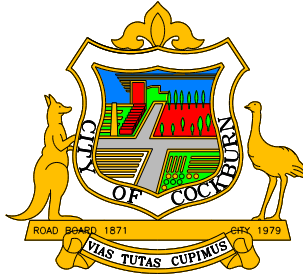


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 20 NOVEMBER 2001**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 20 NOVEMBER 2001 AT 7:30 P.M.

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 20 NOVEMBER 2001 AT 7:30 P.M.

1. **DECLARATION OF MEETING**
2. **APPOINTMENT OF PRESIDING MEMBER (If required)**
3. **DISCLAIMER (To be read aloud by Presiding Member)**

Members of the public who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.
4. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)**
5. **APOLOGIES AND LEAVE OF ABSENCE**
6. **ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
7. **PUBLIC QUESTION TIME**
8. **CONFIRMATION OF MINUTES**
 - 8.1 **(Ocm1_11_2001) - ORDINARY COUNCIL MEETING - 16/10/2001**

RECOMMENDATION

That Council Minutes of the Ordinary Council Meeting held on Tuesday, 16 October 2001 be adopted as a true and accurate record.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

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

Nil

13. COUNCIL MATTERS

- 13.1 (Ocm1_11_2001) - PROPOSED POLICY SES4 "LEGAL REPRESENTATION - INDEMNIFICATION OF COSTS" (1157) (DMG) (ATTACH)**

RECOMMENDATION

That Council adopts proposed Policy SES 4 "Legal Representation Indemnification of Costs" and relevant instrument of Delegated Authority for inclusion in the relevant Council Manuals.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION



Background

In 1999, following the suspension of the Council of the day, a Legal Representation Policy was adopted to provide for circumstances related to Inquiries into the City of Cockburn instituted under Part 8 Division 2 of the Local Government Act, 1995. That Policy has since been revoked and any subsequent claims emanating from those Inquiries are now considered independently by Council.

Submission

To adopt a Legal Representation Policy which is broadly based at offering assistance to Council representatives where indemnification of legal costs may be sought as a result of them being investigated by an Inquiry instigated pursuant to the Local Government Act, 1995.

Report

As a result of Council's consideration of claims from former elected members for reimbursement of legal costs incurred by them as a result of statutory Inquiries held into the City of Cockburn, Council resolved to investigate the adoption of a broader Policy which would cover scenarios which could involve Council members or employees seeking legal assistance as a result of any statutory Inquiry which may be commenced, pursuant to the Local Government Act, 1995.

Subsequently, Council staff have liaised with Watts and Woodhouse, Solicitors and Legal Consultants, to draft a Policy embracing these circumstances which could be relevant to Council members and employees.

The draft and associated Delegated Authority to the Chief Executive Officer to approve limited advanced funding in urgent circumstances, are attached to the Agenda. The Draft Policy represents an amalgamation of Council's previous Legal Representation Policy, and some suggested amendments and additions recommended by the Solicitors.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Costs associated with seeking legal advice in the drafting of the Policy are available within Council's Governance Operating Budget.

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

Nil

13.2 (Ocm1_11_2001) - PROPOSED AMENDMENT TO DELEGATED AUTHORITY AES2 "USE OF COUNCIL'S COMMON SEAL" (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council adopt the proposed amended Delegated Authority AES2 "Use of Council's Common Seal" as attached to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

At the October, 2001, Council Meeting, an amended Policy and associated Delegated Authority in respect of the use of Council's Seal was adopted. While this decision has resulted in a streamlining of the execution of legal documentation, the recording condition of the Delegation has been made unwieldy because of the requirements to record each transaction in the Portal System.

Submission

N/A

Report

With the adoption of the condition of delegation that each transaction be separately recorded in the Council Portal system, it has now become necessary on occasions for each transaction to be entered into the system twice, to fulfil the requirement to record the use of the authority by both delegated officers. Therefore, it is proposed that the condition of the instrument of Delegated Authority be amended to note that Council's Common Seal Register be the official document of record for each transaction.

Strategic Plan/Policy Implications

Council Policy AES2 "Common Seal of the City of Cockburn" refers.

Budget/Financial Implications

Nil

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

Nil

13.3 (Ocm1_11_2001) - PROPOSED AMENDMENT TO DELEGATED AUTHORITY LGAES2 "APPOINTMENT OF AUTHORISED OFFICERS" (1015) (DMG) (ATTACH)

RECOMMENDATION

That Council adopt the attached instrument of Delegation – LGA ES2 "Appointment of Authorised Officers".

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council currently delegates the authority to appoint authorised persons, pursuant to sec 9.10 of the Local Government Act, 1995, to the Chief Executive Officer, for the purpose of administering Council's Local Laws. However, it is necessary to extend this authority of appointment to other legislation, to enable relevant officers to effectively perform their functions.

Submission

N/A

Report

From time to time, it may be necessary for Council staff to be authorised to perform occasional functions prescribed under the Local Government Act, 1995, (e.g. Issue Notices of Compliance) or to be authorised to undertake specific functions associated with their

employment (eg. authority for Rangers). Accordingly, it would be appropriate for the current delegation to be extended.

Strategic Plan/Policy Implications

Key Result Area " Managing Your City" refers.

Budget/Financial Implications

Nil

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

Nil

13.4 (Ocm1_11_2001) - ELECTED MEMBERS AND STAFF SOUTH LAKE LEISURE CENTRE MEMBERSHIP SUBSIDY (8143) (RA) (ATTACH)

RECOMMENDATION
That Council:

- (1) receives the advice from the Minister for Local Government and Regional Development dated the 23rd October 2001 which allows for named Elected Members to participate in the discussion and vote on the matter of the Elected Members and staff South Lake Leisure Centre membership study:
- (2) adopt the Elected Members and Staff South Lake Leisure Centre Wellness Program Policy SC23, as attached to the Agenda.

COUNCIL DECISION

Background

Council at its meeting of the 18th September 2001 resolved as follows: "pursuant to Section 5.69 of the Local Government Act 1995, to apply to the Minister for Local government to allow disclosing members to participate in the adoption of a Council Policy relating to subsidising a corporate wellness program which will involve Elected Members and staff being offered discount membership options to the South Lake Leisure Centre".

The Minister in a letter of the 23rd October 2001 advised as follows:

"After considering the request I have decided to allow elected members Stephen Lee, Amanda Tilbury, Ian Whitfield, Richard Graham, Alistair Edwards, Nola Waters, Kevin Allen and Val Oliver to participate in the discussion and voting on the above matter in which they disclosed a financial interest."

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

Submission

N/A

Report

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

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

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

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

The provision of this privilege to South Lake Leisure Centre staff assists with their increased knowledge of the facility's services and assists with the development of positive customer service relations through patrons and staff interacting in a joint activity. Furthermore, as all staff employed at the South Lake Leisure Centre are paid through the Council payroll and do not receive cash payments as occurs with many other centres, the free use of the facility can be seen as a non cash benefit.

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

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

As the author of this report I Robert Avard must declare that I have a financial interest as I am a potential beneficiary of the discounted membership fees for the South Lake Leisure Centre as a staff member of the City.

Strategic Plan/Policy Implications

Key Result Area Managing the City (in a competitive, open and accountable manner) refers.

Budget/Financial Implications

Current budget includes funds to implement the proposed policy.

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

Council's current stated position is to subsidise the operations of the Centre, as the community benefit of the subsidy is considered to outweigh the increase in user fees and charges which would be necessary for the Centre to operate on a cost neutral basis.

13.5 (Ocm1_11_2001) - ANNUAL REPORT 2000/2001 (1712) (DMG) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Draft Annual Report for the 2000/2001 Financial Year, as presented; and
- (2) defer accepting the Report, including the Financial Statements, until the December 2001 Council Meeting, in accordance with the provisions of the Local Government Act, 1995.

COUNCIL DECISION

Background

Council is required to accept the 2000/2001 Annual Report to enable it to be available for the Annual Electors Meeting, scheduled to be held on Monday 4 February, 2002. The Act requires Council to accept the Report no later than 31 December, 2001.

Submission

N/A

Report

The Draft Annual Report for the 2000/2001 Financial Year is in conformity with the following requirements of the Act and contains:

- (1) Mayoral Report
- (2) Chief Executive Officer's Report
- (3) 2000/01 Principal Activities Report and assessment against performance.
- (4) Legislative Review Report / Competitive Neutrality Statement.
- (5) Overview of Principal Activities proposed during the 2001/02 Financial Year.

The Financial Statements and Auditor's Report were not available for inclusion at this stage. However, it is considered appropriate for Elected Members to familiarise themselves with the format of the Report at this time, and formally adopt the consolidated document at the December 2001 Council Meeting.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" and Council Policy AES1 refers.

Budget/Financial Implications

The cost of producing 300 copies of the Report (estimated \$6,500) is provided for in Council's Governance Budget.

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

Nil.

13.6 (Ocm1_11_2001) - CREATION OF NEW SUBURB - HAMMOND (1050) (LJCD) (ATTACH)

RECOMMENDATION

That Council:

- (1) accepts the application lodged by Australand Holdings Limited subject to procedures mentioned herein, to create a new suburb, to be named Hammond as depicted on the diagram attached to this report and which forms part of this report; and
- (2) survey the landowners within the area shown in the diagram before making its recommendation to the Geographic Names Committee (GNC).

COUNCIL DECISION

Background

N/A

Submission

A submission has been received from Australand Holdings Pty Limited to create a new suburb prior to the commencement of development in the area, which is currently part of the suburb of Banjup.

Report

Australand Holdings Limited is the owner of Lot 202 Russell Road Banjup and has written to Council requesting that consideration be given to the creation of a new suburb west of the Kwinana Freeway bounded by Russell Road and Frankland Avenue to the southern

boundary of the district. The request to create a new suburb coincides with Australand's proposal to develop 470 residential lots on its property. Gold Estates and Peet & Co who own property in the area also propose to subdivide their property. The name "Hammond" is representative of the locality, in that James Hammond, a pioneer of the Jandakot district, was a previous owner of Lot 202 and Hammond Road, Success, adjoins the new suburb at its northern boundary.

In essence the proposal is to create a new suburb by reducing the size of Banjup. The area hatched on the attached diagram shows the area of the proposed new suburb. If Council accepts the proposal every land owner will be sent a letter outlining the proposal along with a diagram and they will be asked to forward their response by replied paid post. Also the central services agencies will be informed of the proposed change. Should there be general concensus in favour of the proposal, Council's administration will undertake the necessary approaches to the GNC, in order to streamline the formalities associated with the process. Costs of undertaking this consultation will be borne by the developers.

Strategic Plan/Policy Implications

Key Result Area "Planning Your City" refers.

Budget/Financial Implications

Minor administrative costs associated with the process available within Council's "Governance" operating budget.

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

Nil

13.7 (Ocm1_11_2001) - PROPOSED BOUNDARY AMENDMENT - CITY OF MELVILLE (1113471) (DMG) (EAST) (ATTACH)

RECOMMENDATION

That Council:

- (1) is prepared to support the relocation of the district boundary between the Cities of Melville and Cockburn to follow the northern side of the Farrington Road Reserve between North Lake Road and Kwinana Freeway subject to (2) and (3) below;
- (2) advise the City of Melville that it will survey the residents of the area bounded by Farrington Road, North Lake Road and the northern boundary shared with the City of Melville on the proposal to annex the area to the City of Melville; and

- (3) reconsider the matter of the proposed boundary amendment following the results of the survey at its December, 2001 meeting.

COUNCIL DECISION

Background

Over the past 10 years, there have been numerous discussions held between the Cities of Cockburn and Melville over the potential to rationalise the north/south boundary between the two Councils. The most recent effort, in 1997, resulted in the City of Cockburn resolving to accept Farrington Road as the boundary, between the point where the current boundary adjoins Farrington Road from the west, eastwards along Farrington Road to the Kwinana Freeway, then southwards to the current boundary point.

This position was formed on the basis that the primary rateable landholding within the City of Melville (i.e. that parcel of land located to the immediate southwest of the Farrington Road/Kwinana Freeway intersection) was to be retained as bushland and would not be developed. Hence, planning staff from both Councils at that time formed the opinion that there would be no financial disadvantage to either Council by adopting the position taken by Cockburn. It is understood that the same position was to be recommended by Melville Council staff, however, that has not been ascertained as staff from both Councils who were previously dealing with this issue have since departed their employment.

In any case, the position was never accepted by Melville Council and, consequently, nothing has progressed until this latest approach.

Submission

To amend the current boundary to run from North Lake Road to Kwinana Freeway along Farrington Road and to consult with affected landowners prior to the development of a formal proposal to the Local Government Advisory Board.

Report

Since the most recent consideration of this matter by Council, three important factors associated with the locality have developed. These are:

1. Stage one of the "Murdoch Chase" development has been completed. This development is wholly located within the City of Cockburn;
2. The remainder of land in that location previously understood to be favoured for retaining as bushland by the Government, has been approved for residential development. This parcel of land is entirely within the City of Melville and will be marketed with a new estate name;
3. Traffic volumes along Farrington Road have continued to increase.

Hence, the financial implications to both Councils will in future be minimal, as the proposed boundary amendment and resultant land exchange will involve similarly rated parcels of land overall. By largely retaining the current responsibilities in regards to Farrington Road, there should be no confusion relating to the jurisdiction of each local government considering traffic management issues along the road.

Taking these issues into account, it is considered that the proposed boundary amendment will rectify the current anomaly in the boundary alignment, which is historically linked to previous land allotment boundaries and redundant road reserves. As these previously defined markings are no longer relevant, it is appropriate and equitable to consider a boundary amendment. However, it would be both prudent and advisable to seek the opinion of affected landowners within Cockburn before final consideration of the proposal.

Strategic Plan/Policy Implications

Key Result Area "Planning Your City" refers.

Budget/Financial Implications

Minor expenditure required to undertake consultation in-house available within Council's Governance Budget.

Should the boundary amendment go ahead there would a be a short term loss to Council of around \$30,600 in rates income, until subdivision of the area adjacent to Murdoch Chase occurs, at which time rates income would be re-instated..

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

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

**14.1 (Ocm1_11_2001) - CITIES FOR CLIMATE PROTECTION (9132) (PS)
(ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt the Corporate Local Action Plan;
- (2) submit a copy of the Corporate Local Action Plan to the Cities for Climate Protection to complete Milestone 3;
- (3) create a Greenhouse Emissions Reduction Reserve Fund;
- (4) transfer \$20,000 from the Administration Building account to the Greenhouse Emissions Reduction Reserve Fund; and
- (5) allocate \$20,000 to the Greenhouse Emissions Reduction Reserve Fund in future budgets.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The City of Cockburn has been progressing towards the implementation of the Cities for Climate Protection program. This program is being funded by the Commonwealth Government and aims to assist Local Governments with establishing Local Action Plans to provide long term reductions in greenhouse emissions within Council operations and across the community.

The program involves each Council developing and implementing a Local Greenhouse Action Plan in 5 stages or milestones as follows:

Milestone 1 - conduct an emissions inventory of current Council and community activity and a forecast of greenhouse emissions growth in the future.

Milestone 2 - establish an Emissions Reduction Goal.

Milestone 3 - develop a Local Action Plan.

Milestone 4 - implement the Local Action Plan.

Milestone 5 - monitor and report on the implementation of the Local Action Plan.

Milestone 1 was completed in 1999, followed the by completion of Milestone 2 in December 1999. With the completion of Milestone 2 Council accepted a recommendation for a 20% reduction on 1996 levels by 2010, on both corporation and community targets.

Milestone 3 requires Council to complete a community and corporate Local Action Plans

The community component of the Local Action Plan was approached on a regional basis with all other members of the Southern Metropolitan Region of Councils (SRMC). The members include the City of Cockburn, City of Rockingham, City of Fremantle, Town of East Fremantle, City of Canning, Town of Kwinana and City of Melville. This resulted in the release of the Regional Community Greenhouse Strategic Plan. This plan was adopted at the November 2000 Council meeting with the following recommendations :-

- Adopt the Draft Regional Community Greenhouse Strategic Plan
- Agree to a regional approach to the implementation of the Regional Community Greenhouse Strategic Plan
- Support the development of a regional coordinator position to implement the Regional Community Greenhouse Strategic Plan.
- Agree to provide proportional funding of a regional coordinator, subject to all the other members Councils committing to the position, and to modify the Principal Activity Plan allocation for the Environmental Management Services.

