relative to Chart datum over an area of 89.0 ha. The deepening and widening of the Stirling channel and dredging a 3.8ha berth pocket.
- Reclamation of 1.375 million m³ to create approximately 28.5 ha of wharf with 1.24 million m³ of the reclaimed area being created with dredge material and the remaining 135,000 m³ using imported clean fill. The reclamation will include reclamation of 19 ha of seabed, which is less than 10m deep.
- Development of approximately 1.200m of land backed berth.

The proponent has committed to achieving completion of at least 600m of new land backed berth by November 2002 with the completion of stage 1 expected to occur within the next five years

In 1998, the State Government held a tender process to select a proponent to develop a new port to serve the Perth metropolitan area. James Point Pty Ltd (JPPL) was selected as the preferred proponent for the design, construction and operation of this port facility. JPPL is a consortium of local groups with expertise in the design, operation and management of ports in Australia.

Report

The proposed James Point Port has planning merit. The site is in the heart of an established and proposed to be extended heavy industrial strip and is an appropriate location for a consolidated port operation. Given its isolation the port operation is unlikely to directly impact on the amenity of Cockburn residents. It is however, possible that there will be some lesser indirect impacts.

The PER once again highlights the lack of an integrated approach towards planning for industrial facilities along Cockburn Sound. There are a number of proposals and developments within the area that have been planned in isolation with no overall integrated approach towards the assessment of environmental and social impacts associated with these developments and no details being provided on their cumulative impacts.

- **Consideration of Alternatives**

The PER is expected to describe the impacts of stage one of the proposal, including consideration of alternative locations and designs to avoid, minimise or mitigate impacts. The PER does not provide an

examination of alternative Port configurations or detail any alternative locations for the port.

- **Potential impacts on the Marine Environment**

Hydrodynamic Processes

The City of Cockburn does not have the relevant expertise to undertake a full technical review of the hydrodynamics modelling undertaken in terms of determining its validity. The EPA is however urged to undertake a rigorous independent review of the modelling based on apparent inaccuracies associated with hydrodynamic and water quality modelling associated with other harbours along the coastline. While the design of the breakwater starting 200 m from the coast is apparently to allow some flushing of the port, the construction of a breakwater will no doubt reduce the natural flushing.

The EPA is also urged to consider requiring the proponent to address the issue of groundwater. With the Port Catherine development, the proponents are required to address the flow of nutrient rich groundwater into the ocean in order to demonstrate that the development will lead to an "improvement" in water quality entering the Sound. The response has been the proposal for a large interception drain so as to avoid a build-up of nutrient rich water within the confines of the proposed breakwaters to avoid algal blooms. The James Point Port PER identifies a similar situation to Port Catherine, with high concentrations of nutrients in the groundwater in close proximity to the proposed port.

Coastal Processes

The construction of the offshore breakwater close to the shoreline suggests that beaches to the north will be affected to some degree by wave reflection from the structure. The beaches to the north are narrow and there is historical evidence to suggest that in the region of James Point, significant erosion can occur, causing the loss of beaches. Reflected waves from the proposed offshore breakwater are of high concern as they may lead to beach erosion north of port.

The proponent should be required to conduct routine monitoring of the beach profile and a management and contingency plan should be in place. Any techniques suggested in the contingency plan should be fully examined for their impact to the rest of the coastline and their interaction with the other processes highlighted in the project (ie water flow through the port) before implementation occurs.

Impact on Marine Water and Sediment Quality

Several concerns are raised with the accuracy of water quality predictions within the Port and their impacts on water quality within the remainder of Cockburn Sound, which is already vulnerable to changes in water quality. Based on water quality issues faced by a number of

facilities along the coastline a precautionary approach should be applied.

Primary factors affecting the productivity of water around Stage 1 of the James Point Port development are the elevated levels of nitrogen in the groundwater and the point sources near the shoreline immediately south of James Point, as currents in this location are typically northward which will bring nutrient rich water up past James Point Port.

While the other stages of Point James Port will be subject to separate environmental review, consideration must be given at this stage to the cumulative effect of this nutrient rich water and the proposed reclamation in the other stages of the proposed port which will further limit natural water flow and flushing of the port area.

Impacts on water circulation within the port and Cockburn Sound and associated impacts on water quality. (including algal blooms, stress or death of marine fauna, impact on seagrass) should be investigated further. Further studies should address the likely increase in deposition of organic material due to increased residence times, calmer waters and increase in phytoplankton production.

Deepening waters may decrease the frequency of vertical mixing of the water column potentially resulting in reduced dissolved oxygen concentrations near the sediments and promoting release of Nitrogen to the water column. The issue of groundwater with high nutrient levels should be considered further to ensure that the Port operations are managed to minimise the amount of nutrients entering port waters and to minimise the possibility of algal blooms.

The PER states that the control of hydrocarbons and other pollutants will occur by ensuring that loading and unloading operations will be conducted in accordance with best environmental practices and procedures detailed in the EMS for the Port. Emergency response plans and contingency plans should also be developed for hydrocarbons and other pollutants.

The project will result in the creation of approximately 19ha of hardstand wharf. This will result in additional surface water flows entering the Sound. While the PER states that this water will be directed through a filtration system prior to discharge to the sound no indication of monitoring schedules for the water prior to entering the sound nor contingency plans if the contaminants are identified has been addressed.

A contamination survey has not been conducted of either the soils or the groundwater has been undertaken. There are several potential sources, which may give rise to groundwater contamination up-gradient of the James Point Port stage 1 proposal. Investigations of both the groundwater and any possible soil contamination needs to be

conducted and a detailed report submitted on the likelihood of this contamination having a detrimental effect on waters within both the Proposed port and Cockburn Sound. Measures to prevent contaminated water reaching Port waters and Cockburn Sound should also be investigated.

A stormwater drain from the BHP site currently discharges in the area of proposed reclamation. There is no indication of the relocation of this drain, the water quality or any potential effects this discharge may have on the quality of water in the proposed port.

Marine Organisms/ benthic community

While the PER states that there is no seagrass located within the bounds of stage one of the proposal there is seagrass located approximately 2km away to the north west of the proposal. There have been significant losses of seagrass already within the Owen Anchorage and Cockburn Sound areas as a result of industrial impacts and shellsand dredging. It is feasible to suggest that the development of the Port will add to the cumulative threat on existing seagrass beds.

While it appears that the proposed Port will not have any direct impacts on seagrass the dredging, port construction (especially the creation of breakwater) and operations will increase sediment load increasing nutrients in water column and reducing light attenuation.

The proponent should therefore be required to prepare management plans for the detection and monitoring of any plumes, which may arise from the construction of the port. An appropriate distance from the seagrass should be set by the DEP at which JPPL will be required to stop work on construction if a sediment plume reaches this boundary.

While the PER states that there is no seagrass located within the bounds of stage one of the proposal the extent of seagrass mapped in 1954 shows that seagrass did occur in this area and the area was suitable habitat for seagrass. The Proposal will result in a loss of seagrass habitat. This will prevent the re-re-establishment of seagrass as per EPA Bulletin 907 (directly through land reclamation and threatening a larger potential habitat area through cumulative impact.)

While the proposal will not increase the number of ship visits to Perth Coastal Waters the International shipping traffic to Cockburn Sound will increase by approximately 100 ships per annum. The risk of introduction of exotic species (on hulls and in ballast water) increases with increased shipping movements associated with a port. But at the same time, the same number of ships will not be entering the confined waters of Fremantle Harbour, so the status quo remains.

The Proposed Port will increase the already elevated Tributyltin (TBT) concentrations, with increased shipping and through sediment release with dredging, port construction and operation. As a hormone disruptor,

TBT threatens native species eg. molluscs through reproductive disorder imposed sexual characteristics (imposex).

- **Potential Impacts on the Terrestrial Environment**

- Loss of Coastal Dunes and Vegetation

The reclamation of dunes will remove the coastal strip at James Point. This will result in a loss of locally significant vegetation (locally rare) from the Quindalup dune system. Quindalup dune systems in the Perth metropolitan region are poorly represented in conservation reserves with extensive clearing of Quindalup dunes occurring for industrial and port developments in the Cockburn Sound industrial strip.

Two priority species have been recorded in the area *Dodonaea hackettiana* and *Grevillea olivacea* (priority 4 species). While these species were not located during field surveys there is a possibility that some plants of these priority species may be lost during the reclamation process.

The proposal will result in a loss of *Lepidosperma gladiatum* sedgeland. This sedgeland has just two species comprising the entire assemblage and has been noted as an unusual vegetation association. It occurs locally in two locations. Both locations are along the section of the coastline affected by this proposal.

- Fauna

The proposal outlines the possibility of a number of fauna species that may occur in the area. It also includes a number of species listed by CALM as schedule or priority fauna that may have distributions that include the James Point locality. The report also suggests that a number of JAMBA and CAMBA species may also use the area on a transitory basis. The report fails however, to address the impacts of the proposal on fauna and any management options which will be investigated to ensure minimal disturbance or allow translocation of species to suitable habitat.

- Native Title and Aboriginal Heritage Issues

The project area is covered by one registered native title claim and one Aboriginal site has been registered within a 5 km radius of the project area. As yet a field survey of the proposed development area has not been undertaken. Appropriate surveys and consultation with Aboriginal groups and individuals need to be undertaken to ensure that a breach of the Aboriginal Heritage Act 1972 does not occur.

- **Social Impacts**

- Social Impact Study

A Social Impact Study has not been conducted. A Social Impact Study would identify concerns from local residents. While the land is zoned industrial and the implementation of the Fremantle Rockingham

Industrial Area Regional Strategy (FRIARS) planning process will see the surrounding land of Hope Valley and Wattleup also zoned industrial this is unlikely to occur for some 10 years. It is therefore expected that Hope Valley and Wattleup will remain as rural residential for the period the port is being constructed and for some years of operation.

The proponent should give serious thought to conducting a social impact study to more appropriately determine its possible long term impacts on existing and planned residential area and how these may be minimised. (The Hope Valley and Wattleup Townsites should not be included as they are currently being resumed for industrial development).

Such a study would need to keep in context that the site is located within the State's largest heavy industrial area, and that the land could be developed for a range of large high impact industries protected by the Kwinana Air Quality Buffer. Moreover, a social impact study would need also to collect the views of industry about the establishment of a port in this location, together with the views of residents and businesses in Fremantle.

Visual amenity

The Port extends for a significant distance into Cockburn Sound and will be clearly visible from the Sound, Garden Island, and Rockingham. Visual amenity is not addressed in the PER.

Loss of Beach Access

The project will result in the loss of Kwinana's only animal beach. The beach is used as both a dog and horse exercise area. While the use of the beach by members of the public for animal exercise is unauthorised, the public has used the beach for this purpose for a number of years. The social implications of eliminating access to this beach area for use, as an animal exercise area should be investigated as a regular use has been established regardless of land ownership. The proposal will result in no public access to Barter Road Beach. Perhaps the Town of Kwinana could identify an alternative site for this activity where it can be carried out lawfully and with appropriate controls. A possible replacement could be in the Parks and Recreation Reserve south of Challenger Beach.

Noise

The PER has stated that noise from the construction of the port will be from pile driving, dredging and land based mobile and stationary equipment. The PER suggests that pile driving may exceed noise levels and have an effect on surrounding residents.

The PER states that the dominant noise during port operations will be from berthed livestock ships when operating ventilation systems. This has been addressed in the Livestock Holding Facility PER. Appropriate management practices are required to ensure that noise

levels during construction and operation are kept to an acceptable level. Presumably, this would be the same as currently experienced at Fremantle where a Town Centre and residential areas are close by.

Vehicle movements

The Port proposal will lead to an increase in vehicle movements near the James Point area. Local roads immediately adjacent to the proposed port will be those most affected, but none of these are within Cockburn. An advantage of the location of the proposed port is that it is well served by the regional road network, particularly Rockingham Road/Stock Road. Whilst there is no traffic modelling data included within the PER, however, it is fair to assume that there will be an increase in traffic volumes on this road but it is unlikely to generate a noticeable increase in traffic noise considering the high traffic volume that it already carries. Indeed, this route already carries traffic destined for or originating from Fremantle Port. The new port may generate additional traffic, but this may be balanced or even outweighed by the fact that a significant proportion of traffic will no longer need to travel through Cockburn to get to and from Fremantle.

East-west links to and from the proposed port are well defined, with Anketell Road being the main route and in the future Rowley Road could be another. Given that construction of Rowley Road is not likely to occur for 15-20 years, Anketell Road will logically take the bulk of east-west traffic thereby avoiding impacts on established east-west routes in Cockburn. Russell Road and Wattleup Road are not attractive alternatives to the port from the Kwinana Freeway.

• **Pollution Control and Emergency Response**

Pollution Control

The Proposed Port will increase the risk of pollution events such as oil spills due to increased shipping and loading. There will also be an increased risk of contamination of sediments associated with increased shipping, eg. hormone disruptor TBT. Emergency response plans and contingency plans should be developed in-case incidents do occur. However, the same requirements would apply to the existing port at Fremantle.

Hazardous Materials

Section 3.1.3 outlines the cargoes expected to be handled at stage one of the proposed port. Section 13.4 suggests that hazardous materials will be transported through the port. More detail is required about the type of hazardous materials and the transport routes of hazardous materials. Management plans, emergency response plans and contingency plans should also be required. However, the same requirements would apply to the existing port at Fremantle.

Liquid and solid waste- construction and ongoing

Good housekeeping skills should be employed at the port to ensure that both waste management procedures are upheld and that accidental spills and incidents are kept to a minimum. Suitable containers, which are compatible with transport requirements, should be used to minimise handling and risks. All waste should be contained and isolated from ground and surface water.

Import/export of dangerous goods – proposed cargo

The import or export of dangerous goods or the class of dangerous goods that will be handled through the port has not been addressed in sufficient detail. Requirements should be the same as apply to the existing port at Fremantle.

- **Cumulative Impacts- More Detail Required**

The PER is required to consider the combined impact and management of all existing and proposed operations associated with stage 1. The PER includes insufficient information about later stages of port development. The ultimate design of the port is not considered in models. PER emphasises localised information rather than the cumulative impact on the whole of the sound, including ability to re-establish seagrass.

The EPA guidelines stated that the proponent should prepare a separate document that incorporates a description of all stages of the proposed port development and outline at a preliminary level, the likely combined impacts of the ultimate port development. While the proponent has a web site that gives some information about the ultimate design of the port development there is no indication of the cumulative effects. No such separate document has therefore been produced.

- **Conclusion**

In simple terms, if an other port is required to support or supplement Fremantle Port where could it be located on the metropolitan coast. There are few options.

Firstly, it would need to be within Cockburn Sound. Secondly, where in Cockburn Sound can that be. It is clear that it can only be located somewhere within the Town of Kwinana between Challenger Beach in the north and Kwinana Beach in the south, a distance of 7 kms.

The "Towards Optimising Kwinana" Report of 1993 (Dames & Moore), only makes reference to the FPA Outer Harbour, given that the private port was not contemplated at the time. However, based on the existing jetty locations, and the pattern of land ownership within the KIA, the only real opportunity for the development of a port, other than at Challenger Beach, is at Riseley Road James Point. Here the land is primarily under the control of the State, through Landcorp.

Given this, it appears that the James Point location is possibly the only site available in the Metropolitan Area for the establishment of a port with minimal adverse impact on surrounding land uses and the environment because it is located within a part of the Sound that has been highly modified over the past 50 years, by industrial activity.

