

## CITY OF COCKBURN

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 20 FEBRUARY 2001 AT 7:30 P.M.

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#### PRESENT:

##### ELECTED MEMBERS

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

##### IN ATTENDANCE

Mr R. Brown	-	Chief Executive Officer
Mr D. Green	-	Director, Community Services
Mr K. Lapham	-	Acting Director, Finance & Corporate Svcs
Mr S. Hiller	-	Director, Planning & Development
Mr J. Radaich	-	Acting Director, Engineering & Works
Mrs S. Ellis	-	Secretary to Chief Executive Officer
Mr C. Ellis	-	Communications Manager

#### 973. (AG Item 1) DECLARATION OF OPENING

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

#### 974. (AG Item 2) APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)

Nil



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

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

**976. (AG Item 4.1) (OCM1\_2\_2001) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)**

The Presiding Member advised that he had received written advice from the Chief Executive Officer of a conflict of interest in agenda item 16.3 which will be read at the appropriate time.

**977. (AG Item 5.1) (OCM1\_2\_2001) - APOLOGIES AND LEAVE OF ABSENCE**

Mr B. Greay - Annual Leave  
Mr A. Crothers - Annual Leave

**978. (AG Item 7.1) (OCM1\_2\_2001) - PUBLIC QUESTION TIME**

**Mr Colin Crook**, Spearwood read aloud two letters and later tabled them, in regards to the Code of Conduct and agenda item 13.1 - Review of Policy C2.3.

**Ms Katrina Tomeo** representing her parents, addressed Council regarding the proposed additions to the existing nursing home in Ivermey Road, Hamilton Hill which affects the eastern boundary of their property. She voiced concerns regarding the retaining wall/fence to be erected which will have the affect of closing in their property to feel like a jail; the development does not match the area; and the long delay already experienced in the completion of the previous extension. For these reasons, she strongly believed that the application should not be approved.



**Mayor Lee** responded that her comments would be taken into account when the item was considered.

**Mr John Da Silva**, Beeliar and member of BRAG, regarding item 17.2, could not believe that Council was going backwards on this issue and asked what Council was afraid of as many other councils have their own security patrols which are successful. He commented that the last questionnaire was addressed to the Householder and did not receive a good response however, if it was personally addressed to the resident's name, it may get a better response.

**Mayor Lee** advised that that would be occurring this time.

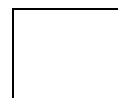
Mr Da Silva did not feel that the Australia Post postal vote would be accurate and suggested that if BRAG was not allowed to do the collection, that a private firm be engaged to distribute the questionnaire rather than Australia Post.

**Mr Paul Taylor**, Beeliar tabled a letter addressed to Mayor Lee from Homeswest, which indicated the Ministry of Housing's support for the proposal that the City undertake security patrols in Beeliar. Mr Taylor then referred to page 74 of the agenda "*determine whether the landowners are prepared to pay the service levy*". At a previous meeting, it was put forward that the Ministry of Housing get one vote, yet the report states that they are not a major land owner. He asked that Council give the Ministry be given the same amount of votes as anyone else.

**Mayor Lee** responded that his comments would be taken into account when the item was considered.

**Mr Bert Renner**, Spearwood referred to the Agenda Attachments for item 15.1 - Cheque List and requested an explanation as to why the following cheques were drawn:

- Chq 201477 (Kelso Medical Centre) - why was this bill paid as the Centre is not in the area and who was it used for?
- Indoor Hockey Umpiring - why was it over \$2000 and who was involved in that?
- Chq 201532 (EP002976) - why does Council assist people with cat sterilisation up to \$20 per cat. Council should take a leading stance and treat cat owners the same as dog owners. They should be required to register their cats as he considers it to be discriminating against dog owners. This was also the case with people only allowed to keep 2 dogs (3 with permission) but cat owners can have more than that which is also discrimination.



**Mayor Lee** advised that these queries would be responded to in writing.

**Mr Bill Wallington**, felt that control of the Civic Centre Hall should remain with the City as it was an important part of the City. It seemed that the major concern was that the hall was losing money however, there are other Council facilities that lose money such as the library and that should not be major factor.

**Mayor Lee** responded that the comments would be taken into account when the item was considered.

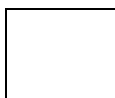
**Mr Tony Papalia**, representing the retirement village in Pearson Drive, wished to address objections relating to item 14.6. Firstly, he gave some background on the development including their intention to submit building plans next week. He stated that for a development of this nature, it was extremely difficult to find the right piece of land and this site is suitable in zoning and has good access to all infrastructures and community provisions.

He then addressed concerns raised by Gold Estates that a large single story building's roof expanse would detract from their development, advising that the home had been specifically chosen with a roof based on domestic designs so it integrates with sites around it. A second concern was that the proposed location of the entry presented a traffic problem however, their engineers confirmed that it meets all requirements and therefore, he opposes the relocation of the entry point as it was designed to allow for access to all public transport etc for the elderly.

**Mayor Lee** responded that his comments would be taken into account when the item was considered.

**Mr Ron Witson**, Hamilton Hill wished to object to the proposed extension to the nursing home on Ivermey Road. His concerns related to the lack of parking for the construction workers who parked on his verge; too much lighting of the current property and expect it to get worse with the extension; noise from airconditioners now and expects it to get worse; lack of delivery bays for delivery trucks; and the amount of landscaping. Mr Witson cannot see how the developer will be able to fulfill all their promises and wished to object to the proposal.

**Mayor Lee** responded that his comments would be taken into account when the item was considered.





**Mr Glen Diggins**, referred to item 14.8 and stated that he has a neighbour with a satellite dish which can be easily seen from any direction. He felt that satellite dishes were a nuisance to neighbours and that if Council overturned this recommendation, it would set a precedent for others to put up similar structures.

**Mayor Lee** thanked Mr Diggins for his comments.

**Sandra Playle**, Spearwood read out a letter she received from the Director Engineering in response to the questions she raised/tabled at the January Council meeting regarding Gerald Street/Doolette Traffic Calming.

THE CHIEF EXECUTIVE OFFICER DECLARED AN INTEREST IN THE ISSUE AND LEFT THE MEETING AT 8:10PM.

Mrs Playle then read and tabled her response.

MR BROWN RETURNED TO THE MEETING AT 8:22PM.

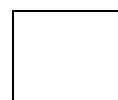
**Mayor Lee** accepted her correspondence.

**Mr Kim Lawrence**, representing Australand referred to item 14.12 and asked Council to consider the following proposed modification: *"Adopt the proposed Frankland Structure Plan for portion of Lot 202 Russell Road, Banjup subject to Design Guidelines being prepared for the R40 site to address the interface with the public open space, fencing, orientation of dwellings, access and setbacks."*

His rationale being that Australand met with Council Officers to discuss details in relation to dampland, public open space credits and interface with the R40 group housing site and at that meeting, it was generally agreed that this could be dealt with via the preparation of design guidelines which address the interface including fencing, orientation of dwellings, access and setbacks. Australand have agreed to the preparation of guidelines for the site which will be prepared prior to development in consultation with Council Officers. He therefore, requested that the recommendation be reworded to refer to the preparation of design guidelines for the R40 site.

**Mayor Lee** stated that the proposed modification will be considered.

**Mr Bill Curry**, Banjup addressed Council on the "excessive license fees for boarding kennels". In November, the Rangers went to his property



for the first time, as it had been Health Department staff before that, to advise that the fee would now be \$10 per dog per year and would increase to \$15 per dog per year in 2002 and he felt this increase was excessive as he already pays a fee to the Ministry of Fair Trading. He felt that people had enough increases in 2000 including the GST, high fuel and the drop in the economy and this was just too much. The \$200 was \$100 for a license to have a kennel and \$100 pack license. He stated that he has closed his boarding kennel because he had had enough but it was not fair to the other owners. He felt the license was not fair as the dogs are already licensed animals. However, his main complaint was that there was no consultation, just the Rangers turning up to advise of the increase. He felt it was not correct and asked Council to consider the issue and requested that they consult those involved.

**Mayor Lee** thanked Mr Curry for his comments.

**Ms Linda Wines**, lives in the 'kennel zone' and believes there is a problem between kennel owners and many councils with kennel zones. In the 13 years she has lived in Cockburn, she feels constantly beleaguered by state governments and councils. Firstly there was the issue of the Jandakot Watermound which she participated in. On the 1st December, the rangers visited her property and left a note advising that the kennel licence was going up. She did not feel that these licences were being considered correctly by Council. It would appear that Council assumes there is a certain number of animals on the property at all times but those numbers vary considerably and it is not correct to charge for animals that they don't have. The only thing that stays constant on their property is their own dogs and they mix between the kennel and the house. It is a 300% increase in what they had paid before.

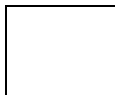
**Mayor Lee** thanked Ms Wines for her comments.

**979. (AG Item 8.1) (OCM1\_2\_2001) - ORDINARY COUNCIL MEETING - 16/1/2001**

**RECOMMENDATION**

MOVED C/r Allen SECONDED C/r Whitfield that the Minutes of the Ordinary Council Meeting held on Tuesday, 16 January 2001 be confirmed as a true and accurate record.

**CARRIED 10/0**



**980. (AG Item 10.1) (OCM1\_2\_2001) - DEPUTATIONS AND PETITIONS**

Deputy Mayor Graham tabled a petition which reads "*We the undersigned who are residents of the Cockburn locality wish to see the Immunisation Service be re-installed to the South Lake Child Health Centre for the following reasons ....*"

The petition will be dealt with in accordance with Standing Orders.

**981. (AG Item 13.1) (OCM1\_2\_2001) - MOTION - ANNUAL ELECTORS MEETING - REVIEW OF POLICY C2.3 (DMG) (1713) (ATTACH)****RECOMMENDATION**

That Council retain Council Policy C2.3 "Establishment of Community Based Committees" in its current form, for the reason that the Policy is considered to be fair and equitable in its practical application.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

At the Annual Electors Meeting conducted on 5 February 2001, the following motion was passed.

*"that Council review Policy C3.2 "Community Based Committees" to ensure that it is possible for the community members sitting on such committees to formulate recommendations in their own right."*

**Submission**

In accordance with Section 5.33 of the Local Government Act, 1995, Council is required to consider the decision of the Electors Meeting.



## Report

Policy C2.3 was adopted in July 2000, as a means of demonstrating to the community that Council is willing to employ participative practices in its decision-making processes.

By enabling the establishment of Community Based Committees (CBC's) Council is flagging its intention to engage the community in assisting it to decide on matters which are of local area significance.

At its December 2000 meeting, Council utilised the Policy for the first time as a means of soliciting the views of local residents to assist it resolve a traffic flow issue in the vicinity of Gerald and Doolette Streets, Spearwood.

Council's decision was to establish a C.B.C., to consist of Elected Members (2), Council Staff (1) and community representatives (2 – one each representing the views of residents from Gerald Street and Doolette Street).

The Electors Meeting resolution was for Council to review its Policy to "enable Community members on these Committees to formulate recommendations in their own right." It is assumed from the wording of the resolution that this could be achieved by having the composition of such Committees "weighted" with Community Members.

This, in fact, can be achieved within the terms of the current Policy which allows for Council membership to be restricted to one Elected Member and one Council employee and Community membership to be up to three persons. This allows for the majority of membership to come from the community, even though Council determined this was not the desired outcome in its choice for membership of the Gerald/ Doolette Streets C.B.C.

In addition, it is submitted that where there is a divergence of opinion in the community over a particular local issue, it would not be possible, nor appropriate, for greater numbers of community representatives to be appointed to a C.B.C. with an expectation that the outcome would be one of universal agreement.

Furthermore, current Policy enables Council to delegate its decision-making capabilities to such Committees where it is considered appropriate and beneficial to do so.

Accordingly, it is considered the current Policy (copy attached) is flexible enough to suit the needs of Council, while displaying ample opportunity for community involvement in such issues to an appropriate level.



Attached for further information, is an extract from the Officer's Report which accompanied the item presented to Council in July 2000, which resulted in the adoption of Policy C2.3.

**Strategic Plan/Policy Implications**

Key Result Area "Facilitating the Needs of Your Community" refers.

**Budget/Financial Implications**

N/A

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

Nil.

**982. (AG Item 13.2) (OCM1\_2\_2001) - COUNCIL DELEGATE - VOLUNTEER HOME SUPPORT MANAGEMENT COMMITTEE (1701; 8926) (DMG)**

**RECOMMENDATION**

That Council appoint \_\_\_\_\_ as its delegate to the Volunteer Home Support Management Committee.

**COUNCIL DECISION**

MOVED Clr Reeve-Fowkes SECONDED Clr Oliver that Council appoint Clr Humphreys as its delegate to the Volunteer Home Support Management Committee.

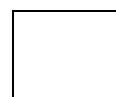
**CARRIED 10/0**

**Background**

At the Special Meeting of Council conducted on 12 December 2000, Council decided not to appoint a delegate to the Volunteer Home Support (Inc).

**Submission**

Correspondence has been received from Volunteer Home Support (Inc.) requesting that Council appoint Clr Humphreys to be its delegate to this organisation.



**Report**

Volunteer Home Support provides a number of services to the frail aged and people with disabilities located within the cities of Fremantle, Cockburn and Melville. Delegates from each of the three councils have been members of Volunteer Home Support Management Committee for a number of years. Clr Humphreys has represented the City of Cockburn in the past.

**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.

**983. (AG Item 14.1) (OCM1\_2\_2001) - PURCHASE OF VEHICLE FOR DEVELOPMENT COMPLIANCE OFFICER - BUDGET ADJUSTMENT (5405) (SMH)**

**RECOMMENDATION**

That Council :

- (1) approve the reallocation of budget funds from the Planning and Development Division Salaries Account No. 500200 (\$10,000);
- (2) increase the Development Application Income Account No. 500102 by \$15,000; and
- (2) increase the Vehicle Purchases Account No. 500700 by \$25,000 for the purpose of purchasing a suitable vehicle for use by the Development Compliance Officer.

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

**COUNCIL DECISION**

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

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



## Background

The Council has for the past two years, leased a small 4 wheel drive vehicle for the use of the Development Compliance Officer.

The monthly repayments were \$426 per month or \$5,112 per annum. The purchase price of the vehicle was \$15,400.

The lease expired on 4 February 2001.

The leased vehicle was too light and low powered to withstand normal use and needs to be upgraded. To do this for an equivalent vehicle, would increase the lease payment to \$532 per month or \$6,384 per annum. An additional cost of around \$1,200 per annum.

## Submission

The Council's Engineering and Works Division has undertaken comparisons between leasing and purchasing light vehicles and has determined that owning vehicles is the most cost effective way to operate the fleet.

Over the past two years, leased vehicles have been replaced with owned vehicles.

## Report

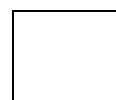
The Development Compliance Officer is primarily a field work position, with the responsibility for attending to complaints, unapproved development and non-complying projects within the municipality. The position is very important to maintaining high levels of customer service and to ensure that conditional approvals issued by Council are being complied with.

The position also requires the officer to collect evidence, liaise with Council's solicitor and attend court in respect to legal action taken by Council.

## Strategic Plan/Policy Implications

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

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



2. Planning Your City

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

The Planning Policies which apply to this item are:-

PD1\* Compliance With Conditions of Planning Approval

**Budget/Financial Implications**

Year to date reveals that under-expenditure in the Salaries and Wages Account and additional income in Development Application Fees has provided sufficient funds to purchase an upgraded replacement vehicle.

	Funds Available	Funds Required
Salaries and Wages A/c No. 500200	\$15,800 (est.)	\$10,000
Development Application Fees A/c No. 500102	\$16,000 (est.)	\$15,000
	<b>\$31,800 (est.)</b>	<b>\$25,000</b>

The reallocation of the surplus funds from Account Nos. 500200 and 500102 to the Vehicle Purchase Account No. 500700, will generate the \$25,000 required to acquire a suitable light vehicle.

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

Nil.

984. (AG Item 14.2) (OCM1\_2\_2001) - DELEGATED AUTHORITY - DA-PD49 - SUBDIVISION POLICY FOR SAND EXTRACTION SITES AND OTHER SITES IN JANDAKOT AND BANJUP NORTH OF ARMADALE ROAD (1054) (SMH) (ATTACH)

**RECOMMENDATION**

That Council adopt the attached delegated authority "DA - PD49 Subdivision Policy for Sand Extraction Sites and Other Sites in Jandakot and Banjup North of Armadale Road" and include it in the Delegated Authority Register.