The adopted recommendations outlined a regional approach to the community component of the Local Action Plan and the part funding of a coordinator to assist with the implementation of this plan.

This report deals with the corporate component of the Local Action Plan that is required to complete Milestone 3.

Submission

N/A

Report

Milestone 3 entails the completion of a Local Action Plan which outlines the measures that the City will undertake to reduce greenhouse emissions within the corporation and the community.

The Corporate Local Action Plan concentrates on the City's activities which generate greenhouse emissions such as: buildings, streetlights/public lighting, fleet vehicles, water and waste. The draft Corporate Local Action Plan which is included in the Agenda attachment was developed by Cockburn staff with assistance from the Cities for Climate Protection. The Local Action Plan provides a framework of where the City can achieve reductions in greenhouse emissions. As the plan is implemented it will need to be regularly reviewed and expanded to include other corporate activities.

Adoption of the Corporate Local Action Plan will result in the completion of Milestone 3 which will allow the City of Cockburn to access Commonwealth funding which is only available to Milestone 3 Councils.

An opportunity already exists to obtain funds to implement part of the Corporate Local Action Plan. In December 2000 Council endorsed the recommendation to undertake energy conservation work in the administration building (OCM1_12_2000), to assist with Council's commitment towards the Cities for Climate Protection and sustainable development. The system was installed in June 2001 at a cost of \$45,000. To date there has been an energy saving of over 80,000 kWh with approximately a 50% reduction in energy consumption within the administration building. This energy saving has resulted in a cost saving of over \$10,000 in the past four months.

To support efforts to reduce greenhouse emissions and energy consumption within the City of Cockburn there is the need to set up a fund for ongoing works. It is proposed that the money saved from energy reduction works should be used to fund further activities within other Council facilities. The Corporate Local Action Plan highlighted that over 30% of the corporate's greenhouse emissions is from Council buildings.

Outlined in the attached Corporate Local Action Plan are a number of recommendations dealing with building and equipment, education and monitoring which will result in future energy savings in the City of Cockburn facilities.

Establishment of a Greenhouse Emission Reduction Reserve Fund (GERRF) would finance activities such as:-

- Retrofitting buildings to be more energy efficient
- Ensure future Council facilities are energy efficient
- Education of the Council staff to promote energy efficiency

- Undertake monitoring to assess effectiveness of any energy efficiency work

In the City of Newcastle the total amount of energy cost saved through energy reduction work is deposited annually in a Greenhouse Emission Reduction Revolving Fund (GERRF) (as outlined in the attached Corporate Local Action Plan). However a more cautious approach is recommended for the City of Cockburn. Instead of the full energy cost savings from the retrofitting of the administration building (approximately \$30,000) being allocated to the GERRF, a part amount of \$20,000 is proposed to be allocated in this financial year, and future years, to continue greenhouse emission reductions in Council facilities.

This financial arrangement will be reviewed at a later date to determine whether a GERRF (as used in the City of Newcastle) is a more suitable arrangement, and to ensure further funds are derived from other energy cost reduction works within the City of Cockburn.

It is recommended that Council adopt the Draft Corporate Local Action Plan and create a reserve fund which will ensure ongoing funds to undertake work that will result in a reduction in energy conservation and greenhouse emissions in accordance with the Local Action Plan and result in savings to the Council.

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."*

Budget/Financial Implications

Establishment of a Greenhouse Emissions Reduction Reserve Fund. \$20,000 contributed to this fund in the 2001/2002 financial by transferring \$20,000 from the Administration Building account, and for \$20,000 to be allocated to the Reserve Fund in future budgets.

Further funding for the implementation of the Corporate Local Action Plan will be considered as part of the Principal Activities Plan.

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

Nil

14.2 (Ocm1_11_2001) - NEW ADMINISTRATION POLICY - INTERPRETATION OF THE RESIDENTIAL PLANNING CODES IN RELATION TO LOT LAYOUT AND VEHICULAR ACCESSIBILITY AND LOCATION (9003) (VM) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the proposed Policy "Residential Planning Codes - Interpretations in relation to car parking, setbacks and boundary walls" for the purpose of advertising it under Clause 11.1.1 of the District Zoning Scheme No. 2; and
- (2) in the interim;
 1. adopt the proposed Policy "Residential Planning Codes - Interpretations in relation to car parking, setbacks and boundary walls " attached to the Agenda as a guideline;
 2. delegate to the Principal Planner the authority to apply the "Residential Planning Codes - Interpretations in relation to car parking, setbacks and boundary walls.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

This policy has been prepared to assist in the preparation of applications for Planning Approval. The provisions are to be used as a basis for assessing such applications. There have been instances where it is not appropriate to apply some of the Residential Planning Parking and Lot Layout Standards (ie: garages setback 4.5 metres) where the development does not require it. All residential development is required to comply with the provisions of the Residential Planning Codes ("Codes") which form part of District Zoning Scheme No. 2. These interpretations are intended to supplement the requirements of the Scheme.

There are some design attributes which the Codes do not specify, but are essential in satisfying the objectives of the Codes and amenity requirements.

It is recognised planning principle that new residential development should contribute positively to:

- 1) the **street environment** in terms of function, quality and appearance,
- 2) the safety and security of the **street user**,
- 3) **adjoining owners** and not adversely impact on their amenity such as the height and location of buildings.

New developments should aim to create a pleasant living environment for the residents of new developments and not impact adversely upon neighbouring residential development, nor upon the quality of living of existing residents.

In general new developments should achieve excellence through sound architectural and site design, and achieve (where desired) a high degree of sustainability through energy conscious site design, building design and materials choice.

With the increase in market demand for double garages for improved security, together with the increase in car ownership per dwelling, double garages tend to dominate the visual presentation of the street. The Residential Planning Codes under car parking requirement states "*Car parking is both area consuming and visually obstructive*". Consequently, while the Codes allow car parking bays to be sited within the street setback area, they must generally be screened from view from the street. The objective of the R-Codes is sometimes not complied with for grouped dwellings facing the street. Therefore, this policy will aim to improve residential streetscapes to ensure future residential areas for the City address the "Liveable Neighbourhoods" concepts promoted by the Western Australian Government sustainable Cities initiative.

There is also a recognised trend in the market for smaller lot sizes and larger houses, which increases the likelihood of walls being built on the boundary. The current approach of the City is to approve proposals that comply with the height and location requirements of the Codes and treat such proposals 'as of right'. This has assisted work flow and provided certainty to developers, but sometimes not resulted in the best outcome for adjoining owners who express a concern about the impact on their property. The policy seeks to ensure adjoining owners are consulted regarding proposals for boundary walls prior to approval.

The policy should be referred to, and the City consulted, at the earliest stage of development ideas. The policy guidelines will be used by the City to assist in evaluating applications requiring approval.

The policy is not intended to discourage high standards of innovative design, but to encourage good quality design.

Submission

N/A

Report

The purpose of this report is to seek adoption of the proposed policy for the purpose of advertising pursuant to District Zoning Scheme No. 2. In the interim the Council's endorsement of the policy as an Interpretation and guide to the Codes when assessing residential development is recommended.

The policy reflects the criteria set out in the Liveable Neighbourhoods report (Community Design Codes).

The report specifies the relevant consideration when approving Liveable Neighbourhoods concepts in detail under Element 3: Lot Layout. This element suggests the setting back of garages behind the frontage of a dwelling to avoid streetscapes being garage dominated. Moreover the building fronts in overlooking the streets it will improve safety and street aesthetics appearance.

Under Objective 9 of Element 3: Lot Layout - the following is stated "*New development should provide lots which facilitate safe and efficient vehicle access without street frontages being dominated by garages and parked cars or creating unsafe conditions along arterial routes.*"

Moreover the Element 3 requirement No. 24 states that "*Lot widths should be suited to provision of car parking, garaging and driveway access in a manner that does not result in garages or carports dominating the street frontage.*"

The policy also includes some diagrams to ensure that the interpretations of the Codes are achieved.

Following the close of the public advertising period, the policy be reviewed as necessary, and submitted to Council for final adoption and inclusion in the Policy Manual and Delegated Authority Register.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

Budget/Financial Implications

N/A

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

Nil.

14.3 (Ocm1_11_2001) - POSSIBLE IMPACTS ON LOCAL ROADS WITHOUT ROE HIGHWAY STAGE 8 (9701) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report; and
- (2) engage a suitably qualified transportation consultant to:-
 1. model the likely traffic impacts on the local road network as a consequence of the State Government deciding not to proceed with Stage 8 of the Roe Highway;
 2. make recommendations as to road improvements that the Council should undertake to accommodate any additional traffic on local roads within the district;
- (3) write to Main Roads WA to identify the likely alternative use of the existing regional reservation for the Roe Highway between Progress Drive, Bibra Lake and Cockburn Road, Hamilton Hill, in the event that Stage 8 of the Roe Highway is not constructed as part of the regional ring road system.

COUNCIL DECISION

Background

In 1991, the Council requested the State Government to provide funds to build the Roe Highway between South Street and Cockburn Road (Stages 7 and 8).

In 1992, studies were being undertaken to identify options for minimising the impact of the highway on North Lake and Bibra Lake. The final report was not acted on.

The Council did not oppose the construction of the Roe Highway up until it resolved on 20 March 2001:-

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

The important points of this resolution are that:-

- The Council opposition only relates to Stage 8, which is that part of the Roe Highway west of the Kwinana Freeway.
- The Council's reason for opposing Stage 8 is confined to the adverse impact the highway will have on the environmentally sensitive wetland areas of North Lake and Bibra Lake.
- The Council opposition is based on the current 1963 Roe Highway Reserve and indicative road plans.

The implications of the resolution are:-

- Stage 8 of the Roe Highway is between the Kwinana Freeway and Cockburn Road, which includes land well beyond the wetlands.
- that part of Stage 8 of the Roe Highway between Progress Drive and Cockburn Road does not impact on the North Lake and Bibra Lake wetlands.
- that since 1963, the environmental importance of North Lake and Bibra Lake has been acknowledged and as a result the EPA, Main Roads WA and the WAPC are aware that the 1963 alignment is now unlikely to be acceptable and that more environmentally sensitive plans for this section of Stage 8 of the Roe Highway will be required. To date such plans have not been formally proposed or assessed.

It is understood that the Hon. Minister for Planning and Infrastructure has deferred making a decision on Stage 8 of the Roe Highway and possibly the Fremantle Eastern Bypass, until such time as a Metropolitan Freight Route Study has been undertaken and completed.

Should it be decided that the Fremantle Eastern Bypass not proceed as provided for in the MRS, then this has implications for the future of Stage 8 of the Roe Highway between Cockburn Road and Stock Road, North Lake Road or the Kwinana Freeway in any event.

On 17 July 2001 Mayor Lee required under Item 22.1 "Matters to be Investigated without Debate":-

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

This report has been prepared in response to this request.

Submission

N/A

Report

Roe Highway Stage 8 Implications

Should the State Government not build Stage 8 of the Roe Highway, between the Kwinana Freeway and North Lake Road, in accordance with the Council position, or between the Kwinana Freeway and Cockburn Road, there are a number of implications in addition to the deletion of the road itself, namely:-

1. If the road is not constructed between the Kwinana Freeway and North Lake Road, does this mean that the Roe Highway between North Lake Road and Cockburn Road will be built and if so to what standard should the road be built?
2. If the Fremantle Eastern Bypass is not built between Stirling Bridge and Stock Road, then what are the implications for the Roe Highway between Cockburn Road and North Lake Road?
3. If the Roe Highway is not built in some form between North Lake Road and Cockburn Road, what will the residue land become?
4. If the Roe Highway is not built between the Kwinana Freeway and Cockburn Road, it may mean that the proposed rail link between Thomsons Lake and Fremantle may not be able to be achieved in the future, should it be required, in accordance with the proposal put forward in the South West Metropolitan Railway Master Plan, April 2000, or could the reserve be used as an exclusive public transport corridor instead?

These are all valid questions that are directly associated with a decision not to build Stage 8 either in part or in total.

For example:-

1. If Stage 8 is not built between the Kwinana Freeway and North Lake Road, then it would be expected that the road reserve would simply become part of the Beeliar Regional Park.

Given this, a pseudo Roe Highway could be built between North Lake Road and Cockburn Road as a new low speed road with at grade intersections and be a substitute for Rockingham Road and Phoenix Road. The road could be a divided dual carriageway with intersections at Cockburn Road, Carrington Street, Stock Road and North Lake Road.

This approach could allow for much of the vegetation to be retained, avoid direct property access and attract through traffic away from Rockingham Road and Phoenix Road.

The approach outlined could operate with either the Fremantle Eastern Bypass in or out of the regional road system.

If the Fremantle Eastern Bypass is built to serve Fremantle and the Port, then a road to highway standard, that is grade separated crossings to provide for high speed movement, could be constructed as currently planned for the Roe Highway between Stirling Bridge and Stock Road and to North Lake Road. This would not be inconsistent with the Council's current stated position on Stage 8 of the Roe Highway.

2. If the Fremantle Eastern Bypass is not built and the Roe Highway is not constructed between the Kwinana Freeway and North Lake Road, then there would be little point in developing a high speed highway between North Lake Road and Cockburn Road. Probably the best approach in this circumstance would be for a low speed at grade divided dual carriageway to serve both district and local traffic.
3. If Stage 8 of the Roe Highway is not built, then this will mean that 88 hectares of land in the reserve between Progress Drive and Cockburn Road will be surplus to requirements.

Between North Lake Road and Progress Drive there would be 7.5 hectares and west of North Lake Road 80.5 hectares available for alternative use.

Based on past State Government practices, it can be expected that this asset will be rationalised and therefore the reserve is unlikely to be retained as a linear bushland public park.

The asset is likely to be realised as residential land. This could produce around 1,100 dwellings at a traditional density of 20 units per hectare (R20). These additional dwellings could produce another 11,000 vehicle movements per day on the local road network. This is significant and would have an impact on the suburbs of North Lake, Coolbellup, Bibra Lake and Hamilton Hill.

4. The South West Metropolitan Railway Master Plan indicated that a future connection be made between the Thomsons Lake Town Centre and Fremantle using the Roe Highway Reserve. If Stage 8 is not constructed it could jeopardise this public transit opportunity. The alternative, supported by Professor Peter Newman is to follow the existing railway freight line via Yangebup, Spearwood and Hamilton Hill into Fremantle.

However, it may be possible to proceed with the construction of the railway line following the Roe Highway alignment to Fremantle stopping at strategic points where either park and ride or medium density housing could be developed utilising parts of the disused Roe Highway Reserve. To achieve an environmentally acceptable crossing between North Lake and Bibra Lake, it would be necessary to use a causeway crossing for the railway line. This would minimise the impact on the flora and fauna and retain the integrity of the wetlands. Hope Road could be closed. A station could be located near Progress Drive to serve Bibra Lake and Adventure World. A railway reserve would be narrower than a highway reserve and therefore the land requirements would be substantially reduced.

Although these matters are not directly related to the purpose of the report, they are important considerations that could impact on the land use and movement patterns in this part of the district. They are matters that do require the Council to consider so that they can adopt a position in order to deal with the likely consequences of the Roe Highway Stage 8 using all, part or none of the road reserve for a regional/district road.

Stage 8 of the Roe Highway is assumed to be abandoned

It is assumed that Stage 7 of the Roe Highway will be constructed as planned from South Street to the Kwinana Freeway.

It appears that there is no strong objection to the freeway to freeway connection being made. There are, however, some strong opinions that Stage 7 be re-aligned to connect to the Kwinana Freeway further south. There is no logical or economic reason to do this and therefore it would be surprising if this was to occur, in the circumstances. The Council considered this possibility at its meeting held on 18 September

2001 and resolved not to support the realignment of Stage 7 of the Roe Highway to follow Berrigan Drive south to the Kwinana Freeway.

The Council position is that Stage 8 of the Roe Highway not proceed west of the Kwinana Freeway.