From the City of Cockburn's perspective the establishment of the James Point Private Port has no real disadvantages, in fact could result in some advantages, particularly in respect to the movement of heavy truck traffic through the district.

Currently a variety of roads are used by trucks filtering their way to Fremantle through the suburbs to the north of the district. With the establishment of James Point, a fair proportion of this traffic from the north, east and south would be directed onto the Freeway road system relieving a number of the district roads from truck usage.

It would be expected that Stock Road and the Kwinana Freeway will become the roads through the district that will be primarily used to access James Point.

The James Point proposal cannot be considered in isolation of either the existing port at Fremantle or the proposed FPA Outer Harbour at Challenger Beach. It must be reviewed in context. These alternatives have been briefly compared as part of the conclusion.

Currently the North Wharf at Fremantle Harbour is serviced by heavy vehicles primarily using Leach Highway and High Street.

All the traffic accessing the port via High Street, approach the port through a single right turn lane and leave the port using a single left turn lane. This is totally inadequate and cannot be sustained. Moreover, all truck traffic approaching the wharf from the south must use Stirling Bridge which presents an environmental risk in respect to the potential spillage of hazardous and dangerous goods.

The truck traffic using High Street passes in front of residential properties with direct driveway access onto this heavily trafficked road. This is not only inappropriate but also unsustainable. The same situation applies to Stirling Highway, Leach Highway and Canning Highway. All of these are inappropriate roads for heavy traffic use, based on their at grade intersections and inadequate design.

It is understood that the new State Government is proposing not to construct the Fremantle Eastern Bypass, and is also intending to remove the reservation from the MRS. Should this occur then the future of Fremantle as a port will be severely compromised.

In addition to this, rail services to the North Wharf are likely to be limited to the southern line which approaches Fremantle from Coogee. This line passes by the Round House and also through the redevelopment of South Wharf. Based on the understanding that vibration from freight trains using the line could have an adverse effect on the Round House (the City of Fremantle is now proposing to open up to pedestrian use, the tunnel under the goal, the entrance to which immediately abuts the railway line) and the fact that the line will pass through future pedestrian squares and parks proposed as part of the redevelopment scheme for South Wharf, it is unlikely that unrestricted access to the port will be able to be accommodated. This also poses a major constraint on the future of Fremantle as a port.

In contrast to this, the James Point Private Port proposal is located only a short distance south of Fremantle and is within the sheltered waters of Cockburn Sound, the only natural harbour on the metropolitan coast.

James Point is located within an existing heavy industrial area where some of the major industries are already served by wharves and rail access via the Fremantle/Midland to Rockingham line. The Fremantle/Midland to Rockingham line continues east to connect into the Perth to Albany line which services the south-west of the State. As it is understood that the State Government is looking to promote greater use of the rail system to move freight, James Point is very well located to take advantage of rail freight services.

Because James Point is surrounded on all sides by extensive heavy industrial areas (except for the coastal side) it is ideally situated to be separated from any incompatible land uses. Moreover, it is centrally located to a large number of existing and future industries which can take advantage of an easily accessible port facility. This is even a more appropriate location given the recent decision to develop the largest metropolitan industrial precinct in the Hope Valley-Wattleup locality, which is within the James Point catchment.

The isolation of James Point from potentially sensitive land uses such as residential areas, enables it to operate with less constraints in respect to noise, odour and dust, than at say Fremantle, which has a Town Centre and residential areas nearby. The recent North Bank residential development together with the proposed Leighton Beach Redevelopment, could become major constraints on the port's activities. Given that the port is located on North Wharf it could have been more appropriate for the disused Leighton Marshalling Yards to be used for container storage rather than housing. This would have better served the needs of the port.

James Point can be accessed directly off the regional road system, by Stock Road and the Kwinana Freeway, utilising Anketell Road as a direct connection. Anketell Road has no direct residential property access. This means that the potential adverse impacts of heavy truck

traffic is minimised because it is confined to the roads specifically designed for their use. The road is planned to be retained within land to be used for primarily rural activities and ALCOA buffer and residue (red mud lake) disposal land, according to the FRIARS final report. This means the traffic using this road will have little or no impact on en-route land uses. In fact the FRIARS report shows how Anketell Road provides direct access to the future heavy industrial and general industrial land proposed under FRIARS for the Hope Valley locality.

In addition, the regional roads servicing James Point connecting to the Kwinana Freeway have few traffic light controlled intersections en-route which makes for more effective and efficient transportation. Compared to the existing routes serving the port which do have numerous traffic controlled intersections.

By comparison the proposed Rowley Road will immediately abut future residential land and pass through the future general industrial areas planned for Wattleup. This road will be one of only two east-west roads serving the Hope Valley-Wattleup Redevelopment Area and as well is expected to also provide a direct access to the proposed FPA Outer Harbour at Challenger Beach. The FRIARS plan shows an indicative connector traversing land owned by ALCOA and impacting on a proposed Parks and Recreation Reserve surrounding Mt Brown. The Outer Harbour proposal also impacts on the coast south of Challenger Beach, one of the last remaining within the Town of Kwinana. The public beach front is about 2 kms long and is important to this section of the coast which has limited beach access.

Anketell Road is located in an existing road reserve and has been constructed to a rural standard. Rowley Road on the other hand is not reserved and will need to be acquired and constructed. Anketell Road is in a far better location to serve a future port.

Given this, it would seem that instead of continuing with the expense of acquiring the Rowley Road Reserve and investing in its construction, to service a possible future port, the funds could be more efficiently and effectively spent in the short to medium term by directing them into the up-grade of Anketell Road as a specifically designed port access road for heavy vehicles.

The need to acquire and construct Rowley Road should be reviewed as part of the preparation of the Master Plan for the Hope Valley-Wattleup Redevelopment Area, in the context of its need to serve the proposed future FPA Outer Harbour at Challenger Beach.

The FPA Outer Harbour as proposed, is located only about 3 kilometres north of James Point, and is on the northern edge of the Kwinana heavy industrial area. This development would impact directly on Challenger Beach, a popular place for swimming and launching small boats, and would also impact on the Naval Base Caravan Park

which the Council is attempting to include on its Heritage List. The site is not surrounded by industrial uses, like the James Point site.

More importantly, the FPA Outer Harbour proposal will require major infrastructure to be installed to provide road, rail and utility services which will significantly impact on the Beeliar Regional Park and Mt Brown.

The construction of the realigned Rowley Road would be imperative for the operation of the Outer Harbour, replicating the existing east-west link at Anketell Road.

Although the FPA Outer Harbour will potentially have similar road access advantages (subject to Rowley Road) and also have the same if not similar potential environmental (additional Beeliar Regional Park) and coastal impacts as James Point, it could have a major impact on the City of Cockburn and cause the issue of extending the shipbuilding strip south into the Beeliar Regional Park to be raised again. Something the Council has been opposed to.

It seems less likely that the Outer Harbour will be required in the short to medium term if the port at James Point becomes operational. According to a recent report prepared for the FPA, it appears that if the James Point Port proceeds as planned, the Outer Harbour may not be required until some time after 2027. Without the private port, Fremantle could continue its operations based on expected trade figures until around 2015. Should the James Point Port expand to its full potential, the need for the Outer Harbour as planned may need to be reviewed.

The other important advantage of James Point is that it is not as land locked or constrained by nearby residential development as Fremantle is, and therefore has the potential to expand in response to demand. This site is also in close proximity to the Kwinana railway marshalling yards which could perhaps provide integrated support services and storage for the port.

James Point appears to be a very suitable location for the establishment of a second metropolitan port from a land use planning point of view.

The Council should therefore raise no objection to the James Point Port proposal, subject to the development not including the livestock holding facility.

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."*

5. Maintaining Your Community Facilities

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

Budget/Financial Implications

N/A

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

The project is proposed within the Town of Kwinana, therefore the City of Cockburn has no planning or decision making role in the future of this proposal.

Under the MRS, the land is zoned Industry and under the Town of Kwinana Town Planning Scheme the land is zoned General Industry with the foreshore strip reserved for parks and drainage.

All development in the Kwinana Industrial Area (KIA) is the subject of a clause 32 resolution under the MRS, which is currently understood to mean that planning approvals are required from both the WAPC and the Town of Kwinana. However, it is likely given the importance of this project, that the Government could call the project in as one of State significance, and thereby remove the requirement for the local government to issue a decision on the proposal.

Given this, it is very likely that the future of this project will be determined by the State, without local government involvement.

14.10 (OCM1_6_2001) - PROPOSED JAMES POINT LIVESTOCK HOLDING FACILITY (9248) (KS/SOS/AB/SMH)

RECOMMENDATION

That Council:

- (1) receive the report;

- (2) does not support the establishment of a Livestock Holding Facility at James Point as this is an inappropriate use on prime coastal land;
- (3) lodge a submission on the Public Environmental Review based on the report prepared by the Planning Services Department.

COUNCIL DECISION

Background

For some time there has been a proposal to establish a private port at James Point, which is located within the Town of Kwinana.

The proposal contains a livestock holding facility to serve the export of live sheep and cattle. This is a major industry of the State.

However, the proponents (JPL) are of the view that in the event that the port does not proceed, then there may be the scope to still provide for a livestock holding facility.

Submission

JPL propose to construct and operate a Livestock Holding Facility on a site west of Riseley Road and north of the BHP No.1 Jetty, in the Kwinana Industrial Area. The Proposal is for a covered, multi storey facility to temporarily agist livestock – primarily sheep while building up sufficient numbers to export by ship. Livestock will be brought in by truck from holding facilities or farms, agisted at the Livestock Holding Facility and then out-loaded via the proposed James Point Port (if approval is granted) or the Fremantle Port.

The buildings will have a physical area equivalent to 250,000 sheep capacity, but due to the rotation of stock through the facility and the cleaning cycles between vacation and re-stocking a pen, the maximum effective capacity is approximately 160,000 sheep at any one time. The holding period for sheep will vary between 5 and 10 days. Some of the Stock holding buildings will be designed to also hold up to 2,000 cattle. The cattle holding period will be 1 to 2 days.

The proponent is James Point Livestock Pty Ltd (JPL). Environmental Risk Solutions Pty Ltd (ERS) was commissioned by JPL to assist in the preparation of the PER.

Report

The proposal for a Livestock Holding Facility at the James Point Port raises a number of concerns including effects on water quality, coastal processes and the generation of noise and odour. While the PER suggests a series of management measures to address these concerns they appear to be based on the concept that the facility will be run as a 'best practice operation' and therefore heavily reliant on the performance of the operator. Experience with other facilities in the City of Cockburn that are expected to run to such a standard indicate that the operation of facilities at such a standard is not only difficult but often requires constant inspections and follow up to maintain the required standard.

This proposal should not be supported, as it will unnecessarily consume limited industrial land. Live stock holding facilities are more suited to the rural areas away from residences.

- **Consideration of Alternatives**

The PER does not include adequate details of the proposal, including consideration of alternative locations and designs to avoid minimise or mitigate impacts. The Public Environmental Review does not outline the alternative locations for the livestock holding facility. Alternatives should be listed in the PER

- **Potential Impacts on the Marine Environment**

Impact on Marine Water and Sedimentation

Whether or not the port goes ahead the issue of stabilisation and dust generation during clearing and construction of the site has not been adequately addressed. The impacts of coast stabilisation issues on water quality have not been addressed.

Nutrient management

The PER does not address the issue of nutrient in the surrounding coastal waters adequately. The emission of nutrients to Cockburn Sound is of major concern and further detailed studies of nutrient loads entering the Sound from the site should be conducted.

- **Potential Impacts to the Terrestrial Environment**

Impact to Vegetation and Flora

While the PER rightly states that there are no bush forever sites within the area of the proposal, it fails to mention that the bush forever process has mapped the sites vegetation as the only remnant vegetation left along the coast between the northern extremity of Naval Base caravan park in the North and Kwinana beach in the South.

The remnant vegetation occurs on the Quindalup Dune System and forms part of the Quindalup vegetation complex, which is considered rare in the Town of Kwinana. The vegetation survey conducted for the James Point Port stage 1 proposal has identified an area of *Lepidosperma gladiatum* sedgeland within the project proposal area. The *Lepidosperma gladiatum* sedgeland assemblage is considered an unusual association. The PER indicates that there will be little opportunity to retain the remnant vegetation.

Impact to Fauna

The PER does not address impacts to fauna. The James Point Port stage 1 proposal PER has briefly outlined some species that may occur in the area. The Livestock Holding Facility PER needs to conduct a fauna survey to determine the fauna that does occur in the area. A report should then be developed outlining the proposal's impacts and any management techniques that may be used to avoid, minimise or mitigate impacts.

Surface and Groundwater issues

The holding ponds should be monitored closely to ensure the integrity of the lining in the holding ponds. The proponent should be required to monitor water levels, total nitrogen and total phosphorous in the groundwater. A contingency plan should be developed so it can be implemented if the nutrient levels in the groundwater are higher in the down gradient bores than the up gradient bores. Detection of high nutrient levels in the ground water should be remediated immediately to ensure no adverse effects to Cockburn Sound and minimise the likelihood of algal blooms or other water quality issues in the Sound.

The PER states that if a collection tank or lined pond is established to contain potentially enriched site stormwater it will be pumped out. The PER gives no indication of where this will be pumped to or how. All transfer of such material should be done in a manner that maintains containment of nutrient rich water and prevents nutrient rich water from entering Cockburn Sound. There is also no mention of a detection system to ensure the ponds do not leak nor is there a contingency plan if they do leak.

The PER proposes to direct run off from hardstand areas 'where there is insignificant contamination from manure' to soak pits. This is not acceptable, as any nutrient source should be directed away from the groundwater and surface water feeding Cockburn Sound.

Aboriginal Sites

The PER states that any native title or aboriginal sites will be dealt with by the James Point Port proposal, however, the PER also states that the Livestock Holding Facility can proceed even if the James Point Port proposal does not. The Livestock Holding Facility PER should therefore address the issues of native title and aboriginal sites as they apply to the proposal's area of impact.

- **Social Impacts**

Odour

The PER bases the entire recommendation ie. that the odours will not be a nuisance, on the fact that the facility will be run as a 'best practice operation'. Experience with other operations that are supposed to be run at this standard shows us that this rarely occurs and necessitates constant inspections and follow ups to maintain the required standard.

It is understood that odour from loading sheep at Fremantle is sometimes detected as far away as Cottesloe under certain circumstances. There is no livestock holding facilities at Fremantle.

In this case the proposed facility will be about 4 kms from the Kwinana Townsite and 1½ kms from the existing Hope Valley Townsite (proposed to become heavy industrial under FRIARS).

The PER indicates that mechanical ventilation will be used. Despite the costs of both installation and operation the proponent should be required to operate mechanical ventilation during periods of atmospheric temperature inversion to avoid events of 'fumigation' occurring. This practice should be done routinely rather than in response to complaints only.

Diagrams and modelling of the extent of odour in the PER does not appear to have taken into consideration the prevailing wind direction. Given that the prevailing wind direction will be from the south-west it would be expected to see the potential odour plume extend further in a north easterly direction. This may have impact on residents in Wattleup, however, the Wattleup Townsite is planned to become industrial under FRIARS.

The PER compares odour impacts from the James Point Holding Facility (JPLHF) with the Fremantle Port Loading facility (FPALF) when clearly they are very different facilities. The PER states that the odours from both facilities will be similar. Yet the JPLHF will hold significantly more livestock than Fremantle and for longer periods.