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





**COUNCIL DECISION**

MOVED Deputy Mayor Graham SECONDED Cllr Reeve-Fowkes that the recommendation be adopted.

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

**Background**

Council, at its meeting held on 16 January 2001, adopted the Subdivision Policy for Sand Extraction Sites and Other Sites in Jandakot and Banjup North of Armadale Road. However, the delegated authority to implement the policy did not form part of the Council decision.

In Banjup north of Armadale Road, there are a number of large lots which have yet to reach their full subdivision and development potential under the provisions of the Commission's Statement of Planning Policy No.6 - Jandakot Rural Ground-Water Protection Zone and the provisions of the Resource zone of TPS No.2.

Sand extraction operations, which have occurred and are occurring on most of these sites, have ceased or are likely to cease within a ten years time frame, as the resource becomes exhausted. Landowners may seek WAPC approval to subdivide.

There is a need to ensure that subdivision proposals resolve issues arising from prior land-use, are carried out within a structure plan frame work, are developed with regard to the relevant opportunities and constraints of the locality and comply with the Resource zone provisions of the Scheme.

The purpose of the Policy is to:-

- Identify a series of 'precinct' areas encompassing current and former sand extraction areas and other land in Banjup north of Armadale Road with subdivision and development potential.
- Establish subdivision concept plans for each of the precincts as a guide to subdivision and development.
- Establish subdivision recommendations and requirements for the precincts.

**Submission**

The proposed delegation is attached.



The general principle adopted for all Council Policies is that where appropriate, they should all be delegated so that they can be implemented by staff on behalf of the Council. This should be the basis on which policies are applied to the district.

### Report

The attached delegated authority be adopted by the Council.

### 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 development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

### Budget/Financial Implications

N/A

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

Nil.

985. (AG Item 14.3) (OCM1\_2\_2001) - PROPOSED ADDITIONS TO EXISTING NURSING HOME - LOTS 53, 54 & 63; 23, 25 & 27 IVERMEY ROAD, HAMILTON HILL - OWNER: HAMILTON HILL OWNERSHIP PTY LTD - APPLICANT: MONTAGUE GRANT ARCHITECTS PTY LTD (2205124/2203745/2203746) (RH) (MAP 7) (ATTACH)

#### RECOMMENDATION

That Council:

- (1) approve the proposed additions to the existing Nursing Home on Lots 53, 54 & 63 Ivermey Road, Hamilton Hill subject to the following 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;
2. Special Conditions.
  - 1) All external lighting must be oriented and designed to comply with Australian Standard AS 4282 'Control of Obtrusive Effects of Outdoor Lighting – 1997'.
  - 2) A Construction Management Plan being submitted to the City detailing the duration of construction, traffic management, construction hours, refuse collection and other relevant measures to reduce the impact of works on the adjacent residents.
  - 3) The front wall on Ivermey Road being modified to provide for at least 50% visual permeability.
- (2) issue an MRS Form 2 Notice of Approval valid for a period of 24 months; and
- (3) advise those who made a submission of Council's decision accordingly.

### **COUNCIL DECISION**

MOVED Cllr Humphreys SECONDED Cllr Waters that Council:

- (1) approve the proposed additions to the existing Nursing Home on Lots 53, 54 & 63 Ivermey Road, Hamilton Hill subject to the following conditions:
  3. 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;
  4. Special Conditions.
    - 4) All external lighting must be oriented and designed to comply with Australian Standard AS 4282 'Control of Obtrusive Effects of Outdoor Lighting – 1997'.

- 5) A Construction Management Plan being submitted to the City detailing the duration of construction, traffic management, construction hours, refuse collection and other relevant measures to reduce the impact of works on the adjacent residents.
  - 6) The front wall on Ivermey Road being modified to provide for at least 50% visual permeability.
- (2) issue an MRS Form 2 Notice of Approval valid for a period of 24 months;
- (3) add the following notes to the Form 2 Notice of Approval:
- i) The owner is to take reasonable steps to minimise noise generated by external air conditioning plants and from reversing delivery vehicles so that any relevant requirements of the Environmental Protection (Noise) Regulations 1997 are complied with.
  - ii) The owner is requested to discuss with the owner of No. 382 Carrington Street, any outstanding issues relating to the retaining wall on the common boundary with the Nursing Home and remedy prior to commencement of works.
- (4) advise those who made a submission of Council's decision accordingly.
- CARRIED 10/0**

**Explanation**

As there has been concerns from the adjoining resident with regards to noise from the airconditioner, vehicle movement on the property and the state of the retaining wall, Council considered it appropriate to address these issues.

**Background**

ZONING:	MRS:	Urban
	DZS:	Residential
LAND USE:	Nursing Home and Dwellings	
LOT SIZES:	Lot 63: 3827m2, Lot 53: 938m2 and Lot 54: 951m2	
AREA:	1065m2 proposed, 2325 m2 existing	
USE CLASS:	SA – Use not listed.	



The existing Nursing Home on Lot 63; 27 Ivermey Road was first built in 1971 as a 'C' Class Hospital. Alterations and additions were approved in October 1987, August 1997 and June 1998. Recent additions included the provision of extensive undercroft carparking off Carrington Street. These extensions occurred as surrounding residential lots became available for sale and were necessary for the Nursing Home to cater for the demand for Aged Care facilities in the area.

## **Submission**

Council received an application, dated 21 December 2000, for a proposed addition to the existing nursing home on Ivermey Road Hamilton Hill. The submitted plans indicate the construction of brick and tile additions to the existing Nursing Home.

The additions are proposed to accommodate an increase in the number of high care residents from twenty nine (29) to sixty (60). The facility also currently accommodates 27 low care residents. The proposed development will not alter the number of low care residents. The additional patients are to be relocated from the St Francis Nursing Home located at the corner of Healy Road and Clara Road Hamilton Hill, once the development is complete. St Francis, which is now outdated, will then be sold for redevelopment. The proposed additions have been designed to meet the current requirements of the Commonwealth Department of Health and Aged Care.

The additions will have a pitched tiled roof to match the existing facility to maintain a residential appearance in the predominantly residential area. The proposed external colour scheme and material selection will be rendered, sand coloured, brick walls with a terracotta tile roof. Extensive perimeter landscape planting and paving has been proposed.

## **Report**

### Building Design

While the Nursing Home extensions appear significant in scale with a 46% increase in floor area, the building design incorporates the following measures in an attempt to blend the development into the residential streetscape:

- Single storey frontage to Ivermey Road.
- The building design has an articulated front façade that visually breaks up the building bulk into sections of appropriate size and scale.
- The small areas allocated to parking and servicing would be visually screened by walls and landscaping.



- The roof design is varied which gives an asymmetrical look to the building that adds to its visual appeal.
- The living areas of the dining room and lounge room have internal major openings oriented towards the street.

The proposed design represents a good attempt at integrating the building into the streetscape.

### Public Response

In accordance with the requirements of Council's District Zoning Scheme No.2, the proposal was advertised for public comment for a period of twenty one (21) days. Sixty nine (69) neighbouring landowners were advised of the proposal and five (5) submissions were received, all in objection to the proposal. Refer to the Schedule of Submissions in the Agenda Attachments for further details.

The main planning concerns raised in submissions from surrounding land owners included the following points:

1. Servicing of the existing Nursing Home creates a problem in the residential street with traffic, light and noise issues.
2. The lengthy construction period will have certain negative implications for residents living in the street.
3. The public have not been informed regarding the long-term plans of the developer.
4. The development is of a commercial nature not suited to a residential area.

The following planning comments are made relative to the above resident concerns:

1. While the expansion of the Nursing Home will increase the flow of traffic to and from the site, service vehicles will have the benefit of using a new enclosed service yard off Ivermey Road where all deliveries and pick-ups will be made. This will eliminate the current conflict between delivery vehicles, visitor cars and pedestrians. The service bay will be screened by solid brick walls and an automatic sliding screen gate. The proposed increase in size will not significantly increase the number of service deliveries, although these deliveries will be larger in quantity.

The service yard also includes an extensive bin storage area that is screened from the road. The new enclosure will have more capacity and better access than the existing bin area. These



aspects of the design will help to address some of the issues of loose litter on the street and noise from service vehicles.

Eight (8) additional car bays have been proposed for the sole use of visitors which can be accessed off Ivermey Road, taking the number of visitor car bays accommodated off Ivermey Road to eighteen (18). The majority of vehicle parking will remain in the undercroft carpark accessed off Carrington Street which accommodates twenty three (23) car bays. These 23 car bays are used by staff and as Carrington Street already has a significantly high traffic flow, staff vehicle activity should not have any further impact. As none of the residents of the Home are able to drive, car bays are not required by them, thus the carparking has been used solely by staff and visitors. Visitors are encouraged to visit in the afternoon after the numbers of kitchen and laundry staff subside.

The existing bus stop in Ivermey Road will not need to be relocated because of the proposed development. Its current position is of benefit to those Nursing Home residents who are able to access and use public transport, as well as visitors to the site.

Certain conditions of approval can be implemented to control the otherwise obtrusive effects of lighting that may be occurring and those problems that may occur during the construction period.

2. The proponent is likely to commence construction as quickly as possible with the Council's approval. The construction would have to be substantially completed within a period of two years. This matter can be addressed with the submission of a construction management plan to mitigate against impacts on neighbouring residents.
3. As outlined in the background to this report, the site was first given approval for this use in 1971. Since then, several additions have been made as surrounding land became available. As such, extensions relied upon surrounding landowners offering their land for sale, the developer has not been able to develop a long term plan for the site. The extensions have been built to accommodate social demand for aged accommodation and care facilities of this nature.
4. The development is a legitimate extension of residential development notwithstanding that it is operated on a commercial basis. The external appearance of the facility is complimentary to the residential amenity of the locality. Strong demand from the community has been received by the owners of the facility for an increase in capacity.



The proponent has indicated that they have no intention to develop into two storeys as such development is not suitable for aged care facilities due to associated problems relating to resident mobility, fire escape, staff servicing and fire compartmentation.

The additions proposed will allow residents of the nearby St Francis Nursing Home to be accommodated in a modern facility which is understood to be needed by the local community. It is recommended that Council support the proposal.

### District Zoning Scheme No.2

The proposal complies with the statutory requirements of Council's District Zoning Scheme No.2. The requirements of the Residential Planning Codes were also applied as a guide, given the limited scope of the standards in the Scheme.

The required setback, according to the residential coding of the area, would be six (6) metres. The average setback provided for the proposed development is eight (8) metres. While this is largely to accommodate carparking, the area within the setback will be landscaped and treated as a residential street frontage.

The proposed development is single storey with front setbacks between six (6) and sixteen (16) metres. This aspect creates a broken effect that balances the building across the Ivermey Road frontage to create a series of singular facades in keeping with the residential nature of the street.

### **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:-





PD6	Aged Persons Accommodation - Development Guidelines
PD7*	Access for People with Disabilities
PD17*	Standard Development Conditions and Footnotes
PD19*	Landscape Standards for Commercial/Industrial Development

### Budget/Financial Implications

N/A

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

Nil

- 986. (AG Item 14.4) (OCM1\_2\_2001) - REVISED PLANS FOR PROPOSED DOUBLE GARAGE - HERITAGE SITE - LOT 407, 33 LINTOTT WAY, SPEARWOOD - OWNER: I & K SEPAROVICH - APPLICANT: HERITAGE OUTDOOR (3210191) (SA) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) delete the following condition from the MRS Form 2 Notice of Approval, dated 18 October 2000:
  1. Applicant to submit revised plans indicating the following:
    - a. relocation of the proposed garage to be setback in alignment with the existing residence (13 metres from the primary street frontage);
- (2) issue a revised MRS Form 2 Notice of Approval (valid for a period of 24 months) for the proposed double garage on Lot 407, 33 Lintott Way Spearwood, in accordance with the revised plans dated 12 December 2000, 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 the Town Planning Scheme - District Zoning Scheme No. 2;

Special Condition:

  1. Redesign of the facade to the proposed garage to a more



sympathetic design, in context with the existing heritage building. The applicant to detail materials, colours and finishes to be used.

These details must be submitted to Council for approval prior to issue of a building licence.

- (3) advise those who made submissions of Council's decision accordingly.

**COUNCIL DECISION**

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

**CARRIED 9/1**

**Background**

ZONING:	MRS:	Urban
	DZS:	Residential R12.5
LAND USE:	Residence	
LOT SIZE:	1000m2	
AREA:	N/A	
USE CLASS:	"AA"	

The subject site is listed on Council's Municipal Heritage Inventory, Place No. 52. The Inventory was formulated in 1997 and was adopted by Council, as part of Amendment No. 172, in October 1999. The site has been classified as a "B" Management Category which means:

*"High level of protection appropriate: provide maximum encouragement to the owner under the Town Planning Scheme to conserve significance of the place. A more detailed Heritage assessment to be undertaken before approval given for any major redevelopment."*

The applicant/owner submitted plans indicating the construction of a double garage, 27.6m2 in area, with panel doors. The garage will have colour bond walls, zincalume roof and concrete floor. The application was advertised for public comment in accordance with Council's District Zoning Scheme No. 2, Clause 5.8, as it is a Heritage site. Seven letters were sent out with three submissions received. Refer to Agenda Attachments for further details.



Council resolved at its meeting on 17 October 2000, to approve the proposed garage on the Heritage site subject to several conditions including:

1. *Applicant to submit revised plans indicating the following:*
  - a. *relocation of the proposed garage to be setback in alignment with the existing residence (13 metres from the primary street frontage);*
  - b. *redesign of the facade to the proposed garage to a more sympathetic design, in context with the existing heritage building. The applicant to detail materials, colours and finishes to be used.*

The landowner of the site had also submitted a request to Council that the subject site be removed from Council's Municipal Heritage Inventory. The owner believed the house no longer had heritage value. The matter was referred to the Heritage Council of WA for consideration and advice and to Council's heritage consultant for advice. This matter will be dealt with as a separate report, as Council is still pending information from the Heritage Council of WA. However, it is the desire of Council's Planning Department to maintain the site on the Heritage Inventory as the building remains in good condition and has already been determined by the community and Council as a worthy heritage site.

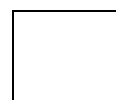
After receiving Council approval in October 2000, the owner advised that the proposed garage could not be placed in alignment with the existing dwelling (as per approval condition No. 1) as it would be over a Water Corporation easement, an operational pump and well. The Planning officers were unaware of this at the time of writing the original report, as a site inspection of the site only revealed an old tin shed, which covers the pump and well area.

The owner then requested that the following approval condition be deleted from the current approval:

1. *Applicant to submit revised plans indicating the following:*
  - a. *relocation of the proposed garage to be setback in alignment with the existing residence (13 metres from the primary street frontage);*

This request was considered at Council's January 2001 Ordinary meeting and Council resolved the following:

*"That the matter be deferred pending the results of the owner's request for this site to be removed from Council Municipal Heritage Inventory."*



The explanation for this was that Council noted on Page 12 of the Agenda, that the owner had made a request to have the site removed from Heritage Inventory and in view of the submissions from the neighbours in the Agenda Attachments, a deferral of the matter was justified.

### **Submission**

The application is being referred back to Council with the same request that the following approval condition be deleted from the current planning approval:

1. *Applicant to submit revised plans indicating the following:*
  - a. *relocation of the proposed garage to be setback in alignment with the existing residence (13 metres from the primary street frontage).*

### **Report**

After the owner's request was made to delete the above special condition, a heritage consultant was employed to give advice on the site. The consultant advised that the siting of the proposed garage in front of the dwelling would have little impact on the heritage value of the site. However, the proposed garage should be constructed in a manner that is sympathetic to the existing building regardless of its heritage status.

The applicant/owner was advised of this and submitted further details of the colours, materials and finishes to be used. These submitted plans and details dated 12 December 2000, are considered satisfactory. It is therefore recommended that the above special condition be deleted and the revised plans, dated 12 December 2000, and a revised MRS Form 2 Notice of Approval be issued, subject to conditions.

The matter of removing the site off the Heritage Inventory is a separate issue. Advice from the Heritage Council of WA is still outstanding. However, it is the opinion of Council's Planning Department, that the site should remain on the Heritage Inventory, based on the assessment of the Heritage consultant and a consultative community liaison group in 1995 - 1997 as part of the process of putting the Heritage Inventory together, that the site be retained on the Inventory.

Council has already adopted the Heritage Inventory and list and at that time, landowners were advised of the proposed heritage listing of their properties and had an opportunity to have their site removed from the list, prior to Council adopting the list. This matter will be the subject of a separate Council report when the advice of the Heritage Council of WA has been received.