By not proceeding with Stage 8, there will inevitably be impacts on the local road system to facilitate the movement of regional traffic. The impacts could be:-

1. **The Roe Highway to the Port of Fremantle**

The following distances are measured from the intersection of South Street/Ranford Road and the Roe Highway.

There are basically 3 routes that could be attractive to use to access the Port of Fremantle from the Roe Highway namely:-

- South Street, Stock Road, High Street and Stirling Bridge a distance of 16.4 kms.
(Note: To proceed to Carrington Street instead of Stock Road is a shorter distance (ie 16.1 kms) but the intersection of Carrington Street and South Street is not conducive to freight traffic usage.)
- Karel Avenue, **Farrington Road**, North Lake Road, South Street, Stock Road, High Street and Stirling Bridge a distance of 18.8 kms.
- Kwinana Freeway, South Street, Stock Road, High Street and Stirling Bridge a distance of 19.2 kms.

2. **The Roe Highway to Fremantle**

There are primarily 4 routes that could be attractive to use to access the Fremantle City Centre from the Roe Highway, namely:-

- South Street and South Terrace a distance of 13.4 kms.
- Karel Avenue, **Farrington Road**, North Lake Road, South Street and South Terrace a distance of 15.6 kms.
- Kwinana Freeway, South Street and South Terrace a distance of 16.2 kms.
- Karel Avenue, **Farrington Road**, North Lake Road, Winterfold Road, Carrington Street, South Street and South Terrace a distance of 16.2 kms.

3. The Roe Highway to Rockingham Road, Spearwood

There are only 3 routes that could be attractive to use to get to Rockingham Road to access the Phoenix Park Shopping Centre or employment centres in the Bibra Lake and Spearwood localities, namely:-

- South Street, North Lake Road, Phoenix Road and Rockingham Road a distance of 13.2 kms.
- Karel Avenue, **Farrington Road**, Bibra Drive, Hope Road, Progress Drive, Gwilliam Street, North Lake Road, Phoenix Road and Rockingham Road a distance of 13.4 kms.
- Karel Avenue, **Farrington Road**, North Lake Road, Phoenix Road and Rockingham Road a distance of 13.6 kms.

It is important to note that returning from either the Port of Fremantle, the Fremantle City Centre or from Spearwood to the Roe Highway, the same routes are equally attractive for regional traffic.

All of the optional destination routes utilise Farrington Road as one of the "attractive" connectors.

This simple analysis, demonstrates that Farrington Road will be used by regional traffic as a means of conveniently connecting to either Fremantle Port, Fremantle or Spearwood in the absence of the Roe Highway Stage 8.

There is no doubt that South Street will be a prime choice for regional traffic to access the Port and the Fremantle City Centre. Probably the least disruptive and fastest route would be provided by using the Kwinana Freeway and South Street for Fremantle destinations.

Road Categorisation

On 21 May 1997, the Council resolved to adopt a road hierarchy and classification of roads within the district.

Farrington Road between North Lake Road and the eastern boundary of the district was classified as a '**DISTRICT DISTRIBUTOR ROAD (A)**'.

On 27 April 1999, the Council resolved to designate roads for trucks carrying freight.

Farrington Road between North Lake Road and the eastern boundary of the district was classified as a '**SECONDARY ROUTE - TO BE**

USED BY TRUCKS ACCESSING INDUSTRIAL AREAS AND SHOPPING CENTRES'.

Main Roads WA have standards for the various classifications of road types.

Although Farrington Road functions as a Primary Distributor it is classified as a District Distributor A.

The following table sets out the design requirements for a District Distributor A.

Functional Classifications of Roads (Source: Main Roads WA)					
ROAD CRITERIA	ROAD TYPE				
	TRAFFIC CARRIERS			LOCAL STREETS	
	PRIMARY DISTRIBUTOR	DISTRICT DISTRIBUTOR A	DISTRICT DISTRIBUTOR B	LOCAL DISTRIBUTOR	ACCESSWAYS AND PLACES
Network Role	Major Grid	Major Grid	Minor Grid	Housing Access Facility	Housing Access
Degree of Connectivity	High Long Term Planning	High Long Term Medium Planning	Medium Term Planning. An Existing Road	Connecting to Categories A & B District Distributors	Connecting to Local and District Distributors
Max. Desirable Volume v.p.d. MRWA	Greater than 20,000 >15,000 v.p.d.	10,000 - 20,000 >8,000 v.p.d.	8,000 >6,000 v.p.d.	2,000 - 6,000 >3,000 v.p.d.	200 - 800
Frontage Access	None or Limited	Prefer not to have Resident Access. Limited Commercial. Generally via Service Roads.	Residential and Commercial Access Due to its Historic Status. Prefer to Limit them where and when possible.	Yes, except at Intersections where Side Entry is Preferred and Traffic Signals are involved.	Yes
Pedestrian Crossing	None at Grade or Controlled.	Positive Measures For Control and Safety.	Appropriate Measures for Control and Safety of Pedestrians.	Yes, Minor Safety Measures.	Yes
Cross Section Type	Preferred Divided Multi-Lane 4 - 6 Lanes	Divided or Undivided 4 Lane	Undivided, 4 Lanes Parking	Undivided	Undivided
Opposing Vehicle Hindrance	None	Marginal	Marginal Friction	Friction Slowing Down	Slowing Down
Max. Operating Speed Desirable	60 - 100 km/h	60 - 70 km/h	60 km/h	40 - 60 km/h	40 km/h
Speed for Design Standard	Arterial Design Standards	80 km/h min	70 km/h	60 km/h	40 km/h
Bus Route	Yes	Yes	Yes	Yes	Occasional
Parking	No	Generally no, Clearways where Necessary	Prefer not to, Clearways where Necessary	Yes	Yes
Minimum Carriageway Width	14m or 2.8.5m	9m or 2 x 7.0m	7.4m - 10.0m	6.0m - 8.0m	4.0m - 6.0m
Heavy Goods Vehicles	Yes	Yes	Yes	Discouraged	No
Truck Route	Yes	Yes	If Justified	No	No



It can be seen that a District Distributor A is planned to carry between 10,000 to 20,000 vehicles per day. To carry this volume of traffic the road should be a divided or undivided 4 lane carriageway.

Main Roads WA recommend that a 4 lane road be required when the daily traffic volumes exceed 8,000 vehicles per day (vpd).

Farrington Road carried in excess of 16,000 vpd in 1996. By 1999 this had grown to around 24,000 vpd. This clearly indicates that based on current usage, Farrington Road should already be duplicated.

If Stage 8 of the Roe Highway was constructed then it would be expected that the traffic on Farrington Road would reduce. It may even be possible to close or 'break' Farrington Road to prevent through traffic. This, however, would not be possible if Stage 8 is not proceeded with.

Traffic using Farrington Road can be expected to increase, particularly for traffic on North Lake Road wanting to travel north on the Kwinana Freeway. One reason for this to be attractive is because the delay at the signalised intersection is far less than that at South Street which provides for a four way intersection with left and right turn phases. Similarly, there is a four way signalised intersection at Murdoch Drive and South Street. Farrington Road is not burdened with these delays because it intersects with North Lake and Bibra Drive as 'T' junctions and a roundabout services the Murdoch Drive intersection.

Traffic using Farrington Road is expected to increase if Murdoch University re-develops its surplus land in accordance with an overall Masterplan for housing, business and commercial development. The Council supported this plan in principle at its meeting on 19 June 2001.

Traffic using Farrington Road may increase because of the termination of the Roe Highway (Stage 7) at the Kwinana Freeway and to enable this to function without proceeding across the wetlands, it may be necessary to link Farrington Road and possibly Hope Road into the interchange to provide an acceptable level of service to the residents of Cockburn. This is desirable because Farrington Road has limited access onto the Kwinana Freeway, and therefore to travel south residents and industrial traffic will have to use either the South Street or the Berrigan Drive interchanges. Neither is convenient to those living or working in the suburbs of Coolbellup, Bibra Lake, or North Lake.

To connect Farrington Road into the Roe/Kwinana Interchange is not contrary to the Council's opposition to the construction of Stage 8 between North Lake and Bibra Lake. Indeed, the Council has already determined that Farrington Road is a 'District Distributor A' and therefore is committed to Farrington Road becoming a 4 lane road.

As Farrington Road is already carrying in excess of 20,000 vpd, there is a need for the Council to consider building the second carriageway in the near future.

The Council has a duty of care to ensure that roads under its control, such as Farrington Road, are designed, constructed and managed in accordance with accepted standards and best practice. Should there be a serious accident on Farrington Road, and the Council was aware that it was operating on a sub-standard design, then the Council may be found to be partially liable, based on the trend of recent relevant decisions taken by the High Court. The Council has an obligation to ensure that roads are designed and built to achieve maximum safety and convenience within the resources available to it.

Farrington Road in Context

Farrington Road is not designated a secondary regional (Important Regional Road) in the Metropolitan Region Scheme.

Farrington Road is located in a 35m wide road reserve designed for a divided dual carriageway.

Farrington Road has at its western and eastern ends already been constructed as divided carriageways. The central section of the road is currently only constructed as a single two lane road located on the southern side of the road reserve closest to North Lake.

Farrington Road intersects with North Lake Road at its western end through a traffic controlled intersection.

Farrington Road intersects with Bibra Drive at its eastern end through a traffic controlled intersection and continues east to provide direct access onto the Kwinana Freeway for north bound traffic.

Farrington Road is one of 8 roads which carry traffic from east to west across the district. Of these roads only 3 are designated as secondary distributor roads under the MRS (excluding the Roe Highway), namely:-

- North Lake Road (located between Bibra Lake and South Lake)
- Beeliar Drive (located between Yangebup Lake and Kogolup Lake)
- Russell Road (located between Thomsons Lake and Banganup Lake)

The central wetland chain that separates the district from east to west is 11.7 kms long, and is a significant barrier in the achievement of convenient and efficient east/west road connections.

The 'Other' roads with the exception of Farrington Road, that connect the district from east to west are:-

- Hope Road (located between North Lake and Bibra Lake)
- Bibra Drive

- Osprey Drive (located between Little Rush Lake and Yangebup Lake)
- Wattleup/Rowley Roads.

By comparison, in the City of Melville, between Alfred Cove and its southern boundary with the City of Cockburn, a distance of only 3.5 kms, there are the following east west roads, namely:-

- Canning Highway (primary distributor road)
- Marmion Street
- Leach Highway (primary distributor road)
- South Street (primary distributor road)

This represents a major east west link every 1.1 kms.

By contrast, the City of Cockburn has only one proposed east west primary distributor road to serve the district and that is the Roe Highway, and taking into account all the existing secondary distributor roads, it represents a major crossing every 3.9 kms. Cockburn is underserved in east west regional connectors.

Obviously, if this road is not built as part of the regional road network, then this will impact on the local road system, particularly the north west sector of the district.

In the absence of the Roe Highway Stage 8 being built, there is little doubt that regional and through traffic will have to use Farrington Road and Phoenix Road as the 'de facto' regional road system, in conjunction with South Street.

Farrington Road and the Roe / Kwinana Interchange

Because the multi-directional interchange points on the Kwinana Freeway within the City of Cockburn are limited to the intersection with the Roe Highway, Berrigan Drive, Beeliar Drive, Russell Road and Rowley Road, there would be a high level of inconvenience if the Roe Highway interchange does not provide for access to and from the coast.

To overcome or minimise this inconvenience, it would be appropriate to provide a low level connection from the Roe / Kwinana Freeway interchange so that a minimum of convenience can be achieved for residents in Coolbellup, North Lake, and Bibra Lake seeking to access the regional road system.

These connections would not be contrary to the Council's position to oppose the construction of Stage 8 of the Roe Highway as this road or roads could be linked into either Farrington Road, Hope Road or Bibra Drive without impacting further on the North Lake / Bibra Lake wetlands, by using the existing road reserve alignments.

The linkage options that could be considered are:-

- Option 1 to link the Roe / Kwinana interchange by a road terminating at the existing Bibra Drive / Farrington Road traffic lights.
- Option 2 to link the Roe / Kwinana interchange directly into Farrington Road.
- Option 3 to link the Roe / Kwinana interchange directly into Farrington Road, and at the same time cul-de-sac Hope Road at the Wetlands Education Centre.
- Option 4 to link the Roe / Kwinana interchange by a short road terminating at Bibra Drive.
- Option 5 to link the Roe / Kwinana interchange directly into Hope Road and follow the existing reserve across Progress Drive to follow the Roe Highway reserve as a District Distributor Road which could allow for Farrington Road to be broken between Progress Drive and the entrance to the Winthrop Baptist College.
- Option 6 to link the Roe / Kwinana interchange into a large traffic rotary and for Farrington Road and Hope Road to be fed from this with Hope Road being retained as a divided or undivided 4 lane road to follow its existing reserve west into the existing Roe Highway reserve. Hope Road would be a District Distributor with at grade intersections.
- Option 7 to link the Roe / Kwinana interchange into a large traffic rotary and for Farrington Road and Hope Road to be fed from this, but in this case Farrington Road would be the priority road and Hope Road would be retained as a 2 lane local road with no connections west of Progress Drive.

The links to the Roe / Kwinana Freeway interchange would need to be via a District Distributor A road because it would be expected that the traffic volumes using these links would warrant either 4 lane divided or undivided roads.

Hope Road is in a 20m reserve. To provide for a 4 lane divided or undivided road would require between 30m to 35m in width. Because it would be a low speed at grade road, the alignment could follow the existing reserve. Should this option be adopted in the future then the roadway should be either a causeway or a series of culverts to enable wildlife to cross. In any event any proposal to modify, rebuild or duplicate Hope Road would require the approval of the EPA.

Should Hope Road be considered an appropriate link road into the Roe / Kwinana Freeway interchange, then it could be that Farrington Road is made discontinuous and become an access into North Lake from the west and Murdoch University from the east, respectively.

Alternatively, if Farrington Road is considered to be an appropriate link road given its existing status and the fact that a 35m reserve already exists, it could be that Hope Road be cul-de-saced, and that section between North Lake and Bibra Lake removed so that these two wetland areas can be combined into an uninterrupted reserve. This would reduce the "road kill", which is a current concern for both Hope Road and Farrington Road.

Conclusion

The Council has no traffic modelling capacity to enable it to produce forecasts of the numbers of vehicles that may use the local road system in the event that Stage 8 of the Roe Highway is not proceeded with.

Because of this the report is limited to describing the likely impacts if Stage 8 is not constructed rather than quantifying the impacts on the local road system.

Unfortunately, neither Main Roads WA nor the Ministry for Planning was able to assist in providing data relating to the forecasting of future traffic numbers on the local road system in the event that either Stage 8 of the Roe Highway is or is not constructed.

To enable the Council to clearly understand the quantum of the implications it should engage the services of a suitably qualified traffic consultant to undertake a study of the likely impacts on the local road system together with the actions that the Council may need to take to accommodate the predicted increases in traffic volumes.

Also the traffic consultant should be asked to evaluate the options identified to make a road connection to the Roe / Kwinana Freeway interchange from the west as part of an alternative approach to building Stage 8 of the Roe Highway.

Once the Council is in receipt of this report it will then be in an informed position to make a decision about the future of Farrington Road and the standard to which it will be built to enable it to function as a District Distributor A, should it continue to be the primary connection between the Kwinana Freeway and North Lake Road.

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."*

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."*

5. Maintaining Your Community Facilities

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

Budget/Financial Implications

There is approximately \$11,000 available for the Study in the Town Planning Studies account and if there is a shortfall other funds will be taken from the Chief Executive Officer's Consultancy account.

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

Nil.

14.4 (Ocm1_11_2001) - COUNCIL REPRESENTATION - THOMSONS LAKE REGIONAL CENTRE STEERING COMMITTEE (9629) (AJB)

RECOMMENDATION

That Council:

- (1) request agreement from the Department for Planning and Infrastructure for an Elected Member to attend meetings of the Thomsons Lake Regional Centre Steering Committee; and
- (2) subject to the agreement of the Department for Planning and Infrastructure, that Elected Member _____ be nominated as Council's representative on the Thomsons Lake Regional Centre Steering Committee with Elected Member _____ as deputy.