The odour study appears to be based on a survey of odours from 2 ships over 3 days at Fremantle. It must be questioned whether this is adequate in representing the fact, when the JPLHF will be a continuous operation, not sporadic. The PER states that an evaporation pond for contaminated washdown and contaminated stormwater will be established. The evaporation pond doesn't appear to have been factored into odour modelling. The evaporation pond may become a significant contributor to offensive odour concentration if it isn't appropriately managed.

The proposed Livestock Holding Facility will handle a very large volume of manure. The PER states that this manure will be collected and disposed of off-site. To prevent additional odour transport vehicles and hoppers should be fully enclosed with a strong commitment by the proponent to adopt an exceptional high standard of housekeeping.

A condition should be placed on the proposal that allows for problems with ship loading ie. industrial action or inclement weather. There should always be an open holding pen so that held stock can be rotated to facilitate manure removal during extended periods and unforeseeable circumstances.

Carcasses should be stored in fully enclosed containers awaiting disposal off site, again only fully enclosed transport should be used to prevent odour issues.

Results of the odour evaluation indicate that odours at a concentration that may contribute to annoyance and loss of amenity will not extend to residential areas but the study does not actually address impacts adjacent to the facility ie. industrial uses. The question should be posed as to the appropriateness of the PER's assumption that livestock odours will not have an adverse effect on workers in the area given other intermittent odours.

Although the PER states that 'there shouldn't be any problems with odour' it has also stated that 'if odour does prove to be a significant issue, consideration will be given to including ammonia binders in the feed. The ammonia content in the manure mainly causes odours from sheep manure. The Proponent should ensure that provisions for Ammonia binders is available for their use at peak times when odour is likely to increase.

The PER shows a map with only one odour contour. Additional odour contours should be included on this map so that it is apparent what the expected odour level is at different locations.

Due to a lack of sheep numbers at a local level a recent trend has been to partially load livestock ships in South Australia before loading the remaining livestock from Western Australian ports. It is expected that livestock loaded in South Australia would produce more odour after spending several days on the ship before arriving in Western Australia. This factor, however, has not been included in odour modelling.

- **Noise**

There are two sources of noise that need to be assessed for their potential impact on the residents of the City of Cockburn: truck movements from the facility to Fremantle Port; and the operation of the facility

(i) truck movements from the facility to Fremantle Port

Should the James Point Port project not proceed, while the livestock holding facility goes ahead, then the proponents envisage transporting sheep and cattle from the facility to Fremantle Port. The PER has not discussed the traffic impacts of this alternative. The PER states that the transportation of livestock to the export port is not assessed in the PER as it is believed that this is currently occurring.

Although livestock is currently being transported to Fremantle, it is shared between various incoming routes, depending on whether the cattle are coming from Midland or the sheep from Mundijong. However, if the livestock are held at James Point before being exported from Fremantle, then the transportation will be concentrated on one route through the City of Cockburn, thereby increasing the number of truck movements that residents will be exposed to. However, except for special licensed vehicles, truck routes cannot be controlled.

In addition to livestock truck movements, with possible noise and odour impacts, there is concern over where the waste will be transported to and by what means.

(ii) the operation of the facility

The Herring Storer report, in the PER, on the potential impacts on the surrounding noise environment indicates that residents of the City of Cockburn will not be affected by noise from the operation of the facility. However, there is some concern with regard to the sound power data used as input in to the modelling software. Page 5 of the acoustic report states that

“if the fan noise levels are higher than used in the modelling, such things as locating the fans on the sea side of the building below roof level, installing acoustic silencers, reduced fan speed during the night time etc will need to be considered”.

These factors may alter the potential impact on the residents of Hope Valley and Wattleup. In addition, the rationale for the number of fans necessary to adequately ventilate the facility was not discussed and may also affect the modelling predictions if a greater number of fans are needed. Further work on the proposed Livestock Holding Facility's noise impacts is required.

While the land subject to the livestock holding facility proposal is zoned industrial and the implementation of the Fremantle Rockingham Industrial Area Regional Strategy (FRIARS) planning process will see the surrounding land of Hope Valley and Wattleup also zoned industrial this is unlikely to occur for some 10 years. It is therefore likely that Hope Valley and Wattleup will remain as rural residential for the period the Livestock Holding Facility is being constructed and for some years of operation.

Transport

If the Livestock Holding Facility (LHF) does proceed with the port, then many livestock vehicles would not have to travel through Cockburn to get to and from the facility, as opposed to the current situation where Fremantle port traffic travels through Cockburn. Undoubtedly residents of the Cities of Belmont, Caning, Cockburn, Fremantle, East Fremantle and Melville would derive a benefit from this.

If the LHF proceeds without the Port this would clearly result in a large number of livestock laden vehicles having to travel through Cockburn to get to Fremantle. Not only would this involve the movement of sheep, but will add cattle trucks to traffic volumes (cattle are presently trucked from holding facilities in Midland and do not travel through Cockburn to get to Fremantle). It is also important to note that rather than a sporadic distribution of vehicles driving to Fremantle over the course of the several days the ships are in port, it is likely that convoys of vehicles will be required to get livestock to Fremantle over a short period of time, leading to likely traffic conflict, delay and odours on Stock and possibly Cockburn Roads. The City of Cockburn should support the use of Stock Road only for the transport route through Cockburn.

Visual Amenity

The building of the LHF will be clearly noticeable from Cockburn Sound. The PER did not include any diagrams showing the view from Cockburn Sound at present or any diagrams of the expected view from Cockburn Sound should the proposed LHF proceed.

- **Pollution Control**

Waste

There is no indication as to where effluent and other wastes are to be disposed off. This should be included so that any associated impacts can be determined.

The PER makes the statement 'Based on JPL's experience with livestock holding, there will be no liquid animal waste from the Livestock Holding Facility. There is however, no indication of JPL's experience with livestock holding facilities and no detailed explanation as to why liquid animal waste will not occur. This needs to be addressed further.

The question should also be posed as to what happens if liquid animal waste occurs? There is no indication of what contingency plans will be in place if liquid animal waste occurs.

The PER states that a collection tank or lined pond will be established to contain potentially enriched site stormwater and that the pond will be pumped out. There is no indication of where this pond will be pumped to or the procedures for pumping out and minimising spills.

The PER does not address how sawdust used as an absorbent material in cattle pens is disposed of. Nor does the PER address how manure or sheep carcasses will be disposed of apart from to say that they will be removed.

Off Site Impacts

The disposal of sheep manure may cause off site impacts and the City would be interested in knowing where this material is going especially if it is in Cockburn or may cause impacts to residents or land within the City of Cockburn. Similarly in respect to the disposal of sheep carcasses may also cause off site impacts and the City would be interested in knowing where this material is going also.

The PER does not mention the potential of weed infestation due to transport and transport routes of both stock and particularly feed products or how such impacts would be dealt with.

- **Zoning**

Whether or not the port proceeds, the use of this land for a livestock holding facility would appear to be a waste of valuable land as the livestock holding facility could easily be accommodated elsewhere. Industrial land with a coastal frontage is a rare and precious commodity. Council has taken a consistent stance in recent times on developments affecting Cockburn that industry should not be on the coast unless it is warranted by virtue of the need to ship products in and out by sea. A similar position should be taken on the proposed LHF as without the port there is no logical reason to have the facility there and expose what is a sensitive environmental area to unnecessary risk of detrimental impact and occupy valuable land that could accommodate a higher and better use.

Environmental Commitments

Table 1.3 of the PER is a summary of the proponent's commitments. If the James Point Port does not proceed and the Fremantle Port continues to be used for exporting livestock from the proposed livestock holding facility there will be substantial transport of livestock through the City of Cockburn. The City of Cockburn should therefore provide advice on traffic issues.

Alternative

The issue of live sheep and cattle export needs to be reviewed, given its detrimental impact on adjoining areas. Fremantle is not a suitable port for exporting livestock. It would seem timely to examine alternatives to bringing livestock into the Metropolitan Area from the rural hinterland. Consideration should be given to using the provincial ports of say Geraldton and Bunbury to export livestock. Rural holding yards could be associated accordingly.

Given that the sheep ships are apparently travelling from Adelaide, calling at either Esperance, Albany, Bunbury or even Geraldton would not be unreasonable or inconvenient.

- **Conclusion**

The proposal for a Livestock Holding Facility at James Point raises a number of concerns including the potential effects on water quality, coastal processes and the generation of noise and odour. The PER fails to adequately address a number of issues as listed below. It is believed that these issues should be addressed further before consideration of approval:-

- Alternative locations or designs.
- Stabilisation and dust generation during clearing and construction.
- Movement of nutrients into the surrounding coastal waters.
- Opportunities to retain the remnant vegetation of the site, particularly the unusual *Lepidosperma gladiatum* sedgeland assemblage.
- Fauna management techniques to minimise or mitigate impacts.
- Surface and groundwater monitoring.
- Odour study and modelling is required to ensure that the study reflects the conditions of the proposed project (ie sheep numbers and the length of time at the LHF/Port). The odour modelling should also include other aspects that may contribute to odour generation such as the evaporation pond, manure and carcasses.
- Storage and transport of manure and carcasses to be in fully enclosed containers.
- Livestock odours on workers within the vicinity of the proposal and further odour contours mapped.
- Traffic impacts and associated noise issues if the James Point Port does not proceed and livestock needs to be transported to Fremantle Port for export. The City of Cockburn should have the opportunity to provide advice on transport routes through Cockburn.
- Noise impacts including exact location, number and type of ventilation fans that will be used.
- Effluent and other waste disposal and any associated offsite impacts addressed.

There appears to be no substantiated case to support a livestock holding facility being built on prime industrial land (according to FRIARS in short supply) regardless of whether the port proposal eventuates or not.

The current livestock holding practices that are used to support the livestock export trade through the Fremantle Port should be retained. However, the appropriateness of continuing this business in the Perth Metropolitan Area should be reviewed with the view to relocating this incompatible activity to provincial ports such as Geraldton and

Bunbury. Fremantle Port is not well located to export livestock from because it is too confined and too close to sensitive land uses.

The Council should not support this proposal, despite the fact that it may have a minimal effect on the City of Cockburn, particularly given the future industrial development proposed for the Hope Valley-Wattleup Redevelopment Area.

The Council position has to date, been that uses that do not need to be on the coast, should not be located on the coast. This represents an unacceptable coastal use, and therefore should be opposed.

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."*

Budget/Financial Implications

N/A

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

Nil.

14.11 (OCM1_6_2001) - PROPOSED ADDITIONS TO EXISTING NURSING HOME - LOT 51; 382 CARRINGTON STREET AND LOT 63; 27 IVERMEY ROAD, HAMILTON HILL - OWNER: HAMILTON HILL OWNERSHIP PTY LTD - APPLICANT: MONTAGUE GRANT ARCHITECTS PTY LTD (2203743; 2205124) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the modification to Special Condition No 1 from Council's Planning Approval issued on 23 February 2001 for the nursing home on Lot 51 Carrington Street & Lot 63 Ivermey Road, Hamilton Hill, subject to the following condition:-

Special Condition

1. Increase the turning radii of the existing crossover (3.0 metres radii) and install either warning lights or signage warning all motorists that vehicle access is limited to one vehicle entering and leaving the premises at a time.”
- (2) advise consultants on behalf of landowner/developer of the Council’s decision.

COUNCIL DECISION

Background

Council at its ordinary meeting on 15 May 2001 resolved to approve the expansion of the Carrington Street Nursing Home onto the adjoining residential Lot subject to several conditions. Since issuing the approval the applicant has expressed concern over satisfying Special Condition 1 as set out below:-

“ 1. Increase the turning radii of the existing crossover and widen the car park entry from Carrington Street to a minimum of 6.0 metres to the satisfaction of the City.”

Submission

The applicant believes the changes in the undercroft access width would require substantial reconstruction of a main support column within the undercroft parking area. This is difficult since the structural elements of the building are based on a pre-calculated distance and support loading and this is not a simple case of relocating the column. The opposite side is also constrained by a raised pathway and doorway entrance to the existing lobby (refer to plan attached to the Agenda).

To avoid potential vehicle conflict occurring, it was proposed to increase the crossover turning radii to allow for a safer and smoother access to and from the site. The existing crossover still allows vehicles to pass safely. Within the undercroft entry, the applicant proposes to install either signage to warn motorists of the narrow entry or warning lights indicating if vehicles enter or are leaving the premises.

Report

The existing accessway entry between walls is 4.5 metres in width, which is not sufficient to allow two vehicles to enter and pass within the undercroft entry at the same time. A width of 6.0 metres allows for vehicles to pass each other, as reflected in Special Condition 1 above.

Other access locations were explored with the applicant's on-site. These were quickly dismissed due to the proximity with the adjacent 'T' intersection of Mortlock Street and Carrington Street and being at the base of a dip in the road. Retaining the current accessway location is the best option.

Given the major difficulties associated with the structural changes required to the existing building it is not considered appropriate to widen the existing accessway to 6.0 metres in width. The undercroft parking area is not open to the general public (staff use only) and on recent inspection was only occupied by a dozen cars, which is not expected to significantly increase with the approved expansion plans.

Strategic Plan/Policy Implications

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

Planning Your City

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."*

Budget/Financial Implications

N/A

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

Nil

**14.12 (OCM1_6_2001) - PROPOSED MODIFICATION TO CELL 9
STRUCTURE PLAN - YANGETUP (9620) (SOS) (MAP 8/9) (ATTACH)****RECOMMENDATION**

That Council:

- (1) adopt the proposed modification to the Cell 9 Structure Plan as shown on the Plan included in the Agenda Attachments;
- (2) advise the Western Australian Planning Commission and Urban Focus of Council's decision.

COUNCIL DECISION**Background**

The Cell 9 Structure Plan, adopted by Council in November 2000, is an important planning mechanism for the future subdivision and development of the Cell 9 area in Yangebup.

Land adjacent to the corner of Spearwood Avenue and Yangebup Road has recently been subdivided by Urban Focus on behalf of several landowners. This land is being marketed as Bayview Estate and is the first stage of development of the Cell 9 area. There is currently considerable building activity on the new lots within the Estate.

The approval of subdivision plans for Bayview Estate was granted prior to the adoption of the Cell 9 Structure Plan. Thus Bayview Estate, although within the Cell 9 boundary, does not form part of the Cell 9 Structure Plan. A copy of this Plan is included in the Agenda Attachments and illustrates this situation.

The Cell 9 area is proposed to be rezoned to Development zone under the latest revision of draft Town Planning Scheme No.3. The concept of a Development zone is to provide a interim generic zoning over an area with a reliance on an approved Structure Plan to classify the use of land by reference to reserves, zones or the Residential Planning Codes (R Codes). Given that Town Planning Scheme No.3 is yet to be finalised and Bayview Estate is not covered by the Cell 9 Structure Plan, the current District Zoning Scheme No.2 zoning of R20 applies.

An anomaly therefore exists as a number of lots have been identified through the subdivision process for R40 unit development and

marketed as such, yet Planning Approval and Building Licences can only be lawfully issued up to a maximum permissible density of R20.

It is proposed to correct this anomaly by modifying the Cell 9 Structure Plan to include the development layout of Bayview Estate and to apply R Codes and land use classifications as was initially proposed by Urban Focus through previous planning proposals.

Submission

The proposed modification to the Cell 9 Structure Plan simply involves the incorporation of the subdivision layout and land use and R Code classifications for land in Bayview Estate, as shown on the Plan included in the Agenda Attachments.

Part 8 of District Zoning Scheme No.2 provides for minor variations to Structure Plans to be adopted by resolution of Council.