### Strategic Plan/Policy Implications

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

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."*

The Planning Policies which apply to this item are:-

PD17\* Standard Development Conditions and Footnotes

### Budget/Financial Implications

N/A

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

Nil

- 987. (AG Item 14.5) (OCM1\_2\_2001) - REVIEW OF APPOINTMENT OF DELEGATES/ REPRESENTATIVES TO JANDAKOT AIRPORT GROUP AND JANDAKOT AIRPORT CONSULTATIVE COMMITTEE (WJH) (1211)**

#### RECOMMENDATION

That Council:

- (1) revoke the appointment of the Manager, Development Services as Council's representative on the Jandakot Airport Consultative Committee; and
- (2) appoint Elected Member \_\_\_\_\_ as Council's representative on the Jandakot Airport Consultative Committee.

#### COUNCIL DECISION

MOVED Cllr Humphreys SECONDED Deputy Mayor Graham that Council:



- (1) revoke the appointment of the Manager, Development Services as Council's representative on the Jandakot Airport Consultative Committee; and
- (2) appoint Clr Reeve-Fowkes as Council's representative on the Jandakot Airport Consultative Committee.

**CARRIED 10/0**

## **Background**

At the Special Meeting of Council held on 12 December 2000, it was decided (Minute 892) to appoint the Manager, Development Services and the Principal Environmental Health Officer as Council's representatives to the Jandakot Airport Consultative Committee (JACC).

## **Submission**

Following discussions with a community representative on the JACC and the Principal Environmental Health Officer, Councillor Reeve-Fowkes has formed the opinion that a Councillor should be appointed as a delegate to the JACC and requested that this item be prepared for Council's consideration.

It should be noted that Clr Reeve-Fowkes is currently Council's representative to the Jandakot Airport Group.

## **Report**

The JACC is convened by the lessees of the airport, Jandakot Airport Holdings, to provide a forum for stakeholder consultation. The JACC has also taken on responsibility for the implementation of the recommendations of the "*Flight Paths and Training Procedures Review Report*" which was endorsed by Council in August 1999.

Membership of the committee covers a broad range of stakeholders including the Airport, industry, representatives of affected community groups, regulators, State Department of Transport and local governments. Membership of the committee grew out of the Steering Committee of the Flight Paths and Training Procedures Review. Other local governments are generally represented by a Councillor and a technical officer.

The committee, with its wide-ranging and influential membership, is the best forum available to effect change in airport and aircraft operations for



the potential benefit of the community and it is appropriate that an Elected Member represent Council on this Committee.

The Principal Environmental Health Officer was Council's representative on the Flight Path and Circuit Training Procedures Review Steering Committee since its inception in late 1998 and has been Council's representative on the JACC since it was first convened in November 1999. The PEHO has developed a good working knowledge of aircraft noise issues over this time and is well placed to provide technical advice on these matters.

The Principal Planner has indicated that with the completion of the Town Planning Scheme No. 3, planning in the vicinity of the airport is set and airport operations are unlikely to impose any additional constraints to planning in the future. The Principal Planner feels that his attendance at the JACC would be an unnecessary duplication of the technical advice provided by the PEHO.

Accordingly, it is recommended that Council revoke the appointment of the Manager, Development Services as a Council representative and appoint an Elected Member as a delegate to the Jandakot Airport Consultative Committee.

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

- The Corporate Strategic Plan Key Result Area which applies to this item is "*Managing Your City*".

#### **Budget/Financial Implications**

N/A

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

Nil

- 988. (AG Item 14.6) (OCM1\_2\_2001) - PROPOSED RETIREMENT VILLAGE AND NURSING HOME - PT LOT 152 PEARSON DRIVE, SUCCESS - OWNER: CAVERSHAM PROPERTIES - APPLICANT: TAYLOR BURRELL PLANNING CONSULTANTS (5515381) (CC) (MAP 20) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) approve the proposed retirement village and nursing home on Pt Lot 152 Pearson Drive, Success subject to the following



conditions:

Standard Conditions

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

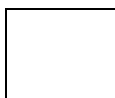
Special Conditions

1. Satisfactory arrangements being made with the City for a pro-rata contribution for the upgrade and construction of Hammond Road in accordance with the provisions of Amendment 197 to the City of Cockburn District Zoning Scheme No.2.
2. The trees located within the Pearson Drive reserve adjacent to the land being retained and protected to the satisfaction of the City.
3. A gated pedestrian access point being located generally in accordance with plan attached and being designed and constructed to the satisfaction of the City.
4. Satisfactory arrangements being made with the City for the upgrading and drainage of Pearson Drive prior to the occupation of the development.
5. The developer constructing a suitable boundary wall adjacent to the Kwinana Freeway reserve to attenuate noise. Such wall must be coated in anti-graffiti paint and include a small plaque indicating the type of anti-graffiti paint.
6. Satisfactory arrangements being made with the City to advise prospective tenants or purchasers that the land is located within 3 nautical miles of Jandakot Airport and may be subject to aircraft noise and of the potential for noise and vibration from the Kwinana Freeway and future railway line and bus ramp.

Special Footnote

1. The applicant is advised to liaise with Main Roads WA in respect to land required for Primary Regional Roads as shown on the attached plan.

(2) issue a Form 2 MRS approval to the applicant; and





- (3) advise those who made submissions and referral authorities of the Council's decision.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

ZONING:	MRS:	URBAN
	DZS:	RESIDENTIAL R80B
LAND USE:	VACANT LAND	
LOT SIZE:	5.4 HA	
AREA:	-	
USE CLASS:	Aged or Dependent Persons Dwelling (AA) & Hospital – (SA)	

The site is vacant land in Success, south of the Gateway Shopping Centre next to the Kwinana Freeway. Urban development has been slow to occur in this locality due to fragmented land ownership and structure plan design issues. See *Agenda Attachments for Location Plan*.

In 1999, the land was rezoned in DZS No.2 (District Zoning Scheme No.2) for high density housing (Residential R80B) so that future residents could take advantage of nearby shopping facilities, the future bus terminal and railway station.

**Submission**

The proposal is to develop a combined nursing home and retirement village comprising:

- 137 retirement villas;
- 75 bed nursing home; and
- private community centre, roads and landscaping.

The development is self-contained with a single vehicle access point from Pearson Drive for security purposes.



6 villa unit types of 2 and 3 bedrooms are proposed for potential tenants to select from.

The proposed community centre (306m<sup>2</sup>) includes activity areas, a kitchen, hydrotherapy spa and associated facilities.

The proposed nursing home (4,548m<sup>2</sup>) comprises self-contained rooms, therapy and community rooms and service areas.

Pedestrian access for the village residents is proposed to link with the future residential area to the west. Two gated pedestrian access points are also proposed to the dual use path in the Kwinana Freeway reserve. *See Agenda Attachments for Development Plan.*

Fill of the site will occur on the front portion of the land, which will be 0.8m above the level of existing Pearson Drive and will require retaining.

## **Report**

The proposal is a discretionary use under the DZS No.2 for which Council may approve or refuse.

Although the site is zoned for high-density housing (R80), the retirement village portion of the proposal corresponds to a lesser medium density (R30 to R35) under the Codes (Residential Planning Codes).

The nursing home and the retirement village comply with the required 1 bay per 4 persons accommodated parking standard of DZS No.2.

The development complies with the applicable density Code (R60) in respect to side and rear setbacks, plot ratio and open space requirements.

Discretion in respect to the Codes is sought on the following matters:

- Although storage areas of 2 to 3 metres are less than the required 4m<sup>2</sup>, the units are sufficiently large to accommodate storage;
- private fenced court-yards of 24m<sup>2</sup> for the villas are not provided as the design philosophy is for an unfenced open development.
- although some dwellings are setback 3.8 metres from the front boundary, averaging allowed under the Codes would result in an average setback close to the required 6 metres. Appropriate fencing and landscape treatments are proposed for dwellings not facing Pearson Drive. The resultant streetscape to Pearson Drive is acceptable.



There are no adverse implications in respect to the Success Structure Plan as the site is able to be developed independently from adjoining land.

The proposal complies with Council's Policy PD6 - Aged Persons Accommodation – Development Guidelines in respect to location requirements. The proposed gated pedestrian access through adjacent Pt Lot 223 enables retirees to conveniently access bus services on Wentworth Parade and would place Gateway Shopping Centre within 800m of the proposed Village.

Whilst not a constraint to development, noise intrusion from aircraft flight paths (Jandakot Airport), the Kwinana Freeway, future railway and bus ramp is a matter that may be addressed by notification of potential village tenants. Further to this, fencing adjacent to the Kwinana Freeway reserve would need to be designed to attenuate noise.

The site is designated as a developer contribution area for the payment of a pro-rata contribution for the upgrade and construction of Hammond Road under the provisions of Amendment 197 to DZS No.2 adopted by Council 20 October 1998. This requirement would need to be conditioned in any approval on the subject site.

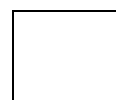
The developer would also be responsible for upgrading and draining the section of Pearson Drive fronting the subject site. Large Melaleuca Trees in the road reserve should be retained to maintain the street-scape.

### ***Public Consultation***

Adjacent landowner, Gold Estates, objects to the nursing home being located directly adjacent to Pt Lot 223 and considers that a large and bulky single storey building and expansive roof area would result in detrimental views from future lots.

As mentioned, the nursing home complies with the setback requirements of the Codes. The height of the closest gable to Gold Estates land is 6 metres occurring at about 15 metres from the common boundary. The nursing home which spans 160 metres, has a variable roof line with the longest span of continuous roof-line being 44 metres. Therefore this is acceptable from a planning and development point of view.

Objection was also made in respect to the location of the main access point 40 metres from an access road into Gold Estates future residential area on the southern side of Pearson Drive, on safety grounds. The 40 metres would allow for safe access and egress for both developments onto Pearson Drive.



Referral authorities and others who made submissions, raised no objections but advised of their particular requirements servicing or otherwise for the development. See *Agenda Attachments for Schedule of Submissions*.

With the exception of the minor variations to the Codes discussed above, the proposal complies with the requirements of the DZS No.2 and Council Policy. The objections raised in respect to the visual impact of the nursing home are not so significant, as the design is for a single storey brick and tile development with an un-continuous roof-line which is considered compatible with residential development.

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

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

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

The Planning Policies which apply to this item are:-

- |       |                                                                 |
|-------|-----------------------------------------------------------------|
| PD6   | Aged Persons Accommodation - Development Guidelines             |
| PD17* | Standard Development Conditions and Footnotes                   |
| PD7*  | Access for People with Disabilities                             |
| PD14* | Guidelines for Development Applications for the Filling of Land |



**Budget/Financial Implications**

Council to receive monetary contribution for upgrade/construction of Hammond Road in accordance with the pro-rata contributions for the developer contributions area.

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

Nil

- 989. (AG Item 14.7) (OCM1\_2\_2001) - AMENDMENT TO DISTRICT ZONING SCHEME NO. 2 - AMENDMENT NO. 228 TO RECLASSIFY CSL400 LOT PT 20 ON THE CORNER OF ROCKINGHAM ROAD AND COLEVILLE CRESCENT, SPEARWOOD FROM COUNCIL USE TO COMMERCIAL (9228) (SMH)**

**RECOMMENDATION**

That Council:

- (1) resolve to 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. 228

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

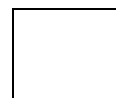
Reclassifying CSL 400 Lot Pt 20 on the corner of Rockingham Road and Coleville Crescent, Spearwood, from Local Reserve - Council Use to Commercial Zone in accordance with the amendment map.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 200\_.

CHIEF EXECUTIVE OFFICER

- (2) sign the amending documents, and forward a copy to:-

1. The Environmental Protection Authority in accordance with Section 7A(1) of the Act; and
2. The Western Australian Planning Commission for



information;

- (3) forward a copy of the signed documents to the Western Australian Planning Commission with a request to advertise the amendment, following receipt of formal advice from the Environmental Protection Authority that the Scheme or Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act; and
- (4) notwithstanding (3) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for further consideration following formal advice from the Environmental Protection Authority that the Scheme of Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act.
- (5) write to the WAPC advising it of the Council's decision and requesting that prior to the Minister for Planning granting final approval to proposed Town Planning Scheme No. 3, that in the event that Amendment No. 228 to Town Planning Scheme No. 2 is approved for advertising by the Commissioner/Minister, that CSL 4000 Lot Pt 20 is proposed Town Planning Scheme No. 3 be re-classified from Local Reserve - Civic to District Centre Zone.

#### **COUNCIL DECISION**

MOVED Cllr Humphreys SECONDED Cllr Waters that Council defer consideration of this matter to enable public consultation and advice from the pioneers of the district who have knowledge about the history of the Council use site on which the Council administration Centre is located.

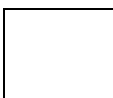
**CARRIED 10/0**

#### **Explanation**

The land has a significant history and before agreeing to the zoning amendment, Councillors should be made aware of the facts relating to the history of the site.

#### **Background**

Lot Pt 20 is owned in freehold by the City of Cockburn and is currently occupied by the Council Administration office, Library, Reception Centre and Hall, Bowling Club and Caretaker's residence.



The area of the lot is in excess of 6 hectares.

### **Submission**

In considering the current usage of the Civic Centre Hall, potential upgrade and management options, the issue regarding the zoning of the Civic Centre site needs to be addressed.

The current reservation would restrict the possible re-use of the reception and hall by a private operator for say a function centre, restaurant or other similar use.

By reclassifying the land from local reserve - council use to the commercial zone would provide for a wider scope of potential uses than currently provided for under the reserve.

### **Report**

As the land is owned in fee simple by the City, it could lease or sell the land. However, the use of the land and/or premises would have to be in accordance with the provisions of the local reserve.

Moreover, in the future, should the Council decide to relocate its administration centre to Thomsons Lake to be part of the Regional Centre, the change from a reserve to a zone would facilitate re-use options of the existing buildings and the land should this eventuate.

Should this amendment be supported, then a complementary change to proposed Town Planning Scheme No. 3 would also be required. The appropriate zone in this case would be the District Centre Zone to form part of the zone which includes the Phoenix Park Shopping Centre.

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

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

2. Planning Your City
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
5. Maintaining Your Community Facilities
  - *"To construct and maintain community buildings which are owned or managed by the Council."*



Policy No. PD49 - "Town Planning Scheme No. 2 Amendment Following Final Adoption of Proposed Town Planning Scheme No. 3" - which basically proposes a moratorium of changes to Town Planning Scheme No. 2 until Proposed Town Planning Scheme No. 3 is gazetted. The policy was written to apply to landowner amendment requests.

The situation being considered for the local reserve is Council owner and therefore the Council, in the community interest, can decide if the proposed amendment should be proceeded with now or following the final gazettal of Town Planning Scheme No. 3, Gazettal could be 6 months away.

### **Budget/Financial Implications**

Because the Council reception centre and hall are infrequently used, the facilities are being subsidised by the Council to the amount of \$61,000 for 99/00 (excluding depreciation).

To reduce the cost of operating the reception centre and hall, it may be appropriate to examine the alternative uses that could derive an income for the Council.

Subject to any decision about the future use of the facilities, a benefit and cost analysis will need to be taken prior to finalising and decisions.

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

There may be future implications in relation to 3.18(3) (b) in the event that the facilities are used or leased by a commercial activity.

- 990. (AG Item 14.8) (OCM1\_2\_2001) - NON-APPROVED SATELLITE DISH - LOT 318; 9 NANCY WAY, COOGEE - OWNER/APPLICANT: A SARDINHA (3316645) (SC) (MAP 15.116) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) refuse the proposed satellite dish due to the obtrusive height and scale of the dish and its negative effect on the amenity of the adjoining neighbours in terms of visual impact;
- (2) serve a notice to the landowner that the satellite dish must be dismantled within a period of 28 days from the date of the notice; and
- (3) advise the complainant and those who made submissions, of





Council's decision accordingly.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

ZONING:	MRS:	URBAN
	DZS:	RESIDENTIAL – R15
LAND USE:	HOUSE	
LOT SIZE:	773M <sup>2</sup>	
AREA:	N/A	
USE CLASS:	Single House 'P'	

A complaint was lodged with the Council by a neighbour regarding a recently installed satellite dish on the subject lot. A site inspection revealed it was of a size that approval was required under District Zoning Scheme No 2 (DZS2). The owner of the lot applied to Council for approval of the satellite dish.

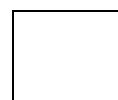
Council officers have twice visited the owners of the property and suggested that an alternative location be found for the satellite dish that is less obtrusive. On both occasions, the owners were reluctant to change their proposal claiming that the higher structure provides good reception and still allows views to the ocean to the side neighbour.