COUNCIL DECISION

Background

At its meeting on 1 September 1997 the Western Australian Planning Commission endorsed a proposal to establish a Steering Committee to guide the planning, evaluation and implementation of a Masterplan for the Thomsons Lake Regional Centre project. (Cockburn Central)

Specifically the terms of reference for the Steering Committee are as follows:

1. To establish a Masterplan for the Thomsons Lake Regional Centre;
2. To evaluate the Masterplan for the Thomsons Lake Regional Centre;
3. To determine appropriate strategies for implementation of the Masterplan for the Thomsons Lake Regional Centre;
4. To consult with stakeholders and landowners in respect to the above; and
5. To recommend appropriate action to Government in respect to the above.

The Steering Committee which is chaired by the Department for Planning and Infrastructure comprises representation from Landcorp, City of Cockburn and Department of Transport and other State Agencies as appropriate from time to time.

Submission

Deputy Mayor Graham in discussion has expressed the view that given the strategic importance of this project, Council should have Elected Member representation at the Thomsons Lake Regional Centre Steering Committee meetings in addition to the two current staff members.

Report

Since its inception in October 1997, Council has been represented on the Thomsons Lake Regional Centre Steering Committee by the Chief Executive Officer Mr Rod Brown and the Manager for Planning Services Mr Allen Blood.

The terms of reference for the Committee and its composition are set out in the Background section of this report. The function of the Committee is primarily to co-ordinate planning of the Regional Centre and report to the Department for Planning and Infrastructure and ultimately Cabinet.

The Committee generally meets once a month on an as needed basis with meetings held on Thursday mornings at the Department for Planning and Infrastructure.

The Council has an active role in the project with Elected Members being regularly briefed by the Steering Committee and project team at key times in the process and officer reports to Council where decisions are required.

Over the next 12-18 months the Steering Committee will be primarily involved with planning procedures including community and stakeholder consultation, the amendment to the MRS and Council's District Planning Scheme and processing of a Structure Plan.

Given the strategic importance and significance of the project to the City of Cockburn and the activities currently being undertaken, it is considered that there would be the following benefits in having an Elected Member attend Steering Committee meetings:

- direct Council involvement in the project,
- provide an effective reporting and liaison conduit between the Steering Committee, officers and the Council,
- guidance as to likely Council views on issues,
- provide timely advice.

As in the past, Elected Members would still receive regular briefings from the Steering Committee and the consultant team throughout the process and be responsible for decisions such as on zonings, Structure Plans etc.

The nomination of an Elected Member to attend the Steering Committee meetings is supported. This will need to be agreed by all members of the Steering Committee. Formal agreement to the proposal would be sought through the Department for Planning and Infrastructure.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

**14.5 (Ocm1_11_2001) - PUBLIC OPEN SPACE CREDIT CALCULATIONS
- POLICY APD28 (9802) (9003) (SMH) (ATTACH)**

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) adopt the Amended Public Open Space Credit Calculations Policy APD28, as attached to the Agenda, and include it in the Council's Policy Manual; and
- (3) advise the following of the Council's decision:-
 1. The Urban Development Institute of Australia (WA) Division;
 2. The Water and Rivers Commission;
 3. The Department of Environmental Protection;
 4. the Department for Planning and Infrastructure.

COUNCIL DECISION

Background

The Council considered and adopted the Public Open Space Credit Calculations Policy at its Meeting held on 15 May 2001.

The Policy was prepared in response to a particular subdivision issue that arose in Banjup. The Policy was deemed necessary to provide a consistent approach to the issue of including wetlands, sumplands and damplands in public open space areas.

Submission

On 24 September 2001, the Urban Development Institute wrote to Council expressing concern about the Council's Policy, stating in the summary:-

"The City of Cockburn's policy does not support any reduction in the standard 10% POS provision unless all elements of LN are complied with. However, even the WAPC conventional POS policy (DC 2.3) allows for a reduction to 8% provided that the POS is developed accordingly.

Further, Cockburn's policy seeks to provide different criteria to a range of similar circumstances, such as lakes, other wetlands and artificial wetlands.

It seems that the City of Cockburn's policy is confusing and in fact may be referring to 50% credits for water body areas rather than in the context of total subdivision or structure plan areas. The noted intention is to reflect R5 of LN Element 4, however, the wording (which now forms part of an adopted policy) is confusing and inaccurate.

City of Cockburn's policy is also inconsistent with the state policy in providing credits for only 1 in 100 year drainage areas rather than the conventional 1 in 10 event criteria.

Unfortunately this wording now forms the basis of decisions being made by the City. Had the policy been referred for public comment prior to its adoption, this confusion may have been avoided."

The Director of Planning & Development responded to the UDIA on 22 October 2001, and discussed each of the points raised by the Institute. A copy is attached.

It is important to note that the UDIA advice resulted from a recently completed review of existing State and a selection of local government policies relating to public open space.

Report

A copy of the amended Policy is attached to the Agenda. The changes are in bold type.

The changes are minor, but reflect the concerns of the UDIA.

The most significant changes to the Policy are:-

from

- "Unless all of the requirements of the Liveable Neighbourhoods have been ..."

to

- "Unless all of the requirements **set out in Element 4 - R4** of Liveable Neighbourhoods have been ..."

from

- " it may be credited with a maximum of 50% of the total public open space contribution for the subdivision, but in any event the credit is not to exceed 20% of the total public open space area to be set-aside under the plan of subdivision or the structure plan (Element 4 - R5)."

to typically,

- " **the area of the wetland may attract a public open space credit of up to 50%, but the total area of any credit given shall not exceed 20% of the total public open space area to be set aside under an approved plan of subdivision or an adopted structure plan, of which the wetland forms part** (Element 4 - R5)."

The intent of the Policy has been retained.

It is not considered necessary to make any other changes to the Policy at this stage.

Advice from the Department for Planning and Infrastructure, indicates that the State Policy may be reviewed together with the Liveable Neighbourhoods Community Design Code given that the trial period for the Codes has concluded.

Once these policies have been reviewed, further adjustments to the Council Policy may be required.

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."*

3. Conserving and Improving Your Environment

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

4. Facilitating the needs of Your Community

- *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*

5. Maintaining Your Community Facilities

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

Budget/Financial Implications

N/A

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

Nil.

14.6 (Ocm1_11_2001) - PEDESTRIAN ACCESS WAY CLOSURES POLICY APD21 (SMH) (9003) (ATTACH)**RECOMMENDATION**

That Council:

- (1) receive the recommendation; and
- (2) delete the existing Pedestrian Access Way Closures Policy APD21 and replace it with the amended Policy attached to the Agenda.

COUNCIL DECISION**Background**

In June 1997, the Policy was first adopted.

In June 2001, the Policy was re-adopted as part of a revised format of the Council's Policy Manual.

Submission

N/A

Report

It has come to the attention of the Council's Planning Service, that the Policy that was incorporated into the revised Policy Manual in June 2001, for some reason did not include the last 4 pages.

To rectify the situation, it is necessary to re-adopt the Policy.

A copy of the revised Policy is attached to the Agenda, and the additional provisions are identified by bold type.

The Policy has continued to be used as the basis for evaluating submissions to the Council to close pedestrian access ways within the district.

The Policy is relevant and effective.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A

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

Nil.

14.7 (Ocm1_11_2001) - MURDOCH UNIVERSITY MASTER PLAN (9806) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;

- (2) confirm its view that all land use and development proposals within a local government district should be subject to the same statutory requirements and obligations regardless of whether the land owner or applicant is a private person or public authority;
- (3) advise the City of Melville that based on (2) above, the City of Cockburn would support the Murdoch University Campus being reclassified from a reserve to a zone so that it may be subject to the provisions of both the local government schemes and the Metropolitan Region Scheme applying to the land; and
- (4) also advise the City of Melville that:-
 1. of the implementation choices outlined in Section 13 of the "Murdoch University - Master Planning Report - the Millenium Plan - 2000 and Beyond", published in August 2000, that the Council believes that the Development Authority Model is the preferred approach should the University Campus remain as a Public Reserve - University, under the Metropolitan Region Scheme;
 2. in the event that the land is zoned Urban under the Metropolitan Region Scheme and becomes classified under the City of Melville's local scheme, then it would be appropriate that the development of the University Campus be undertaken in accordance with an adopted Structure Plan, where applications for subdivision and development are made through both the local government and the Western Australian Planning Commission, as appropriate.

COUNCIL DECISION

Background

Council at its meeting held on the 19 June 2001 resolved in respect to the Murdoch University Master Plan, that Council:-

- "(1) receive the report;*
- (2) advise the Office of Facilities Management at the Murdoch University that it:-*

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

Submission

The Chief Executive Officer of the City of Melville was concerned about the Council decision in respect to item (2) 2. of the recommendation which promotes the establishment of a Development Authority to implement the Master Plan proposals.

In a letter dated 9 October 2001, the City of Melville says:-

"MURDOCH UNIVERSITY MASTER PLAN

I was most surprised by the City of Cockburn's reply to the Murdoch Master Plan where it suggested that a Development Authority be created to deal with the development of the Murdoch University land.

Development Authorities are notorious for undermining the autonomy of Local Government to the point where elected representation is removed from the approval process and thereby the direct link of residents to Councillors.

Should this occur, a serious risk exists whereby due planning process, democratic principles and equity will be subverted by a development authority. As the City of Cockburn's jurisdiction over the subject land is minor in relation to the City of Melville, I trust that you may see the issue from our point of view and how the development can have serious impacts on the City of Melville if the City of Melville is not the approving authority and due process is not followed.

I note your comments of 8 October 2001 and advise further that:

- (i) *the land is currently reserved under the Metropolitan Region Scheme, however, this is to be changed to urban in the MRS and University Precinct in Community Planning Scheme No. 5. Furthermore, the university operates under an act of Parliament and Trust Deed whereby the development proposed would not be a public work as predominantly it would not be university buildings but retail, commercial, office and residential uses not associated with educational activities.*

- (ii) *the City of Melville is actively working to overcome the anomaly of the university land being in two local authorities particularly as no cadastral boundary or demarcation of any type exists suggesting a practical delineation of land justifying separate administration."*

Report

In Section 13 - "Implementation" of the Master Plan Report three models for implementation are briefly discussed, as follows:-

- " • *Scope for the University to promote the future planning approval and development, under the Metropolitan Region Scheme, to be assessed under a more novel statutory process. Three models were discussed viz:*

Model 1 - *Statutory development authority similar to the East Perth Redevelopment Authority, Subiaco Redevelopment Authority or the Midland Redevelopment Authority;*

Model 2 - *Murdoch University Development Steering Committee comprising University representatives, a commissioner of the Western Australian Planning Commission and Councillors of the City of Melville;*

Model 3 - *Special arrangements with Government - possibly at both State and Federal levels."*

These options evolved from discussions between Murdoch University and the Ministry for Planning.

Of these implementation options, it appears from a local government perspective that Model 1, the Statutory Development Authority, is the most appropriate.

The reasons for this opinion were outlined in the previous report to Council, which stated:-

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

A Development Authority would also be appropriate because of the large area of land involved, namely 220 ha and the fact that the development is likely to be undertaken over 30 years or more. A Development Authority can formally provide for representation and input from the local governments and other planning and development

agencies. Re-developments through Development Authorities have been successful, in planning and development terms, in Joondalup, East Perth and Subiaco. An Authority has recently been established to re-develop the Midland Workshops. These could be good and appropriate models to follow."

From a development "outcome" perspective, the development undertaken by the Joondalup Development Authority, the East Perth Re-Development Authority and the Subiaco Re-development Authority have been very successful, and have received national recognition.

Moreover, when given the implementation choices for the Fremantle-Rockingham Industrial Area Regional Strategy (FRIARS) the Council supported the establishment of a Development Authority. This, however, did not eventuate and this 900 ha industrial development is being implemented by Landcorp on behalf of the State. Under this arrangement the Council has no effective representation.

Based on other authorities such as East Perth and Subiaco, local government representation on the Authority is provided for under the Act. At least this provides certainty together with a recognised mandate.

Model 2, was based on a "Steering Committee", which may have no more power than to provide technical advice and recommendations to the State. In this case, no provision is made for representation from the City of Cockburn.

Model 3, excludes local government, and is too general to ascertain what is being contemplated.

While the land remains a region reserve, local government has no approving responsibilities, only the ability to make recommendations to the WAPC.

If the development of the campus is deemed to be a public work, then currently development only requires WAPC approval, however, it is understood that the State is seeking to amend the Act so that WAPC approval is no longer required.

Inquiries with the Department for Planning and Infrastructure, indicate that there is no certainty that the Murdoch University Campus will in total or in part be reclassified from a public purpose reserve to a zone under the MRS. This is one of a number of options being considered by the WAPC, to facilitate the Master Plan proposals. The City of Melville cannot rely on this. (Refer to point (i) of the letter 9 October). Murdoch University was unaware of this.

While the Regional Reserve applies to the Murdoch University land under the MRS, then the City of Melville and Cockburn Schemes must be consistent.

This was the premise upon which the Council report was written.

The City of Cockburn, as with most local governments, believes that public authorities should be subject to the same statutory controls and procedural requirements under both the local schemes and the Metropolitan Region Scheme as applies to private land owners. Given this the Council would support the City of Melville's desire to have the campus reclassified from a reserve to a zone, so that the future development of the site may be subject to the provisions of the City of Melville and Cockburn Town Planning Scheme.

Given the scale and the likely long period of time it may take to complete the master plan proposals, there may in fact be benefits to the University in being zoned rather than reserved, and also enable the public to have a better understanding of the future for the land.

Should the land be zoned under the MRS then an alternative scenario to a Development Authority may be possible, in respect to the subdivision and development approval process.

The City of Melville has approached the City of Cockburn to rationalise the district boundary along Farrington Road. This is currently under consideration.

Never-the-less, even if the boundary was to be relocated to place the Murdoch University Campus totally within one local government district or the other, it would be proper that both local governments continue to be involved in this project because its size and significance could impact on the planning, development and amenity of the adjoining municipalities.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

3. Conserving and Improving Your Environment

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

4. Facilitating the needs of Your Community

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

Budget/Financial Implications

N/A

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

Nil.

14.8 (Ocm1_11_2001) - PROPOSED CONSULTING ROOM (CHIROPRACTOR) - LOT 28; 3 KING STREET, COOGEE - OWNER: RICHARD PETER ANGUS MAIN - APPLICANT: DR IAN MESSENGER & DR SHERRYLLA MESSENGER (3309487) (SC) (MAP 15.13) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the proposed Consulting Room on Lot 28; 3 King Street, Coogee in accordance with the application dated 25/9/01 subject to the following conditions:

Standard Conditions

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

Special Conditions

1. A maximum of twelve (12) clients per day visiting the property on Monday, Tuesday, Wednesday and Friday only.
2. The applicant must ensure that there is at least a 15 minutes interval between clients.

3. All clients must park vehicles on the applicant's driveway. At no time can clients park vehicles within King Street or Mills Street.

Footnote

1. If the number of clients exceeds twelve (12) per day, the applicant must relocate to a commercial premise.
- (2) issue an MRS Form 2 Notice of Approval; and
- (3) advise those who made a submission of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS:	Residential 15
LAND USE:	House	
LOT SIZE:	911m ²	
AREA:	35m ²	
USE CLASS:	Consulting Room 'AA'	

The applicant originally lodged a Home Occupation application. However, the nature of the business is not in accordance with the definition of a Home Occupation pursuant to District Zoning Scheme No. 2 "(DZS 2)" (The Scheme), which states that a Home Occupation does not ".....occupy an area greater than twenty square metres....." and that it does not require clients to come to the dwelling. The number of clients coming to the property each day is greater than can be expected for a standard Home Occupation Application. The City advised the applicants to change the proposal from a Home Occupation to a Consulting Room. A Consulting Room is defined in DZS 2 as "... a *Building (other than a hospital or medical centre) used by no more than two practitioners who are registered medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the prevention investigation or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.....*".

Submission

The application is for a Chiropractic Consulting Room operated by a qualified chiropractor who intend on receiving up to ten to twenty clients per day on Monday, Wednesday and Friday between 9 – 12pm and 3-7pm and Tuesdays between 3:30 – 5:30pm.