Whilst the proposed modification is essentially a procedural formality, it was necessary to firstly advertise the proposal for public comment prior to presenting it to Council for consideration. This was due to the fact that a number of lots had already been sold in Bayview Estate and land buyers would have made investment decisions based on the information obtainable at the time of sale. This would have included what sites were intended for single dwellings only and those to be developed for grouped housing.

Accordingly, the proposal was circulated by way of a letter to all new landowners in Bayview Estate and to the original subdividers and their consultant Urban Focus. The Cockburn Herald also carried details of the proposal.

Advertising concluded on 6 June 2001 and at its close no submissions had been received.

Report

The allocation of land use classifications and R Codes to each property in Bayview Estate is consistent with Urban Focus's previous planning proposals and with the marketing plans of the Estate's selling agents. The fact that no objections have been received from new landowners confirms this to be the case.

The manner in which residential densities have been allocated follows established planning principles aimed at providing a range of lot sizes in new development areas so as to facilitate a variety of housing types.

To correct the current zoning anomaly of Bayview Estate, adoption of the modified Cell 9 Structure Plan is recommended.

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:-

N/A

Budget/Financial Implications

N/A

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

Nil

14.13 (OCM1_6_2001) - REQUEST FOR CLOSURE OF PEDESTRIAN ACCESSWAY - MOONDARRA CIRCLE / DULVERSON PLACE, SOUTH LAKE (45/0445) (SOS) (MAP 14) (ATTACH)

RECOMMENDATION

That Council:

- (1) subject to receiving written advice from those owners of land whose properties abut the public accessway between Moondarra Circle and Dulverson Place that they will be prepared to purchase the land within the accessway at a cost to be established by the Department of Land Administration and meet all costs associated with its closure, including a Council Administration fee of \$250, initiate the closure proposal by advertising it for public comment in accordance with the procedures outlined in Policy PD 10;
- (2) write to those owners of land whose properties abut the pedestrian accessway in respect of (1) above;
- (3) advise the person who submitted the petition that Council's decision should not be construed as approval to close the

pedestrian accessway, but rather is an indication that it is prepared to initiate the proposal and consider comments from the community and servicing authorities as to the appropriateness and viability of the closure proposal.

COUNCIL DECISION

Background

A 23-signature petition from South Lake residents requesting closure of the pedestrian accessway (PAW) between Moondarra Circle and Dulverson Place was received on 20 April 2001.

The petition states:

“Please can we ask yet again for this matter to be dealt with as soon as possible. Our home and ourselves have been subject to vandals, undesirables in the walkway opposite our home, we have yet again (had) glass bottles thrown, rocks or heavy stones up into our driveway, disgusting verbal abuse, shopping trolley thrown and left in our driveway, our outside security lights broken and some undesirables urinating in the walkway, also seemingly drug abuse, one neighbour an attempted break-in on Saturday 7 April. We ask Council for all of us, for our safety please close this walkway before someone gets seriously injured. We the undersigned request for urgent attention for this closure.”

PAW’s are a feature of many residential areas in the district and have an important role in providing pedestrian and cyclists with access to community facilities and services. However, problems such as those mentioned in the above petition are typical of the nuisance residents living near PAW’s often report.

At a time when various strategies are emerging to address the need to reduce reliance on the private motor car and promote sustainable forms of transport, Council must balance the negative impacts experienced by residents living near a PAW against the wider community need for it. To address this balance, Council adopted a comprehensive amendment to Policy PD10 – PAW Closures in August 2000. PD 10 provides a framework for evaluating proposals to close a PAW and guidance on the matters Council will take into consideration.

It is against this policy background that the following assessment of this PAW closure is made.

Submission

PD 10 requires that residents seeking to have a PAW closed should make a written request to Council for the PAW closure signed by at least two of the residents abutting the PAW, with supporting justification for the closure. This has been completed by virtue of the submitted petition.

The written request should also provide advice that should the PAW closure be agreed, the owners adjoining or abutting the PAW will be prepared to purchase the land and meet all costs associated with its closure. No such advice has been provided, but could reasonably be imposed as a condition of Council's agreement to initiate procedures to close the PAW.

Report

The PAW in question is approximately 75 metres long and 3 metre wide. It is flanked by fibrous cement fencing ranging in height from 1.6 to 1.8 metres, with little or no vegetation within the adjoining properties that could provide additional screening either from or of the PAW. The front of each of the abutting properties is quite exposed near where the PAW joins the road verge. At the time of inspection the fencing was extensively brandished with graffiti and large amounts of rubbish had accumulated along the PAW.

Plans associated with the assessment of this PAW closure proposal are included in the Agenda Attachments. The details of the assessment are as follows;

- 1. The location of the PAW in relation to community facilities and services;**
 - a) schools – the PAW lies approximately 100 metres from South Lake High School. Closure of the PAW would not significantly increase the walking distance to and from the School as a viable alternative exists using Dulverson Place, the western part of Moondarra Circle and South Lake Drive.
 - b) shops – the nearest shop is more than 800 metres from the PAW. Closure of the PAW would be of no consequence in providing access to shops.
 - c) public open space areas – Lucken Reserve and Reserve 41221 on South Lake Drive are between 300 and 400 metres from the PAW. For approximately 10 residences on the eastern part of Moodarra Circle, the walking distance to Lucken Reserve would be increased by approximately 150 metres, however many of the

potentially affected residents signed the petition. Closure will not increase the walking distance to Reserve 41221 as a viable access alternative exists.

- d) public transport routes and stopping points – a bus service is routed along Elderberry Drive with stops every 300 metres. For residents of Eildon Court and western end of Dulverson Place, a viable alternative exists using Tablo Court to get to and from other stops on Elderberry drive as the distance is the same as using the PAW. For 12 properties at the end of Dulverson Place, the average distance to the nearest bus route using the PAW is currently 450 metres, which would increase by approximately 80 metres or a one-minute walk if using the Tablo Court alternative. This is considered to be a marginal increase for a small number of people and on its own wouldn't be adequate reason to refuse the request.

The future Perth-Mandurah rail link proposes a transit station at the intersection of Berrigan Drive and Kwinana Freeway. Rail stations generally draw from a larger walkable catchment than bus services. The residences in Eildon Court and Dulverson Place will have a walk of between 900 and 1100 metres to the transit station with the PAW open, depending upon their exact location. Closure of the PAW would increase the walking distance for those in Dulverson Place by between 300 and 400 metres. Residences in Eildon Court, although further away from the station, would have an additional 200 metre walk if the POS was closed as the alternative route offers an opportunity to shortcut across the High School POS. This is considered to be the only significant factor that suggests the community will be disadvantaged by the PAW closure.

Both the existing situation and the scenario without the PAW places all residences that would be affected by the PAW closure outside the 800 metre or 10 minute walk that is generally accepted as the walkable catchment associated with a rail station. An argument for closure could be mounted on the basis that, given the distance from the station, the likelihood of residents walking to the transit station is significantly reduced anyway. The opposing argument against closure is that the existing distance is on the limit of being a viable and tolerable one, but adding an extra 300 to 400 metres will be the decisive factor in residents opting not to walk to the station.

- e) other premises – the South Lake Leisure Centre is the only nearby local facility within a reasonable walking distance of the property near the subject PAW, however closure would have no effect on access to this facility.

2. The role of the PAW

The PAW is not part of a continuous access route, nor a Bike Plan route. Council should note that a PAW located directly opposite the subject PAW between Moondarra Circle and Elderberry Drive was closed several years ago. This previously provided a continuous link from Elderberry Drive through to Lucken Reserve. The closure has effectively rendered the PAW subject of the current request as a single access route with only limited function.

3. Proximity to Seniors accommodation/aged care facilities

This is not relevant to this proposal, as no aged care facility is located in the area that would generate usage of the subject PAW.

4. The degree of nuisance experienced by residents living near the PAW

Whilst it is not possible without extensive surveillance of the PAW to substantiate the residents' claims of nuisance, there is nothing to suggest that their concerns are without foundation or are not genuine.

The PAW is a typical example of what originated as a sound planning objective to provide convenient pedestrian access in a new development area, but has been compromised by antisocial behaviour. It is evident from observations of the PAW that it is a blight on the local environment and is a problematic urban design feature in its contemporary social setting.

5. Availability of alternative access routes

Apart from access to the future South Lake transit station, there are considered to be adequate viable alternative access routes to that provided by the PAW.

6. Options for alternatives to a closure of the PAW

Works on the PAW such as improving lighting, restricting access or increasing the fence height of adjoining properties are all options that would improve this PAW, though none are considered viable in this circumstance.

7. Other considerations

It has not been substantiated whether any mains services such as sewer, water supply, electricity, telephone or drainage infrastructure will be affected by the closure. This can be addressed through public consultation processes should Council seek to initiate the closure of the PAW.

The petition has been signed by those abutting the PAW and from predominantly Moondarra Circle residents. There would be little impact on walking distances for most of those residents who signed for the PAW to be closed. In contrast those who would be affected by increased walking distances (in Eildon Court and Dulverson Place) have not signed the petition.

Three of the four houses abutting the PAW were purchased in 1996. Only one of the houses abutting the PAW has been owned since the land was subdivided in 1989. The PAW has therefore been there longer than most of the residents.

Two of the four houses abutting the PAW are rental properties. The person who organised and submitted the petition rents the residence they live in and resides opposite the PAW as opposed to directly abutting it.

8. Summary of Assessment

Based on the above assessment and following the provisions of PD 10, it is considered that it may be appropriate to close the PAW for the following reasons;

- There is no community facility within 800 metres of the PAW that couldn't be accessed by a viable alternative access route.
- Whilst a marginal increase in walking distance to bus stops will result from closure of the PAW, it is only a small number of properties that would be affected. On balance, the desire to improve the amenity for those living near the PAW can reasonably be argued as outweighing the negative impacts of a small increase in walking distance.
- Whilst Council should do everything it can to promote efficient walkable access to the future South Lake transit station, the residences that would be most affected by closure of the PAW are already in excess of a 10 minute walk to the station.
- The PAW is not part of a continuous access route.

The only significant hesitation Council should have in respect to closure of the PAW is the resulting increased walking distance to

the future transit station. This can be addressed in further detail through public consultation to ascertain if this is a legitimate community concern.

It is therefore recommended that the proposal to close the PAW be advertised for public comment in accordance with the procedures outlined in PD 10, subject to firstly receiving an indication from the abutting landowners that they will be prepared to purchase the PAW land and meet all costs associated with its closure.

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."*

5. Maintaining Your Community Facilities
 - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*

The Planning Policies which apply to this item are:-

PD10 Pedestrian Accessways

Council should note that whilst Delegated Authority is available to Officers to circulate PAW proposals for public comment prior to presenting the matter for Council consideration, it hasn't been done in this instance.

Budget/Financial Implications

Costs associated with the closure will need to be met by those landowners adjacent to the PAW, including payment of a Council administration fee of \$250.

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

Nil

RECOMMENDATION

That Council:

- (1) adopt the recommendations outlined in the Schedule of Submissions;
- (2) write and thank those who lodged submissions and to advise them of Councils decision;
- (3) write and thank the members of the Greening Plan Steering Committee for their contribution to the preparation of the Greening Plan;
- (4) request the Managers of Planning Services and Parks to prepare report detailing the requirements, processes and responsibilities for implementing recommendations of the Greening Plan.

COUNCIL DECISION

Background

Council at its meeting held on the 16th January 2001 resolved to adopt the draft Greening Plan and to advertise the document for public comment for a period of eight (8) weeks and to advise all members of the Greening Plan Steering Committee and the Consultancy team of Councils decision.

Submission

N/A

Report

The draft Greening Plan was advertised for public comment for eight weeks between 5th February and 2nd April 2001. This included advertisements in the local papers, articles in the March 2001 edition of Cockburn Soundings and letters of advice to members of the Steering Committee, community groups, Main Roads Department and the Urban Development Institute of Australia (UDIA).

Copies of the report were available for inspection at Councils libraries, the Administration office and on Council's web site. Copies were available for purchase from the Administration office.

Two submissions were received during the advertising period being from Mr David Bright and the Wetland Conservation Society (Inc). Two requests were received for additional time to lodge submissions one of which has been subsequently received. It has now been two months since the original submission period of eight weeks finished and it is considered that adequate time has been provided for submissions to be lodged.

Mr Bright provided specific specialist comment on Appendix 5 "Indicative Species List for Streetscape Themes" highlighting several incorrect names and suggested several additional species that could be included on the list. Additionally it was noted that several tree species are known for dropping branches and should be used only where appropriate and one wetland species being Malelaleuca quinquenervia is invasive as is the case in Yangebup Lake and accordingly should not be used particularly around wetland areas.

Port Catherine Developments advised that whilst not a submission, it is appropriate to note that the proposed Port Catherine Development contains a number of the greening plan elements and specific proposals could be included in future updates of the plan. This includes revegetation of the north south limestone ridgeline, streetscapes and rehabilitation of the existing dunal system.

The submission by the Wetland Conservation Society (Inc) states that the draft Plan contains some excellent information about the natural environment which helps define the vision. However Part 3 of the Plan relating to the implementation is vague and lacking in specific objectives and target dates. The submission identifies some specific concerns which need to be addressed.

Copies of the submissions are included in the Agenda attachments.

Specific comments on the points raised in the submissions and recommended actions are outlined in the Schedule of Submissions in the Agenda attachments. The schedule and recommendations are self explanatory .

It is considered that the Greening Plan with the inclusion of the recommendations on the schedule of submissions has been completed and provides a comprehensive strategy for bushland conservation and management and a rational approach to the greening requirements of parks, major and minor roads reserves and other public and private land. The plan contains very clear objectives and strategies to guide the activities of both Environmental Management Services and Parks Department which will be largely responsible for implementing the Plan.

Further action necessary to progress the Greening Plan is as follows;

- Review and initiation of appropriate action on the recommendations of the Plan. This includes some 25 strategies relating to the nine objectives set out in Part 3 of the Plan.
- To develop a strategy for the implementation of the Greening Plan. In addition to prioritising tasks there is a need to consider the financial implications of undertaking the works and the ongoing maintenance costs and linking this to the Principal Activity Plan and the budgets for Environmental Management Services and Parks which will be jointly responsible. Given the high capital cost and ongoing maintenance cost of many of the proposed treatments it is imperative that the financial implications are assessed and realistically achievable solutions, priorities and targets are set.

The above will be the subject of a separate subsequent report to Council.

In respect to the formation of a Green Plan Advisory Committee as per “Objective 7 – Community Education, Awareness and Involvement” and recommendation 9, it should be noted that at its meeting held on 16th January 2001 Council (Item 14.10) considered the question of reforming the Arboricultural Advisory Committee which was established in 1966 to provide guidance on revegetation projects and was renamed the Greening Plan Steering Committee in January 1999 to oversee the preparation of the Greening Plan.

The report to Council noted that the need for re-establishing the Arboricultural Advisory Committee to meet on a regular basis to discuss specific projects is no longer appropriate given that;

- The comprehensive list of objectives and strategies outlined in the Greening Plan provides the overview that will guide the activities of both the Parks and Environmental Management Services.
- That Officers from Environmental Management Services meet regularly with community reference groups on specific projects including Market Garden Swamps, Lake Coogee, Yangebup-Little Rush Lakes and other projects as the need arises to provide the opportunity for community input.
- That both Parks and Environmental Management Services have the necessary experience and expertise to plan and manage programs necessary to implement recommendations of the Greening Plan.
- A Parks Manager was appointed in 1998 to specifically increase the expertise that is required in this area.
- The value of regular meetings and their impact on staff resources.