**Submission**

The application is for a domestic satellite dish that is three metres in diameter erected on a 3.3 metre high pole. The dish pole is attached to a brick pergola pillar located in the rear yard.

**Report**

The satellite dish has already been erected in the rear yard. The total height of the facility is 4.8 metres (maximum) height and oriented in a northern direction. The adjoining property (Lot 317) is elevated by a 1.0 metre high retaining wall and low level fence of 1.4 metres. Even with a full height fence of 1.8 metres, a 2.0 metre section of the satellite dish would be visible and obtrusive.



The surrounding landowners were notified of the application and given the opportunity to comment within a period of 21 days. At the close of the advertising period, 3 submissions of objection were received. Two submissions were received from the same landowner. The submissions expressed a concern with the size and height of the dish which obstructed views of the ocean, and the effects on the value of their property. One submission received had indicated they would prefer the dish to be lowered to the height of 1.5 metres, such that the dish would be hidden behind the shed. However, the other two submissions requested that the dish be lowered to the ground level.

It is recommended that the proposed satellite dish be refused as the facility has an adverse impact on the adjoining landowners and recent attempts to encourage the applicant to find an alternative location have failed.

As the dish has already been erected, the Council cannot legally issue a retrospective approval under DZS2, but could approve the proposal in a modified form / location.

### **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."*
  - *"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."*

The Planning Policies which apply to this item are:-

PD30\* Domestic Satellite Dishes Policy

### **Budget/Financial Implications**

N/A

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

Nil



**991. (AG Item 14.9) (OCM1\_2\_2001) - ENVIRONMENTAL WORKS - BIBRA LAKE (6129) (AJB)**

**RECOMMENDATION**

That Council resolve to allocate \$25,000 of the Greening Plan funds in A/c. No.575204, \$5,000 from A/c. No.497966 (Env Services) – Parkway POS Bibra Lake and \$10,000 from A/c. No.497968 (Env Services) – Lake Coogee Enhancement, to undertake environmental rehabilitation works within the Bibra Lake Reserve.

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

**COUNCIL DECISION**

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

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

**Background**

The Environmental Management unit would like to maximise the window of opportunity created by the recent fire at Bibra Lake to carry out some much needed earthworks, weed control and revegetation at the fire site.

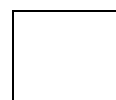
**Submission**

N/A

**Report**

In January 2001, there were two fires on the east side of Bibra Lake which burnt out some 15ha. The first fire on 16 January, covered an area of approximately 4.5ha between Eliza Cave Reserve and a drainage access track just north of Walliabup Way. The second fire on 19 January, covered an area of some 10.5ha between the drainage access track and Parkway Drive opposite Bibra Lake Primary School.

Prior to the fire, much of the area and particularly around the edges of the lake were inaccessible due to thick stands of weeds such as Typha and Kikuyu and there was a high cost involved in enhancing the environmental and recreational values of the area. The fire has removed



much of the weedy ground cover and provides an opportunity to effectively and economically rehabilitate the area. This includes the removal of rubbish including old car bodies and fences that have been revealed, the leveling of areas adjacent to the pathway to enable these areas to be established and maintained as parkland as identified in the Turf Management Plan prepared by Environmental Management Services and Parks Department and the planting of Melaleuca and native reeds in the degraded areas around the lake edge.

An inspection of the area has revealed the vigorous re-growth of the weeds and other exotic plants since the fire. Officers are of the view that if the area is to be effectively rehabilitated, then works including the removal of rubbish, regrading areas adjacent to the pathway and weed control need to be undertaken immediately and orders placed for trees and reeds which would be planted in August/September this year.

The estimated cost of the immediate works is \$40,000. This comprises the following:

Earth works, removal of rubbish off site	5,000
Weed control (spray immediately and May/June)	4,500
Supply and plant 2500 Melaleuca	4,600
Supply and plant 5200 Reeds	<u>25,900</u>
	\$40,000

The above works are considered to be the minimum that is necessary at this time. The clean up, grading and weed spraying will extend over the whole area to be rehabilitated. Plantings will cover some 20% of the area to be revegetated and additional funds will need to be set aside in future budgets to complete the project.

Currently there are no specific funds allocated to undertake the above works in Environmental Management Services or Parks Department's budgets, as these circumstances could not be foreseen.

Accordingly if the works are to be undertaken, there will need to be a reallocation of funds. Given the urgency to proceed, this matter is submitted to Council for consideration outside the normal budget review process.

The identified funding sources are as follows:

Reallocate \$5,000 from A/c. No.497966 (Env Services) – Parkway POS Bibra Lake - This project is substantially complete and surplus funds can be reallocated.

Reallocate \$10,000 from A/c. No.497968 (Env Services) – Lake Coogee Enhancement - Commencement of works has been delayed as a result



of the WA 21 Project. \$10,000 would remain in the account which would be adequate for proposed works to be undertaken this year.

Allocate \$25,000 from A/c. No.575204 (Parks Department) - Greening Plan - \$100,000 has been allocated to implement recommendations of the Greening Plan. Accordingly, \$75,000 would remain available for other proposed projects.

The proposed works are consistent with the scope of the Greening Plan as outlined in the following summary of recommendations:

**Recommendation 1:** Manage existing bushland reserves to maximise their conservation values.

**Recommendation 4:** The City of Cockburn should develop and maintain bushland corridors to encourage movement of native fauna between areas of bushland.

**Recommendation 5:** That the City of Cockburn should investigate opportunities for urban forestry eg. rehabilitation of parts of open spaces to maximise green spaces within the City of Cockburn.

**Recommendation 7:** Develop and implement landscaping.

The Greening Plan has been developed with much community consultation and reflects their needs and aspirations.

The benefits of undertaking the proposed works now are as follows;

- Cost savings as prior to the fire, additional money would have been needed to clear the area and weed control prior to commencing these works.
- Implementation of the Greening Plan strategies.
- Addresses Customer Satisfaction Survey.
- Implementation of the Turf Management Plan will provide areas of low fuel load levels that will reduce the risk of future fires in the area.
- Enhanced environmental and recreation values.

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

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

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



2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
4. Facilitating the needs of Your 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  
PD45           Wetland Conservation Policy

#### **Budget/Financial Implications**

Reallocation of funds required for undertaking the capital works. Cost of ongoing maintenance of the turfed areas will need to be addressed in the 2001/02 budget.

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

Nil.

#### **992. (AG Item 14.10) (OCM1\_2\_2001) - APPOINTMENT OF DELEGATES/REPRESENTATIVES TO PERTH AIRPORTS MUNICIPALITIES GROUP (1701; 1212) (WJH) (ATTACH)**

##### **RECOMMENDATION**

That Council:

- (1) appoint Elected Member \_\_\_\_\_ as Council's delegate to the Perth Airports Municipalities Group (PAMG) and Elected Member \_\_\_\_\_ as Deputy delegate;



- (2) appoint the Principal Environmental Health Officer as Council's Technical Officer to the Perth Airports Municipalities Group to attend as required; and
- (3) advise the Chairperson of the Perth Airports Municipalities Group of Council's decision accordingly.

### **COUNCIL DECISION**

MOVED Clr Humphreys SECONDED Clr Oliver that Council:

- (1) appoint Clr Reeve-Fowkes as Council's delegate to the Perth Airports Municipalities Group (PAMG) and Deputy Mayor Graham as Deputy delegate;
- (2) appoint the Principal Environmental Health Officer as Council's Technical Officer to the Perth Airports Municipalities Group to attend as required; and
- (3) advise the Chairperson of the Perth Airports Municipalities Group of Council's decision accordingly.

**CARRIED 10/0**

### **Background**

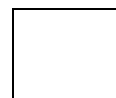
At the Special Meeting of Council held on 12 December 2000, it was decided not to re-appoint a delegate to the Perth Airports Municipalities Group (PAMG).

Prior to this decision, Council had sent a delegate (elected member) and a Delegate's Advisor (technical officer) to this Group for a number of years. Since the suspension of elected members in 1999, Council had been represented by the Principal Environmental Health Officer.

Other member councils are Bassendean, Belmont, Gosnells, Kalamunda, Melville, Mundaring, South Perth and Swan. Although members' interests are predominately Perth Airport based, recent changes to the constitution and meeting format has resulted in greater attention to matters relating to Jandakot Airport.

### **Submission**

Following receipt of our notification to PAMG of Council's decision not to send a delegate, the PAMG Chairman has written a letter (see attached) asking Council to reconsider its decision.



## Report

The letter from PAMG sets out the Group's objectives.

Membership of the committee is limited to interested local governments, with one delegate each. However, representatives from the State Department of Transport, Civil Aviation Safety Authority and Airservices Australia regularly attend as observers or to make presentations. The constitution also allows for the attendance of the CEOs of both Perth and Jandakot Airports who regularly attend and participate in each meeting.

PAMG also provides access to the Australian Mayoral Aviation Council (AMAC) which is the peak body in Australia representing local governments in aviation matters. PAMG is a useful forum for discussing "bigger picture" issues affecting airports and its access to AMAC provides an opportunity to address some of these issues in the national arena.

The Principal Environmental Health Officer was Council's delegate to PAMG up until the re-election of Councillors and has developed a good working knowledge of aircraft noise issues over this time and is well placed to provide technical advice on these matters. Should the Council reinstate its membership, then it is appropriate it be represented by Elected Members, as is the case for other member councils and for the Principal Environmental Health Officer to provide technical advice as required.

Although the benefits to the City of Cockburn is marginal, given the relationship between Perth and Jandakot airports, it is recommended that Council re-appoint elected representatives as Council's Delegate and Deputy Delegate to the Perth Airports Municipalities Group and appoint the Principal Environmental Health Officer as Council's Technical Officer. To ensure continuity and to facilitate the development of knowledge of these issues, it would be beneficial for the elected representative appointed as representative to the Jandakot Airport Consultative Committee (Clr Martin Reeve-Fowkes), to also be the PAMG delegate.

## Strategic Plan/Policy Implications

- The Corporate Strategic Plan Key Result Areas which apply to this item is "*Managing Your City*"

## Budget/Financial Implications

The PAMG operates from a levy, which is struck periodically as and when required. A levy has not been struck for several years and it is not





known if one will be struck this year. Further, the value of the levy is not known.

Also AMAC has in the past, invoiced the Council for membership to that group. \$1,000 per annum.

A/c 110340 - Subscriptions has a budget of \$2,000.

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

Nil.

- 993. (AG Item 14.11) (OCM1\_2\_2001) - REVISED SUCCESS STRUCTURE PLAN - LOT 1, 2, 3, 4 AND PT LOT 223 PEARSON DRIVE AND PT LOT 19 BARTRAM ROAD, SUCCESS - OWNER: GOLD ESTATES LIMITED AND PHOENIX RIDGE P/L - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (9505) (CC) (MAP 15 & 20) (ATTACH)**

#### **RECOMMENDATION**

That Council resolve to:

- (1) adopt the revised Success Structure Plan for Lots 1, 2, 3, 4 and Pt Lot 223 Pearson Drive and portion of Pt Lot 19 Bartram Road, Success subject to the following design modifications and understandings:
  1. No commercial or main street development south of Gateway Shopping Centre, but Council supports an interface road on Pt Lot 223 at the common boundary to the Gateway Shopping Centre site.
  2. Council supports side by side public open space on Lots 2 and 3 and the link road from Sciano Avenue to Wentworth Parade.
  3. The proposed public open space on Pt Lot 223 be re-located to the southern portion of the lot to maximise retention of remnant bush land.
  4. Council only supports rear laneway development where adequate on-street parking provision is provided.
  5. The subdivision layout for Pt Lot 4, Lot 3 and portion of Pt Lot 19 allow for a fully connected and integrated road layout.



- (2) advise Consultants – Development Planning Strategies, affected landowners, referral authorities and those that made submission on the plan of the Council's decision.

**COUNCIL DECISION**

MOVED Cllr Whitfield SECONDED Deputy Mayor Graham that the recommendation be adopted.

**CARRIED 10/0**

**Background**

ZONING:	MRS:	URBAN
	DZS:	RURAL/RESIDENTIAL
LAND USE:	VACANT LAND	
LOT SIZE:	TOTAL	
AREA:	N/A	
USE CLASS:	N/A	

The Success Structure Plan has been used as the guide for subdivision and development in the locality since its inception in the early 1990's. Since this time the plan has been subject to revisions in response to changes in planning concepts and principles, land ownership and environmental constraints.

To date, all of the land within Success has been developed by the principle land owner - Gold Estates. Subdivision and development of land holdings directly south of the Gateway Shopping Centre has not occurred due to fragmented ownership.

With Gold Estates recent acquisition of strategically placed Lot 1 Pearson Drive, a modification to the alignment of Wentworth Parade - the main distributor road in the estate - was recently approved under delegation. This placed the Parade mostly in Gold Estates land and enables it to be completed to Bartram Road, and adjacent land subdivided.

**Submission**

Now that this issue of connectivity has been resolved, Gold Estates, through consultants, is seeking approval to a revised structure plan layout for land holdings south of the Shopping Centre, including non-Gold Estates land – Lot 2 owned by G Dropulich and Lot 3 owned by Phoenix Ridge P/L on Pearson Drive.



The modified plan indicates access road and lot layout, pedestrian movement, public open space and provides for a main street style development south of Gateway Shopping Centre. (See *Agenda Attachment for Revised Success Structure Plan*).

## Report

Most of the affected landholdings are proposed to be rezoned from Rural to Residential (medium to high densities) under TPS No. 3, which is anticipated to be finalised in July - August 2001.

## CONSULTATION

Consultants on behalf of Gateway Shopping Centre object to the main street proposal on the following grounds:

- Gateway is sufficient to service the community's commercial needs;
- Pt Lot 223 is designated for residential use;
- a main street interface is contrary to Gateway's plans for parking in the location and;
- the main street is located on Gateway land.

Gateway is designated as a Regional Centre under the Western Australian Planning Commission's Metropolitan Centres Policy and has yet to reach its full development potential of 50,000m<sup>2</sup> of lettable floor space under the Policy. It is considered inappropriate to support the creation of additional commercial land where surplus land and floor-space capacity remains.

The location of the main street is inappropriate as the proposed street terminates at the Kwinana Freeway and does not meet any of the design criteria indicated in the Commission's Liveable Neighbourhood's manual. The use of an interface road on Pt Lot 223 that can be created through the subdivision process on the common boundary to Gateway, is considered appropriate.

The public open space allocation on Pt Lot 223 does not take full advantage of remnant vegetation on the site, which is located on the southern portion of the lot. Council Policy PD 8 indicates the retention bushland areas through the structure planning and subdivision process.

Lots shown fronting onto public open space on Pt Lot 223 and Lot 1 and serviced by rear lane ways, are considered unacceptable as there is insufficient space to accommodate visitor or on street parking.

The landowner of Lot 3 Pearson Drive objects to the proposal on the following grounds:

- Does not support the location of public open space,



- Does not support road access arrangements, which may limit Lot 3 from being subdivided independently.

Site analysis indicates good vegetation cover at the proposed public open space area on both Lots 2 and 3 Pearson Drive. The allocation of public open space on these lots side by side allows for an area with greater useability, recreation potential and retention of bushland.

Consultants for Gold Estates, have developed an alternative road layout indicating potential for independent subdivision of Lot 3. The 'Version 2' plan retains the key elements of side by side public open-space for Lots 2 and 3 and the link road from Sciano Avenue to Wentworth Parade. The connection from Lot 3 to Pt Lot 19 however has been deleted. The Version 2 plan has been referred to the affected land-owners. (See *Agenda Attachments Version 2*).

Lot 2 is owned by an overseas interest - Phoenix Ridge P/L - which has not responded to this or previous referrals of structure plan matters. Any structure plan design should take into consideration the likelihood that Lot 2 may not be subdivided in the short to medium term. It is considered appropriate that the structure plan take into consideration this constraint and allow for the integrated and connective subdivision of Pt Lot 4, Lot 3 and portion of Lot 19.

Servicing authorities raise no objections to the revised structure plan and have advised of servicing requirements which may be dealt with at the subdivision and development stage.

Although there are some deficiencies with the revised Success Structure Plan, they are not so severe as to warrant the rejection of the proposal. It is considered appropriate that Council adopt the plan subject to a set of redesign principles based on the issues discussed above.

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

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

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



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

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

The Planning Policies which apply to this item are:-

PD8\* Bushland Conservation Policy

**Budget/Financial Implications**

N/A

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

Nil.