Report

The surrounding landowners were notified of the application in writing and given the opportunity to comment within a period of 21 days. At the close of the advertising period, 8 submissions were received of these submissions 7 submissions raised no objection and 1 submission of objection was received. (Please refer to agenda attachments) The submission expressed a concern with the number of clients that will be visiting the property per day and the expected increase in traffic flow for King Street. They were also concerned with the increased number of vehicles that may potentially back on to their driveway, which may create a noise nuisance.

To address the concerns of the submission, the applicant is prepared to reduce the number of clients per day from 20 to 12. The applicant also indicated that it would take a while to build up a steady client base. The maximum number of vehicles travelling on King Street (West of Hamilton Road) was 1877 vehicles per day (vpd) and the average was 1782 vpd. With an additional 10-12 vpd, the increase in traffic would be a small proportional increase.

The car parking requirements in DZS 2 for Consulting Rooms are five bays per consulting room or per practitioner to yield 10 bays in this instance. To have ten bays constructed and marked permanently for client's parking in front of a residential dwelling would be both unsightly and inappropriate. To ensure an adequate supply of parking for clients the applicant has agreed to a 10 minutes interval between clients.

The proposed consulting room is supported given that the application if approved would maintain the residential appearance of the existing house and would not substantially impact on the amenity of the area in terms of traffic noise and parking. The applicants also have agreed that should their business expand beyond the terms of this approval that an alternative commercial premise would be used instead of their house.

Strategic Plan/Policy Implications

“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:-

APD17 Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

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

Nil

14.9 (Ocm1_11_2001) - TOWN PLANNING SCHEME NO. 3 - MINISTER FOR PLANNING AND INFRASTRUCTURE FINAL MODIFICATIONS (9485) (MR) (ATTACH)**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) agree to consider the late submissions received after 3 October 2001, and include them in its recommendations;
- (3) approve the following changes being made to the Scheme Text:
 1. Technical changes to the Scheme Text made on advice of Officers:-

Refer to Schedule 1
 2. Modifications to the Scheme Text in accordance with the recommendations made in respect to each of the submissions contained in the Schedule of Submissions attached to the Agenda:-

Refer to Schedule 3
- (4) approve the following changes being made to the Scheme Map made on the advice of Officers:-

Refer to Schedule 2
- (5) proceed with proposed Town Planning Scheme No. 3;
- (6) adopt proposed Town Planning Scheme No 3 with the modifications contained in (3) & (4), including the Council Report above and forward the Council decision to the Western Australian Planning Commission requesting that the Hon. Minister for Planning and Infrastructure grant final approval under Town Planning Regulation 21;

- (7) in anticipation of the Hon. Minister for Planning and Infrastructure granting final approval; the proposed Scheme Text and Scheme Map be modified in accordance with the Council decision and the documentation be signed by His Worship the Mayor and the Chief Executive Officer ready to be forwarded to the Western Australian Planning Commission upon receipt of the Hon Minister's advice under Town Planning Regulation 24;
- (8) advise each person who made an individual submission or a submission on behalf of a group of person's, or an organisation of the Council's decision; and
- (9) upon the gazettal of Town Planning Scheme No 3 revoke Policy APD 23 Town Planning Scheme No 2 Amendments following Final Adoption of Proposed Town Planning Scheme No 3.

COUNCIL DECISION

Background

Town Planning Scheme No. 3 public comment period commenced on 11 February 2000 and closed on 11 May 2000.

The advertising requirements set down by the WAPC, together with the Town Planning Regulations, were complied with. The display methods used were well attended by the public and the scheme proposals were given a high level of exposure. A total of 90 submissions were received which included 2 petitions.

Council at its ordinary meeting on 18 July 2000, adopted Town Planning Scheme No. 3 ("TPS3") subject to various modifications. TPS3 was forwarded to the Western Australian Planning Commission ("WAPC") requesting that the Hon. Minister for Planning grant final approval under Town Planning Regulation 21.

The WAPC endorsed TPS3 subject to further modifications in early 2001 and forwarded its recommendations to the Minister. The Minister for Planning and Infrastructure notified the City by letter dated 17 July 2001, regarding further modifications to the Scheme and advertising requirements as outlined in item 14.10 OCM 21/08/01.

The advertising requirements set down by the Hon Minister in accordance with the Town Planning Regulation 20 were complied with.

Submission

At the close of the 28 day public submission period 35 submissions were received.

The submissions have been categorised into the following groupings:-

<i>Topic</i>	<i>No of Submissions</i>
Development Contribution Area 6 – Munster (Developer contributions towards Beeliar Drive extension between Stock Rd and Cockburn Rd)	20 Objections
Development Contribution Area 5 – Beeliar (Developer contributions towards Spearwood Avenue Extension south of Beeliar Drive)	1 Objection
Watsons - Map and Text Change (objection) - Support rezoning of land Mell/Rigby Rd and object to buffer area.	1 3
Individual Sites - No objections - Text Change - General Matter - North Coogee Industry (objection)	5 1 1 3
Late Submissions	11
<i>Total Number of Submissions</i>	46

Each submission was promptly acknowledged in accordance with Regulation 16.

Report

The recommendations have been divided into the Scheme Text and Scheme Map. These modifications:-

- Generally include the changes instructed by the Hon. Minister
- Respond to relevant submissions
- Ensure greater consistency with the Model Scheme Text (Regulations)
- Include recent relevant Scheme Amendments to TPS-DZS2
- Resolve Scheme Map and Text errors

These recommended changes are contained in Schedules 1 and 2 attached to the Agenda.

Under Regulation 20, the Council within 3 months of the expiry for making submissions on the modifications (3 January 2002) or within such further period as approved by the Hon. Minister –

- (a) consider all submissions on the modifications to the Scheme
- (b) make a recommendation in respect of each submission to the Commission; and
- (c) forward the submissions on the modifications to the Scheme and its recommendations thereon to the Commission.

The Commission will then examine the submissions on the modifications to the Scheme and the recommendations of the responsible authority and make its recommendations thereon to the Hon. Minister.

The Hon. Minister will then consider the submissions on the modifications of the Scheme together with the recommendations made by the Council and the recommendations of the Commission and either refuse or approve the Scheme (with or without modifications).

The Schedule of Responses also includes 11 submissions that were received after the closing date, but despite this comments and recommendations were made on these given the importance of the re-advertised Town Planning Scheme No 3. The Council is under no obligation to take account of submissions, which are received after the closing date.

Attempts to arrange a delegation of Councillor's and the Mayor to meet with the Hon. Minister for Planning and Infrastructure to discuss the noxious industry provisions of TPS3 and Scheme Amendment 225 to District Zoning Scheme No 2 were unsuccessful despite subsequent enquiries made with a Ministerial adviser. It is therefore recommended that the Council proceed with TPS3 generally in accordance with the Minister's directions.

Strategic Plan/Policy Implications

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

Planning Your City

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

Conserving and Improving Your Environment

- *"To 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."*

Facilitating the needs of Your Community

- *"To facilitate and provide an optimum range of community services."*
- *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
- *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*

Budget/Financial Implications

The total expenditure for the preparation of TPS No. 3 is \$29,702 (approx). TPS3 has been prepared in-house, using the Model Scheme Text, which has resulted in the Council saving a large amount of money in the preparation of a Local Planning Strategy, Scheme Text and Scheme Map. To have contracted out this work would have been very expensive, based on the costs expended by other comparable local governments.

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

The preparation of a Town Planning Scheme for the district is a requirement under the Town Planning and Development Act.

14.10 (Ocm1_11_2001) - COCKBURN CENTRAL (THOMSONS LAKE) REGIONAL CENTRE - DRAFT STRUCTURE PLAN (9629) (AJB)

RECOMMENDATION

That Council:

- (1) receive the Cockburn Central (Thomsons Lake) Draft Regional Centre Structure Plan and report prepared by BSD Consultants;
- (2) advertise the Draft Structure Plan for public comment with the

submission period coinciding with that of MRS Amendment No. 1038/33; and

(3) advise BSD Consultants accordingly.

COUNCIL DECISION

Background

Council has promoted and supported the development of Thomsons Lake as a Regional Centre and is a Member of the Thomsons Lake Regional Centre Steering Committee which is co-ordinating the project.

Proposals for the Regional Centre follow on from the Thomsons Lake Regional Centre Master Plan Report prepared for the Steering Committee in October 1997 by Hames Sharley and submissions to Cabinet in June 1998 and September 2000.

A consulting team including BSD Consultants was appointed by the Project Manager Landcorp on behalf of the Thomsons Lake Regional Centre Steering Committee to undertake extensive public consultation and preparation of a Structure Plan for the Thomsons Lake Regional Centre.

The brief required that public consultation and the Structure Plan process be run in parallel with the advertising of MRS Amendment 1038/33 to provide the community with the opportunity to be involved with the formulation of the vision and proposals for the Regional Centre and provide a high level of information to enable people to come to an informed position on the proposal.

MRS Amendment 1038/33 "Thomsons Lake Regional Centre" is being advertised for public comment until 1 February 2002.

Phase 1 of the community and stakeholders consultation was undertaken in September/October 2001.

It should be noted that for the purpose of the public consultation and processing of the structure it was agreed by the Steering Committee to use Cockburn Central as the project name as the name "Thomsons Lake" was confusing. This was due to the proximity to the residential subdivision of that name and the remoteness from the actual lake. Accordingly the expression Thomsons Lake Regional Centre and Cockburn Central are therefore currently interchangeable.

Submission

BSD Consultants have lodged the Draft Structure Plan and report for the Cockburn Central Regional Centre with Council for processing in accordance with the procedures in Part 8 of Town Planning Scheme No. 2 which relates to structure plans.

Report

The BSD Structure Plan report previously provided to all Elected Members contains the following:

- relevant planning, environmental, engineering and aboriginal heritage background information, requirements and framework.
- details of Phase 1 community and stakeholder consultation and how this has been used in the formulation of the vision for the Regional Centre.
- definition of the design principles.
- Draft Structure Plan.

It is not proposed to summarise information contained in the Draft Structure Plan report in this report. However, the more salient points are as follows:

- Allows for the Centre as population grows and needs change.
- Flexible framework to accommodate change and economic growth.
- Permeable Road Network.
- Sound planning principles.
- Maximise Public Transport opportunities.
- Consideration of both hard and soft infrastructure.

It is considered that the level of information provided is adequate to support the advertising of the Draft Structure Plan for public comment. Further detailed consideration of the Structure Plan and submission will be presented to Council in March/April 2002 subsequent to the advertising period.

As part of the advertising of the Draft Structure Plan, further community consultation will be undertaken by Creating Communities. This will include direct mailout of plans and information in the catchment area, manned displays at the Gateways Shopping Centre, website, info hotline, articles in Cockburn Soundings and advertisements in the local papers.

It is proposed that the advertising period for the Draft Structure Plan will finish on 1 February 2002 to coincide with the advertising of MRS Amendment 1038/33 (Thomsons Lake Regional Centre) and 1032/33 (South West Metropolitan Transit Route).

It is recommended that Council agree to advertise the Draft Structure Plan to ensure the provision of detailed information which is relevant to MRS Amendments 1038/33 and 1032/33 and maximise the opportunity for the public and community groups etc to be involved in the development of the vision and the plan for the Regional 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 planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

3. Conserving and Improving Your Environment

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

4. Facilitating the needs of Your Community

- *"To facilitate and provide an optimum range of community services."*
- *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
- *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*

Budget/Financial Implications

Development of the Regional Centre will involve the provision of road and sporting infrastructure - yet to be determined.

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

Nil.

14.11 (Ocm1_11_2001) - COOLBELLUP TOWN CENTRE PRECINCT - JOINT PLANNING STUDY (9112) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) approach Homeswest and Department for Planning and Infrastructure seeking agreement to partner on an equal contribution basis a design study for the rejuvenation of the Coolbellup Town Centre precinct; and
- (2) proceed with the study subject to agreement from Homeswest and Department for Planning and Infrastructure to joint funding.

COUNCIL DECISION

Background

In March 1997 Council signed a Memorandum of Understanding with Homeswest which detailed the objectives and guiding principles of the Coolbellup New Living Project.

The Coolbellup Redevelopment Masterplan and a schedule of financial commitments to the New Living Project by both Fini and Council was adopted by Council in September 1997.

The adopted schedule of works envisaged work would be undertaken in upgrading the Town Centre and Council community facilities at Len Packham Reserve in 2001/02.

Submission

N/A

Report

The Coolbellup Town Centre precinct is that land generally bounded by Waverley Road, Coolbellup Avenue, Cordelia Avenue and includes Len Packham Reserve which is depicted on the map attached to the Agenda.

Uses within the precinct include the Coolbellup Motor Hotel, service station, neighbourhood shopping centre, Council Library, health, community halls and sporting facilities.

A recent inspection revealed that of the 34 shops, 8 were vacant with 2 more closing down and the service station had closed again. Overall the Town Centre precinct appears to be in structural decline and in need of rejuvenation.

Homeswest/Fini and Council have jointly committed funds to upgrade elements of the Town Centre Precinct including Council's facilities and Len Packham Reserve. Whilst this is likely to have a positive impact, this is only likely to be of limited and of short term benefit unless physical and structural issues associated with the shopping centre, service station and hotel are addressed and implemented.

To ensure maximum benefit is derived from the proposed investment, it is considered that alternative strategies for the rejuvenation of the Town Centre precinct should be prepared and assessed and that an adopted Town Centre Precinct Masterplan and Implementation Strategy should form the basis of all future works in the area by Council, Homeswest / Fini and private land owners.

The Town Centre Precinct Plan would include the Council facilities fronting Cordelia Avenue, the Shopping Centre, Service Station and Hotel fronting Coolbellup Avenue and Len Packham Park.

Prior to proceeding with the expenditure of funds on upgrading Council facilities at the Len Packham Park, it is important that a Study be undertaken so that the expenditure of the funds are applied in the best long term interests of the community.

Preparation of a Town Centre Precinct Plan and Implementation Strategy will require the following:-

- Context analysis to provide an assessment of existing facilities within and in close proximity to Coolbellup, the existing and future community and their needs.
- Town Centre precinct analysis including an objective assessment of existing facilities, opportunities and constraints.
- Testing of several options ranging from the minimal to the radical.
- Stakeholder and community consultation.

The most feasible and practical way to facilitate the project is for a joint study partnered by Council, Department for Planning and Infrastructure (Urban Design and Major Places Unit) and Homeswest with input from selected consultants. The Urban Design and Major Place Unit have considerable experience in redevelopment / rejuvenation projects including an involvement with the award winning Gosnells Town Centre revitalisation project.

During preliminary discussions the Director and Manager of Urban Design and Major Places Unit indicated an interest in being involved with the project if it was based on an overall assessment of Coolbellup. Also from previous experience it was considered that up to \$30,000 could be required for specialist consultant input which could be jointly funded.

There are adequate funds in the Strategic Planning Budget (Town Planning Studies) to cover Council's contribution to the study.

It is recommended that Council approach both Homeswest and Department for Planning and Infrastructure seeking agreement to partner a Design Study for the rejuvenation of the Coolbellup Town Centre precinct, on an equal contribution basis.

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."*

4. Facilitating the needs of Your Community

- *"To facilitate and provide an optimum range of community services."*
- *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
- *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be*

provided within the district to meet the needs of all age groups within the community."

5. Maintaining Your Community Facilities

- *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*
- *"To construct and maintain community buildings which are owned or managed by the Council."*

Budget/Financial Implications

Adequate funds are available in Account No. 505315 (Town Planning Studies) to cover Council's contribution to the study.

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

Nil.

14.12 (Ocm1_11_2001) - DEVELOPMENT CONDITIONS - LOT 10 (NO. 35) COOPER ROAD, BEELIAR - G A & V A MONASTRA (5513438) (SMH) (ATTACH)

<p>RECOMMENDATION That Council:</p> <ol style="list-style-type: none">(1) received the report;(2) delete Condition 1. from the Conditional Approval issued under delegated authority on 13 September 2001 for General Industrial Uses; and(3) issue a fresh MRS Form 2 Notice of Approval.

<p>COUNCIL DECISION</p>

Background

Lot 10 Cooper Road, Beeliar is zoned "General Industry" under District Zoning Scheme No. 2 and is proposed as "Industry" under Town Planning Scheme No. 3.

The land has been used for general industrial purposes for the past 20 years.