The recommendation which Council adopted was for the formation of a "Greening Plan Review Group" comprising two Councillors and the managers of Planning Services and Parks to meet on an as needs basis to satisfy the requirements of Recommendation 9 of the Greening Plan. In order to satisfy the requirements of Recommendation 9 the Group would complete an annual review and set priorities for consideration in the budget process.

It is also considered that the function of the Greening Plan Review Group together with the development and implementation of a Community Communications Strategy also satisfies Objective 7 which was for the formation of a Green Plan Advisory Committee to ensure the ongoing Council commitment to the Plan.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To conserve the character and historic value of the human and built environment."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
 - *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*
5. Maintaining Your Community Facilities
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

PD8*	Bushland Conservation Policy
PD13*	Public Open Space
PD14*	Guidelines for Development Applications for the Filling of Land
PD15	Ultimate Strategic District Plan
PD19*	Landscape Standards for Commercial/Industrial Development
PD24*	Industrial Subdivision Policy
PD40*	Henderson Industrial Area - Development Control
PD42	Native Fauna Protection Policy
PD45	Wetland Conservation Policy

Budget/Financial Implications

The capital cost to implement elements of the Greening Plan and ongoing maintenance needs to be determined as part of the implementation strategy to ensure that the plan is able to be delivered within the financial and physical resources available.

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

Nil

14.15 (OCM1_6_2001) - BANJUP HORSETRAILS (8124) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) endorse the draft Banjup Trails Masterplan report for the purpose of undertaking a consultation program as outlined in the report;
- (3) advise the Banjup Bridle Trail Action Group of Councils determination and provide a copy of the draft Trails Masterplan report for their information;
- (4) initiate studies by Environmental Management Services to determine the current extent of die back in the Banjup reserves and the risk of this spreading within the area due to equestrian and other activities; and
- (5) require the preparation of a report which details planning requirements for the keeping and agisting of horses in the

Banjup locality and action required to redress the current situation.

COUNCIL DECISION

Background

N/A

Submission

During January 2001 fifty nine signed copies of a circular letter stating the need for bridle paths and open spaces in the Banjup area and the need to appoint a Facilities Manager to be responsible for trails etc were received by Council. One Banjup resident forwarded a copy of the circular letter opposing bridle trails.

On 20th January 2001 the Banjup Bridle Trail Action Group (BBTAG) submitted a proposal to Council requesting that consideration be given to the establishment of bridle trails throughout the Banjup locality

Report

A detailed report on the proposed provision of bridle trails in the Banjup locality as requested by the Banjup Bridle Trail Action Group is included in the Agenda attachments.

The report is self explanatory and does not need elaboration.

The recommendation is to endorse the draft Banjup Trails Masterplan report for the purpose of undertaking a consultation program which is to include relevant government department and agencies, adjoining local governments, Banjup residents and the community in general and to initiate an assessment to determine the extent of and risks of die back spreading in the Banjup reserves due to equestrian and other activities.

Strategic Plan/Policy Implications

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

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

- *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
 3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To conserve the character and historic value of the human and built environment."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
 4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
 - *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*
 5. Maintaining Your Community Facilities
 - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*

The Planning Policies which apply to this item are:-

PD8*	Bushland Conservation Policy
PD15	Ultimate Strategic District Plan
PD43*	Rural - Water Protection Zone (Mrs) Jandakot
PD45	Wetland Conservation Policy

Budget/Financial Implications

To be determined

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

Nil

14.16 (OCM1_6_2001) - REQUEST FOR CLOSURE OF PEDESTRIAN ACCESSWAY - LITTLE RUSH CLOSE / BLACKTHORNE CRESCENT, SOUTH LAKE (45/0716) (SOS) (MAP 14) (ATTACH)

RECOMMENDATION

That Council:

- (1) refuse to initiate procedures to close the pedestrian accessway between Little Rush Close and Blackthorne Crescent, South Lake as it currently provides convenient access to and from the Lakes Shopping Centre and bus services along North Lake Road and its closure would significantly increase the walking distance to these facilities;
- (2) note the problems being experienced by residents living near the pedestrian accessway and investigate options to improve the security and function of the pedestrian accessway and surrounds through liaison with local residents and the Lakes Shopping Centre Management;
- (3) advise those persons who wrote letters requesting the closure of the pedestrian accessway of Council's decision.

COUNCIL DECISION

Background

Local Legislative Assembly Member Fran Logan has been petitioned by the owners or occupants of eleven South Lake properties seeking the closure of the pedestrian accessway (PAW) that exists between Little Rush Close and Blackthorne Crescent.

Mr Logan has sought Council's support for the closure of this PAW as a result of nuisance experienced by residents living adjacent or near the PAW. A copy of Mr Logan's letter and those of the residents who have sought the closure are included in the Agenda Attachments.

PAW's are a feature of many residential areas in the district and have an important role in providing pedestrian and cyclists with access to community facilities and services. However problems such as those mentioned in the residents' petition are typical of the nuisance residents living near PAW's often report.

At a time when various strategies are emerging to address the need to reduce reliance on the private motor car and promote sustainable forms of transport, Council must balance the negative impacts experienced by residents living near a PAW against the wider community need for it. To address this balance, Council adopted a comprehensive amendment to Policy PD10 – PAW Closures in August 2000. PD 10 provides a framework for evaluating proposals to close a PAW and guidance on the matters Council will take into consideration.

It is against this policy background that the following assessment of this PAW closure is made.

Submission

PD 10 requires that residents seeking to have a PAW closed should make a written request to Council for the PAW closure signed by at least two of the residents abutting the PAW, with supporting justification for the closure. This has been completed by virtue of the submitted letters.

Report

The PAW in question is approximately 65 metres long and 4 metres wide and is flanked by 1.8 metre high fibrous cement fencing, which has been extensively tagged with graffiti. Trees overhang the entrances to the PAW and it has no direct lighting.

Little Rush Close abuts the rear boundary of the Lakes Shopping Centre. The Shopping Centre generally fronts North Lake Road with the rear used predominantly by service vehicles for deliveries. A breezeway provides access from the front of the Centre to the rear and leads to a set of stairs that rise to Little Rush Close. These stairs sit directly opposite the PAW and thus forms part of an efficient pedestrian link to and from the Centre and to bus stops on North Lake Road. The Centre offers no passive surveillance of the area in the vicinity of the PAW. A row of dense vegetation along the rear boundary of the Centre, whilst most effective in providing a visual screen of the Centre, further adds to seclusion of the area in the vicinity of the PAW.

Council should note that this PAW was the subject of a closure proposal in 1996. Some of the same residents who made the latest request for closure were behind the previous proposal. Advertising of the previous proposal for public comment attracted eight letters and an 18-signature petition of objection. Telstra and the Water Corporation

also raised objections to the proposal as they had services within the PAW, though their objections would have been withdrawn if suitable arrangements were to be made for the relocation of these service mains (or alternatively protection within an appropriate easement) as deemed appropriate. The Ministry for Planning suggested the closure would prejudice access to the Shopping Centre, but would have no objections as long as there was support for the closure from those who would be affected. Council, at its meeting held on 6 August 1996, resolved that the PAW remain open.

Notwithstanding the previous decision, it is appropriate to fully assess the residents' latest proposal under Policy PD 10. Plans associated with the assessment of this PAW closure proposal are included in the Agenda Attachments. The details of the assessment are as follows;

1. The location of the PAW in relation to community facilities and services;

a) schools – the South Lake Primary School lies approximately 400 metres to the east of the PAW. Approximately 12 Little Rush Close properties would be the only ones affected by the closure in terms of school access. The walking distance to the school would be increased by between approximately 200 and 300 metres for these residents depending on their exact location.

b) shops – as mentioned above the PAW provides an efficient pedestrian access link to and from the Lakes Shopping Centre. The Centre can also be accessed from the rear via pathway entries adjacent to Omeo Street and Mason Court. With the PAW in place there are 72 properties within a 400-metre walk of the Centre. If the PAW were to be closed, the alternative routes available would result in only 30 properties being within a 400-metre walk. This is a 58% reduction in the walkability of the immediate area, which is a significant reduction. The increase in walking distance for residents if the PAW was to be closed would be between 200 and 400 metres depending on their exact location.

c) public open space areas – Hopbush Park lies approximately 150 metres to the east of the PAW. Closure of the PAW would double the walking distance to this Park for approximately 15 Little Rush Close properties. It is important to note that this Park acts as a pedestrian conduit, which in combination with the PAW, forms a continuous access route to the Shopping Centre, particularly for those residents located on the southern side of Elderberry Drive.

d) public transport routes and stopping points – three bus services are routed along North Lake Route. These three routes link Gateways Shopping Centre to Fremantle, Booragoon and Perth respectively. The nearest bus stop to the PAW is the one directly in front of the Lakes Shopping Centre. The PAW in conjunction with the Centre's breezeway

provides an efficient and direct pedestrian link to this stop. The nearest bus stops to the one outside the Centre are approximately 500 metres in either direction. Residents in Blackthorne Crescent, Pecan Court, Hacketianna Avenue, Candlebark Place and Lace Bark Court would have an additional walking distance of between 200 and 400 metres depending upon their exact location. This is a significant impact.

2. The role of the PAW

As noted above, the PAW is part of a continuous access route with an important role in the local pedestrian network.

3. Proximity to Seniors accommodation/aged care facilities

This is not relevant to this proposal, as no aged care facility is located in the area that would generate usage of the subject PAW.

4. The degree of nuisance experienced by residents living near the PAW

Claims of nuisance and hardship experienced by residents living next to or near the PAW are as follows;

- Crime – home burglaries;
- Alcohol and drug use in the PAW;
- Build-up of rubbish;
- Noise;
- Motorbikes;
- Dumping of trolleys;
- Objects thrown into adjoining properties;
- Poisoning of a family pet;
- Fires in the PAW;
- Verbal and physical abuse from PAW users;
- Fighting in PAW;
- General loitering; and
- Use of PAW as a quick escape route for shop thieves.

Whilst it is not possible without extensive surveillance of the PAW to substantiate the residents' claims of nuisance, there is nothing to suggest that their concerns are without foundation or are not genuine.

Discussions with a Lakes Shopping Centre Security Officer confirmed that the PAW is often used by shoplifters as a quick escape route. Murdoch Police confirm the location of the PAW makes it difficult to apprehend people they may be chasing and is generally a source of nuisance for local residents.

Shopping Centre Management believes that problems of people loitering around the Centre are no worse than an average suburban shopping centre, though it conceded its Security Officers are often

required to ask people loitering near the rear of the Centre to move on. It is possible that this actually increases the loitering element in or near the PAW as it is a more secluded location. The Centre confirmed that the breezeway was previously prone to loitering and vandalism, but since the installation of lighting and 24 hour security cameras in the last year, this is no longer a problem.

The PAW is a typical example of what originated as a sound planning objective to provide convenient pedestrian access in a new development area, but has been compromised by antisocial behaviour. This PAW, whilst not as visually unattractive and unsightly as other examples in the district given its width and softening with vegetation, is appreciated as playing a role in facilitating the problems mentioned above.

5. Availability of alternative access routes

The main implication of closure of the PAW is the resulting increase in the distance to the Lakes Shopping Centre and bus stops on North Lake Road. Whilst the rear of the Centre has other entrance points at either end of Little Rush Close, the distance to get to these entrances is significantly increased without the PAW.

6. Options for alternatives to a closure of the PAW

Works on the PAW such as improving lighting, restricting access or pruning or removing vegetation near the entrances are all options that would improve this PAW, which are considered viable in this circumstance, though these haven't been investigated in detail at this time.

Similarly there are considered to be measures the Shopping Centre Management could do such as pruning or removing vegetation or improving lighting near the stairs opposite the PAW to improve security. The problems being experienced in this area could arguably be due to the seclusion that is created by the lack of passive surveillance and vegetation cover around this part of the shopping centre provides as much as if not more than the role the PAW plays in generating nuisance.

The letter from Mr Logan suggests this PAW could be an example used to trial innovative new solutions to address the problems being experienced, such as through electronically activated gates. This may be the case though this hasn't been able to be investigated in the short time available to prepare this report.

7. Other considerations

The letters requesting closure of the PAW are predominantly from Little Rush Close residents, with the exception of the letters from the two

residents abutting the PAW in Blackthorne Crescent. Walkability for most Little Rush Close residents would not be greatly affected by closure of the PAW, apart from an increased walk to Hopbush Park and South Lake Primary School for some.

One of the letters details the closure of a PAW further along Little Rush Close between Lessing Place. It is true that the PAW between Little Rush Close and Lessing Place was closed earlier this year, however the closure of this particular PAW didn't implicate on as wide an area as the closure of the subject PAW has the potential for. It also served only a limited function and other viable alternative access routes were available.

8. Summary of Assessment

Based on the above assessment and following the provisions of PD 10, it is recommended that it is not appropriate to close the PAW between Little Rush Close and Blackthorne Crescent. This is principally due to the significantly increased walking distance to the Lakes Shopping Centre and North Lake Road bus stop for a substantial number of residents.

Closure of the PAW would also result in an increased distance to Hopgood Park and South Lake Primary School. If it were the only implication of the proposed closure, closure wouldn't be rejected on the basis that it would only be applicable to approximately 12 properties, many of which would support the closure. However it is a contributing factor in recommending against closure when considering the other implications.

This PAW is a functional and efficient link in the local pedestrian system, albeit it is the source of nuisance for nearby residents. Closure would be in conflict with Policy PD10 and would set a precedent for closure of most other PAW's given that many others would be unlikely to have as a significant role as this particular PAW.

The previous proposal to close the PAW was advertised for public comment and attracted objections that clearly indicated the PAW was well utilised and valued.

There are certainly a number of measures that could be taken to improve the PAW and the amenity for nearby residents. These include but are not limited to vegetation removal, motorbike barriers and improved street lighting. Western Power has previously advised that modifications to the street lighting are viable. Also the Lakes Shopping Centre could be approached to investigate what could be done to improve security in the vicinity of the PAW. It is recommended that these matters be pursued as a priority.

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."*

5. Maintaining Your Community Facilities
 - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*

The Planning Policies which apply to this item are:-

PD10 Pedestrian Accessways

Budget/Financial Implications

N/A

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

Nil

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM1_6_2001) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

That Council:

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

15.2 (OCM1_6_2001) - FREEHOLD LOTS - NORTH LAKE ROAD, BIBRA LAKE - MINISTRY FOR PLANNING - DEDICATION TO PUBLIC ROAD (450010) (KJS)

RECOMMENDATION

That Council accept that Lot 12 Certificate of Title Volume 1668 Folio 399, Lot 1 Certificate of Title Volume 2081 Folio 404, Lot 10 Certificate of Title Volume 1668 Folio 398, Lot 21 Certificate of Title Volume 1715 Folio 680 and Lot 22 Certificate of Title Volume 1715 Folio being freehold lots, be dedicated as public road pursuant to Section 28(1) of the Town Planning and Development Act.

COUNCIL DECISION

Background

The lots have in the past been transferred to Ministry for Planning in freehold presumably as part of an acquisition process to facilitate the creation of North Lake Road. North Lake Road was extended in stages over a period of years.

Submission

N/A

Report

The transfer and dedication of these various portions of land will tidy up the ownership and fragmented nature of the parcels making up the physical configuration of North Lake Road, north and south of Phoenix Road, as public road rather than freehold lots. There have been problems with firebreak compliance, signs etc.