994. (AG Item 14.12) (OCM1\_2\_2001) - PROPOSED STRUCTURE PLAN AND SUBDIVISION - LOT 202 RUSSELL ROAD, BANJUP - OWNER: JAMBOREE PTY LTD (UNDER CONTRACT OF SALE TO AUSTRALAND HOLDINGS LTD) - APPLICANT: TAYLOR BURRELL TOWN PLANNING AND DESIGN (9638; 115679) (SOS) (MAP 20 & 21) (ATTACH)

**RECOMMENDATION**

That Council resolve to:

- (1) adopt the proposed Frankland Structure Plan for portion of Lot 202 Russell Road, Banjup subject to the following:
  1. A road reserve being shown between the R40 group housing site and the public open space/drainage area to in a position to be agreed with Council. The road is to be located outside of the 30 metre dampland buffer and will result in the reduction in the area of the R40 development site.
  2. No subdivision of land for residential purposes will be supported within 500 metres of the westernmost dog kennel or dog exercise area on Lot 11 Barfield Road until the use ceases or works are undertaken to reduce noise levels to acceptable limits.
  3. Public open space credits for the dampland area and surrounding margins to be determined as appropriate on the

basis of the proposal detailed by the applicant.

4. All residential lots being nominated as Residential R20, with the exception of that shown for R40 group housing;

(2) advise the applicant of the following:

1. Given advice from the Water and Rivers Commission that groundwater in the area has reached sustainable allocation limits, development concepts for public open space areas will require further refinement and consideration as will the proposed distribution of public open space in the balance area of Lot 202 Russell Road.
2. With respect to Point (1) 3. above, satisfactory arrangements will need to be made to ensure any shortfall in public open space provision resulting from the calculations referred to above will be provided elsewhere on Lot 202 Russell Road;
3. The Structure Plan and proposed Subdivision 115679 indicates a reconfigured intersection of Russell and Barfield Roads. A new road access is proposed across Lot 24 Russell Road, which is owned in fee simple by the City of Cockburn. The consent of the City as a signatory of the subdivision proposal has not been obtained. The Western Australian Planning Commission will be advised of this fact and it is suggested you liaise with the City's Land Officer to address this matter.
4. Road reserves may require minor refinement as part of the detailed review of road and engineering design plans.

(3) advise the Western Australian Planning Commission that Subdivision 115679 is:

1. supported subject to it being modified to comply with the Structure Plan and such conditions as deemed relevant by the Delegated Officer under PD-DA 8.
2. partly owned by the City of Cockburn in fee simple and at this stage is not a signatory to the application.
3. not for the purposes of assessment, a proposal which complies with the requirements of Liveable Neighbourhoods and therefore is deemed to be a traditional subdivision proposal.

(4) adopt the Schedule of Submissions as contained in the Agenda



Attachments; and

- (5) advise those persons who made a submission of Council's decision.

**COUNCIL DECISION**

MOVED Clr Humphreys SECONDED Clr Rennie that the recommendation be adopted.

**MOTION LOST 9/1**

MOVED Deputy Mayor Graham SECONDED Clr Reeve-Fowkes that Council:

- (1) adopt the proposed Frankland Structure Plan for portion of Lot 202 Russell Road, Banjup subject to the following:
1. A road reserve being shown between the R40 group housing site and the public open space/drainage area to in a position to be agreed with Council. The road is to be located outside of the 30 metre dampland buffer and will result in the reduction in the area of the R40 development site, or alternatively, the applicant to prepare a set of design guidelines for the R40 site to address the interface with the open space, fencing, orientation of dwellings, access and setbacks to the Council's satisfaction.
  2. No subdivision of land for residential purposes will be supported within 500 metres of the westernmost dog kennel or dog exercise area on Lot 11 Barfield Road until the use ceases or works are undertaken to reduce noise levels to acceptable limits.
  3. Public open space credits for the dampland area and surrounding margins to be determined as appropriate on the basis of the proposal detailed by the applicant.
  4. All residential lots being nominated as Residential R20, with the exception of that shown for R40 group housing;
- (2) advise the applicant of the following:
1. Given advice from the Water and Rivers Commission that groundwater in the area has reached sustainable allocation limits, development concepts for public open space areas will require further refinement and consideration as will the proposed distribution of public open space in the balance

area of Lot 202 Russell Road.

2. With respect to Point (1) 3. above, satisfactory arrangements will need to be made to ensure any shortfall in public open space provision resulting from the calculations referred to above will be provided elsewhere on Lot 202 Russell Road;
  3. The Structure Plan and proposed Subdivision 115679 indicates a reconfigured intersection of Russell and Barfield Roads. A new road access is proposed across Lot 24 Russell Road, which is owned in fee simple by the City of Cockburn. The consent of the City as a signatory of the subdivision proposal has not been obtained. The Western Australian Planning Commission will be advised of this fact and it is suggested you liaise with the City's Land Officer to address this matter.
  4. Road reserves may require minor refinement as part of the detailed review of road and engineering design plans.
- (3) advise the Western Australian Planning Commission that Subdivision 115679 is:
1. supported subject to it being modified to comply with the Structure Plan and such conditions as deemed relevant by the Delegated Officer under PD-DA 8.
  2. partly owned by the City of Cockburn in fee simple and at this stage is not a signatory to the application.
  3. not for the purposes of assessment, a proposal which complies with the requirements of Liveable Neighbourhoods and therefore is deemed to be a traditional subdivision proposal.
- (4) adopt the Schedule of Submissions as contained in the Agenda Attachments; and
- (5) advise those persons who made a submission of Council's decision.

**CARRIED 10/0**

**Explanation**

The modification to the recommendation was in response to a request by the applicant to provide for an alternative to dealing with the interface





between the R40 site and the open space. Based on the advice of Council's Planning Service, this alternative is deemed to be acceptable.

## **Background**

This report has been prepared in respect of proposed structure plan and subdivision application for portion of Lot 202 Russell Road, Banjup. See Agenda Attachments for proposal location details.

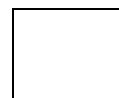
The subject land falls within the Southern Suburbs District Structure Plan (SSDSP) area. The SSDSP was adopted by Council in October 1999 and endorsed by the Western Australian Planning Commission in November 1999. The Plan provides the broad framework for the planning of future urban development along the Kwinana Freeway corridor extending southwards from the established communities at Success and Atwell.

The Commission's endorsement of the SSDSP triggered an amendment to the Metropolitan Region Scheme, which now sees the Plan area zoned Urban. It also led to progression of three amendments to District Zoning Scheme No.2 (Amendments 206, 207 and 211), which have rezoned the three precincts (Development Areas) that make up the SSDSP area to the "Development" zone. Each of the amendments has also defined the particular structure planning requirements applicable to each Development Area in addition to the obligations of developers in terms of cost contributions towards specified items of development infrastructure.

Since the gazettal of Amendment 207 earlier this month, the land lies within the Gaebler Road Development Area (DA 9) and Developer Contribution Area (DCA 3). The subject proposal is the first local structure plan and subdivision application lodged for Council's consideration in the Gaebler Road Development Area.

## **Submission**

An application for the subdivision of portion of Lot 202 Russell Road was recently referred to the City of Cockburn for comment by the Western Australian Planning Commission (Reference Number 115679). Whilst the SSDSP provides the broad planning framework for the Southern Suburbs area, it is still necessary for a local structure plan to be prepared to provide the basis for detailed planning. Accordingly, City officers advised the applicant that the City would not recommend support for the subdivision proposal until such time as a local structure plan had been prepared in accordance with the requirements of the new structure planning provisions recently incorporated into District Zoning Scheme No.2.



The applicant responded by submitting the Frankland Local Structure Plan (LSP) for Council's consideration. The Frankland LSP shows an expanded context to that indicated in the subdivision proposal, effectively proposing the subdivision and development of land between Barfield Road, Russell Road and a proposed north-south local neighbourhood distributor road that is to run through the centre of Lot 202.

Lot 202 is 49.7 hectares in area. The proposed Frankland LSP indicates the development of a 25 hectare land parcel located on the eastern portion of the property. The first stage of subdivision is for approximately 16 hectares of this area. Much of the development is proposed for single lot residential purposes, though provision has been made for the development of a 5300m<sup>2</sup> grouped housing site. Three separate public open space reserves are proposed, including a three hectare site in the north-east corner of Lot 202 that is to retain a Resource Enhancement category dampland and surrounding buffer area. The two other public open space reserves are proposed as more formal recreation areas. A substantial area is set aside for the development of a mixed business/commercial centre adjacent to the intersection of Russell Road and the planned north-south neighbourhood connector. Further details of the Frankland LSP proposal are included in the Agenda Attachments.

The Structure Plan proposal was advertised for public comment for a period of 21 days, concluding on 7 February 2001. Owners of property near the subject land were provided with a copy of the proposal and invited to comment. The two local newspapers circulating in the locality carried advertisements with details of the proposal. Various government agencies and servicing authorities were invited to comment. A total of seven submissions have been received. A schedule of submissions containing submission summaries and the recommended responses is included in the Agenda Attachments.

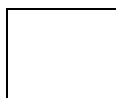
## **Report**

The key considerations of the proposal are as follows:

### *Bushland Protection*

Lot 202 Russell Road contains good quality native vegetation varying from upland banksia woodland to low-lying dampland habitat. There is some disturbance and degradation of the centre of the property, which appears to have been used for horse training and horticultural pursuits. The site has bushland best described as having local significance.

Discussions with the Bush Forever Office at the Ministry for Planning indicate that Lot 202 has not been identified in the recently released Bush Forever document as a Bush Forever site, though it is on a list of



additional sites that require further consideration as to their bushland values.

Council's previous consideration of the bushland values of Lot 202, through the preparation of the SSDSP, resulted in the determination that much of the site could be developed for urban purposes with the most environmentally significant areas being protected within future public open space reserves.

The setting aside of land for public open space purposes in the proposed Frankland LSP is generally consistent with the proposed open space distribution in the SSDSP. An additional area of public open space is shown on the Frankland LSP and is supported as it is an area containing good quality bushland, which can be incorporated within the context of a parkland setting.

*Public Open Space & Drainage reserve – Resource Enhancement dampland*

The north-eastern corner of Lot 202 contains a vegetated dampland in reasonable to good condition. There is a degraded area on the dampland's western fringe, which is proposed for drainage purposes. The dampland, along with a dryland buffer of at least 30 metres in width, is to be protected within a public open space reserve. The buffer is up to 50 metres wide in some places.

The dampland is classified as a Resource Enhancement category wetland by the Water and Rivers Commission. Resource Enhancement wetlands are defined as those which have been partially modified but still support substantial functions and attributes. A buffer distance of 50 metres is generally a requirement of the Water and Rivers Commission and the Department of Environmental Protection, however in this case the Commission supports the proposed buffer due to the proponent's commitment to upgrade and enhance the dampland with the planting of native vegetation.

The R40 grouped housing site is proposed directly adjacent to the dampland area. Council should require a better separation between the R40 development and the dampland area than that proposed. In this case it is considered appropriate to require a road as a hard edge to the dampland/POS area.

Another important consideration regarding the dampland area is how much land area, if any at all, will be credited towards the proponent's public open space liability. The applicant is seeking 100% credit for all of the dampland and its surrounding buffer, however this should not be supported.



Liveable Neighbourhoods provides for a 50% credit to be granted for all natural wetland areas retained, provided that these areas do not total more than 20% of the total public open space provision. This could be used as a guide to calculate public open space provision. There is considered to be adequate public open space provided for within the first stage of subdivision, though this is subject to further detailed calculations based on the final land use pattern and public open space/drainage designs. Any shortfall that results from the detailed calculations can be made up elsewhere as part of the future stages of development of the subject land.

*Size of Buffer to “Try Me Boarding Kennels” on Lot 11 Barfield Road*

Amendment 207 to District Zoning Scheme No.2 introduced the requirement for a generic buffer distance to be in place between the dog kennels on Lot 11 Barfield Road and any noise sensitive development (such as residential). Lot 11 sits adjacent to the south-eastern corner of Lot 202. The generic buffer distance for dog kennels is 1000 metres, but can be reduced upon scientific determination of the specific nature of noise generated and prevailing site conditions. This requirement will apply as long as the kennel is operational.

Amendment 207 requires that the Department of Environmental Protection determine whether it is appropriate to reduce the generic buffer distance. However, the Department considers that Council should in this instance determine what the appropriate buffer distance should be. The Department has provided advice that it has now prepared guidelines for the consideration of the issue of noise caused by existing kennels on proposed residential development. The guidelines recommend a minimum buffer distance of 500 metres, however in this case the Department, based on consideration of the site and specific acoustic information provided, recommend that a minimum of 200 metres.

Acoustic information submitted on behalf of the applicant suggests that based on low dog numbers, noise data collected and site characteristics a buffer distance of 200 metres would be appropriate.

In reviewing the advice of the Department of Environmental Protection and the information submitted by the applicant, it is recommended that Council not accept the advice provided and require a buffer distance of 500 metres between the proposed residential development and the nearest dog kennel building/activity area unless on-site works are undertaken to reduce noise levels or the use ceases. Council should note that the imposition of a 500 metre buffer distance would affect most of the land covered by the stage 1 subdivision application for Lot 202 and about 70% of the Frankland LSP area.



Requiring such a buffer is certain to attract dispute from the proponent. Whilst a 500 buffer is recommended, if Council resolves to accept the Department of Environmental Protection's recommendation of a 200 metre buffer then it should at least require that memorials be placed on all lots between 200 and 500 metres from the kennels advising of the potential for noise disturbance to be experienced at these properties.

Council should note that the owner of Lot 11 Barfield Road has not made a submission on the Frankland LSP.

#### *Groundwater availability*

In addition to advice on the protection of the dampland area, the Water and Rivers Commission has advised that the subject land lies within the Success sub-area of the Jandakot groundwater catchment. The Commission is unlikely to support any licence application for the use of groundwater for domestic bores or irrigation of public open space areas (and presumably street landscaping) due to groundwater supplies in the catchment having already reached sustainable allocation limits.

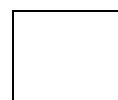
This has implications on ability of the developer and ultimately Council to irrigate public open space areas. Whilst additional discussion is required on this matter with the Water and Rivers Commission, it is likely that the parkland areas created will need to be dry landscapes reliant on natural seasonal conditions. In this respect it is appropriate that parkland areas retain the native vegetation and act as conservation reserves. It may be possible to have some grassed area irrigated from mains water, but this would have to be limited to a small area to be cost effective.

The ability of drainage areas intended as permanent water features to be 'topped up' may also be implicated by the lack of availability of groundwater.

#### *Bus Routes*

The Department of Transport has provided advice on the Frankland LSP in terms of its suitability to accommodate bus services. It advises that due to the width of the urban development corridor between Thomsons Lake/Harry Waring Reserve and Kwinana Freeway, one north-south route will not adequately service the area. However the corridor is too narrow to accommodate two north-south routes without considerable overlap of the route catchments. The Department is not opposed to the proposal per se, but recommends significant changes to the district road network further south outside the land subject to the Frankland LSP to accommodate two bus routes.

The Department's advice conflicts with previous advice that only one north-south bus route would be required in the SSDSP area.



Furthermore, the road network changes suggested by the applicant are not appropriate in terms of road and intersection design.

*Road access across Lot 24 Russell Road*

The proposal indicates the reconfiguration of the intersection of Russell Road and Barfield Road to provide access to the development proposed on Lot 202. To enable this reconfiguration, road access is proposed across Lot 24 Russell Road. Lot 24 is a 1757m<sup>2</sup> lot owned in fee simple by the City of Cockburn.

As owner of Lot 24, the City, like any other landowner affected by the Metropolitan Region Scheme requirement for the widening/realignment of Russell Road would receive payment for land acquisition through the Development Contribution Plan proposed for this area.

It should be noted that the City is not a signatory to the subdivision application lodged for Lot 202.

The proponent will need to enter into an arrangement with the City to obtain part of this property to enable road access into the development, or propose an alternative access arrangement.

*Concluding Comments*

It is evident that there are several issues relevant to Lot 202 Russell Road that need to be addressed through the subdivision process such as the resolution of an appropriate buffer distance from the dog kennels on Barfield Road, groundwater availability and the detailed design of the dampland area and surrounds. However, the proposed Frankland LSP provides a reasonable basis upon which to progress the development of the subject land. It is recommended that Council adopt the proposed Frankland LSP subject to the conditions and advice notes detailed in the recommendation above.

Moreover, the structure planning undertaken by the proponent is not in accordance with the requirements set out in Liveable Neighbourhoods and therefore cannot be evaluated under this code. The WAPC should be advised accordingly.