This site together with the land immediately to the east was proposed to be part of an industrial precinct, providing for light industrial and general industrial uses.

Due to the consistent submissions by the owner of the adjoining lot, Mr Harold Jarvis and his consultants, to exclude his property from the industrial zoning and instead have the land zoned for residential development, the Council and subsequently the WAPC acceded to this request.

The rezoning of the land to residential was strongly opposed by the Council's Planning and Development Division.

The Jarvis land immediately abutted the Monastra land, where general industry was being carried on.

The Acoustic Consultants for Jarvis prepared a report that the land could be developed for residential purposes despite the surrounding industrial activities. The report recommended buffers to separate the uses. These were significantly reduced prior to subdivision approval. Fortunately a public open space reserve was located in the subdivision adjacent to the Monastra land.

The subdivision is now complete and almost fully built with single houses.

Because residences are nearby to Mr Monastra's land, the use of the site for industrial activities is limited by "Environmental Protection (Noise) Regulations 1997".

Submission

Mr Monastra is very concerned that, after having operated a general industry on the land for many years, he is now adversely constrained, to the point where he is having difficulty leasing the premises.

Mr Monastra opposed the residential development adjoining his land.

In response to an application to use the land in accordance with its zoning dated 12 July 2001, an approval was issued on 27 July 2001. Three of the conditions were unacceptable to Mr Monastra, namely:-

- "1. *No activities causing noise and/or inconvenience to neighbours being carried out after 7:00pm or before 7:00am, Monday to Saturday, and not at all on Sunday:" and*
- "4. *The applicant must provide an Acoustic Report to the satisfaction of the City and incorporate sufficient sound attenuation measures to ensure the approved use can be conducted in compliance with the Environmental Protection (Noise) Regulations 1997 with specific reference to adjacent noise sensitive use;" and*
- "5. *The applicant must satisfy condition No. 4 Acoustic Report, by engaging a suitably qualified Acoustic Engineer upon the commencement of the use herein approved."*

Upon receiving this, Mr Monastra re-applied on 3 September 2001 for reconsideration of the conditions contained in the approval. Mr Monastra supported his request by advising:-

"We refer to approval Ref: 5513438 dated 27th July 2001. The conditions stated in the above are unsatisfactory to potential business considering leasing the said premises.

As we have experienced to date, three potential companies have retracted their offer to lease because of stringent conditions. This is causing considerable loss of revenue to us and furthermore we are finding it financially difficult to meet payment of rates and taxes.

Further we have never received any complaints either from council or nearby residents concerning noise or pollution. As we have considered their welfare whenever we have chosen potential tenants."

The Council's Statutory Planning Service revised the conditions deleting Conditions 4 and 5 and issued a fresh approval on 13 September 2001.

Since receiving this amended approval Mr Monastra has objected to the inclusion of Condition 1, namely:-

- "1. *No activities causing noise and/or inconvenience to neighbours being carried out after 7:00pm or before 7:00am, Monday to Saturday, and not at all on Sunday."*

Mr Monastra believes that he is being unfairly penalised for a poor decision made by the Council. Mr Monastra has engaged solicitors, Mullins Handcock, to represent his concerns. In a letter from the solicitor dated 21 September 2001, it said:-

"We act for the Monastras who own the above property that is zoned "General Industrial".

We note your letter of 13 September 2001 removing the requirements for any new tenants to have a noise survey report prepared regardless of whether a noise complaint is lodged or not.

Our client, however, is still concerned over the restrictive nature of your first condition limiting "activities causing noise" to 7.00am to 7.00pm Monday to Saturday. Despite your Council continuing to levy rates based on general industrial use, the property has now been vacant and unable to attract general industrial users for 5 months. Four prospective tenants have been scared off by the limited operational ability outlined in condition 1 of your 'Conditions for Proposed Use' which, in such industry, is impractical and likely to render operations uneconomical.

Our client asks that, given absence of any complaints from residents to date when the previous tenant operated outside those hours, you reconsider extending the permissible hours of unrestricted operation and specify the nature of activity that may be conducted outside those hours."

Report

It is the view of the Statutory Planning Service that Mr Monastra is being unfairly restricted by the development of the adjoining residential area.

Lot 10 Cooper Road is subject to the Environmental Protection (Noise) Regulations, which specify the level of noise acceptable on the boundary of the lot where it adjoins the residential area. The noise levels vary for day time and night time use of the land.

Given this, it can be assumed that including the added control set out in condition 1 of the current approval, is superfluous.

Condition 1, however, attempts to ensure that there should be no noise from the use of the site at night or on Sundays. Nevertheless, the condition does not prevent the use of the land at night or on Sundays, only activities that may cause noise or inconvenience to neighbours.

Condition 1, does reduce the likelihood of Council's staff not being called to deal with noise complaints, which is an ongoing concern to situations where incompatible land uses adjoin one another.

Informal legal advice is that the Council does have a duty of care to the residents on the adjoining land regardless of the fact that Lot 10 has been operating as a general industrial use for many years before.

The legal advice also confirms that at the present time the Council can put restricted hours of operation as a condition of approval, without

being in conflict with the Trade Practices Act. This advice was given on the basis that it has not yet been formally challenged.

Given the controls under the Environmental Protection (Noise) Regulations, it is recommended that the Council consider deleting Condition 1 from the approval issued on 13 September 2001:-

"1. *No activities causing noise and/or inconvenience to neighbours being carried out after 7:00pm or before 7:00am, Monday to Saturday, and not at all on Sunday.*"

and retain the footnote:-

1. *The applicant/landowner is to comply with the Environmental Protection Act 1986 which contains penalties where the noise limits prescribed by the Environmental Protection (Noise) Regulations 1997 are exceeded.*"

Strategic Plan/Policy Implications

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

2. Planning Your City

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

Budget/Financial Implications

N/A

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

Nil.

14.13 (Ocm1_11_2001) - KEEPING OF HORSES IN THE RESOURCE ZONE AND THE DEVELOPMENT OF A BRIDLE TRAIL IN THE AREA (8124) (AJB/PS) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Dieback Assessment Report on Denis De Young Nature Reserve and the Banjup Reserves prepared by Glevan Dieback Consulting Services;

- (2) advise all owners within the Resource Zone within the localities of Jandakot, Atwell and Banjup that:
1. Under the provisions of Town Planning Scheme No 2. Planning approval is required for the use of any land or structure (stables) used for housing, keeping and feeding of horses, asses and mules and associated incidental activities.
 2. Where land or structures are currently being used for such purposes without Planning approval from Council, the owners shall within 60 days, make application to Council for approval in accordance with the requirement of District Zoning Scheme No 2 .
 3. Action may be taken against any owners affected by (2)2. above who fail to make application within the 60 day period.
- (3) require Strategic Planning Services to prepare and distribute to owners an information brochure which details the requirements of District Zoning Scheme No 2, information that will need to be provided as part of any application to keep horses and the approval process; and
- (4) accept in principal the Draft Banjup Bridle Trail Plan and undertake and seek community comment, over a 60 day period, and after Council consideration of the submissions and undertaking any required changes to the trail, the Plan will be submitted to the relevant State agencies for endorsement.

COUNCIL DECISION

Background

In June 2001 the report "Banjup Horse Trails" was submitted for Council endorsement. This report entailed a series of recommendations including:

- Undertake consultation on the Banjup Trails Masterplan
- Report on the extent of dieback within Banjup reserves
- Outline planning requirements for keeping and agisting horses in Banjup

Submission

N/A

Report

The keeping of horses and construction of stables requires Council approval with advice from the Water and Rivers Commission. A series of meetings and discussions have been undertaken between the City and relevant State Agencies, such as the Water and Rivers Commission, Agriculture WA, Water Corporation, Department for Infrastructure and Planning (formerly known as Ministry of Planning) and the Department of Environmental Protection.

These discussions have revealed a number of constraints to keeping horses in the localities of Jandakot, Atwell and Banjup, which are part of the Resource Zone (as outlined in the attached report).

In summary the constraints to keeping horses were that horses must be kept:-

- 200 meters away from wetland vegetation
- 500 meters away from P1 wellhead production zones
- 300 meters away from P2 and P3 wellhead production zones
- on B1 and B2 soil are required to be stabled, handfeed and have a management plan
- on B4 soil require management plan
- on soils other than B3 soil types.

Furthermore discussions with State agencies also identified constraints to the location of a horse trail through the Banjup area (as outlined in the attached report).

In summary the constraints to a bridle trail were:

- Maintain 50 meter distance from wetland vegetation
- No resting within the well head protection zone
- Trails passing through Bush Forever sites will require formal assessment.
- Trails passing through Bush Forever sites should be kept to the boundary and must meet the objectives of Bush Forever. This would include protecting remnant vegetation, weed control and dieback management
- Trails not to remove or damage remnant vegetation
- Not to be provided within the Armadale Road Reserve
- If using the Water Corporation paths as part of the horse trail, the trail must be fully accessible to Water Corporation and the City will need to provide signage, address public liability, protect against vandalism and accept responsibility for maintenance of the trail.

In addition to the above, Department of Conservation and Land Management has advised that the provision of horse trails within the Jandakot Botanical Park (Shirley Bella Swamp) should be addressed as part of the Reserve Management Plan which is to be prepared in 2002.

The outcomes of the investigation have been communicated to the Banjup Bridle Action Group and alternative options discussed at a meeting in August 2001.

Detailed information on the responses from the various Departments and agencies and the recommended Draft Banjup Trails Master Plan is contained in the report included in the Agenda attachments.

The keeping horses of horses in the Resource Zone and the development of a horse trail requires further work to be undertaken by the City. The landowners within the Resource Zone will be notified, and where possible assisted to ensure compliance with relevant planning legislation. The proposed Banjup Bridle Trail has undergone the first phase of the consultation process (as outlined in the June 2001 report). The City must now undertake the second phase of consultation with the intention of receiving comments on the Banjup Bridle trail from the wider community.

In accordance with the Council resolution, Glevan Dieback Consulting Services was engaged to undertake field inspection to determine the extent of dieback in the Banjup Reserves and advised on the risk of this spreading due to equestrian and other activities.

The results of the assessment are included in the report in the Agenda attachments.

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."*
 - *"To conserve the character and historic value of the human and built environment."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
 - *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*
5. Maintaining Your Community Facilities
 - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

SPD1 Bushland Conservation Policy
SPD5 Wetland Conservation Policy

Budget/Financial Implications

N/A

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

Nil

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

**15.1 (Ocm1_11_2001) - LIST OF CREDITORS PAID (5605) (KL)
(ATTACH)**

RECOMMENDATION

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

COUNCIL DECISION**Background**

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

15.2 (Ocm1_11_2001) - MR B WHEATLEY - REQUEST FOR COUNCIL TO FUND AN APPLICATION TO THE SUPREME COURT TO OVERTURN ADVERSE FINDINGS (1335) (ATC) (ATTACH)

RECOMMENDATION

That Council advise Mr B Wheatley that:

- (1) Council will not fund an appeal by Mr Wheatley to the Supreme Court to have the findings of the Douglas Inquiry against him overturned;

- (2) should Mr Wheatley, through the appeal process, have all the findings against him overturned then Council will consider any request from him for reimbursement of costs incurred in appearing before the Douglas Inquiry over and above the \$3,000 already reimbursed; and
- (3) Council considers that should all the findings against him be overturned in the Supreme Court then any claim for reimbursement of costs in respect of that appeal should be directed to the WA State Government.

COUNCIL DECISION

Background

Mr Wheatley was a Councillor of the City of Cockburn at the time Council was suspended and subsequently dismissed following the Douglas Inquiry Report findings. During the course of the Douglas Inquiry, Mr Wheatley applied for and was reimbursed the sum of \$3,000 under the provisions of the now revoked Policy A1.18.

At its Meeting on 17 October 2000 following receipt of legal advice Council decided that by virtue of Clause 18 and 19 of Policy A1.18, the City's authorisation of financial assistance to Mr Wheatley (and others) was revoked. Policy A1.18 was subsequently revoked.

Mr Wheatley replied to advice of the revocation by Council that *the purported revocation is of no effect as the conditions set out in Clause 18 have not been satisfied*. A reply was made to Mr Wheatley that *the existing contract between yourself and Council regarding legal expenses remains intact until such time as all the conditions set out in Clause 18 of Policy A1.18 has been satisfied*. No further claim for reimbursement of expenses incurred at the Douglas Inquiry has been made by Mr Wheatley.

A decision on a request by Mr Wheatley for Council to fund an application to the Supreme Court to overturn adverse findings against him was deferred at the October Meeting of Council to consider information provided after the Agenda for the meeting was published.

Submission

In reply to an invitation to a Council function to recognise his service on Council Mr Wheatley replied by facsimile to the Mayor as follows:

I do not consider it appropriate that I attend on 5 September 2001 while the adverse findings made against me in the Douglas Inquiry remain on the record.

I have independent legal advice confirming that the Douglas Inquiry findings against me are both wrong in law and fact.

As a fellow Councillor you are well placed to determine whether the Douglas Inquiry resulted in the recognition I deserve.

I request that the Council show its appreciation for the contribution I made to the council and the community by assisting me to fund an application to the Supreme Court to overturn the adverse findings made against me. This was clearly contemplated by the original funding policy for the Inquiry which remains in force.

As I was not in anyway responsible for the initiation of the Douglas Inquiry it is totally unfair that I am required to fund a challenge to incorrect findings to vindicate my conduct as a Councillor.

I look forward to receiving your acknowledgement of my contribution as requested above.

Report

Mr Wheatley, during the course of the Douglas Inquiry applied for and was reimbursed the sum of \$3,000 under the provisions of the now revoked Policy A1.18. This was the maximum amount which could be paid by the Chief Executive Officer under delegated authority. The Policy provided in Clause 10 *The Council may give consideration to the provision of financial support exceeding \$3,000 in total, only if full details of the additional expense and the reason for it, are provided.* Mr Wheatley did not make any claim other than the \$3,000 during the course of the Douglas Inquiry.

The key to Mr Wheatley's claim is his belief that Policy A1.18 provided an avenue for Council to fund an application to the Supreme Court to overturn the adverse findings against him. Attached to the Agenda is a copy of the former Policy A1.18.

Following the facsimile to the Mayor by Mr Wheatley, the Mayor replied, in part, as follows:

With regards to your request for funding, Council has recently considered a similar request for financial assistance to fund an appeal and determined that it was not prepared to finance an appeal. The advice which has been presented, is that the policy did not provide for Council to fund appeals but rather, it would not pursue the recovery of legal expenses paid until all avenues of appeal have been exhausted.

I will pass your letter to the Chief Executive Officer for the request to be submitted to Council. It may be in your best interest to provide information relative to the processes involved and potential cost of an appeal, together with any advice on the authority of the Supreme Court to actually overturn findings made by the Douglas Inquiry.

It would be appreciated if this information could be provided to Mr Brown by 3 October so that it can be included in the Agenda for the October Council Meeting.

It is presumed that Mr Wheatley's reference to the original funding policy remaining in force relates to Clause 18 of Policy A1.18 which reads as follows, immediately under a heading of *Repayment of Assistance*

18. *An indemnity or authority given under this Policy, or a contingent authorisation under Clause 15 shall be and is hereby revoked, in the following circumstances:*
- (a) if in the Inquiry or otherwise, it is found that a person has acted illegally, dishonestly, against the interests of the City or otherwise in bad faith in connection with the matter for which the person was granted financial support or given contingent authority; and*
 - (b) all opportunities for appealing against or otherwise challenging that finding have been exhausted; or*
 - (c) information provided to the Chief Executive Officer in the application is materially false or misleading.*

This was one of the clauses considered by Council on 17 October 2000 when revoking any authorisation of financial assistance.

It is considered that Section 18(b) of the previous Policy A1.18 was not intended to provide funding for individuals to appeal against an Inquiry, but rather to provide a timeframe to consider when determining when an authority for financial assistance should be revoked.

However, the policy is no longer in effect and therefore, the request needs to be considered on its merits.

Mr Wheatley, in a facsimile received at Council's Offices on 12 October 2001 has provided further information in respect of his claim as follows:

Thank you for your letter dated 5 September 2001 and the fax from Sue Ellis dated 4 October 2001.