The Ministry for Planning has initiated this request and undertaken to pay all conveyancing costs.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

15.3 (OCM1_6_2001) - ADOPTION OF MUNICIPAL BUDGET (5402) (ATC)

RECOMMENDATION

That a Special Meeting of Council be held at 7 pm on Tuesday, 31 July 2001 to adopt the Municipal Budget for 2001/02.

COUNCIL DECISION**Background**

Council is required under the Local Government Act 1995 to adopt its annual Budget by 31 August.

Submission

N/A

Report

It is proposed that a Special Meeting of Council be held on 31 July 2001 to adopt the Municipal Budget for 2001/02. The timing of the meeting is in line with previous years.

Strategic Plan/Policy Implications

The Key Result Area to which this item applies is:

Managing the City in a competitive, open and accountable manner

Budget/Financial Implications

The meeting is to adopt the Municipal Budget for 2001/02.

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

Nil.

15.4 (OCM1_6_2001) - FLEETWOOD CORPORATION PTY LTD - WOODMAN POINT CARAVAN PARK - REQUEST FOR DIFFERENTIAL RATES (3316780) (ATC) (ATTACH)

RECOMMENDATION

That the Woodman Point Caravan Park continue to be rated on the same basis as other commercial properties in the City of Cockburn.

COUNCIL DECISION

Background

The provisions of Section 6.26 and 1.4 of the Local Government Act 1995 allows local authorities to impose rates on properties which are owned or controlled by the State Government and subsequently leased out to third parties.

After various correspondence and discussions during 2000, rates of \$29,749.24 were levied on the Woodman Point Caravan Park on the same basis as other commercial properties.

Submission

A submission has been received from Fleetwood Corporation Pty Ltd requesting a differential rate (a lesser rate) for the Woodman Point Caravan Park.

Fleetwood Corporation believe that they are entitled to a differential rating structure because:

- *The park is on a CALM controlled Regional Park.*
- *The City of Cockburn has stated on a number of occasions that it will not provide any services to the area and that all matters relating to this land be addressed to CALM.*
- *Our arrangement with CALM was that the City of Cockburn had no involvement with the park, a position that has been upheld for twelve years.*
- *The decision by the City of Cockburn to get involved in this matter was driven by changes to the Caravan and Camping Act 1997.*
- *As operators of the park we have assumed full responsibility for the total area of the park, therefore alleviating the City of Cockburn from becoming involved in issues that would normally be its responsibility.*

Report

Investigations by Council's Rates Department in May 2000 showed that no rates had been imposed on the Fleetwood Caravan Park at Woodman Point since its construction in 1989. The land on which the Park is situated is under the control of the Department of Conservation and Land Management (CALM) which has leased the land to Fleetwood Corporation Pty Ltd. A copy of the lease was obtained from CALM which confirmed that the Lessees were required to pay all outgoings which *includes all rates, taxes, charges, duties and impositions..... imposed by or under any Act Federal or State upon the demised premises...."*

On 15 May 2000 Fleetwood Corporation was advised that unless special exemption had been granted by the State, then rates would be levied on the property.

On 8 June 2000 Fleetwood Corporation replied setting out in a letter (copy attached to Agenda) the background to the lease being set up and indicating that:

At no stage were Council rates factored into the costs of running the caravan park, as we were advised by the government bodies involved that as the City of Cockburn had no involvement with or any jurisdiction over the Reserve that we would be exempt from the levying of Council rates.

Fleetwood Corporation further advised that:

If you have any further queries in regard to this matter we would suggest you raise the matter with the Minister for the Department of Sport and Recreation.

This advice from Fleetwood Corporation was in conflict with the lease document. Council subsequently, wrote to the Recreation Camps and Reserve Board (with whom the lease was signed in 1989) and the Department of Conservation and Land Management, who currently are responsible for the control of the property (copy attached to Agenda). The letters requested advice as to whether any special exemption from local government rates was given by the State Government, at the time the lease was signed and advised that Council intended to pursue Fleetwood Corporation for the payment of rates, if no such exemption had been granted.

CALM advised that as they had no involvement in the signing of the lease for Woodman Point Caravan Park in 1989, they were not in a position to advise whether any special exemption from local government rates had been given (copy attached to Agenda).

The Recreation Camps and Reserve Board advised that there is no written evidence on any of our files regarding the State Government giving Fleetwood Corporation Pty Ltd a special exemption from paying rates to the City of Cockburn.

The lease document is quite clear, in that it states, *Outgoings includes all rates, taxes, charges, duties and impositions including charges for energy now or hereafter during or in respect of the term made levied assessed charged or imposed by or under any Act Federal or State upon the demised premises or any part thereof, etc.*

On 25 August 2000 Fleetwood Corporation was sent copies of the letters received from the Department of Conservation and Land Management and Recreation Camps and Reserve Board. They were advised that as they did not appear to have any exemption from paying rates, rates as assessed were now due.

On 31 October 2000 at a meeting between the Director, Finance and Corporate Services and Mr D Robinson, the General Manager of Fleetwood Corporation, it was agreed that rates would be levied from the financial year commencing 1 July 2000. Mr Robinson advised that Fleetwood Corporation was lodging an objection to the valuation with

the Valuer General. It was further agreed that a proposal would be put to Council as part of its budget deliberations to introduce a differential rate which might apply to the caravan park (copy attached to Agenda).

On 11 December 2000 Fleetwood Corporation requested that the determination of a differential rate for the park be resolved prior to the charging of any rates to the park and that the rates notice be cancelled until the issue of the differential rating was resolved satisfactorily to both parties. It was also pointed out, as it was at the meeting on 31 October, that there was no *suggestion from your office that facilities and services will be provided to the Woodman Point Regional Park area under the control of CALM and in which our park is situated* (copy attached to Agenda).

On 18 December 2000 Fleetwood Corporation was advised that, differential rates are set on an annual basis as part of Council's budget processes. While the setting of a differential rate for the park will be considered as part of the deliberations for the 2001/02 Budget, the rate zoning for 2000/01 cannot be changed.

As indicated at our meeting in October, Council rates are not on a fee for service basis, but rather a way for all properties in the municipality to contribute to the overall provision of services for the district eg. roads, libraries.

The rates notice issued will therefore stand.

A Notice of Intention to Summons for the outstanding rates was sent on 4 January 2001. In response to this notice and the letter of 18 December Fleetwood Corporation has advised as follows (copy attached to Agenda).

Although we are disappointed that the City of Cockburn has made a decision to charge rates to the park without first discussing the matter with us, in a spirit of co-operation, we will agree to pay the assessed amount of \$29,749.24 on the basis that:

- *The City of Cockburn acknowledges that the caravan park is entitled to be assessed at a differential rate because of unique circumstances relating to the property.*
- *That the differential rate to be established for the 2001/02 year also be applied to the 2000/01 year and a credit given against the rates assessed for 2000/01.*

We reiterate our position that the park is entitled to a differential rating structure due to the reasons outlined at our meeting but in summary:

- *The park is on a CALM controlled Regional Park.*
- *The City of Cockburn has stated on a number of occasions that it will not provide any services to the area and that all matters relating to this land be addressed to CALM.*
- *Our arrangement with CALM was that the City of Cockburn had no involvement with the park, a position that has been upheld for twelve years.*
- *The decision by the City of Cockburn to get involved in this matter was driven by changes to the Caravan and Camping Act 1997.*
- *As operators of the park we have assumed full responsibility for the total area of the park, therefore alleviating the City of Cockburn from becoming involved in issues that would normally be its responsibility.*

In response Fleetwood Corporation was advised that:

As advised in my letter dated 18 December 2000, differential rates are set on an annual basis as part of Council's budget processes. While the setting of a differential rate for the park will be considered as part of the deliberations for the 2001/02 budget, the rate zoning for 2000/01 cannot be changed.

The Woodman Point Caravan Park is situated on Crown land controlled by the Department of Conservation and Land Management. This Department receives a lease payment from Fleetwood Corporation Pty Ltd and is responsible for the maintenance of the general area under its control. Council therefore does not provide services such as roads and parks maintenance to this area.

Differential rating enables Councils to redistribute the rating burden within their district. The Local Government Act 1995, Section 6.33 provides that:

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics –*
 - (a) *the purpose for which the land is zoned under a town planning scheme in force under the Town Planning and Development Act 1928;*
 - (b) *the predominant purpose for which the land is held or used as determined by the local government;*

- (c) *whether or not the land is vacant land; or*
- (d) *any other characteristic or combination of characteristics prescribed.*

It is not considered appropriate to vary from the existing position whereby the Woodman Point Caravan Park is considered to be in the same situation as other commercial properties and pays rates according to the Gross Rental Value supplied by the Valuer General's Officer and the rate in the dollar set by Council for all commercial properties within the City.

Strategic Plan/Policy Implications

The Key Result Area which applies to this item is:

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

Budget/Financial Implications

Rates of \$29,749.24 have been levied against the property.

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

Nil.

15.5 (OCM1_6_2001) - PRINCIPAL ACTIVITIES PLAN - 1 JULY 2001 TO 30 JUNE 2005 (5406) (ATC) (ATTACH)

RECOMMENDATION

That Council adopt the Principal Activities Plan for the period 1 July 2001 to 30 June 2005, as attached to the Agenda.

COUNCIL DECISION

Background

Under the Local Government Act 1995, each year the City is required to prepare a Plan of its principal activities for the next four years. The Plan must be advertised for public comment for a period of six weeks. When adopted, the Plan is the basis for the annual budget for the City.

Submission

No submissions were received on the advertised Plan.

Report

Under the Local Government Act 1995, each year the City is required to prepare a Plan of its principal activities for the next four years. The Plan has been advertised for public comment for a period of six weeks. When adopted, the Plan is the basis for the annual budget for the City.

Minor changes have been included for individual Service Units due to some changes in responsibility for various expenditure accounts and adjustments in the allocation of Support Service Costs. In addition the Security Patrol in Beeliar (Panorama Gardens) has been added, a decision made after preparation of the Draft Principal Activities Plan. Changes have also been incurred in the cost of the Beeliar East Clubrooms/Hall due to advice that grants will be available from both Sport and Recreation and the Lotteries Commission. The Community Safety Service Unit has also been shown separately under Community Services where previously it was included under Rangers Services.

Strategic Plan/Policy Implications

The Principal Activities Plan describes its links to the Corporate Strategic Plan.

Budget/Financial Implications

The Principal Activities Plan when adopted will form the basis of the budget for 2001/02. Any variances from the Principal Activities Plan must be detailed in the Budget document.

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

Nil.

15.6 (OCM1_6_2001) - LOCAL GOVERNMENT SUPERANNUATION - PETITION BY STAFF (2405) (ATC) (ATTACH)

RECOMMENDATION

That Council increase its overall superannuation contribution to 13% for employees who contribute a minimum of 5% towards the Local Government Superannuation Scheme, with effect from 1 July 2001.

COUNCIL DECISION

Background

Prior to 1993 there were two separate superannuation funds applying to Local Government employees. The first was the Local Government Superannuation Fund under which Council contributed an amount equivalent to 7% of an employee's salary provided that they contributed an amount equivalent to at least 5% of their salary. The second fund was set up to administer Occupational Superannuation and the Superannuation Guarantee Charge (SGC) that at the time totalled 5%. In 1993 the State Government legislated for the two funds to be merged to provide for ease of administration. At the same time the legislation gave Councils the opportunity to freeze their overall contributions at a determined level and allow any future increases in the Superannuation Charge to be off-set by a reduction in Council contributions to the Local Government Superannuation Fund.

Council in 1993 decided to freeze their contributions to a total of 12%. This decision was reconfirmed in 1994.

During negotiations on the latest Enterprise Bargaining Agreement the subject of Superannuation was raised for discussion. No agreement could be reached at the time regarding trade-offs because the contributory system does not apply to all employees. It was agreed and the EBA provides for the opportunity for employees and the Union to make separate representation to Council on the subject.

Submission

A petition signed by 113 staff members has been received requesting that Council contributions for contributory members of the Superannuation Scheme should not be off-set against SGC increases. They ask that contributory members to the Local Government Superannuation Scheme receive the 1% additional increase in Council's contribution for contributing members that was off-set in 2000, and that there be no further off-setting of Council's contributions for contributory members against SGC increases from 2002. A copy of a submission received from staff is attached to the Agenda.

Report

At the outset I must declare a financial interest in this item as I am a member of the Local Government Superannuation Scheme and may benefit if the recommendation is adopted. The same would apply to other senior executive staff as well.

As stated above, in 1993 Council decided to freeze their overall contributions to staff superannuation at 12 %. The result of this decision is as set out in the following table.

YEAR	EMPLOYEE CONTRIBUTING TO MATCHING SCHEME			EMPLOYEE NOT CONTRIBUTING TO SCHEME		
	Employee Contribution	Council Contribution	SGC	Employee Contribution	Council Contribution	SGC
1993/94	5% upwards	7%	5%	Nil	Nil	5%
1994/95	"	7%	5%	Nil	Nil	5%
1995/96	"	6%	6%	Nil	Nil	6%
1996/97	"	6%	6%	Nil	Nil	6%
1997/98	"	6%	6%	Nil	Nil	6%
1998/99	"	5%	7%	Nil	Nil	7%
1999/00	"	5%	7%	Nil	Nil	7%
2000/01	"	4%	8%	Nil	Nil	8%
2001/02	"	4%	8%	Nil	Nil	8%
2002/03	"	3%	9%	Nil	Nil	9%

Since 1993 staff contributing to the superannuation scheme have continued to contribute 5% of their salary while Council's matching contribution has fallen from 7% to 4% and in 2002/03 will fall to 3%.

In their submission Staff who joined the Scheme state that they consider superannuation to be an important part of their salary package.

The submission furthers states that:

Prior to the introduction of the Superannuation Guarantee Charge, Council encouraged its employees to contribute to the Local Government Superannuation Scheme by contributing 7% of employees salaries and the employee contributing between 5% and 9% of their salary.

Voluntary contributors are taking responsibility for their own retirement. The Australian population is expected to age considerably over the next few decades. More and more people will be reliant on the aged pension than ever before, placing a greater tax burden on those people in the workforce. It is highly possible that taxes will need to be increased or the pension reduced. By off-setting the employer contribution, Council is discouraging staff from entering the fund as voluntary contributors and increasing the burden on future taxpayers. By increasing contributions Council could be seen as a progressive organisation that encourages staff to become self-funding retirees thus reducing the financial burden on future generations.

As pointed out in the submission, when the SGC contribution first commenced the initial installment and future increases were tied in to

and in-lieu of wage increases. By decreasing full member contributions as the SGC contribution increases, Council is in effect only giving increases to those people who are not full contributing members of the superannuation scheme. This could be considered to be inequitable.

Other Councils contribution

The submission by staff set out the following examples of Councils contribution superannuation rates:

City of Melville	6%
City of Fremantle	6%
Town of Kwinana	6%
City of Stirling	7%
City of Joondalup	7%
City of Perth	5%
City of Bunbury	5% (7½% for staff who have 15 years or more service)

A recent survey conducted by the West Australian Municipal Association sets out the following information in regard to metropolitan Councils with over 150 employees.

<u>Local Government</u>	Superannuation Percentage
Armadale	12.0%
Bayswater	11.0%
Belmont	12.5%
Cockburn	12.0%
Gosnells	12.5%
Joondalup	15.0%
Melville	14.0%
Rockingham	12.0%
South Perth	14.0%
Stirling	15.0%
Swan	14.0%
Vincent	12.0%
Wanneroo	13.0%
Average for Group	13.0%

Based on these findings Cockburn's commitment to staff superannuation is below the average for similar Councils. The cost of moving from a 4% contribution rate to a 5% rate is currently \$48,805 per year, based on the current 122 staff who are members of the contributory scheme out of a possible 300.