The proponent has not attempted to deal with the requirements of Elements 1, 2, 4, 5 or 6. In addition the applicant is attempting to expedite a subdivision approval without first preparing and having adopted a Structure Plan for the local area. In this case, the Stage 1 portion of the subdivision can probably be accommodated with the planning done to date but before subsequent stages are considered the Plan for the whole of the land needs to be resolved. This approach is totally at odds with the *Liveable Neighbourhood* requirements.



## 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 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."*
  
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."*
  - *"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:-

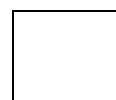
PD8*	Bushland Conservation Policy
PD13*	Public Open Space
PD16*	Standard Subdivision Conditions and Reasons for Refusal
PD25*	Liveable Neighbourhoods - Community Design Codes
PD42	Native Fauna Protection Policy

## Budget/Financial Implications

Council will be responsible for the maintenance of all public open space areas two years after development.

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

Nil.



**995. (AG Item 15.1) (OCM1\_2\_2001) - LIST OF CREDITORS PAID (5605)  
(KL) (ATTACH)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

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

**Submission**

N/A

**Report**

N/A

**Strategic Plan/Policy Implications**

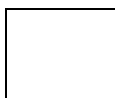
N/A

**Budget/Financial Implications**

N/A

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

Nil.





**996. (AG Item 15.2) (OCM1\_2\_2001) - DEDICATION - PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT - PORTION OF CARMEL WAY, SUCCESS AND ACCEPTANCE OF PARKING RESERVE OFF CARMEL WAY, SUCCESS (5513032) (KJS)**

**RECOMMENDATION**

That Council resolve to:

- (1) request that the Minister for Lands dedicates the land shown on Land Administration Plan 21241 as Carmel Way to a public road, pursuant to Section 56 (1) of the Land Administration Act 1997; and
- (2) accept the responsibility for Lot 813 shown on Land Administration Plan 21241 as a parking reserve.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

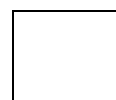
In conjunction with residential land subdivision east and south of Jandakot Primary School, two strips of land were excised from the Primary School land to create a formed road, and adjacent parking bays. The resulting road (Carmel Way) links Hammond Road to Bannigan Avenue and greatly improves access to the School. As the road and parking area were excised from the Crown Reserve (School Site), the road and parking reserve are not automatically vested, as in the usual freehold subdivision process.

**Submission**

The Department of Land Administration has made a formal request to Council for the road dedication and acceptance of the Parking Reserve.

**Report**

The road and Parking Reserve are both fully constructed and have been built in accordance with approved Plans. The road reserve and parking reserve adjoin each other for approximately 140 metres and visually appear no different than other roads with parking embayments.



**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil.

**997. (AG Item 15.3) (OCM1\_2\_2001) - ESTABLISHMENT OF A COMMUNITY BANK - BENDIGO BANK (5101) (KL)**

**RECOMMENDATION**

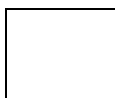
That Council advise the Hamilton Hill Community Bank Steering Committee that:

- (1) Council will, through a Reply Paid Customer Survey in the March issue of Cockburn Soundings, determine support for the proposal to establish a Community Bank at the Hamilton Hill Shopping Centre;
- (2) Council will advise the City of Fremantle ratepayers in the vicinity of the Hamilton Hill Shopping Centre of its proposal, via a City of Fremantle sponsored newsletter; and
- (3) based on the returns to the customer survey, Council will determine whether or not to underwrite the feasibility study.

**COUNCIL DECISION**

MOVED Deputy Mayor Graham SECONDED Cllr Allen that Council advise the Hamilton Hill Community Bank Steering Committee that Council will:

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



- (3) advise the City of Fremantle residents in the vicinity of Hamilton Hill Shopping Centre of its proposal, via a City of Fremantle sponsored newsletters; and
- (4) taking into consideration the returns to the customer survey, determine whether or not to underwrite the feasibility study.

**CARRIED 10/0**

### **Explanation**

The use of the word "determine" is too strong with respect to Council's interpretation of the results of the survey. Instead, Council should be "assessing" community support via the survey. Council would best make use of the survey by both assessing community support for the project and establishing a list of names of people interested in the project; this information can then be passed onto the Steering Committee for it to use when marketing the concept of the bank. Council should be advising City of Fremantle 'residents', rather than just 'ratepayers'.

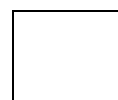
### **Background**

Through a wave of bank branch closures, which have occurred throughout Australia in the past decade, the Community Banking Concept has evolved and has progressively become more popular, especially in country locations where bank closures have been felt by local communities.

There are now 28 Community Banks in Australia, with six(6) based in Western Australia. Some Community Banks are returning \$10,000 - \$20,000 per month in net profits to their community in only their second year of operation. These funds are re-injected into community organisations and projects.

### **Submission**

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



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

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

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

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

#### Request of Council

From discussions with other successful Community Bank Steering Committees, it is apparent that for a Community Bank project to be successful, support of Council is most important.

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

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

#### **Report**

Community Banks are driven by local communities. Bendigo Bank provides a mechanism by which the community can secure banking services, which are supported by Bendigo Bank throughout the process, but the community are the ones that make it happen.

To establish a Community Bank, through Bendigo Bank, the following steps are taken:



- Form a Steering Committee of business leaders, professionals and Councillors, consisting of 8/10 members.
- Conduct a heavy saturation of the market in relation to the Community Bank concept (mail drops, advertisements, posters in the streets, etc)
- Raise “pledges of indicative support” to gain comfort that the community financial support is present in Hamilton Hill.
- Once enough pledges have been raised, conduct a public meeting.
- Once target is reached, commence a feasibility study (4 weeks duration).
- Once the results of the study are known, if positive, form a company limited shares.
- Execute the legal documentation and issue a prospectus (3 weeks of due diligence).
- Issue the prospectus to call in the pledges and convert them to shares (approx. 3 weeks).
- Advertise, recruit, appoint and train staff (4 weeks).
- Fit out branch (this can be done at the same time as the recruitment process) 4 weeks.
- Open the Community Bank.

#### Cost of Establishing a Community Bank

Listed below are estimates on a feasibility study, which the Bendigo Bank insists will confirm the costs and ascertain the financial viability of the new Bank.

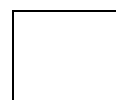
#### Break Up of the Establishment Cost

	\$
Franchise fee	50,000
Training fee	30,000
Start-up assistance	30,000
Site fit-out	80,000
Legal fees	12,000
Prospectus costs	8,000
Feasibility study	10,000
Launch costs	3,000
Working capital	120,000
Security installation	<u>7,000</u>

**Total Indicative Cost** **\$350,000**

#### Steering Committee

Objectives of the Steering Committee:



- Assess the situation and options.
- Plan campaign strategy (first stages).
- Canvass public views.
- Assess situation and options in more detail.
- Decide on methods, goals and critical tasks.
- Support the ongoing campaign.

This is an especially critical item in the campaign process - informing the community of what the committee is trying to achieve and keeping people up to date with progress on the campaign.

The local media is essential for supporting this process. To raise awareness, enthusiasm and support, all media tools such as local newspapers and radio stations are used.

Bendigo Bank will help the committee prepare media releases. Communities have also found it beneficial to use flyers and posters to maintain awareness.

Indicative pledges of support, which equate to the actual cost to establish the branch, should be in the range of \$350,000 to \$400,000. It is not known at this stage exactly what pledges the Steering Committee has from potential customers.

Once the pledges have reached \$350,000, a feasibility study can then be carried out by an independent advisor to show whether a Community Bank branch of Bendigo Bank would be feasible in the community.

If the feasibility study is favourable and the community decides to proceed, money will need to be raised to fund the establishment and initial ongoing operations of the Community Bank branch, including the cost of the feasibility study.

### Council Support

In discussion with a representative of the Bendigo Bank, it was pointed out that community participation and support in the establishment process was essential. While Council could provide some assistance, it was most important that the Steering Group make the running for the project otherwise the level of community support may not be accurately reflected.

In response to the request from the Steering Committee for assistance, it may be appropriate for Council to assist by:

- Having an elected member on the Steering Committee.
- Underwriting the cost of the feasibility study (\$10,000) to be recovered from the bank if it is established. Note that the



feasibility study should only take place after pledges reach a predetermined amount of \$350,000.

- Donating the cost of the hall hire for any promotional days.
- Provide accounting support during the fundraising period (monies to be placed in a Trust Account).
- Placing an article in the 'Cockburn Soundings' to determine initial community support.

It is not considered to be appropriate for Council to fund mail-outs or provide assistance with the writing of a prospectus.

Council needs to be aware that assistance provided for the establishment of a community bank at the Hamilton Hill Shopping Centre, could create a precedent for requests for assistance for underwriting of a feasibility study etc. from any business wishing to establish itself in Cockburn. The City overall is generally well served by banking institutions. To date, there has been no evidence of demand from residents for the facility.

The Hamilton Hill Shopping Centre is located on Winterfold Road, which is the border between the City of Cockburn and Fremantle. The shopping centre would service residents of both municipalities and any establishment of a Community Bank would benefit both Councils' residents.

The City of Fremantle has agreed to include an article in its March Newsletter to the residents in the Hilton Park Precinct, which is closest to the Hamilton Hill Shopping Centre, to determine the level of interest from its ratepayers.

The City of Cockburn will proceed along the same lines through the Cockburn Soundings.

It is considered that Council should endeavour to ascertain community interest in utilising a community banking service at Hamilton Hill prior to considering underwriting the feasibility study.

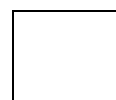
If Council does the feasibility study and the bank is established, then Council will be able to have the funds repaid.

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

N/A

### **Budget/Financial Implications**

N/A



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

Nil.

**998. (AG Item 15.4) (OCM1\_2\_2001) - COOGEE CARAVAN PARK MANAGEMENT AGREEMENT RESERVE 29678 (1913; 3310064) (KJS)**

**RECOMMENDATION**

That Council:

- (1) confirm that it intends to continue to lease Reserve 29678 for the operation of the Coogee Caravan Park;
- (2) consider at its March meeting, that details of the proposed tender conditions be considered by Council at its March meeting; and
- (3) that any lease entered into with the successful tenderer will include a requirement for the Lessee to pay Westrail for the land to facilitate the amendments to the boundaries of Reserves 29768 and Westrail Reserve 11430.

**COUNCIL DECISION**

MOVED Mayor Lee SECONDED Cllr Humphreys that Council:

- (1) confirm that it intends to continue to lease Reserve 29678 for the operation of the Coogee Caravan Park;
- (2) consider at its March meeting, details of the proposed tender conditions; and
- (3) that any lease entered into with the successful tenderer will include a requirement for the Lessee to pay Westrail for the land to facilitate the amendments to the boundaries of Reserves 29768 and Westrail Reserve 11430.

**CARRIED 10/0**

**Explanation**

Minor grammatical correction only to point (2).





## Background

Reserve 29768 is an A Class reserve vested in the City of Cockburn for the purpose of a caravan park with a power to lease for a term not exceeding 21 years. The current lease, drawn up in 1985, has had a series of lessees with Latrice Pty Ltd being the current lessee. Latrice Pty Ltd is a company owned by Fleetwood Parks Pty Ltd. There are no ongoing problems with the operation of the site and all statutory requirements are being met.

The current lease expires on 31 May 2001. The current rent paid by Fleetwood is \$73,000.

The City had, prior to the commencement of the lease, initiated the upgrade of the sewer system at a cost of \$160,000. The City and the lessee have made other capital improvements to the park over the years to bring it up to a fully operational state. The lease has been reassigned and the term extended to the current position where it is held by Latrice P/L.

## Submission

N/A

## Report

The recent Community Needs Study identifies Coogee Beach as an area of concern – *The development and enhancement of Coogee Beach needs to progress. There is significant support in the community for the development and enhancement of recreational facilities at Coogee Beach.....*

The decision to continue leasing Reserve 29678 as a Caravan Park and the conditions of the lease which could be for up to 21 years, will have a major impact on the development and enhancement of Coogee Beach. The development and enhancement of Coogee Beach will in turn, have an impact upon the proposed marina development of the Coogee Beach area.

Council therefore needs to confirm that it wishes to continue leasing of the Caravan Park site at Coogee Beach prior to any tender for the longer term lease of the Park being developed and advertised.

The caravan park is made up of 138 long term accommodation bays and 47 bays used for the current lessee's tourist short-stay accommodation on site caravan etc designated as short term accommodation. Long term bays typically accommodate "park homes". The occupants of these park homes would own the park homes and pay a weekly rent to the



current lessee. These owners do not have any long-term security of tenure. The short-term sites contain caravan bays, cabins and chalets. Five of the chalets are owned by City of Cockburn, whilst approximately 32 units are owned by Fleetwood. The short-term units cater for the tourist industry. The ratio of tourist to permanent has evolved over the past years and has not been subject to any input from the City. Council will be able to monitor the division between long term tenancy and tourist development by setting the lease term at 5 years with a provision of 5 year extensions.

The boundaries of the reserve needs to be extended to make good certain encroachments by some park homes and an ablution block. This extension of the boundary will, in the case of the western and southern boundary, be at the expense of a reserve managed by the City. The extension of the eastern boundary will be at the expense of a reserve managed by Westrail. Westrail have stated that they will only agree to this boundary shift if either a one off payment of \$42,486 is made to Westrail or that rent is paid while arrangements are made to relocate the offending park homes. The purchase prices of \$42,486 is based on a valuation by Valuer General's Office in 1997.

Aerial photography indicates that the Park Homes that encroaches onto the Westrail reserve were placed in 1993 while Latrice Pty Ltd was the lessee.

Fleetwood Corporation Limited initiated action to assign the lease from Latrice to Fleetwood in Deeds dated October 1997. Council records show that Fleetwood had an interest in June 1994. Fleetwood has always maintained that they inherited problems associated with the encroachments.

The relocation of the 9 park homes so affected is an involved process. The park home has to be split in two and then each part wheeled to its new location, joined and reconnected to services i.e. sewerage, electricity, gardens, pavements, etc. Costs associated with the moving of up to 9 park homes are estimated to be in the order of \$90,000. Up to 3 park homes could possibly not be relocated and therefore lost to the caravan park. The park homes have close to 100% occupancy and it is estimated that the annual loss of rent would be in the order of \$11,900 with little or no cost savings. Because of the cost and disruption caused by these relocations it is considered that the one-off payment to Westrail will be the best option.

The current lease stipulates that all fixtures on the site become the property of the City at the conclusion of the lease. An infrastructure audit has been conducted providing condition statements for all of the capital assets necessary for the efficient running of the Park. The audit allows assessments to be made of future capital expenditure required on the site. A draft valuation report has been prepared by a licensed valuer.



This report is being finalised using the information contained within the infrastructure audit.

Main Roads WA has provided the City with Concept Plans for the upgrading of Cockburn Road adjacent to the Caravan Park and Coogee Beach. The Concept Plans show the entry road off Cockburn Road to be approximately 250 metres south of the current entry point (Powell Road). The proposed entry point to provide access to the Caravan Park, shops and recreation area would have a major impact on the Caravan Park. The office, entry and boom-gate would have to be relocated. This entry also leads into the cypress belt (Rottnest Island Pine). These species are no longer common in the Perth region and should be protected. A meeting has been sought with Main Roads WA to modify the proposed entry road.

Any modifications to the Plans that arise from discussions held between Council officers and officers from Main Roads WA will be borne by Main Roads.

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

Council currently receives \$73,000 per year from lease payments. This may increase depending on tender results.

### **Budget/Financial Implications**

N/A

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

Nil.

- 999. (AG Item 15.5) (OCM1\_2\_2001) - INSURANCE CLAIM - N L CORREIA VERSUS INSURANCE COMMISSION OF WA AND CITY OF COCKBURN (5509) (KL)**

#### **RECOMMENDATION**

That Council give delegated authority to the Chief Executive Officer to instruct the City's Solicitors, McLeod and Co, with respect to the claim made by Nikki Lee Correia in the District Court Action CIU 167 of 2000, if appropriate to settle the claim by a contribution towards the damages sought.

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



**COUNCIL DECISION**

MOVED Deputy Mayor Graham SECONDED Cllr Reeve-Fowkes that the recommendation be adopted.

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

**Background**

The Plaintiff lodged a Writ of Summons in the District Court in January 2000, claiming damages for personal injuries as a result of a motor vehicle accident whilst driving her vehicle on Yangebup Road, Yangebup on 4 February 1999.