I enclose copies of:

- (a) *opinion of Grant Donaldson dated 6 April 2001;*
 (b) *the case of Edwardes vs Kyle (1995) 15WAR 30Z.*
1. *I apply for funding to challenge the findings made against me in the above report.*
 2. *The enclosed opinion is provided to Council purely for the purpose of obtaining funding for a challenge to the conduct of the Inquiry.*
 3. *The opinion is confidential and privileged and provided for the purpose of litigation funding and privilege is not waived by the distribution of the opinion.*
 4. *the challenge to the findings would require a Supreme Court action.*
 5. *If the action proceeds to a two day hearing the current Supreme Court costs scale provides as follows:*

	\$
5.1 <i>Statement of Claim</i>	2,700.00
5.2 <i>Writ</i>	400.00
5.3 <i>Getting up case for trial (50 hrs)</i>	13,500.00
5.4 <i>Counsel Fees:</i>	
<i>First day of trial - Senior Counsel</i>	14,000.00
<i>Second day of trial - Senior Counsel</i>	3,500.00
	<u>34,100.00</u>
 6. *There would be other costs in addition to the above but these represent the major items of expense.*
 7. *If the action is successful the normal order is that the unsuccessful party pays the costs of the action. This usually involves the recovery of one half to two thirds of the costs of the action which would be refundable to the Council.*
 8. *The Supreme Court has power to grant declaratory relief as referred to in the enclosed case.*
 9. *Where independent legal opinion from competent Counsel confirms that a Councillor has not been guilty of any wrong doing in acting as a Councillor, it is unfair that the Councillor must expend their own funds to overturn the erroneous findings made against them.*
 10. *If the findings against me are found to be unjustified such findings would in my opinion also vindicate the actions of*

Council as a whole as the justification for the dismissal of the whole Council would fall away.

11. *It is unfair to expect that:*
 - 11.1 *such unjustified findings should be allowed to remain permanently on the record against both myself and the City of Cockburn; and*
 - 11.2 *an individual former Councillor should personally pay for a challenge to findings which are unjustified according to independent advice and arising from an inquiry which he was not responsible for instituting.*

12. *I should be grateful for your consideration of my request in the interests of justice.*

Information now provided to Council suggests that the major items of expense for a Supreme Court action on his behalf would be \$34,100 , with some other costs to be met. If the action were successful then one half to two thirds of the costs of action would be refundable (ie. \$17,050 to \$22,710 based on \$34,100). The costs borne by the applicant would then be approximately \$17,050 to \$11,390 plus incidentals.

Previous legal advice has indicated that no known grounds are available for any valid appeal against the Douglas Inquiry findings. Mr Wheatley has submitted a copy of a legal opinion by Grant Donaldson which supports his position. No comment can be made on this opinion, which is privileged information, as this is a matter for the Court to decide. Copies of the legal opinion have been distributed to Elected Members under separate cover because of their confidential nature.

Mr Wheatley states, that should the findings against him be overturned then the actions of the Council as a whole would be vindicated and the justification for the dismissal of the whole of Council would fall away. It is considered that as only ten of the seventy four findings of the Inquiry were against Mr Wheatley then this does not necessarily follow.

At its Meeting on 21 August Council, when considering a request by Mr J Grljusich to fund an appeal against the Martin and Vicary Inquiry and the Douglas Inquiry findings, decided to advise Mr Grljusich that:

- (1) *it is not prepared to finance an appeal on his behalf against the Martin and Vicary and Douglas Inquiry findings; and*

- (2) *should any appeal instigated by himself result in the findings of the Douglas Inquiry being overturned, then council would be prepared to reconsider its position with regard to the payment of legal expenses as determined by Council at its meeting of 28*

September 1999, which limited payment to a maximum of \$40,000.

Council considered it appropriate that if through an appeal process Mr Grljusich has the findings against him overturned, then Council would be prepared to revisit his request for financial assistance in respect of legal costs incurred in appearing before the Douglas Inquiry in line with Council's decision of September 1999 which limited the reimbursement to \$40,000.

In Mr Wheatley's case it is considered that the same principle should apply. Council should not fund an appeal to the Supreme Court to have the findings against Mr Wheatley overturned. However, if through an appeal process to the Supreme Court, Mr Wheatley has the findings against him overturned then Council could consider a request for reimbursement of legal costs incurred in appearing before the Douglas Inquiry over and above the \$3,000 already reimbursed.

The Douglas Inquiry was called by the WA State Government and all costs associated with the Inquiry have, since the change of Government, been met by the State Government. It is considered that if Mr Wheatley is successful in his appeal to the Supreme Court any request for reimbursement of legal expenses in respect of the appeal should be made to the State Government.

In summary, it is proposed that:

- (1) Council not fund an appeal by Mr Wheatley to the Supreme Court to have the findings of the Douglas Inquiry against him overturned;
- (2) should Mr Wheatley, through the appeal process, have all the findings against him overturned then Council should consider any request from him for reimbursement of costs incurred in appearing before the Douglas Inquiry over and above the \$3,000 already reimbursed; and
- (3) Mr Wheatley be advised that Council considers that should he have all the findings against him overturned in the Supreme Court then any claim for reimbursement of costs in respect of that appeal should be directed to the WA State Government.

Strategic Plan/Policy Implications

No Policy exists on this matter.

Budget/Financial Implications

No funds have been allocated in the Budget for appeals to the Supreme Court.

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (Ocm1_11_2001) - DRAINAGE OF LOTS - THOMAS STREET AND ASHWOOD PLACE, SOUTH LAKE (993745) (JR) (ATTACH)

RECOMMENDATION

That Council establish suitable drainage easements at the rear of Lots 107 to 112 Ashwood Place and accept the constructed drainage in that easement as an asset of the City and for on-going maintenance subject to:-

- (1) the property owners agreeing to the easements being established for no payment and for the City meeting all the fees involved;
- (2) suitably certified "as constructed" drawings of the drainage being provided by Civil Tech;
- (3) the drainage having been designed and constructed to Australian Standards and to the satisfaction of the Director Engineering and Works; and
- (4) the owners connecting into the system via an approved 600 pit.

COUNCIL DECISION

Background

The Cell 21 subdivision in the area bordered by Thomas Street, Semple Court, Berrigan Drive and the Western Power transmission easement is subject to a high water table, an underlying cemented organic sand deposit and severe land drainage constraints. Despite these constraints, an effective road drainage system has been installed in the sections subdivided to date.

However, due to the low lying nature of the lots in the south west corner of the subdivision, in particular the lots fronting Ashwood Place / Thomas Street, there is an inadequate sand drainage layer above the

cemented organic deposit to effectively drain the yards and roof tops of these properties into soakwells. As a result, numerous complaints have been received from property owners during the 1998, 1999 and 2000 winters of severe property flooding.

As a result, Council tentatively allocated funds on the 2001/02 Budget to possibly provide additional drainage to relieve the flooding problems should the project managers / developers of the subdivision fail to provide this.

Submission

At the Ordinary Council meeting held on 21st August 2001, Cllr Oliver requested that a report be prepared addressing the soil (peat) and drainage problems in the land zoned Residential under the local scheme located between Thomas Street, Semple Court, Berrigan Drive and the Western Power transmission easement.

Report

The original developers of the subdivision have liquidation problems and the project managers, Civil Tech, will not accept liability for the inadequate drainage of the private lots. However, following protracted negotiations between Council staff, affected property owners and Civil Tech, Civil Tech have conditionally agreed, without prejudice, to provide additional private subsoil drainage lines that would relieve the flooding problems. Their proposal has been independently checked by consultants Gutteridge Haskins & Davey who have indicated that the overall concept appears to be sound.

The conditions imposed by Civil Tech includes:

- the installation of the new drainage being in full and final settlement of any drainage issue that the owners might have with Civil Tech.
- the new drainage is for the benefit of other lots in the subdivision and will not be interfered with by the owner.
- Civil Tech makes no admission of any liability in respect of adequacy of the original and new drainage.
- availability of access to the working area.

As the above consents have been received from the owners, Civil Tech have proceeded to install the drainage, which is generally located to the rear of Lots 107 to 112 Ashwood Place. Their proposal is indicated in the plan attached to the Agenda.

To date, consents have been received from the owners of Lots 107, 108, 110, 111 and 112 for the relief drainage line to be placed through the rear of their properties. No consent as yet as been received from the owner of Lot 109, which is a vacant block. Consequently, Civil Tech

have constructed the relief drain crossing Ashwood Place and the relief drain through Lots 111 and 112. They will not continue with the relief drain through Lots 107, 108, 109 and 110 until the consent is received for Lot 109.

The effective future operation of this relief subsoil drainage system will require access and co-operation between neighbours for maintenance of the system. The system is directly connected into Council's stormwater drainage system to drain away. It is considered that the relief drainage system will operate most effectively for all the landowners if controlled and maintained by Council. Consequently it is considered that Council should conditionally offer to the owners to assume the ownership and on-going maintenance of this system. This would require suitable easements to be established and control of property connections via a drainage pit into the system.

Strategic Plan/Policy Implications

A Vision Statement of the City is: *Facilitating the Needs of Your Community.*

Budget/Financial Implications

There are adequate funds available on the Budget item Ashwood Place / Sycamore Avenue - Extend Drainage (Account # 695323) to meet any legal statutory and professional costs in establishing the easements (estimated cost \$2,000).

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

Nil.

16.2 (Ocm1_11_2001) - CONSTRUCTION OF WASTE TRANSFER STATION FOR USE BY TRAILERS (4900) (BKG)

RECOMMENDATION

That Council:

- (1) defer the construction of a waste transfer station for use by trailers at Henderson until Lot 4 (No. 900) Rockingham Road is purchased by the City of Cockburn; and
- (2) review the decision to construct a trailer transfer station in April 2002 if the land has not been acquired by that date.

COUNCIL DECISION



Background

At the Council meeting held in February 2000 it was resolved that:

1. *Council provide in the Principal Activities Plan for the construction in 2000/01 of a waste transfer station for use by trailers depositing domestic waste with the station to be operational in July 2001; and*
2. *more detailed cost projections be provided in the next budget estimates as the number of free trailer visits of 50,000 p.a. is likely to reduce upon the introduction of user pay charges.*

At the same meeting Council resolved to defer the review of tip passes and that a question be included in the Community Needs Survey.

Submission

N/A

Report

The recommendation to construct a waste transfer station for trailers came as a result of:

1. A report by an Occupational Health & Safety professional who concluded that alternative arrangements should be made for trailers going to the tip face because -
 - a safety hazard is created by earthmoving and compaction equipment working near the public;
 - there are dangers to the public by them standing on or near hazardous objects;
 - the risk to the health of the public because of contaminated or rotten organic material in the near vicinity.

2. The Department of Environmental Protection's publication "Guidelines for the operation of a landfill site". This states:

"All small vehicles tipping at the tip face to cease and be replaced by on site or off site transfer stations."

The City of Cockburn advised the Department of Environmental Protection it would work towards constructing a transfer station as part of its Stage 2 request for approval documentation.

When these reports were written for Council in February 2000 it was envisaged that vouchers (tip passes) would be phased out.

A user pay principle would apply for those residents wishing to dispose of waste in trailers.

This would allow the opportunity for a private company to construct and operate a waste trailer transfer station.

However this has not eventuated.

If the tip passes are to be retained and paid for in the rubbish rate, the cost of establishing a facility at Henderson should be explored.

The most logical place to construct a trailer transfer station is on the land fronting Rockingham Road at the northern side to the entry to the site. This would allow the current gatehouse to be retained and the staff could continue their dual function of taking money from commercial operators and vouchers (tip passes) from residents.

The land is currently in private ownership but the Lands Officer has been trying to purchase the land for some time. Until this land is purchased it is recommended no further action on the construction of a transfer station be taken.

In the meantime the following will be put in place:

1. As from the 1st December 2001 the majority of the trucks will be using Cell 4. This will limit residents being too close to contaminated or rotten organic matter.
2. Cell 3 will be maintained for use by trailers.
3. The area will be clearly designated and no earthmoving equipment will be used near residents unloading their trailers.
4. Supervision will be undertaken to limit unauthorised scavenging from occurring.

Strategic Plan/Policy Implications

One of the objectives of the strategic plan states there is an environmentally sound management strategy of Council controlled waste system.

Budget/Financial Implications

A transfer station for residents' trailers will increase costs. The construction and necessary plant is estimated to be \$500,000 and the

annual operating cost could be \$500,000. There is also a disposal charge of \$39.00 per tonne at the landfill site.

A charge of \$20 - \$25 per trailer would be necessary if all costs are to be recovered on a user pay basis based on current estimated costs.

City of Canning are opening a trailer waste transfer station in April next year and are expecting to charge residents \$20 per trailer and non-residents \$30.00 per trailer.

If tip passes are to be retained at Cockburn, it is recommended that an on-site transfer station be built at Henderson.

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

A price can be obtained to build and operate a transfer station at Henderson. It would be intended to seek prices from private companies to build and operate the facility. The tender could also allow for a facility to be built at an alternative location.

16.3 (Ocm1_11_2001) - MAINTENANCE COSTS FOR NEW PARKS (5406; 4700) (AC)

RECOMMENDATION

That Council:

- (1) authorise Officers from the City to negotiate with Land Developers to limit the level of improvements for public open space and street scaped areas to the extent that the total annual ongoing maintenance costs does not exceed an average of \$15,000 per hectare per year, for each subdivision; and
- (2) adjust cost estimates in the City's Principal Activities to reflect an allowance of \$15,000 per hectare per year for the annual on-going maintenance of future public open space and streetscape landscaping.

COUNCIL DECISION

Background

Western Australian Planning Commission Policy Number DC 2-3, Public Open Space in Residential Areas – section 3.1.1., stipulates that ten percent of subdivisible land be provided as public open space. A

condition of subdivision requires that ownership of this land shall be transferred to the Local Authority free of cost. Historically, this land was transferred in an undeveloped state. However, during the 1990's, land developers introduced the practice of improving public open space and establishing entry statements and streetscape landscaping, for marketing and selling purposes, prior to transferring land to Local Authorities.

Submission

N/A

Report

As a consequence of improved public open space, entry statements and streetscape landscaping being transferred to the City by individual land developers, an immediate annual ongoing allocation of financial resource is required for maintenance, from the moment the Council accepts ownership of these areas. The specific amount required varies according to the extent and quality of improvements undertaken in each subdivision. Based on tendered maintenance rates submitted to the City of Cockburn and information published by neighbouring Local Authorities, it is apparent that the quality of these improvements and the extent of street scaping being provided have increased in recent years. Subsequently, the annual ongoing maintenance cost inherited by Local Authorities has also increased.

Currently, the City of Cockburn's Principal Activities Plan allows an average of ten thousand dollars per hectare per year for the maintenance of public open space and landscaped areas. Therefore, any maintenance costs for new public open space and landscaped areas will require either an increase to the allocation funds or a reduction in the standard of maintenance, once ownership has passed to the Council. It is anticipated that residents of new estates will not accept a reduction in quality and will expect their landscaped areas to be maintained at a standard commensurate with that existing at the time they purchased their properties.

Landscape plans submitted to the City for approval during the 2000/2001 financial year and a review of already constructed similar areas in neighbouring local authorities, indicates that the annual maintenance costs for future areas within the City of Cockburn will range from fifteen to twenty thousand dollars per hectare. This equates to a fifty to one hundred percent increase to the current cost allocation.

Estimates undertaken by the City's Strategic Planner indicate that approximately ten (10) hectares of public open space plus an inestimable volume of streetscape and entry statement landscaping, will be transferred to the Council each year, for at least the next five years. Previously the cost estimate for these areas has been calculated

at a maximum rate of \$10,000 per hectare, equaling an amount of \$100,000 per year plus an allowance of \$10,000 for entry statement and streetscape landscaping, including street tree maintenance. To continually maintain these areas at the standard currently being established by developers, an allowance of at least \$15,000 per hectare will be required, equaling \$150,000 per year plus \$15,000 for streetscapes.

To prevent an upward spiraling of future maintenance cost to the City, the Council may wish to consider requesting land developers to limit the level of improvements undertaken by them. To this end, it is recommended that the Council endorse Officers from the City to negotiate with Land Developers to limit the level of improvements to the extent that the total annual ongoing maintenance cost does not exceed an average of \$15,000 per hectare per year, for each subdivision. An opportunity for negotiations to take place exists at the time of application for subdivisional approval.