Two of the above Councils have different rates according to years of service, Rockingham after 10 years service and Stirling after 5 years

service. Cockburn has 84 members with over 5 years and 47 members over 10 years of service. If the extra 1% was given only to these staff the increased cost would be \$34,677 per year and \$21,036 per year respectively.

If Council were to agree to restore the 5% contribution rate it is considered that the staff's request for this rate to apply from 1 July 2000 should not be agreed to. Any increase should only be considered as part of the budget considerations for 2001/02 and should therefore commence on 1 July 2001. It must be noted that for the 2002/03 budget the opportunity to off-set this amount against the increase in the Superannuation Guarantee Charge will be foregone.

Given that:

- Council's current contribution to staff superannuation is 1% below the average for similar Councils, and
- The original Superannuation Guarantee Charge was given in lieu of pay rises and the current system gives increases only to those not in the superannuation scheme

it is considered reasonable for Council to increase the overall Superannuation contribution paid by Council to employees who contribute a minimum of 5% towards the Local Government Superannuation Scheme to 13% with effect from 1 July 2001.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The increase of \$48,805 that represents 1% Superannuation for those staff who contribute to the Superannuation Scheme will need to be considered as part of the 2001/02 budget. For the 2002/03 Budget the opportunity to off-set this amount against the increase in the Superannuation Guarantee Charge will be foregone.

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM1_6_2001) - TENDER NO. 19/2001 - SUPPLY AND DELIVERY OF ONE (1) SEVEN (7) REEL HYDRAULIC TRAILING GANG MOWER, INCLUDING SALE OF ONE (1) NAYJON FIVE (5) GANG MOWER BY TRADE-IN OR AUCTION (4408) (GG) (ATTACH)

RECOMMENDATION

That Council accepts the tender of a Hayter TM 739 gang mower submitted by E. & M. J. Rosher for Tender No. 19/2001 - Supply and Delivery of One (1) Seven Reel Hydraulic Trailing Gang Mower for a net changeover price to Council of \$51,800 and Plant No. 148 be removed from the Assets Register.

COUNCIL DECISION

Background

In the current Budget it is required that a 5 Gang Mower be traded in for a seven (7) reel hydraulic trailing gang mower, as Council now have requirements for a larger Unit. \$45,000 was the indicative changeover amount allotted for this unit.

Submission

Tenders were called for the supply and delivery of a seven reel hydraulic trailing gang mower, including trade-in sale of one (1) Nayjon five (5) gang mower. Two (2) tenders were received, the details of which are attached.

Report

While under the evaluation criteria set down, which is included in this report, and that E. & M.J. Rosher have not tendered the lowest changeover price, the Operator and Mechanic reports have both recommended the Hayter TM739 rather than the John Deere.

Investigation into what other Councils, as well as private Turf Contractors are using has also reconfirmed that the Hayter TM739 would be of better value to Council.

Enquiries regarding the John Deere 365.7 have not had a great deal of positive feed-back in regards to the unit capability as well as breakdown servicing and down-time.

The suggested down-time and servicing of the Hayter, compared with the John Deere would more than eliminate the extra cost of the Hayter Unit.

The difference between the Hayter and the John Deere unit is \$391.60.

Under the Evaluation Criteria the following scores were recorded were recorded supporting the recommendation:-

CJD Equipment (John Deere)	E & MJ Rosher (Hayter)
87.2%	90.8%

The Evaluation Criteria was based on the following weightings:

Financial	60%
Technical specification	10%
Operators suitability	15%
Workshop serviceability	15%

Strategic Plan/Policy Implications

A Council vision is maintaining and providing parks to acceptable standards. The use of efficient machinery for parks is integral to the achievement of the vision.

Budget/Financial Implications

There is an over-expenditure of \$4,550.00 for this unit.

Earlier savings of \$8,000 in Trailer purchases for the same department, will be more than sufficient to cover this extra expenditure.

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

Nil

16.2 (OCM1_6_2001) - POSITION STATEMENT FOR LOCAL AREA TRAFFIC MANAGEMENT (1030) (BKG/JR) (ATTACH)

RECOMMENDATION

That Council adopt Position Statement PSEW13 - Approval Process for Traffic Management Devices, as attached to the Agenda.

COUNCIL DECISION**Background**

Council at its meeting held on the 15th May 2001 resolved to defer consideration of proposed Policy - AEW5 - Request for Local Area Traffic Management, to the June Ordinary Council Meeting.

It was felt that more time was needed for Elected Members to consider whether the policy should include a planning or urban design component. When installing traffic management devices there should be planning advice provided. Secondly, Deputy Mayor Graham felt that this should be a Position Statement rather than a Policy.

The Policy was being considered following a request at the Council Meeting held on the 17th April 2001 that a brief report on traffic calming in the City of Cockburn be prepared.

Submission

N/A

Report

Traffic calming has grown over the past 10 years from frustrations of residents concerned about speeding and reckless driving in residential streets.

These residents complain to the police about speeding and reckless driving. The police inevitably say they cannot monitor all the requests they receive and often suggest they contact their local Council for assistance.

Currently the process used for agreement to install traffic management devices in a residential street is:

1. Requests for traffic calming devices are received by staff, usually by letter occasionally by petition and then follow-up phone calls to assess progress.
2. Staff then place speed monitoring and vehicle counting equipment in the street.
3. Staff also obtain crash data for the past 5 years.
4. Staff look at the street to see if there are any obvious hazards.

5. If the prevailing traffic speed as measured by the 85th percentile is greater than 10% of the posted speed limit, it is acknowledged there may be a safety problem in the street. For example in a residential street the speed limit is 60 kph but 85% of motorists are travelling at 66 kph or greater.
6. There is also consideration given to the number of vehicles using the street. Roads with less than say 300 vpd would not be considered and it would have to be a through road.
7. These are general rules, but sometimes persistence and lobbying over-rule the above. These instances are a minority.
8. Once the staff have agreed there is a case for some work to be done, a concept plan is prepared of what may be able to be implemented.
9. The project is then put forward for consideration for funding in the next financial year budget.
10. If approved the concept plans are finalised. The plans are distributed to the residents of the street inviting their comments. Signs are also installed in the street so the passing motorists can forward their comments.
11. If the person agrees to the installation of the traffic management device outside the property a final design is then prepared.
12. The proposal is then marked out on the road and left for one or two weeks and then construction commences.

This process has resulted in a high rate of retention of the devices.

A plateau is presently being taken up in O'Connell Street. A resident who suffers from chronic pain, found noise generated by vehicles hitting the plateau adding to his sleep disturbance, thus having a negative effect on his quality of life.

The process has also seen many devices not installed when residents could not agree on location or type.

The success rate is attributed to them mostly being installed in local streets, and were requested by the residents. None of the installations have been at the instigation of staff.

Because they are local streets there is usually alternative routes for the motorists to travel.

Alternatives

Alternatives are to close the street. It is common in some suburbs in other municipalities to close the road, ie. make it into a cul-de-sac.

Another is to do nothing.

Another being investigated at present is to purchase a radar so motorists can see what speed they are travelling. This will only be possible on one street at a time and it is not enforceable.

The introduction of a 50 kph speed limit in residential streets may be another alternative. This is expected to be introduced later this year.

Other Councils

Time has not allowed thorough investigations of what other Councils' policies are on traffic calming. However, in driving through other municipalities it is common to see the same methods being employed. They can be seen in Melville, Canning and Fremantle.

In Cockburn the first traffic management devices were installed in Progress Drive between Farrington Road and Hope Road. This work involved 2 chicanes and a round-about. This work was the result of the residents in Progress Drive wishing to deter trucks from using their street.

The purpose of traffic management devices is to increase safety on the road. The improvement in safety is achieved by trying to slow down the general speed of traffic. Traffic management devices will not deter deliberate speeding or vehicle abuse. This is a behavioural problem and is more appropriately addressed by policing. In such situations, traffic management devices either shift the problem or exacerbate the situation.

One of the methods used to slow traffic down is to cause them to divert from a straight line. The greater the diversion angle the slower the travel speed needs to be. The extreme is a right angle turn. When a car turns at intersections it does so by necessity at a low speed.

Chicanes and roundabouts were used exclusively for 3-4 years in Cockburn.

The residents still wanted even more done to slow down traffic. So speed plateaux and humps were requested to assist in this goal.

The design of speed humps and chicanes is to encourage motorists to drive within the posted speed limit.

Attached to the Agenda is a proposed Position Statement for the process of approving and installing traffic management devices and

incorporates reference to transport planning and traffic impacts for the particular area.

Strategic Plan/Policy Implications

One of the objectives of the Corporate Strategic Plan is to maintain and construct roads to the required standards.

Budget/Financial Implications

This financial year there was \$300,000 provided for the construction of traffic calming devices. The amount fluctuates from year to year according to community demands.

The cost quoted does not include the investigation, design and consultation costs.

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM1_6_2001) - YOUTH ADVISORY COUNCIL MEETINGS (8639) (RA)

RECOMMENDATION

That Council provides that the Youth Advisory Council meeting be held on 2nd Wednesday of the month at 7.00pm with the next meeting to occur on the 11th July 2001 at 7.00pm.

COUNCIL DECISION

Background

As a part of the annual process of appointment on Councillors to committees of Council and external committees meetings the Youth Advisory Council meeting was set down as the last Wednesday of the month whereas in fact the meetings have been held on the 2nd Wednesday of the month.

Submission

N/A

Report

To bring the designated meeting times of the Youth Advisory Council into line with the actual meeting times a Council decision is required. The proposed meeting time is the 2nd Wednesday of the month at 7.00pm. As the Youth Services Coordinator is on leave and the process of appointing the 5 new members of the Council is not complete it is proposed that the June meeting not occur and the next meeting be on the 11th of July 2001.

Strategic Plan/Policy Implications

To conduct Council business in open forums and to manage Council affairs by employing publicly accountable practises.

Budget/Financial Implications

N/A

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

Nil.

17.2 (OCM1_6_2001) - CINEMA PROPOSAL - MANNING PARK (2207525) (RA)

RECOMMENDATION

That Council:-

- (1) enter a 5 year license agreement with Bainton Nominees Pty Ltd subject to:-
 1. The Western Australian Planning Commission approving the Licence Agreement with Bainton Nominees Pty Ltd in accordance with the terms of the lease with Council.
 2. Bainton Nominees Pty Ltd agreeing to:-
 - (a) a license fee of 10% of the ticket sales for the first 2 years and to be re-negotiated thereafter for the subsequent years;
 - (b) providing at its cost all additional infrastructures required in establishing the outdoor cinema with aesthetics of the infrastructure to be in keeping with the area and to the requirements of the

Council;

- (c) ensuring that the area used for its activities including the toilets are kept clean and will pay for all costs associated with the removal of rubbish and clean up;
 - (d) ensuring there is adequate security on the site and ensure the reserve is locked up each night in accordance with Councils requirements;
 - (e) ensuring that at the end of each out door cinema season that all equipment and structures established will be removed and the area reinstated to the satisfaction of Council;
 - (f) pay all cost that may arise in the establishment and ongoing operation of the outdoor cinema;
 - (g) the Licence will be operative for the period 1 December to 31 March annually, with Council reserving a right of exclusive access to the area for a period of up to 14 days during the Licence period for the conduct of Council initiated functions and events; and
 - (h) provide a deposit or bank guarantee of \$10,000 in favour of Council to cover against any disputed expenses associated with the operation.
- (2) permit Bainton Nominees Pty Ltd to sell alcohol on site on the understanding that Council reserves the right to withdraw this permission if it believes the sale of liquor is creating problems on the park or adjoining areas

COUNCIL DECISION

Background

The previous Council had an interest in the establishment of an out door cinema in the music shell at Manning Park.

Submission

A proposal has been received from Marcus Ahern on behalf of Bainton Nominees Pty Ltd requesting approval to develop an outdoor cinema at the Manning Park music shell. In essence the proposal is for a cinema to be established to operate for a period of 5 years with an option for a further 5 years. The cinema would be open from the 1st of December to the 31st of March each year. Council would receive 10% of ticket sales as a rental fee. The group would sell some food and refreshments and seek an occasional liquor license for the sale of bottled wine.

Report

The proponent for the out door cinema advise that there are 7 similar complexes north of the river and none south of the river although his firm has been having discussions with Fremantle, Melville and East Fremantle Councils with a proposal being well advanced with the latter on Wauhop Reserve. The Manning Park music shell in the view of the proponent has all the attributes necessary to create a quality out door cinema at minimum cost.

There are a number of issues that the Council will need to consider to allow it to make an informed decision. The salient issues are identified and discussed below.

Land Vesting

The Land is leased from the Ministry for Planning. The lease term expired on 31 May 2001 but has been extended by exchange of letters pending the drawing up of a new lease. The Ministry for Planning has assured the City that the terms of the new lease will be on the same terms as the current lease. The new lease area will have a slightly different dimension yet to be determined by the Ministry for Planning. The area for the proposed outdoor cinema is not affected. The terms of the lease require the city to obtain concurrence from Ministry for Planning to enter into this proposed Sub-Lease. It is not expected that MFP would withhold its agreement

License

As the land is actually lease by Council there is scope to either sub lease or enter a license agreement with the proponent. Given the nature of the vesting of the land, Council as a leasee and the proposed use is for only a portion of the reserve for a part of the year a license agreement considered. The proponent is seeking a 5-year agreement with an option for a further 5 years. It is proposed that a 5-year license agreement with no option be considered as the success or otherwise of such a venture is unknown and at some future date Council may wish to negotiate a more favourable agreement or use the area for another purpose. The proponent is offering a 10% return on ticket sales. Inquiries have been made with another authority with a high profile site who advise that they receive 10% of gross sales. This includes the sale of tickets, food and drinks. Given that this site is relatively new for this

type of activity and relatively unknown it is proposed that the rental fee be 10% of ticket sales for the first two years and to be re-negotiated for the subsequent years.

Council Access

Over the last few years the City has run a number of free activities from the music shell. The annual spring fair occurs toward the end of October each year and hence will not be impacted by the cinema proposal. The 'Fling in the Park' new years eve family event has run for the past few years and has been well received. This is a project that involves a small amount of financial assistance from Council with the organisation and responsibility falling on the Fling Folk group. It would be of some benefit to allow this to continue.

A Carols by Candlelight night is held each year, usually the Sunday prior to Christmas. This event should be retained.

The very popular sunset concerts are run on 4 Sundays in February/March of each year. These ought to be retained due to their popularity and the community expectation that they occur.

Last year the Council sponsored three (3) free movie nights which proved to be popular. There appears to be some scope for the cinema proponent to allow Council to utilise their equipment to run 3 free movies night. This matter could be negotiated within the overall agreement.

It is likely over a 5-year license period that Council may wish to access the facility on occasion for such events as a 1 off show of the Western Australian Symphony Orchestra.

On the basis of the information provided above there are 9 events that Council could reasonably be expected to retain in the music shell over the period of the proposed outdoor cinema use. There needs to be scope to allow say 4 other occasions on which Council could access the music shell. This is a total of 13 occasions where Council would require access to the facility.

Park Infrastructure

The proponent requires that a transportable projection room be set up and supplied with power. This is not unreasonable provided that they at their cost establish a power source to Councils requirements and pay the power used. There is also a requirement to provide refreshment stands. All these facilities need to be provided at the proponent's expense and also meet the aesthetic standards set by Council.