**Submission**

N/A

**Report**

This case has reached the stage where a pre-trial conference was held on 5 February 2001.

Council was represented by McLeod & Co. The pre-trial was adjourned to 20 March 2001 to enable further reports from doctors to be received and for the City to provide instructions with possible settlement of the matter.

Any settlement is to be shared between the City, Insurance Commission of WA and SGIO.

In order to enable a meaningful settlement and discussions to continue, McLeod and Co are requesting Council to delegate to the Chief Executive Officer or an appropriate Council officer to have conduct of, and if appropriate, settle the claim.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil.



## **DECLARATION OF CONFLICT OF INTEREST**

Mayor Lee read the **Chief Executive Officer's** declaration of a conflict of interest in agenda item 16.1 - Gerald Street Traffic Management - Occasional Committee. The interest is due to his wife and he owning property and living in the area subject to the proposed work.

AT THIS POINT THE TIME BEING 8:55PM, MR BROWN LEFT THE MEETING.

### **1000. (AG Item 16.1) (OCM1\_2\_2001) - GERALD STREET/DOOLETTE STREET TRAFFIC MANAGEMENT - OCCASIONAL COMMITTEE (450037; 450036) (JR) (ATTACH)**

#### **RECOMMENDATION**

That Council select Alan Powell and Thomas Pitt to be the community representatives on the Gerald Street/Doolette Street Occasional Committee as they both own and reside in property similarly located in Gerald and Doolette Streets respectively.

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

#### **COUNCIL DECISION**

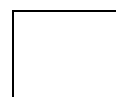
MOVED Cllr Edwards SECONDED Cllr Whitfield that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/1**

### **Background**

At the Ordinary Council Meeting held on 19 December 2000, it was resolved that:

- "(1) *an occasional committee be formed in accordance with Council Policy C2.3. The purpose of the committee is to assess the various options available to this Council with regards to traffic movements and traffic calming in the Gerald Road/Doolette Street area;*



- (2) *the \$170,000 budgeted funds not be reallocated at this moment in time;*
- (3) *the committee is to consist of two (2) Elected Members, two local residents (one from Gerald Road and one from Doolette Street) and a staff member allocated by the CEO (preferably the Manager, Engineering);*
- (4) *the committee is to be provided secretarial support and is to report back to Council no later than 31st March 2001;*
- (5) *community representatives on the committee are to be selected by the Elected Members (Council) from expressions of interest; and*
- (6) *Elected Members on the committee to be Cllr Edwards and Cllr Humphreys."*

Council did not believe it should be spending \$170,000 in this area without first establishing it is precisely what the local residents want and secondly, it cannot reallocate these monies in case Council decides to spend them in the Doolette Street/Gerald Street area.

### **Submission**

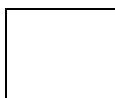
Accordingly, to gain community representation on the committee, expressions of interest were called from residents living in both Gerald Street and Doolette Street, between Phoenix Road and Spearwood Avenue to serve on the committee. As a result, five (5) nominations have been received from Doolette Street residents and owners and three (3) from Gerald Street residents and owners. The nominations are shown in the attachment to the Agenda.

### **Report**

The residents and owners likely to be most affected by the re-opening of the left turn for traffic from Phoenix Road into Gerald Street, are those between Phoenix Road and Freeth Road. Consequently, community representation should be selected from those nominations with property interests in this section. In this regard, there are three Doolette Street nominations (Sandra Playle, Thomas Pitt & A. Marcelino) and one Gerald Street nomination (Alan Powell).

To further identify the most appropriate representatives on an equitable basis from each street, the following selection criteria was then applied:

- Similar property interest and location between Phoenix Road and Freeth Road.



- Property owner with a tied interest.

Consequently, applying this criteria, Alan Powell and Thomas Pitt should be selected as the community representatives, both owning and occupying mid-block residences located similarly in Gerald Street and Doolette Street respectively.

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

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

### **Budget/Financial Implications**

Funds have been set aside in the current Budget to undertake traffic management treatments in Gerald Street in conjunction with the re-opening of the left turn from Phoenix Road if required.

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

Nil.

AT THIS POINT THE TIME BEING 8:56PM, MR BROWN RETURNED TO THE MEETING.

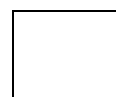
## **1001. (AG Item 16.2) (OCM1\_2\_2001) - PEDESTRIAN CROSSING FACILITIES AT COCKBURN ROAD, COOGEE (450002) (JR)**

### **RECOMMENDATION**

That Council write to the Commissioner of Main Roads requesting that Main Roads WA give particular attention to the provision of safe pedestrian crossing facilities, including the provision of pedestrian overpasses, in the construction of the Fremantle-Rockingham Controlled Access Highway (Cockburn Road re-alignment).

### **COUNCIL DECISION**

MOVED Mayor Lee SECONDED Cllr Allen that Council write to the Commissioner of Main Roads requesting that Main Roads WA give particular attention to the provision of safe pedestrian crossing facilities including the provision of pedestrian overpasses, prior to the



construction of the Cockburn Road re-alignment.

**CARRIED 10/0**

### **Explanation**

Council considered that pedestrian crossing facilities should be attended to prior to construction of the Cockburn Road Re-alignment.

### **Background**

Cockburn Road is a primary regional road under the control of Main Roads WA. Its primary purpose is as a major arterial traffic carrier. Main Roads are planning to upgrade and re-align sections of Cockburn Road as the Fremantle-Rockingham Controlled Access Highway over the next few years. Preliminary plans indicate the possible provision of pedestrian overpasses in conjunction with the roadworks at Coogee Beach/Woodman Point.

### **Submission**

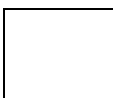
Mayor Lee and Cllrs Edwards and Allen have expressed concern at the apparent lack of attention given to the provision of safer pedestrian crossing facilities across Cockburn Road, both in the current situation and in the proposed upgrade. There are a large number of children and adults wishing to access the beach from the Coogee residential area and the lack of acceptable crossing facilities and the high volume of Cockburn Road traffic, creates a potentially hazardous situation.

### **Report**

Main Roads WA plan to commence re-alignment and upgrade works on Cockburn Road, south of Fairbairn Road, as the Fremantle-Rockingham Controlled Access Highway in 2002/3. There is tentative provision for a pedestrian overpass to link the residential area of South Coogee with the Woodman Point Recreation Reserve. There is also tentative provision for a pedestrian overpass at Beach Road to link with the Coogee Beach Reserve, when Cockburn Road is upgraded in this area. The construction of these overpasses will depend on the amount of funds available for the works. There are currently facilities on Cockburn Road to accommodate crossing pedestrians, but these are considered not to the standard required for a primary regional road.

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

A Council Corporate Objective is *"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."* Accesses either side of Cockburn Road are the responsibility of Council.

### **Budget/Financial Implications**

N/A

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

Nil.

## **1002. (AG Item 16.3) (OCM1\_2\_2001) - BEELIAR DRIVE CYCLEWAY BETWEEN THE GRANGE AND HAMMOND ROAD - AGM OF ELECTORS (1713; 450953) (JR)**

### **RECOMMENDATION**

That Council consider the provision of a cycleway in Beelias Drive between The Grange and Hammond Road for possible inclusion in the 2001/2002 Budget as funds are currently not available.

### **COUNCIL DECISION**

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

**CARRIED 10/0**

### **Background**

At the Annual General Meeting of Electors held on 5 February 2001, the meeting carried the following motion:-

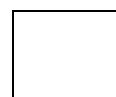
*"..that a cycle path be provided in Beelias Drive from The Grange to join up with the cycle path at Hammond Road."*

### **Submission**

N/A

### **Report**

The provision of a cycleway as moved by the meeting would cost in the order of \$125,000.



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

A Council Corporate Objective is *"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**

Nil.

## **1003. (AG Item 16.4) (OCM1\_2\_2001) - GREENING PLAN SEEDS FROM COCKBURN NURSERIES - AGM OF ELECTORS (6129) (JR)**

### **RECOMMENDATION**

That Council develop seeds from local species for the Greening Plan using local groups for seed collection and commercial nurseries for growing, provided suitable arrangements can be made, as the provision of a Council operated nursery is not cost effective.

### **COUNCIL DECISION**

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

**CARRIED 10/0**

### **Background**

At the Annual General Meeting of Electors held on 5 February 2001, the meeting carried the following motion:-

*"... that the Annual Electors Meeting endorses the idea of a Cockburn nursery to develop seeds from local species for use in the Greening Plan."*

### **Submission**

Mrs Heather Smedley submitted that at present, the plants that Cockburn uses for revegetation of wetlands etc are purchased from



outside of the municipality. The Wetlands Society collects seed from local species in the area. Stored seeds are not able to be grown there because there is insufficient space available. What is required, is a Cockburn nursery that is coordinated through Council but uses volunteers from the local community, schools, Work for the Dole programs, Friends and wetland groups. The historic farms in the South Coogee region could be purchased or leased for this purpose. They could incorporate an education facility and history-based tourist facility of the Clarence and Hope Valley area. The objective is ultimately that the facility would become self-funding.

## **Report**

If the proposed process can be shown to be cost-effective, then it should be supported. However, past experience has indicated that the most effective process is for local groups to collect the seed, which are then provided to experienced commercial nurseries to grow.

Currently, tube stocks are sourced from commercial nurseries within the metropolitan area. Commercial nurseries are of a large enough size with paid experienced and trained employees to be viable. It is considered that an operation established by the City of Cockburn and utilising volunteer staff, would be far too small and under resourced to be viable and cost effective.

## **Strategic Plan/Policy Implications**

The Council Corporate Objectives are:

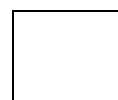
- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"To deliver services and to manage resources in a way that is cost competitive without compromising quality".*

## **Budget/Financial Implications**

Currently, only up to \$10,000 per annum is spent on tube stocks.

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

There may be implications if a Council operated commercial nursery is established.



**1004. (AG Item 16.5) (OCM1\_2\_2001) - ROCKINGHAM ROAD RENOVATION AND GREENING - AGM OF ELECTORS (1713; 450498) (JR)**

**RECOMMENDATION**

That Council:

- (1) consider the undertaking of a separate renovation study of Rockingham Road as part of the Greening Plan for possible inclusion in the 2001/2002 Budget as funds are currently not available; and
- (2) confirms that no specific action will be taken to close Rockingham Road at its southern end as it is performing its intended function.

**COUNCIL DECISION**

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

**CARRIED 10/0**

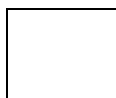
**Background**

At the Annual General Meeting of Electors held on 5 February 2001, the meeting carried the following motion:-

*"... that the Annual Electors Meeting requests Council to provide funding on this year's budget to undertake a study that sets out an affordable timetable of renovation for Rockingham Road and closing the road at the southern end to discourage regional traffic from taking this mainly residential route."*

**Submission**

Mrs Heather Smedley submitted that two years ago, a motion was passed at the Electors Meeting in support of a study to investigate ways of making Rockingham Road a fitting entry statement into Cockburn. Although there are plans to make this route the high speed transport route for the region, there is no reason why the Council should not set about beautifying the main route to Council Chambers, the library and important commercial facilities. It could be many years before any works are undertaken by the Transport Department and our beautification and plantings could set the standard for any subsequent work.



## Report

Similar resolutions were carried at the Annual General Meeting of Electors in 2000. Council considered the resolutions and resolved at the Ordinary Council Meeting held in March 2000, as follows:

Minute No.485 (AG Item 15.3) (OCM1 3 2000)

*"That Council defer a decision on the beautification of Rockingham Road through landscaping, including appropriate tree planting and seating, until adoption of the City's Greening Plan, which includes design and implementation strategies and priorities for tree planting and the provision of street furniture and fixings for major, arterial and suburban roads within the City of Cockburn for reasons outlined in the Report."*

Minute No.487 (AG Item 15.5) (OCM1 3 2000)

*"That Council take no specific action to calm and reduce through traffic in Rockingham Road as it is performing its intended function as a District Distributor A road, for reasons outlined in the Report."*

The Draft Greening Plan is currently at public consultation stage and includes, in broad terms, the treatment of Rockingham Road as a Bushland Corridor with Streetscape Themes. When the Plan is adopted, a detailed landscaping/streetscaping program for the whole municipality will be developed and implemented. Consequently, at that stage, a timetable for the renovation of Rockingham Road can be set, including a possible separate renovation study.

In terms of altering the traffic function of Rockingham Road, it is considered that no action should be taken at this stage as Rockingham Road is performing its intended function.

### Strategic Plan/Policy Implications

A Council Vision is: *"Conserving and influencing a balance between development and the natural and human environment"*; and

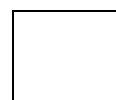
A Council Corporate Objective is: *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians"*.

### Budget/Financial Implications

N/A

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

Nil



**1005. (AG Item 16.6) (OCM1\_2\_2001) - INSTALLATION OF SIGNS AND PAVEMENT MARKINGS ON NEW ROADWORKS (1332) (JR)**

**RECOMMENDATION**

That Council advise WAMA of its support, in principle, for local government to be allocated the funds currently controlled by Main Roads WA for signage and road marking associated with new works on local roads under the State Road Funds to Local Government Agreement, subject to satisfactory resolution of the details of administering the allocation and operation.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

Most signs and road markings associated with new projects on local roads, have been done directly by Main Roads WA or in recent years, their contractors. Funds required have been provided from the State Road Funds to Local Government Agreement since 1995. The funds in question are those that have been used to meet minor changes to the road system, or where for example a "Give Way" sign has been replaced with a "Stop" sign. Funding has been finite and once the budget for a year was expended, no further funds were provided.

**Submission**

The Western Australian Municipal Association is seeking Local Government's in principle support or otherwise for Local Government to take over the responsibility for the installation of signs and road markings association with new work on local roads.

For several years, there have been concerns at the time lag between completion of any roadworks, etc that require signing and/or road marking, and their installation. Two areas of delay are of concern, one related to the time taken to receive Main Roads approval for the works proposed, and the other to organising for the work to be done.

The State Road Funds to Local Government Advisory Committee was of the view that the first concern should be the subject of a Main Roads WA review of their approval procedures and that the outcomes would be



reported to the Advisory Committee. They also agreed that the second issue could be best overcome by allowing Local Governments to arrange for the works themselves with funds devolved from Main Roads WA to each Local Government. WAMA has undertaken to obtain the views of Local Governments on this proposal prior to the next Advisory Committee meeting scheduled for early March 2001. This meeting would then consider the views of local government, an itemised list of works to be covered and the proposed schedule of funding to local authorities in order to determine a process, which would then apply from 1 July 2001.

Maintenance associated with existing signs and road markings would remain the responsibility of the Term Network Contractors, as is now the case. Main Roads will fund this work from within their share of State road funds. Ongoing maintenance would also be covered by the Term Network Contracts.

## **Report**

Main Roads WA proposes to allocate out to Councils, the funds currently budgeted for *signage and road marking associated with new work on local roads* and included in the road funding agreement with local government. Main Roads WA would still approve construction drawings showing the placement and type of road markings and signage.

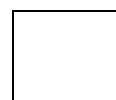
It would be of greater benefit to the Council to have our own people organizing for the new lines and signs to go in on all new works to reduce the amount of time required for temporary signage to be on the site. All works will be able to be completed in a shorter time period with us being able to deal with MRWA's signage contractors directly or undertaking the signage work ourselves.

However, details which will need to be satisfactorily resolved before taking over include:

- Funding arrangements and limitations
- Administration, monitoring and recording requirements and administration cost arrangements
- Quality control of contractors
- Access to approved materials
- Details of existing programs
- New subdivision/development implications.

## **Strategic Plan/Policy Implications**

A Council Corporate Objective is *"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**

Subject to funding allocations from MRWA.

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

Nil.

**1006. (AG Item 17.1) (OCM1\_2\_2001) - BUSH FIRE COMMITTEE MEETING TIME AND DATES (1550) (JJ)**

**RECOMMENDATION**

That Council provides that the Bush Fire Committee meetings be held on the third (3rd) Thursday of the month, quarterly (February, May, August and November) commencing at 7.30pm, with a meal provided at 6.30pm prior to the meeting.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

At the Bush Fire Committee Meeting held on 11 January 2001, it was resolved as follows:-

*"Moved Deputy Mayor Graham seconded R Levett that the Bush Fire Committee recommend to Council that meetings be held on the third (3rd) Thursday of the month, quarterly – February, May, August and November commencing at 7.30pm, with a meal provided at 6.30pm prior to the meeting."*

Previously meetings have been held on a set date to allow for other meetings that Brigade Members attend to be scheduled accordingly.