Strategic Plan/Policy Implications

One of the objectives of the Corporate Strategic Plan is 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.

Budget/Financial Implications

An additional cost allocation of approximately \$55,000 (total of \$165,000) per year in the Parks Maintenance Budget for future Public Open Space and Landscaped Areas

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

Nil.

16.4 (Ocm1_11_2001) - INCREASE IN ENTRY FEES FOR TRAILERS TO HENDERSON LANDFILL SITE (4900) (BKG)

RECOMMENDATION

That Council:

- (1) in accordance with Section 6.16 of the Local Government Act, increase the entry fee for **non-residents** for trailers to Henderson Landfill site to \$18 (inc. GST) from 1/1/2002 and \$30 from 1/4/2002; and
- (2) in accordance with Section 6.16 of the Local Government Act, the entry fee remain at \$13 for a car, utility or trailer not

exceeding one cubic metre, \$30 for a trailer of capacity between 1.0 and 2.5 cubic metres and \$60 for trailers exceeding 2.5 cubic metres **for residents** who do not produce a voucher.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

For entry to the Henderson Landfill site, 6 vouchers are issued to owners of residential properties in Cockburn. This allows access to the site for waste from residential properties that is too large to fit in the 240 litre bins. One voucher is collected for a standard 1.8 x 1.2 metre trailer. More vouchers are required for larger loads.

Under Section 6.16(3) of the Local Government Act Council can amend fees and charges from time to time during the financial year. Under Section 6.19 any fees and charges amended throughout the financial year must be advertised prior to the implementation of the new fee.

If a voucher is not produced there is a fee of \$13 (inc. GST). Most of the income from this source is from people living in adjoining local governments.

Submission

N/A

Report

The Cities of Melville and Fremantle, Towns of East Fremantle and Kwinana do not provide facilities to take trailer waste. The residents of these local governments currently use the City of Canning's Ranford Road site, Henderson site and to a lesser extent Rockingham's Millar Road site.

The City of Canning is planning to close its site in April 2002. They are constructing a trailer waste transfer station to open at about the same time. The fee for a trailer to go to their transfer station and deposit inorganic waste will be \$30 for non residents and \$18 for residents. They will not accept mixed or green waste. The green waste will be directed to the Regional Council (22% owned by Cockburn Council) facility in Bannister Road.

In the meantime Canning have increased their trailer fee to \$18 to deter non-residents using the site. Canning ratepayers currently receive 2 vouchers for entry to their tipsite. They are not being provided with any the following year.

Also we have found out that Melville residents have been advised that they will not have a vergeside greenwaste collection for the next 6 months. They will have to take their waste to Henderson or Canning's tip, take the receipt to the City of Melville for which they will be re-imbursed.

The Henderson Landfill site can only cope with a certain number of trailers on the weekend. To ensure the site receives a similar number of trailers to the City of Canning, it will be necessary to keep a similar price structure.

As Canning are providing a purpose built trailer transfer station and will be charging \$30 it is also assumed this is close to the true cost. It is difficult to get exact costs for trailers at Henderson as the commercial and trailer expenditure is not identified separately but estimates show the \$30 is close if full market rates are used for disposal costs.

Strategic Plan/Policy Implications

One of the objectives of the Corporate Plan is to maximise income streams from alternative sources.

Budget/Financial Implications

There may be an increase in revenue from the Henderson Landfill site but it is difficult to predict where the residents of Melville, Fremantle, East Fremantle and Kwinana will take their trailer waste.

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

Nil.

16.5 (Ocm1_11_2001) - DAVILAK AVENUE - REQUEST FOR TRAFFIC MANAGEMENT TREATMENT (450181) (SL)

RECOMMENDATION

That Council:

- (1) advise petitioners that no action will be taken at this stage to install traffic calming devices in Davilak Avenue to reduce the general speed of traffic, but the prevailing speed of traffic and accident data will be monitored for changing circumstances during the operation of the Summer Sunset Cinema;

- (2) investigate modifications to the Davilak Avenue/Janson Road intersection, in collaboration with the West Ward Members and affected residents; and
- (3) consider the upgrading of the Davilak Avenue entrance to Manning Park for possible inclusion in the next Budget.

COUNCIL DECISION

Background

Summer Sunset Cinema in Manning Park will be open to the public in December 2001. It is anticipated this will generate an estimated maximum of 400 cars (return trip on a busy night) in the area.

Submission

Concerned residents in Davilak Avenue have requested Council to control the extra volume of traffic by means of traffic calming, particularly at the southern end of Davilak Avenue near the entrance to Manning Park.

In addition, a petition consisting of 35 signatures from ratepayers in Davilak Avenue and nearby streets of Hamilton Hill has been received. They voiced concerns regarding speeding vehicles along Davilak Avenue, one of the main entrances to Manning Park. They requested effective traffic calming be installed along Davilak Avenue and that they would like to be involved in the process.

Report

The Summer Sunset Cinema will be open to the public between 1st December 2001 and 31st March 2002. The Cinema is expected to be in operation every night except Monday. It will probably attract about 300 to 400 patrons respectively on Thursday, Friday and Saturday and about 150 to 200 patrons on Tuesday and Wednesday. Assuming two patrons would travel in one car to the Cinema, the volume of traffic in the area would be increased by 400 cars (return trips) during a busy night. However, this is a critical assumption as moviegoers usually go in a group of more than two persons and some may travel on foot to Manning Park.

Manning Park can be accessed via Davilak Avenue, Janson Road and Azelia Road. It is reasonable to assume that the extra volume of 400

cars will be spread over the three roads, instead of concentrating on one street.

An increase in traffic volume may not necessarily mean an increase in accident rates or the prevailing speed of traffic in a street. Furthermore, effective traffic control measures can be designed only if traffic hazards or problems can be identified. Accordingly, it is recommended that the traffic situation in Davilak Avenue be closely monitored over the four-month period while the Cinema is operating.

With regard to the complaint of speeding traffic in Davilak Avenue at present, a traffic survey has been undertaken recently. The results reveal that 85 percent of motorists was travelling at speeds of 63km/h or less in Davilak Avenue, between Recreation Road and Janson Road. The results also confirm that only a minority of motorists was travelling at speeds in excess of 80km/h. It is believed that these are the traffic offenders that the residents are concerned about.

However, traffic calming measures cannot be used to deal with the problem of deliberate speeding, reckless or dangerous driving behaviour of a minority of traffic offenders. This is a law enforcement matter which should be referred to the WA Police Service for action.

Furthermore, the accident report supplied by Main Roads WA indicated that there were 6 road crashes in Davilak Avenue during a five-year period, none of them citing speed as a factor. Accordingly, the request for traffic calming measures cannot be supported.

However, site investigations found that:

- Due to a slight elevation of the road profile at the southern end of Davilak Avenue and fencing along the corner block property boundary, motorists who are unfamiliar with the area would most likely be unaware that Janson Road intersects with Davilak Avenue immediately before the entrance to Manning Park. To reduce the likelihood of a road crash, a speed plateau or similar should be investigated to be placed in Davilak Avenue near Janson Street.
- The junction of Davilak Avenue, Janson Road and the entrance to Manning Park has a large uncontrolled pavement area. This facilitates a few motorists doing “doughnuts” i.e. 360 degree turns then speeding down Janson Road. The existing tyre marks on the road pavement manifest such an activity. The junction also lacks definition. It does not convey a message to the south-bound traffic on Davilak Avenue that this is an intersection. In addition, the junction is unkerbed. Soil falling from the western slope intrudes onto the pavement area of the junction. This may create skidding problems for motorists. It is therefore recommended the junction be upgraded, possibly as an entry statement to Manning Park.

Strategic Plan/Policy Implications

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

Also, Council's Position Statement PSEW13 on the Approval Process for Local Area Traffic Management refers.

Budget/Financial Implications

Funds are available in Minor Traffic Management Device Requests. Account No. 695412. Amount \$30,000.

If a speed plateau is installed the cost is approximately \$3,000.

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

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (Ocm1_11_2001) - WATTLEUP COMMUNITY HALL LEASE (4612) (RA)

RECOMMENDATION

That Council:

- (1) call for registrations of interest from not for profit community organisations interested in entering a lease for up to 5 years for the Wattleup Community Hall; and
- (2) the Manager Community Services be given Delegated Authority to select a lessee for the premises provided that the organisation meets the criteria set down in the Local Government (Functions & General) Regulations 1996 section Disposition of property and the Council criteria set out in the report.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The Wattleup Community Hall was for many years run by a community management group. Several years ago the City took over its management as there were no individuals or groups prepared to take on the role. The hall is currently booked by the Serbian Association for 5 hours per week on Sunday from 4.00pm to 9.00pm. This group was moved from the Coogee Community Hall to the Wattleup Hall due to the anti social behaviour of a small number of members. As from the 1 July 2000 to the 31 October 2001 the hall was hired on 3 occasions besides the times used by the Serbian Community Group. The total income to date is \$615.36.

Submission

A submission has been received from the Suburban Christian Fellowship (Inc.) which is affiliated with the Australian Indigenous Christian Ministry Ltd. This group is strongly associated with the Burdiya Aboriginal Corporation which has been using the old hall section of the Len Packham Reserve building for a number of years. The group intends to run church services from the premises, cultural activities for young people, a football club on the adjoining oval and welfare support activities.

The group wish to take up a lease agreement for the use of the Wattleup Community Hall.

Report

The Wattleup Community Hall has had low usage for many years and this is unlikely to change due to the progressive decline of the Wattleup township population over time.

The actual operating costs (not including depreciation) for the hall for the past few years are as follows: 99/00 \$3,800, 98/99 \$7,635, and 97/98 \$13,939. Over the same period income was 99/00 \$1,900, 98/99 \$0, 97/98 \$1,000.

The Wattleup Hall site is held by Council in fee simple and zoned for community/recreation purposes.

As the Wattleup Hall was developed to serve the local community any arrangements to lease the building must allow for hire by community members and groups. There is a vested interest in the lessee making the hall available for hire as it is a source of income generation.

Some years ago Council leased the underutilised Banjup Community Hall to the Bibra Lake Scouts. This arrangement has proven to be very

successful with the scouts taking responsibility for the maintenance of the hall and paying all service charges. The community have also continued to be able to hire the hall. A similar arrangement for the Wattleup Hall appears to be a worthwhile option.

Under section 3.58 of the Local Government Act and the Local Government (Functions and General) Regulations 1996 section 30 Council has the power to enter a lease agreement directly with the Suburban Christian Fellowship (Inc.) as the objects of the association are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of the association are not entitled or permitted to receive any pecuniary profit from the body's transactions.

It is proposed, however, that Council call for registrations of interest from community organisations who may wish to lease the Wattleup Community Hall as this would be a more transparent process.

As this is a relatively small matter it is proposed that Council give delegated authority to the Manager Community Services to lease the Wattleup Community Hall to a community organisation which meets the criteria set out in the Local Government (Functions and General) Regulations 1996 section 30 Disposition of Property to which Section 3.58 of the Local Government Act does not apply as described above and the following Council criteria:

- The lessee proponent is able to demonstrate an ability to manage a facility such as the Wattleup Community Hall.
- Can demonstrate an ability to pay all minor maintenance costs and outgoings for the facility.
- Is willing to allow current and future community use of the building to hire the facility.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

There is likely to be a saving to Council of approximately \$5,000 p.a. in general operating expenses as these costs will be paid by the lessee.

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

Nil

17.2 (Ocm1_11_2001) - LEN PACKHAM RESERVE BUILDING (8138) (AJ)**RECOMMENDATION**

That Council:

- (1) call for registrations of interest from sporting clubs interested in entering a lease agreement for the use of the Len Packham Reserve Building for a period of up to 3 years with Council having the option to terminate the lease after 2 years if it so desires; and
- (2) the Burdiya Aboriginal Corporation be advised that is required to relinquish its use of the Len Packham Reserve Building and it is welcome to submit a registration of interest as per the conditions described above for the lease of the property.

COUNCIL DECISION**Background**

The Coolbellup Junior Soccer Club and the Bibra Lake Soccer Club currently use Len Packham Reserve as a home ground. Both clubs use the field during the winter season. Coolbellup has made application to use the fields during the 2001/02 summer season for the purpose of running workshops to expand its operations.

As of the winter 2001 Season, Coolbellup Junior Soccer Club had 40 junior players. Bibra Lake Soccer Club had 16 senior players.

There are currently no formal arrangements in place regarding the use of Len Packham reserve building.

The Burdiya Aboriginal Corporation has for several years had an informal arrangement for the use of the Len Packham Reserve building. The Suburban Christian Fellowship (Inc) a group closely associated with the Burdiya Corporation has an interest in entering a lease/license agreement for the use of the Wattleup Hall.

Submission

The Western Knights Junior Soccer Club, the Fremantle City Soccer Club and the Coolbellup Junior Soccer Club have recently written to the City expressing an interest in entering a lease for the use of the change rooms at Len Packham Reserve.

Fremantle City Soccer Club is currently based at Ken Allen field in Hilton. The Western Knights Junior Soccer Club are based at Bruce Lee Reserve in Beaconsfield.

Correspondence has been received to indicate that both the Coolbellup Junior Soccer Club and the Bibra Lake Soccer Club indicating that they are in favour of Fremantle City Soccer Club moving their operations to Len Packham Reserve.

The Junior Soccer Association (J.S.A.) has forwarded information outlining the J.S.A. by-laws indicating specifically by-law 9 b) "Sharing of grounds between affiliates will not be permitted, except with the express written permission of the JSA Council, each of the affected Affiliates and, where applicable, the relevant local authority or owner of the ground." In effect this precludes the Western Knights Junior Soccer Club from applying as both they and the Coolbellup Junior Soccer Club are Affiliates of the J.S.A.

Report

The maintenance budget for 2001/02 for the Len Packham Clubrooms is \$10,610 (including depreciation), \$6831 (excluding depreciation).

The two incumbent clubs are using the Len Packham reserve under the standard ground allocation agreement. The current clubs using the facility have indicated an interest in continuing under the current arrangements and Council has some obligation to either allow for the clubs to continue at the ground. The selection criteria provided below requires that any lessee must allow in some form for the current clubs to continue to use the facility. Council also has the option of leaving the status quo in place.

Due to future developments in the Len Packham / Coolbellup Shopping Centre precinct, a long-term lease/license agreement has the potential to be restrictive for any such developments.

The two soccer clubs have expressed an interest in a lease for the Len Packham clubrooms. It is possible that other clubs within the City of Cockburn or clubs in the region may wish to express an interest in obtaining a license/lease agreement for the use of the Len Packham Reserve Clubrooms.

A set of selection criteria will be required to be able to make a fair and objective decision to award a Licence agreement to any club which makes such an application.

It is proposed that the selection criteria include:

1. Willingness for the club name if required, to be altered to reflect the area in which the facilities are located.
2. The club is demonstrably financial and viable.
3. Adherence by the club to all by-laws and regulations for the relevant parties and associations for the clubs sport(s).
4. A demonstrated commitment to work collaboratively with sporting clubs currently using the facilities.
5. A demonstrated majority of current club members are residents in the City of Cockburn.
6. A proven track record in the management and development of a sporting club.
7. Willingness and ability for the club to manage and maintain the facility to a high standard.

Under section 3.58 of the Local Government Act and the Local Government (Functions and General) Regulations 1996 section 30 Council has the power to enter a lease agreement without going through a tender process provided that the lessee objects of association are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of the association are not entitled or permitted to receive any pecuniary profit from the body's transactions.

As there is some interest in the premises the best option is to invite expressions of interest from all sporting clubs within the local districts. This will provide for a transparent and objective process.

Strategic Plan/Policy Implications

Facilitating the needs of your community Maintaining your Community Facilities

Budget/Financial Implications

Council's Municipal funds would benefit due to the cost of maintenance for the facility being transferred to the Licence holder, currently at the amount of \$6,831.

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

Nil

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

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

24.1 (Ocm1_11_2001) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

RECOMMENDATION

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

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

(c) managed efficiently and effectively.

COUNCIL DECISION

25. CLOSURE OF MEETING

Nil