Any conditions imposed on the proponent must include at their cost the requirement to ensure that the area is kept clean and rubbish removed, toilets cleaned, area locked up and security provided during the event.

The area is already reticulated and there are no foreseeable problems in being able to maintain an adequate level of watering to the area.

Bar Facilities

The proponent believes the nature and viability of the cinema will require the availability of alcohol to be sold on site. There is an understanding that the nature of the patrons is such that it will be 'social drinking'. The experience with other facilities of this nature is that the provision of alcohol is not a problem. Never the less there should be scope within the license agreement to withdraw the right to sell alcohol should this become a problem.

Public Notice and Access

Manning Park is very large with many areas accessed by the general community. The area in question is relatively unused by the general public in the normal course of the week and hence the use of the park by the general public is not compromised.

For purposes of public accountability there needs to be an opportunity for the general public, particularly local residents to comment on the proposal. It is intended that this occurs within the context of media and Council coverage of the issue.

Income

There will be income generated from the license arrangement. The proponent estimated this to be between \$35,000 and \$40,000 for the period the 1st of December 2001 to the 31st of March. Given that this is a new venture, which is untried, this is only an estimate. As the land is actually owned by the Ministry for Planning Council would have to utilise these funds on the reserve or risk the Ministry requiring some or all of the income generated. Over the past four years Council has spent an average of \$85,000 on the Manning Reserve and a further \$30,000 on the Azalea Ley Museum and its surrounds. The income generated from the cinema could help Council defray some of the reserve maintenance costs.

Strategic Plan/Policy Implications

Facilitating a range of services responsive to the community needs.

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

Budget/Financial Implications

The income generated by the licence agreement will assist in defraying the cost to Council of maintaining the Manning Park Reserve.

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

Nil.

17.3 (OCM1_6_2001) - SOUTH LAKE LEISURE CENTRE FEE SCHEDULE (8143) (RA)

RECOMMENDATION

That Council:

- (1) adopt the proposed fees and charges for South Lake Leisure Centre for the 2001/2002 financial year;
- (2) new charges be effective from the 1st July 2001; and
- (3) in response to the petition presented by the Over 50 Aqua Aerobics Club, inform the petitioners that Council is not prepared to continue to provide complimentary tea/coffee to participants, however there will not be any fee increase for Club members to participate in the Centre's programs.

COUNCIL DECISION

Background

The South Lake Leisure Centre is the City of Cockburn's premier recreation venue. The Centre has calculated a general price increase based on the increasing costs to provide services and also being cognisant of the need for a competitive price structure for the market place.

Additionally, the Centre has examined the current climate in the fitness market and has determined a preferential way to charge for services relating to the fitness area and memberships.

Submission

N/A

Report

The pricing structure for South Lake Leisure Centre caters for all services, offering a variety of payment options for many services. The current and proposed pricing structure for the Centre is as follows.

	Current fee	Proposed Fee	Plus GST	Total Fee
Room Hire				
Recreation Room Day (until 5 pm)	16.50	15.00	1.50	16.50
Recreation Room Evening (after 5pm)	27.50	25.00	2.50	27.50
Recreation Room Bond	220.00	200.00	20.00	220.00
Sports Stadium Day	25.00	22.73	2.27	25.00
Sports Stadium Evening	35.00	31.82	3.18	35.00
Sports Stadium Bond	550.00	500.00	50.00	550.00
Crèche / Youth Room	12.50	11.36	1.14	12.50
Equipment Hire per item (Tables, chairs, sporting equipment)	3.50	3.18	0.32	3.50
Swimming Lessons				
Adult Swimming Lesson (up front payment)	92.00	86.36	8.64	95.00
Adult Swimming Lesson (weekly payment)	107.00	100.00	10.00	110.00
Preschool Swimming Lesson (up front)	86.00	86.36	8.64	95.00
Preschool Lessons (weekly payment)	101.00	100.00	10.00	110.00
School age inc. GST(up front)	92.00	86.36	8.64	95.00
School age inc. GST(weekly payment)	107.00	100.00	10.00	110.00
School age GST free (up front)	84.00	87.00	0.00	87.00
School age GST free (weekly payment)	99.00	102.00	0.00	102.00
Aquatics				
Adult entry	3.40	3.18	0.32	3.50
Adult combined	5.50	5.18	0.52	5.70
Student Entry	2.30	2.18	0.22	2.40
Student combined	3.80	3.64	0.36	4.00
Pensioner entry	2.20	2.09	0.21	2.30
Spectator	1.10	1.09	0.11	1.20
School entry	1.20	1.18	0.12	1.30
Vacation 1 child	30.00	28.50	2.85	31.35
Vacation 2 children	49.00	46.55	4.65	51.20
Vac 3 children	68.00	64.55	6.45	71.00
Vac 4 children	87.00	82.73	8.27	91.00
Vac 5 children	104.00	98.82	9.88	108.70
Vac 6 children	120.00	114.00	11.40	125.40
Adult 10	32.30	30.27	3.03	33.30
Adult 20	61.20	57.27	5.73	63.00
Adult 50	144.50	135.23	13.52	148.75
Student 10	21.85	20.73	2.07	22.80
Student 20	41.40	39.27	3.93	43.20
Student 50	97.75	92.73	9.27	102.00
Pensioner 10	20.90	19.86	1.99	21.85
Pensioner 20	39.60	37.64	3.76	41.40
Pensioner 50	93.50	88.86	8.89	97.75
Spa/sauna	6.00	5.91	0.59	6.50

	Current fee	Proposed Fee	Plus GST	Total Fee
Pensioner Spa/sauna	5.00	5.00	0.50	5.50
Lane Hire	15.00	13.64	1.36	15.00
Programs				
Senior Team Registration (AM)	70.00	67.27	6.73	74.00
Senior Team Registration (PM)	90.00	85.45	8.55	94.00
Weekly Team Fees(AM)	25.00	23.64	2.36	26.00
Weekly Team Fees(PM)	32.00	30.45	3.05	33.50
Weekly Team Fees(Soccer / Hockey)	24.00	22.73	2.27	25.00
Junior Coaching Fees (individual)/ term	34.50	32.73	3.27	36.00
Junior Team Registration(per player)	7.00	6.82	0.68	7.50
Junior Team Competition	20.00	19.09	1.91	21.00
Junior Courses(excluding Ballet)/term	49.50	47.27	4.73	52.00
Junior Drama/term	55.00	52.27	5.23	57.50
Adult Courses/term	60.50	57.27	5.73	63.00
Crèche				
Crèche (1 st child) 1.5 hours	2.20	2.00	0.20	2.20
Crèche (additional child) 1.5 hours	1.10	1.00	0.10	1.10
Crèche (1 st child) 2 hours	N/A	2.45	0.25	2.70
Crèche (additional child) 2 hours	N/A	1.27	0.13	1.40
Crèche 10 Voucher(1 st child) 1.5 hours	19.00	17.27	1.73	19.00
Crèche 10 Voucher(1 st child) 2 hours	N/A	21.19	2.11	23.30
Childcare facilities are for South Lake Leisure Centre patrons only. Crèche Opening Hours: Monday to Friday – 8.45am –1.00pm Public Holidays – 8.45am – 12.00pm				

Following a review of pricing structures for fitness facilities, the South Lake Leisure Centre is proposing a restructure of membership packages. The new structure is more marketable and cost effective for most patrons, as they are able to choose what options they wish to use and only pay for those options. The options provided are Swim (Spa/Sauna), Gymnasium, Aerobics and Aquarobics. Under the previous schedule patrons had to purchase either a Swim and Gym or Aerobic and Aquarobic membership. Patrons were unable to combine options or pay for 1 option only. Additionally, the use of the crèche has been removed from memberships to reduce the burden on the majority of members who do not use the crèche facilities. Members requiring the crèche will receive a 20% discount on crèche voucher prices.

	Current fee	Proposed Fee	Plus GST	Total Fee
Fitness				
Casual Gymnasium and Swim	6.00	7.27	0.73	8.00
Casual Aerobic/Aquarobic	6.00	5.91	0.59	6.50
Over 50	5.00	4.55	0.45	5.00

	Current fee	Proposed Fee	Plus GST	Total Fee
Fitness				
Club 50 Voucher x 10	45.00	40.90	4.09	45.00
Aerobic / Aquarobic voucher x 10	54.00	53.18	5.32	58.50
Aerobic / Aquarobic voucher x 20	102.00	100.45	10.05	110.50
1 option 1 month	N/A	54.55	5.45	60.00
1 option 3 month	N/A	131.82	13.18	145.00
1 option 6 month	N/A	231.82	23.18	255.00
1 option 12 month	N/A	345.45	34.55	380.00
1 option Direct Debit	N/A	31.82	3.18	35.00
2 option 1 month	N/A	63.64	6.36	70.00
2 option 3 month	160.00	145.45	14.55	160.00
2 option 6 month	290.00	263.64	26.36	290.00
2 option 12 month	460.00	400.00	40.00	440.00
2 option Direct Debit	46.00	35.45	3.55	39.00
3 option 1 month	N/A	72.73	7.27	80.00
3 option 3 month	N/A	159.09	15.91	175.00
3 option 6 month	N/A	281.82	28.18	310.00
3 option 12 month	N/A	445.45	44.55	490.00
3 option Direct Debit	N/A	39.09	3.91	43.00
4 option 1 month	N/A	81.82	8.18	90.00
4 option 3 month	210.00	186.36	18.64	205.00
4 option 6 month	360.00	300.00	30.00	330.00
4 option 12 month	580.00	486.36	48.64	535.00
4 option Direct Debit	60.00	41.82	4.18	46.00
Off peak 1 month (Gym & Aquatics Only)	N/A	45.45	4.55	50.00
Off peak 3 month (Gym & Aquatics Only)	120.00	109.09	10.91	120.00
Off peak 6 month (Gym & Aquatics Only)	200.00	181.82	18.18	200.00
Off peak 12 month (Gym & Aquatics Only)	320.00	290.91	29.09	320.00
Off peak Direct Debit (Gym & Aquatics Only)	34.00	27.27	2.73	30.00
Joining Fee (Varies per m/ship options)	55.00	Varies	Varies	1 mth DD m/ship
Direct Debit Cancellation Fee	N/A	90.91	9.09	100.00
Membership Suspension Fee	N/A	10.00	1.00	11.00

Some of the more significant changes to the operation of the Centre are as follows:-

Club 50 Programs

The South Lake Leisure Centre currently runs Club 50 aquarobics and circuit-training programs. Classes have expanded from 3 sessions per week originally, to 10 sessions per week currently. As part of the introductory package patrons were offered a free complimentary coffee.

The Centre has calculated the cost of supplying tea and coffee to be approximately \$7000 per annum, based on each cup costing \$1.00.

Rather than implementing a price increase for the club 50, as has been done for most other services, the South Lake Leisure Centre has recommended not to increase the price for the Club 50 patrons, instead modifying the program so that it no longer includes complimentary tea or coffee. The Centre will offer Club 50 patrons \$1.00 tea and coffees, which are set at a price to pay for the tea or coffee without making a profit. The participants have petitioned against this suggestion and wish Council to maintain the current free tea/coffee provision while it is Management's preference to not increase the fees for participants. It is open for Council to continue to provide free tea/coffee and increase the fees by \$1.00 or continue to absorb the cost of providing tea/coffee. However, this is not recommended.

Centre Run Vacation Swimming Lessons

The South Lake Leisure Centre is planning to conduct vacation swimming lessons during the October and January School holidays. The sessions will be offered in the morning, with traditional Education Department Vacation Swimming running in the afternoon. This is a similar model currently employed by other aquatic centres

The Centre run classes offer several advantages including:

- Providing lower student numbers per class.
- Higher quality of teaching standards as all South Lake Leisure Centre teachers are high quality, experienced teachers.
- Competitive pricing for patrons compared to Education Vacation Swimming.
- Improved promotion for Centre run activities and year round lessons.

Aerobics / Aquarobics Program Change

Previously, the South Lake Leisure Centre has included a 5 minute Spa / Sauna after aerobic and aquarobic classes. This has proven to be impossible to police, with some patrons regularly using the facilities for over 30 minutes.

From July 1st aerobic and aquarobic patrons will no longer be offered complimentary use of these areas, except during specific promotional campaigns. If these patrons wish to enjoy these facilities, the Centre will offer discounted prices to the Spa / Sauna area.

Membership Changes and Crèche Fees

The crèche forms an essential part of the services offered by the South Lake Leisure Centre. Without the crèche facilities, the Centre would not be able to attract as many patrons during the morning periods.

The Crèche facility currently costs the Centre approximately \$96,500 per annum to operate. The Crèches collects approximately \$19,000 in direct income each year through casual entries and attracts approximately 12,500 visits during the course of the year. The Crèche therefore runs at a net loss of \$77,500 per annum.

Examining the total costs of the crèche compared to the number of visits, the cost has been calculated to be \$7.70 per child per visit excluding GST. The fees charged for the crèche (excluding GST) are \$2.00 for the first child and \$1.00 for subsequent children. The subsidy offered by the Centre therefore ranges from \$5.70 to \$6.70 per child (excluding GST).

The Centre is recommending reducing the opening hours of the Crèche as there is very poor patronage in the afternoon, quite often as few as 1 child in the crèche after 1.00pm. The reduction in the operating hours is expected to significantly reduce the running costs of the crèche without impacting on the patronage of the facility. Changing the crèche closing time to 1.00pm is expected to reduce costs by up to 25% per annum. This will greatly improve the current subsidy figure per visit.

The South Lake Leisure has proposed that, amongst other membership changes, complimentary use of the crèche be taken out of the membership packages. There are a number of reasons why this has been put forward:

- Members at the South Lake Leisure Centre pay for either use of the gym and pool, aerobics and aquarobics, or both. Common to all memberships is complimentary use of the crèche. Inclusive in the membership fees are charges relating to use of the crèche, whether they actually use the crèche or not. Of the 372 current members at the Centre, fewer than 20% make use of the crèche facilities. The reality of the situation is that 80% of the paying members have been forced to subsidise the 20% of members who make use of the crèche.
- The South Lake Leisure Centre offers a wide variety of programs to patrons. Many of these programs, such as swimming lessons, yoga, kindy gym and sports competitions lock patrons into set periods of 10 weeks or more, yet these patrons do not receive complimentary use of the crèche. They are required to pay casual crèche rates each week. Members however, whose membership terms may be less than 10 weeks, are given use of the crèche. This system is prejudiced to one group of patrons rather than presenting all users with standard usage conditions.
- The high running costs of the crèche are not being adequately subsidised by the current membership packages. If a 3-month,

paying \$160.00, visits the Centre times per week and puts their child in the crèche, the cost to the Centre over the 3 months is in excess of \$300.00. This is without considering program usage fees that the membership is supposed to pay for.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Should the proposed fee schedule not be adopted the Centre would not be able to meet it's income commitments for the proposed budget.

If the restructure of the membership fees is not adopted the Centre would not be able to compete on an even footing with the new BC fitness club opening in the near future. Additionally, much of the Centre's marketing program will become redundant, significantly affecting the Centre's projected income figures.

Under the proposed Schedule of Fees the Centre will operate with an anticipated deficit of \$448,000 which is comprised of \$187,000 depreciation, \$112,500 subsidy to the clubs that receive a discount on rates and an operating deficit of \$148,500. Any reduction in fees is likely to increase the deficit to some extent by a loss in income.

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

Nil

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

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

24.1 (OCM1_6_2001) -

RECOMMENDATION

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

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

COUNCIL DECISION

25. CLOSURE OF MEETING

OCM 19/6/01

Nil