**Submission**

It was considered that the time of 7:30pm would be more convenient to the Brigade Members attending meetings.





Previously, an evening meal was provided at 6:30pm prior to the meeting at 7:30pm.

### **Report**

N/A

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

N/A

### **Budget/Financial Implications**

Funds are provided in the budget for refreshments associated with Committee meetings.

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

Nil.

## **1007. (AG Item 17.2) (OCM1\_2\_2001) - ELECTORS MEETING FEBRUARY 2001 SECURITY PATROLS PANORAMA GARDENS (9519) (RA)**

### **RECOMMENDATION**

That Council advise the Beeliar Residents Action Group (BRAG) that:

- (1) Council will distribute and collect the survey questionnaire that will determine whether the land owners of the "Panorama Gardens" section of Beeliar are prepared to pay the service levy on their rates for Security Patrols to commence from 1 July 2001; and
- (2) BRAG will be advised of the date on which the survey questionnaire has been provided to Australia Post for distribution.

### **COUNCIL DECISION**

MOVED Cllr Reeve-Fowkes SECONDED Cllr Waters that:

- (1) Council advise the Beeliar Residents Action Group (BRAG) that:
  1. Council will distribute and collect the survey questionnaire that will determine whether the land owners of the "Panorama Gardens" section of Beeliar are prepared to pay the service levy on their rates for

Security Patrols to commence from 1 July 2001;

2. BRAG will be advised of the date on which the survey questionnaire has been provided to Australia Post for distribution; and
- (2) Council refer to the Ministry of Housing as having one vote only for the vacant land that it owns and it will have a vote for each of the developed rental properties it owns.

**CARRIED 9/1**

### **Explanation**

There are approximately 700 lots available in the area of which, 66 are Ministry of Housing rental properties and approximately 222 vacant lots. It is reasonable that the Ministry of Housing have a full vote for the rental properties and a single vote for the vacant lots. It has also been confirmed that the Ministry of Housing would contribute for all properties at the same rate as other owners irrespective whether the land was developed or not.

### **Background**

Council at its meeting of the 19<sup>th</sup> of January 2001 resolved to tender for security patrols for the area of Panorama Gardens Beeliar. Once the successful tenderer was determined and the cost per property owner calculated the resolution of Council was that the owners would then be surveyed to determine whether they were prepared to pay this service charge. It was intended that this survey would be carried out by administration distributing through Australia Post a pre paid return envelope survey form to all property owners in the area. In accordance with the Council decision the results of the survey would determine as to whether the Security Patrols would proceed.

### **Submission**

At the Annual General Meeting of Electors held on the 5<sup>th</sup> of February 2001 a representative of the Beeliar Residents Action Group (BRAG) made a request for this group to distribute and collect the questionnaire for the security patrols. The motion was as follows:

*“Council allow the Beeliar Residents Action Group (BRAG) to facilitate distribution and collection of the patrol survey to be undertaken by Council at Beeliar”.*



## Report

The BRAG for the survey held in September 2000 sought to distribute and collect the survey forms on security patrols for the area. Administration then and still does hold the strong view that the survey must be carried out and seen to be carried out in a manner that is open, without prejudice, bias or pressure. The BRAG are vocal proponents for security patrols. For them to be responsible for the distribution and collection of surveys on this issue could be readily perceived to be prejudicing the survey in favour of patrols. Council through BRAG could be accused of influencing the survey results in this way.

Under the Local Government Act (Section 6.38) Council can levy a service charge to either owners or residents. Should BRAG be involved in this process it would essentially be them distributing the questionnaires to residents and not necessarily owners. It is proposed that the service charge be made to owners of property for a number of reasons.

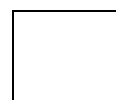
- The Councils property database used for rates has the most comprehensive contact details for the servicing of accounts.
- The Ministry of Housing is the most significant owner of property in the area and in many cases there is no occupier, as the land does not as yet have a house. Should the occupier be charged the fee not the owner the cost of the patrols would be distributed amongst many less contributors. There are approximately 450 occupied houses in the area and 700 properties.
- Those renting Ministry of Housing property are probable less likely to be able to afford the cost of the patrols and given the transient nature of some tenants may be less committed to the area in which they rent.

It is strongly recommended that Council distribute and collect the survey results in the manner described above and that BRAG be advised that Council will not permit them to distribute or collect the surveys.

BRAG is of course welcome to promote through the local community support for security patrols. They can also be provided with the time the questionnaires will be distributed and also the names and addresses of those owners to whom the questionnaires will be provided.

## Strategic Plan/Policy Implications

Key Result Area "1.2 To conduct Council Business in an open public forum and to manage Council Affairs by employing publicly accountable practices" Managing Your City refers.



**Budget/Financial Implications**

Should the patrols for Panorama Gardens Beeliar proceed there will be a special levy on owners of properties in the area

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

Nil.

**1008. (AG Item 17.3) (OCM1\_2\_2001) - SECURITY PATROLS PANORAMA GARDENS (9519) (RA)**

**COUNCIL DECISION**

MOVED Mayor Lee SECONDED Cllr Reeve-Fowkes that the information of who the survey questionnaires are sent to and the approximate time they are distributed by Australia Post, be provided to BRAG.

**CARRIED 8/2**

**Explanation**

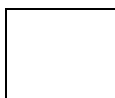
Due to the huge concern in the suburb when the last survey was undertaken about the efficiency of the survey, Council should take this opportunity to make this information available so it is seen to be making every effort.

**1009. (AG Item 17.4) (OCM1\_2\_2001CM1\_2\_2001) - PROPOSED LEASE OF THE NGALLA MAYA RESPITE HOUSE TO WASA PERSONAL ASSISTANTS (8410) (GMB)**

**RECOMMENDATION**

That Council:

- (1) pursuant to the provisions of section 3.58 of the Local Government Act 1995, give notice of Council's intention to enter into a lease agreement with WASA Personal Assistants for the use of the Ngalla Maya Respite House for a period of two years, at a rental of no less than \$1000.00 per month plus all outgoing costs, with WASA Personal Assistants having the option to extend the lease for up to five years; and
- (2) make the terms and conditions of the lease subject to approval by the Director of Community Services.



**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

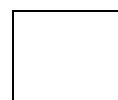
The City entered into a lease arrangement with Bell Healthcare a private for profit provider to use the respite cottage at the Jean Willis Centre. Effectively the lease fee to Bell Health Care was \$14,716 in the first year, rising to \$33,900 in the 2nd to 5th year. Guidelines for many of the funding programs made the use of the facility limited as the funds were difficult to access for a for profit organisation. The previous lessee was unable to generate sufficient referrals to make the project viable and the lease was subsequently terminated following Council Agreement. Following the termination of the lease with Bell Health Care, Council resolved to enter into a lease agreement with Care Options Inc, a local not for profit organisation, however due to staffing changes within Care Options management, the Lease agreement as agreed by Council has not been pursued.

It can be reasonably stated that the Respite House has not been used to its potential since its construction in early 1995. There still remains a strong demand for overnight respite accommodation in the area, however the Commonwealth/State funding is limited and on an insufficient level to allow an organisation to operate at a viable level.

**Submission**

Alternate arrangements have been investigated and a range of options explored. WASA Personal Assistants, which is a private provider of disabled services, has presented a proposal that would allow the facility to be utilised for its original purpose at a rental charge of \$1000 per month plus all outgoing costs. This option is to operate a respite service for disabled, particularly younger.

WASA Personal Assistants has been recently established as a local owned and operated partnership. The Partners have had 37 years of professional experience in the provision of services to people with disabilities and the frail aged. The partnership mission is to provide Total Life Opportunities for People with Disabilities, their Families and Carers.



## **Report**

The Respite House was initially constructed to provide a much needed accommodation service for frail aged and disabled in the local community. The proposal being put forward by WASA Personal Assistants, will utilise the building for the purposes for which it was originally designed. The proposed rental costs will also ensure that the service to the community is recommenced immediately and with a higher likelihood of success. It will also allow for greater use of existing funds from the Health Department's Aged Care Assessment Team services. The City's HACC services will also be able to utilise the service on a fee for service basis that is in line with their funding guidelines.

The level of need for such a service as that to be provided by WASA Personal Services has been clearly demonstrated. A viable respite service within the City of Cockburn will greatly enhance the lives of those disabled who require the service and their families.

The terms and conditions of the lease will be subject to the approval of the Director of Community Services.

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

Strategic Plan Item 5.2 "Human and Community Services" refers. Maintenance of this facility meets identified community need.

### **Budget/Financial Implications**

An income of \$12000 per annum will be generated with savings in the vicinity of \$1000.00 per annum in tariffs that Aged and Disabled Services are currently charged for their low usage of the facility

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

Funds for the provision of Frail Aged and Disabled Services have traditionally been the domain of the Commonwealth and State Governments. It has been a clear policy of the Commonwealth Government to find a range of service providers to create a competitive environment. WASA Personal Assistants in turn, tender for these Commonwealth and State Government funds. The City of Cockburn does not provide a respite accommodation service and hence cannot be seen to be in competition to other service providers.



**1010. (AG Item 19.1) (OCM1\_2\_2001) - CLR HUMPHREYS - CODE OF CONDUCT DOCUMENTS (1054) (DMG)**

**MOTION**

- (1) That pursuant to s5.8 of the Local Government Act 1995 (WA) ("the Act") a committee be established comprised of 4 Elected Members of Council in accordance with s5.9(2)(a) of the Act.
- (2) In accordance with s5.8 of the Act, the function of the committee will be to assist the Council, by considering and recommending to Council, whether the current Code of Conduct and Administrative Compliance documents, as adopted on 15 August 2000, need to be amended.
- (3) That committee members be provided with copies of the WAMA model Codes of Conduct for Elected Members and Staff.
- (4) The committee report to Council with a recommendation for the Council Meeting scheduled for 20 March 2001.
- (5) The committee be disbanded at the close of the meeting at which the recommendation to Council is accepted.
- (6) The committee be provided administrative support for:
  - (a) conducting research
  - (b) recording minutes of meeting proceedings in accordance with s5.22 of the Act.
- (7) The first meeting of the committee to be held at a time to be agreed by the committee members, at which meeting a presiding member will be elected in accordance with s5.12 of the Act.
- (8) That Council appoint Clrs ..... to be members of the Committee.

**RECOMMENDATION**

That Council:

- (1) pursuant to s5.8 of the Local Government Act 1995 (WA) ("the Act") a committee be established comprised of 4 Elected Members and 3 Senior Officers of Council in accordance with s5.9(2)(b) of the Act.



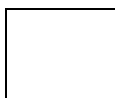
- (2) In accordance with s5.8 of the Act, the function of the committee will be to assist the Council, by considering and recommending to Council, whether the current Code of Conduct and Administrative Compliance documents, as adopted on 15 August 2000, need to be amended.
- (3) That committee members be provided with copies of the WAMA model Codes of Conduct for Elected Members and Staff.
- (4) The committee report to Council with a recommendation for the Council Meeting scheduled for 20 March 2001.
- (5) The committee be disbanded at the close of the meeting at which the recommendation to Council is accepted.
- (6) The first meeting of the committee to be held at a time to be agreed by the committee members, at which meeting a presiding member will be elected in accordance with s5.12 of the Act.
- (7) That Council appoint Clrs ..... , the Chief Executive Officer, Director – Community Services and Director – Planning and Development Services to be members of the Committee.

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

**COUNCIL DECISION**

MOVED Cllr Humphreys SECONDED Deputy Mayor Graham:

- (1) that pursuant to s5.8 of the Local Government Act 1995 (WA) ("the Act") a committee be established comprised of 4 Elected Members of Council in accordance with s5.9(2)(a) of the Act.
- (2) in accordance with s5.8 of the Act, the function of the committee will be to assist the Council, by considering and recommending to Council, whether the current Code of Conduct and Administrative Compliance documents, as adopted on 15 August 2000, need to be amended.
- (3) that committee members be provided with copies of the WAMA model Codes of Conduct for Elected Members and Staff.
- (4) the committee report to Council with a recommendation for the Council Meeting scheduled for 20 March 2001.
- (5) The committee be disbanded at the close of the meeting at





which the recommendation to Council is accepted.

- (6) The committee be provided administrative support for:
- (a) conducting research
  - (b) recording minutes of meeting proceedings in accordance with s5.22 of the Act.
- (7) The first meeting of the committee to be held at a time to be agreed by the committee members, at which meeting a presiding member will be elected in accordance with s5.12 of the Act.
- (8) That Council appoint Clrs Humphreys, Reeve-Fowkes, Deputy Mayor Graham and Mayor Lee to be members of the Committee.

**MOTION WITHDRAWN**

MOVED Clr Edwards SECONDED Clr Whitfield that :

- (1) pursuant to s5.8 of the Local Government Act 1995 (WA) ("the Act") a committee be established comprised of 4 Elected Members of Council and the Chief Executive Officer in accordance with s5.9(2)(b) of the Act.
- (2) in accordance with s5.8 of the Act, the function of the committee will be to assist the Council, by considering and recommending to Council, whether the current Code of Conduct and Administrative Compliance documents, as adopted on 15 August 2000, need to be amended.
- (3) committee members be provided with copies of the WAMA model Codes of Conduct for Elected Members and Staff.
- (4) the committee report to Council with a recommendation for the Council Meeting scheduled for 20 March 2001.
- (5) the committee be disbanded at the close of the meeting at which the recommendation to Council is accepted.
- (6) the committee be provided administrative support for:
- (a) conducting research
  - (b) recording minutes of meeting proceedings in accordance with s5.22 of the Act.
- (7) the first meeting of the committee to be held at a time to be

agreed by the committee members, at which meeting a presiding member will be elected in accordance with s5.12 of the Act.

- (8) Council appoint Mayor Lee, Deputy Mayor Graham and Clrs Humphreys and Reeve-Fowkes to be members of the Committee.

**CARRIED 10/0**

### **Explanation**

Clr Humphreys considered that it was necessary for a committee to review Codes of Conduct to ensure that the relevant clauses were capable of providing the best governance for the City. Council considered that only one staff member, being the CEO, was necessary on the committee.

### **Background**

By Notice given at the Ordinary Council Meeting conducted on 16 January, 2001, Clr. Humphreys indicated his intention to seek the support of Council to establish a Committee comprising 4 Elected Members to, in effect, review the Code of Conduct documents, adopted by the previous Council (Commissioners) in August, 2000.

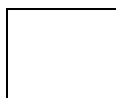
### **Submission**

That the proposed Committee also contain employee representation.

### **Report**

As the Code of Conduct documents impact on staff as well as Elected Members, it is considered important that any review of the current Codes involve representation from both the Elected Member (Executive) and employee (Administrative) sections of the organisation. Council should be aware that the recent Cockburn Inquiry was highly critical of the previous Council and employees over the manner in which Council made amendments to its adopted Codes, and by doing so, contributed to its demise by displaying a lack of application to the principles of good government.

Therefore, it is important that any review of the adopted Codes, into which considerable effort and input was afforded by the previous Council (Commissioners) in conjunction with the CEO and senior employees, is undertaken in a similarly balanced and objective manner to ensure the



viewpoints of both areas of responsibility are contained in the final draft document to be presented to Council for consideration.

### **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.

## **1011. (AG Item 20.1) (OCM1\_2\_2001) - NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**

Deputy Mayor Graham gave notice of the following motion to be considered at the Council Meeting to be held on 20 March 2001:-

### **MOTION**

That Council write to the Minister for Transport expressing opposition to the construction of Stage 8 of the proposed Roe Highway, given that it would impact adversely upon environmentally sensitive wetland areas between North Lake and Bibra Lake.

## **1012. (AG Item 21.1) (OCM1\_2\_2001) - NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY COUNCILLORS OR OFFICERS**

### **COOGEE BEACH PARTY - 18 MARCH 2001 (SL)**

### **COUNCIL DECISION**

MOVED Mayor Lee SECONDED Cllr Edwards that Council allocate \$3,080 from Account No. 110290 (Conferences/Seminars/Training) towards the cost of the Coogee Beach Party to be held on 18 March 2001.

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



**Explanation**

The various community budgets allow an allocation of \$3,675 for the Coogee Beach Party. This is a major community event which will be enhanced by the provision of additional activities. The proposed transfer will facilitate similar levels of funding as last year. Funds are available in account 110290.

**1013. (AG Item 24.1) (OCM1\_2\_2001) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)**

MOVED Clr Reeve-Fowkes SECONDED Clr Humphreys that Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

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

**CARRIED 10/0**

**Meeting closed at 9:17pm.**

**CONFIRMATION OF MINUTES**

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

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

